



Portrait of Thomas ...



AN
IMPARTIAL REPORT
OF THE
DEBATES

THAT OCCUR IN THE
TWO HOUSES OF PARLIAMENT

In the Course of the Sixth Session of the Seventeenth Parliament
of Great Britain, called to meet at Westminster,
on Thursday the 29th of October, 1795.

WITH
SOME ACCOUNT OF THE RESPECTIVE SPEAKERS,
AND
NOTES AND ILLUSTRATIONS.

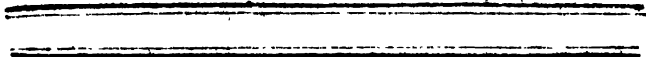
INCLUDING COPIES OF ALL
STATE PAPERS, TREATIES, CONVENTIONS, &c.

By WILLIAM WOODFALL,
AND ASSISTANTS.

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THE SECOND VOLUME

OF

THE THIRD SESSION OF

Woodfall's Parliamentary Reports.

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WOODFALL'S



WOODFALL'S
PARLIAMENTARY REPORTS.

HOUSE OF COMMONS.

THURSDAY, NOVEMBER 26, 1795.

WADE's Mill Roads Bill was read a third time and passed.

Lord Hood presented a petition from the inhabitants and householders of St. Clement Danes, which his lordship stated to be numerously and respectably signed, praying the House to take measures for the better security of his Majesty's person and government, and the prevention of seditious meetings. His Lordship also presented another petition, in favour of the Bills, from the inhabitants and householders of Westminster at large.

Mr. Samuel Smith presented a petition from the inhabitants of Leicester in favour of the Bills.

Mr. Grey presented a petition from the borough of Newport, in the county of Cornwall, against the Bills. Also another to the same effect from Launceston, in the county of Cornwall. The petitions were both ordered to lie on the table.

GRAIN.

Mr. Hbart attended with the Report of the Committee upon the Bill for prohibiting the distillation of spirits from wheat and other articles of grain.

Mr. Rose moved that the Bill be re-committed for the insertion of a clause to prohibit the distillation of spirits from molasses produced in England, or imported from the colonies, and that instructions be given to the Committee for the same, as, upon enquiry, molasses had been found to be an article of great consumption at this time among the poor, particularly in and about the metropolis. He said that the clause was on that account deemed to be expedient.

Mr. Hufsey declared, he was glad that ministers had taken that article into their consideration, and he hoped they would

not suffer the Bill to sleep, but pass it as soon as possible into a law.

SCOTCH CAVALRY.

General Fitzpatrick called the attention of the House to the manner in which the Aberdeenshire Cavalry had been drafted and disbanded. It must, he said, appear to any person who understood military regulations, that they ought to be disbanded in their own country, and as near their own homes as possible. Whoever would read the letter of service, might see, that though this might not be expressed, it was really the stipulation made when they enlisted. He would, therefore, make the following motion: "That there be laid before the House a copy of the correspondence between Colonel Hay and the Secretary at War, or any other of his Majesty's ministers, respecting the disbanding or drafting the 109th, or Aberdeenshire Cavalry.

General Macleod seconded the motion, because he understood that the conditions upon which the 109th, or Aberdeenshire regiment, was raised, were, that the men, when they were disbanded, should be disbanded in their own country, or near their own houses; whereas they were drafted and dispersed to other regiments, which made it impossible for them all to be disbanded in their own country, or near their own homes, and consequently there appeared to be a breach of faith upon the part of government.

Mr. Allardye said, no complaints had been made from Aberdeen, which called up *General Macleod* to explain. The motion was agreed to.

LIBEL ON THE HOUSE.

The order of the day, for resuming the debate on the Pamphlet complained of, as containing a false, scandalous, and malicious libel upon the House of Commons, having been read,

Mr. Sheridan said, he hoped he should have the indulgence of the House while he entered into a comment on the expressions and principle of the book in question at large. He had not, on a former night, troubled the House with any long comment upon it, because he thought it his duty to read it first. In the intermediate time, he had read it over with due deliberation: and if he had found it to have only contained a solitary passage, if he had found the passage itself contradicted by the rest of the context, or, if it had not plainly appeared to him that it was the general wish of the author to libel the constitution of the country, he would not have risen to press the amendment which he would make to the motion he submitted to the House on a former night, and then read as the
order

order of the day. He had considered the whole of the pamphlet, and the whole of it manifested the same deliberate malignity against the liberty of the constitution, and the same deliberate malignity of fortifying the crown with extraordinary powers. He hoped other gentleman, who had likewise read it with the same attention, would see the publication in the light he did: and if they did, he was sure they would not think that they performed their duty, if they did not shew their marked reprobation of such doctrine, and endeavour to bring the libeller to justice. He said, he was surpris'd that he did not see a right honourable gentleman (Mr. Windham) in his place, because by the manner in which he had delivered his sentiments upon a former evening, he was in some degree implicated—(at this moment Mr. Windham entered.) Mr. Sheridan declared he was happy to see his surpris'd removed by the attendance of the right honourable gentleman, and hoped that he had read the book and recanted his opinions; for, if he came to support so gross and palpable a libel again upon the legislative government, he should frankly confess that he was not happy to see him, but, on the contrary, very sorry. He regretted that another right honourable gentleman (the Master of the Rolls) was absent, because he had moved the adjournment to meditate upon the pamphlet before he delivered his opinion.

The publication had been ascribed to a man whose intimate connection with the government was well known; to a man to whom it had been said by one gentleman (the Secretary at War) the national gratitude could not be too much directed; to a man who had been the chairman of that political association, which had incited and encouraged associations throughout the country, and which had an intimate connexion and correspondence with those associations. To that person the pamphlet had been ascribed: but it had been reported to him, since he came into the House, that the assertion of Mr. Reeves being the author of the pamphlet was to be solemnly disavowed. He was glad of it. Mr. Reeves he had formerly known, when he was a member of that Whig Club which was so much reprobated in this pamphlet.

The prominent doctrines maintained in the pamphlet were,
 1. That liberty flowed from the King alone. 2. That all security of law and government was derived from the kingly power. 3. That the revolution, in 1688, was a fraud and a farce; and that all the people got by it was a Protestant King. 4. That the Dissenters were enemies to the country, and ought to be exterminated. 5. That the Whigs were impostors, and had always been either in the pay of the court,

or in league with democrats. 6. That a constitutional lawyer was either a knave or a fool. 7. That the verdict of a jury was not a final decision, and was entitled to little or no weight. 8. That the Lords and Commons might be lopped off without injury to the constitution. These doctrines were elaborately argued through the whole of the pamphlet.

Of the King it was asserted, that "he makes and executes the laws." In the next page of the pamphlet it was said, that accordingly the King can enact no laws without the advice and consent, not only of the Lords spiritual and temporal, who are in some sort counsellors of his own choosing, but also of the Commons in Parliament assembled." The Lords would, he believed, feel but little obligation to the man who considered them merely as Counsellors of the King's own choosing.

The author through several passages entered into a history of the reformation, and seemed to consider it as the source of French principles; and asserted that the Presbyterians, Quakers, &c. were the propagators and promoters of these principles.

The author stated, that "Presbyterians, Independents, Commonwealth's Men, Fifth Monarchy Men, Anabaptists, Quakers, and other sects and divisions too irksome to be named, all of them, more or less, disciples of the same school, where the Sovereignty of the people, and the killing of Kings was first brought into system and sanctioned by the dictates of the gospel." Through three whole pages he represented the Dissenters to be a race not fit to exist, and as worthy of being exterminated as the Charibs of St. Vincent's, and the Maroons of Jamaica. The authors of the Reformation were considered, by him, as Jacobins, and Major Cartwright was compared to Calvin and Beza.

Of the revolution, the author expressed himself in these words, "The abdication of King James the second, and the transactions that ensued upon the vacancy thereby made in the throne, compose a very-important and curious passage in the history of our government and laws. It has been vulgarly called, The Revolution; upon what authority I know not; it was not so named by Parliament, nor is it a term known to our laws. This term had certainly no better origin than the conversation and pamphlets of the time, where words are used, in a popular and historical sense, without any regard or thought of technical propriety." To controvert the assertion of so ignorant a man, would be to insult the understanding of the House,

The pamphlet next proceeded to inveigh against the Whig Club for making the revolution, in the following terms, "a subject for tavern meeting, for congratulation, and for frivolous festivity. To repeat nothing here of the folly in such effervescence of zeal, I wonder, considering the rank and station of some of these persons, that a sense of good breeding and decorum has never suggested to them that so much commemoration of that revolution, repeatedly urged out of all season and measure, cannot sound agreeably in the ears of the Sovereign." Gentlemen would therefore observe, that the ears of the Sovereign were supposed to be offended at the mention of the revolution that seated his family on the throne, and "to him such commemoration must convey some insinuation of reproach."

"To these men," (viz. the Dissenters and Whigs) "and to this sinister design, said the Author, we are indebted for the jargon of which I have just complained. They invented the term revolution to blind and mislead; and they have never ceased repeating it, that they might put the people in mind of making another." But "What disappointment and discomfiture must it be to these idolizers of the constitution, supposed to be established at the revolution, to discover at length, that they have bestowed their applause and affection upon the shreds and patches of old date; and that, if they had lived in those wicked reigns of Charles II. and James II. they would have enjoyed in theory, though not in practice, (and theory of the two, is more considered by modern reformers) as good a constitution as they have had since, with the single exception of a Protestant King." So, that, according to this author's doctrine, the revolution had done nothing more for the people of this country than to secure them a Protestant King. With respect to any constitution that had been established by the revolution, that was a thing utterly unknown. "The government we know, and the laws we know, but the constitution we know not."

Having concluded his dissertation upon the Whigs, the author adverted to the persons that had been tried at the Old Bailey. "The designs of these democrats have been fully exposed to the public view, on the trials of some of them last year for high treason; they were then, indeed, acquitted by a jury, but they have since been found guilty by their country."

The pamphlet, Mr. Sheridan said, contained a vast variety of other matter, equally offensive with the passages which he had quoted.

In the opening of his speech, he had asserted, that he considered this as part of a system of a set of men who, to screen themselves from punishment, clung to the throne, which they wished to strengthen by any and all means in their power.

This assertion he should proceed to prove.

Another pamphlet had been published anterior to the present; its title was, *The Example of France a warning to Great Britain*. Its author was *Arthur Young, Esq.* To prove the connection between pamphlets of this description, and the persons in pay of government, he should only read the first testimony of approbation annexed to Mr. Young's work. The testimony came from Mr. Reeves, as chairman of the Crown and Anchor Association. It was wonderful to observe and trace the conformity of sentiment between this work of Mr. Young and the pamphlet imputed to Mr. Reeves. The same arguments were urged and elaborated throughout both. The first attempted to prove the Commons to be corrupt, and that such a system of corruption was necessary. The second talked of lopping off the Commons. Certainly, if the allegation of corruption could be proved, there would be few who would say, that the lopping them off ought not to be tried.

Mr. Sheridan read the offensive passage that was complained of in the House before, viz. "The government of England is a monarchy: the monarch is the nearest stock from which have sprung those goodly branches of the legislative tree, the lords and commons, that at the same time give ornament to the tree, and afford shelter to those who seek protection under it. But these are still *only branches*, and derive their origin and their nutriment from their common parent, *the monarchy* of the crown, and the tree is a tree still, shorn indeed of its honour, but not, like them, cast into the fire. *The kingly government may go on in all its functions without lords or commons.*" How was this to be understood? If the king made all the peers, and the minister pensioned all the commons, then indeed the king would be the *common nutriment* of both. Mr. Young, who is so partial to the crown, does not neglect also to give a boon to another branch of the legislature. He exempts the members of the House of Commons from all responsibility with respect to the people, and thus frees their shoulders from a most uneasy burden. Other passages in Mr. Young's book were however still more curious, and still greater libels on the British constitution. He says, "to call the House of Commons the representatives of the people is a very inaccurate mode of expression; they ought never to be called, by any other name than the House of Commons, to distinguish them from the House of Lords.

Lords. If they were really the representatives of the people, they might in theory be good, or better; but they would be something else than what they are. But reformers say, they are corrupted and bribed. If they are bribed in order to act wisely, it is an argument against you. If the nature of such an assembly demands to be corrupted, in order to pursue the public good, who but a visionary can wish to remove corruption? Government certainly would have been carried on *cheaper*, if honesty alone had prompted the House of Commons to act as corruption has induced them." "An unequal representation, rotten boroughs, long parliaments, extravagant courts, selfish ministers, and corrupt majorities, are so intimately interwoven with our practical freedom, that it would require better political anatomists than our modern reformers, to shew, in fact, that we did not owe our liberty to the identical evils which they want to expunge." What a shocking recital, said Mr. Sheridan, and how abominable the conclusion he has drawn. If such, indeed, be a just account of the state of things, I would rather agree with Mr. Reeves, that the corrupt branches ought to be lopt off, than subscribe to that infamous proposition, that to this very source of corruption we are to trace all our blessings. Speaking of a parliamentary reform, he says, "I know well the result; corruption would be banished from the constitution." "In comparing the constitution to a machine that has gone well for an hundred years, perhaps, it is indifferent whether *influence* (which these reformers call corruption) be termed the dust or the *oil* of the machine; if it has gone well for a century, and seems, while certain wheels are half covered with dust, to go better than formerly, I would no more allow the dust to be brushed away, than I would allow the oil to be removed. Influence, however, is not the dust, but the *oil* of the machine; the constitution never went for a moment without influence," (clearly meaning, said Mr. Sheridan, corruption;) "and to remove it would be taking away the oil which has given a century of smoothness." Mr. Young, who a few years ago was a violent reformer, and even an advocate for what is called French principles, Gentlemen should understand had obtained a salary, or pension of 400*l.* per annum under government, and having greased his pen with the oil of corruption, which he calls influence, he has discovered that it is essentially necessary to the welfare of the constitution.

Doctrines such as these, Mr. Sheridan said, absurd and detestable as they were would have merited little attention from that House, if it could not be proved that the authors were in the pay

pay of government, and that the doctrines had been recommended by the associations formed under the auspices of government; and this could be proved. It could be proved, and he would undertake to do it at the bar of the House, that pamphlets containing such principles had been printed at the king's press, and circulated through the kingdom by societies patronized by government. The fact was, endeavours were made to establish corruption as a principle; that, to use the words of Mr. Young, "there was nothing reprehensible in corrupt majorities, selfish ministers, or extravagant courts, and that the people ought to consider them as sacred things." Calamitous, indeed, was the effect that had been produced by such doctrines; public spirit and public principle were annihilated, and Great Britain presented the strange sight of a nation full of private worth, and yet totally destitute of any public principle or spirit. This effect was wholly attributed to that execrable principle of corruption upon which the government was carried on, and which would at last involve it in destruction. The decay would be rapid; but the fall would have no resemblance to the fall of any other nation. The poison would have penetrated to the vitals, would have cankered and corroded the heart; and the body would fall, internally corrupted and destroyed though the mask and trunk was, in its outward appearance, still vigorous and blooming.

With regard to his motion it might be a doubt how far the question might be considered as a question of privilege; it was nevertheless his intention, in imitation of the mode that had been adopted in the case of Dr. Sacheverel, to move an amendment to the motion which he had made on a former day. That motion had consisted of the following words,

"That the said pamphlet is a malicious, scandalous, and seditious libel, containing matters tending to create jealousies and divisions among his majesty's subjects, to alienate their affections from our present happy form of government, as established in King, Lords, and Commons, and to subvert the true principles of our free constitution, and that the said pamphlet is a high breach of the privileges of this House."

He moved the insertion, after the word libel, of the following words, "and highly reflecting on the glorious revolution."

The Solicitor General laid, he did not mean to oppose any thing said by the honourable gentleman. He should risk no opinion on the case before him, because he felt motives of delicacy which restrained him. If any resolution was entered into respecting it in that House, the consequence would be a prosecution: therefore gentlemen would see that it would be embarrassing

raising and difficult for his learned friend (the Attorney General) or himself to declare any sentiments on the subject. He could not, however, abstain from making one observation. The honourable gentleman had said, that at no period was private worth more prevalent in the several classes of the community. In this he was happy most sincerely to concur; at the same time he would take the liberty of drawing from it a very different inference from the conclusion of the Hon. Gentlemen. Bad governments, in his opinion, were never suited to the character of virtuous men; and where virtuous men were found, it afforded no indifferent proof of a virtuous government. If, however, the imputation was such as stated by the honourable gentleman, he hoped there would be only one voice about it in the country; and that a jury would find a verdict conformably to the case. Should the House come to any resolution on it, it would be impossible for him or his learned friend to oppose their discretion to the wisdom of the House. Gentlemen would see that their coming to a resolution on it would be equivalent to the considerations of the Attorney General in his closet. It was obviously his duty and that of his learned friend to be obliged to examine many pamphlets, and a more unpleasant task could not fall upon persons in his situation. It always struck his mind, that it would be improper for the Attorney General to address the jury in the way of giving them any direct instructions. If then the House would consider the case as a jury, it might be more injury than service to the prosecution. It was his rule to consider such persons as under his protection; and more immediately so, because the general voice was usually against them. With this impression on his mind, and, at the same time, considering that gentlemen might not be aware of the delicate situation of his learned friend, he thought it his duty to ask the House, whether or not, in their wisdom, it would be proper to come to any direct resolution on the subject? His learned friend could not well speak his mind in that House upon it. If he spoke against it, it would be anticipating his judicial proceedings; and if he spoke against the House coming to a resolution, it might not be proper. On all hands, therefore, it was right for him to withhold his opinion, except this general opinion, that the pamphlet deserved reprobation.

The Attorney General said, he laboured under a severe indisposition, but would nevertheless trouble the House for a few minutes. In what he had to say, he should consider himself solely in the capacity of a member of parliament, without any consideration of his situation as Attorney General. He did

not wish to advance any opinion upon the book, or the particular passage in question, but merely to submit a few general observations upon the subject. In every case in which he had been called upon to prosecute persons for libels, he had invariably adopted the conduct which had been stated by his learned friend, (the Solicitor General;) he had always done that which he should do in this case, if it was sent for trial; he should request the jury to take the whole of the work under their consideration, in order to see if they could, from the whole, impute that intention to the author which would be charged in the indictment, because it was not the thing itself, or the effect produced by it, but the mind of the party which constituted the crime. If the jury should be of that opinion, he should think him a proper object of punishment. Indeed, no man could doubt, that if the construction which gentlemen on the other side had put upon this passage, was that which the author meant to convey, then most unquestionably it was a gross libel; but upon that point he would not then give his opinion.

He wished at the same time to call the attention of the House to one point, which was, that he always conceived it an unfortunate circumstance, when a jury felt themselves obliged to pronounce a different opinion from that of the House of Commons. However, they were to decide upon the question; and if he was ordered to prosecute, he would discharge his duty faithfully.

Mr. *Erskine* said, that if the writer had expressed himself with the same obscurity that the Solicitor General had spoken, there would no longer exist a necessity for prosecuting any pamphlet whatever. He agreed in opinion with the Attorney General, that the House ought to be well convinced of the criminality of the libel before they directed a prosecution; nor should prosecutions by order of the House ever be taken up, except upon important occasions, as the authority of the Commons of Great Britain might form too great a weight to be easily resisted by an individual. For the same reason, and to preserve that importance and weight in the eye of the world, and estimation of the country, they ought to be extremely cautious how they instituted a prosecution, without the strongest assurance that it would prove successful. Neither should they come to a vote of that nature, without being fully convinced, that they were really prosecuting the person guilty of the libel.

For many years there had not been a prosecution for a libel, in which he had not been employed as counsel for the defendant, he was therefore able to confirm the assertion of the Attorney

torney General respecting the perfect fairness of his proceedings. There had not occurred a single instance in which, in laying down the law to the jury, his learned friend did not truly and honourably state wherein it favoured the accused, as well as the cause of the prosecution; and in bearing this testimony, he wished to be understood, that he meant to include the conduct of the Solicitor General. He considered it however as little material to the present question, whether the Attorney General proceeded by information, or by preferring a Bill to a grand jury; since the late alteration which took place in the law of libels, the jury was allowed such a latitude of discretion, that they would only be decided by the evidence which was before them indirectly, in the sentence either of innocence or guilt.

From the tenor of the motion before the House *non constat*, that they should proceed by ordering the Attorney General to prosecute, they might order the book to be burnt; they might pass a vote of censure on the libeller; or they might order him into the custody of their serjeant. It should, however, be remembered, that the House was not sitting, nor could it intend to sit, on the trial of the person who was the author of this libel. He had no hesitation in anticipating what the verdict of a jury would be upon this case when before them; but, after all, that verdict must depend on the evidence produced on the trial. Were he not fully convinced of the criminality of that libel, he would not at any time, and particularly in the midst of term, be attending in his place, to recommend a prosecution for a libellous publication: to Mr. Reeves personally he had no enmity whatever. It would not become him to do so in his capacity of a member of parliament; and in his professional character it would become him still less; on the present occasion he acted solely from the impulse of his duty. The House could not but see the attack that was made upon its authority; they did not however yet know what defence the accused might set up; what plea of ignorance, what proof of mistake, and to use a professional phrase, he might be acquitted upon exculpatory evidence *dehors* of the law. The present motion did not comprehend the whole of the pamphlet; it embraced only a single passage of it, in which it was asserted that "The kingly government may go on, in all its functions, without lords or commons:" That a kingly government might go on in this country was true, but it was not the monarchy of Great Britain which could so go on; and were he the advocate for the defendant, that was not the ground which he should take in his defence.

defence, as that also implied the total destruction of our constitution.

It would be a better defence to alledge, that the passage was written on a supposition that the authority of the monarch might be exercised in regard to all the laws that had previously been enacted during the dissolution, or during the suspension of the sittings of the other branches of the legislature. Would any man, however, who meant to convey this sentiment, have used the term "lopped off," which could not on any construction be considered as a supposition? As well might it be supposed, that, after two large branches were lopped off from a tree, and thrown into the fire, they should again arise, and unite themselves to the parent stock.

If this had been a case similar to that of the King *versus* Stockdale, he confessed, he would have been more scrupulous in giving his consent that the House should award a prosecution. If a libel was written, not against the House as a part of the constitution, but as composed of individual members, the House would stand in a delicate situation. Smarting under the lash of calumny, and feeling with acuteness, the personal indignity offered to their character, he was afraid, that they might point their vengeance with too much heat, and that such a mass of influence might overpower a solitary individual. In the present instance, the attack was made, not upon the House as individually composed, but upon the House collectively, as a branch of the legislature. In that view of the subject, every petty jury in the kingdom had an equal interest in vindicating that institution by which they hold their right to freedom with any member of the House of Commons. These considerations had induced him to travel through one of the most dull, despicable, and miserable performances that ever he had been doomed to read. Exclusive of the paragraphs that had been read by his Honourable Friend, it said, that the Whigs have been uniformly in a conspiracy to introduce Republicanism. If he could have believed it *bona fide* to be nothing more than a set of speculative opinions, he never would have regarded it with any other feeling than that of contempt; but, the object of the writer too clearly was to calumniate the Revolution of 1688, and to decry and degrade those glorious privileges which our ancestors obtained, as the hard-earned fruits of many a lengthened struggle. He had no hesitation, for his own part, however, in calling it a foul and scandalous libel, and in his opinion were the House to decline ordering a prosecution, they would be equally wanting in their duty to themselves and to their constituents. And even sup-

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posing the author to be acquitted, the acquittal would not at all reflect discredit upon the House, as they were unacquainted with the modes of defence which the party prosecuted might adopt. When a jury was impannelled to try this case, and saw the attack upon the constitution stated in the indictment, they must, he was convinced, feel themselves involved as parties in the libel as well as the House of Commons, which ordered the prosecution. For these reasons, he should concur in the vote for a prosecution.

The *Solicitor General* said, he did not mean to say one word on the propriety or impropriety of adopting the resolution before the House. He did not wish to throw any obstacle in the way of Gentlemen to prevent their agreeing to it; but should it be thought fit to prosecute the author, he and his learned Friend would exert themselves to carry the determination of the House into effect.

The *Secretary at War* said, he had learnt from experience, that when he rose to deliver his opinion in that House, it was necessary to do it with caution and circumspection. He had generally endeavoured to do so, and when the question at present before the House was first introduced, he thought he had done so; but though he had given the most explicit explanation of his meaning, he nevertheless saw a disposition, even that night, in Gentlemen, to pass over that explanation, and to revive what his words on that occasion would not bear, either in logical or grammatical construction. There seemed to be a sort of *vitality* in misrepresentation, that nothing could destroy, when he conceived that it was extinct, it rose again into life, like the expression of the *acquitted* felons: in the debate of the night before, an Honourable Friend of his had done justice to the sentiment he had delivered upon a passage of the Pamphlet in question, yet, to shew the strong absurdity of their remarks upon it, Gentlemen had persisted in their own interpretation, as if no such explanation had been made.

He begged leave to say, that he never would be deterred from delivering his opinion, upon whatever subject, by such mode of conduct; although he might endeavour to bar the consequences of misrepresentations as well as he could; yet he would endeavour, in what he should say further upon the subject, to make it impossible for him to be misunderstood, without a complete and barefaced sacrifice of truth and justice. Since he first gave his sentiments upon it, he said he had deliberated a good deal to find, whether, from alteration in his judgment, from his own reflections, or the arguments of others

others, he could discover cause to alter his sentiments; but deliberation had only confirmed what he then advanced, upon the first impression of the case. And he had little more to add to what he had then said, but that he was confirmed in the confident persuasion of its innocence, rather than a distinct approbation of the doctrine laid down in the passage of the Pamphlet which had been quoted. The passage did not, in his opinion, contain the doctrine ascribed to it by gentlemen on the other side. And he must take the liberty to make a few observations upon the doctrine of libels in general. One of the considerations was, first, Was the allegation false? Second, admitting it to be so, Did the author think it at the time he asserted it? Gentlemen should consider also, that this was not an opinion delivered upon a common and settled subject, but one confessedly of great obscurity, respecting which, various and contrary opinions were held, not by ignorant and uninformed men, but by persons of acknowledged judgment in law and politics.

There was nothing in his opinion, simply considered, that could justify this extravagance of censure, otherwise than as it was connected with some practical consequence. Subjects of the nature of that quoted, were usually considered as proper to be left to the speculation of the learned and curious; and no gentleman need be told, that, in subjects relative to constitutional history, and the theories of government, the difficulty was to find any source of agreement. It was no easy matter to find two men of learning and sense, who would agree upon the same definition of the constitution of this country. It was well known that many people differed from Mr. Hume, and that Mr. Hume and Mrs. Macaulay differed from each other; yet it never was in contemplation to prosecute either of them for their different definitions.

Supposing that writers opinions on such subjects were attended with practical bad consequences, yet the author might not see those results himself, and the gentlemen on the other side had taught him to enquire whether they were published *malu fide*. He did not depend upon this restriction: they might consider it, however, as doctrine which he might have occasion to resort to. It was unnecessary to go at length into the discussion; to all candid minds, the fair interpretation of the passage, he thought, exempted it from the implication charged upon the intention of the writer. Indeed, it could only be so ascribed by the most miserable of all quibbles; a quibble upon subjects refined in themselves, and claiming for that reason a larger latitude of interpretation than was afforded by a foolish sort of nicety, the essence of poverty or chicane,
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and calculated for other objects. When they came to a matter so difficult as the constitution of England in the abstract, a constitution of a great country of amazing elasticity, and consequent modification under different emergencies, what was it but the highest absurdity and folly, to treat such a speculation like a cause in a criminal court, conducted by an attorney, with the aid of a special pleader and his witnesses?

Points of law, the Secretary at War said, demanded one mode of consideration, points of science another. It was one thing to explain mathematics, another to develop political truth. In all writings on government, the evil tendency, either near or remote, should be attended to. In the theories and history of government, a variety of opinions would prevail, as they had at all times prevailed. To trace the origin of government, like every other historical research, would admit of a variety of opinions. Antiquaries and historians confessed the difficulties of tracing subjects of that nature to their fountain head. With regard to those theorists who had employed their pens on the subjects of government, they had most of them adopted different modes of attaining the most perfect knowledge of the best systems.

In the examination of a work, such as he then alluded to, a necessary question was, what was the general idea resulting from the whole? Admitting one passage to be exceptionable, the next enquiry ought to be, what other passages ought to be considered in a different way? Then they should proceed to examine the peculiar object of the selected passage, and to see whether it were a lapse in the author from the general spirit of his work, or what latent motive was likely to have induced him to compose it. Unless such a liberal investigation of fact were adopted, no man could be expected to treat a subject of such difficulty as the nice and careful analysis of the British constitution with fairness. To the reading of such works an enlarged mind should be applied, and it should be examined with something of the spirit with which it was written. Premising this, he would read again the passage, and assign the reasons which induced him to assert that, it contained nothing not included and justified by the known and recognized laws of the land; and that also according to the construction put upon them by the soundest lawyers and the most correct writers. He would therefore examine it part by part, and consider the dependence of each upon the other, and the concurrent effect of all; like some nice machine, (a watch, for instance,) from which, it was evident, that if any part should be taken, the functions of the whole must be necessarily im-

perfect.

Yet that piece of mechanism, or any other, was not more delicate nor more complicate than the constitution of this country.

He said, he had heard a variety of contradictory ideas from gentlemen on the other side the House; when they had taken time, and given themselves the trouble to settle them, he should be glad to know how they could be brought to agree with each other. He had mentioned, as a point of fact, that the King certainly had existed independently of the Lords and Commons. He was told that the fact was not so. he should be glad to receive historical proof of that assertion. Gentlemen had asked whether the revolution in 1688 made no difference in the system of the monarchy? His answer was, none at all. It was false to assert, that the King since that era reigned more by the choice of his subjects than he had done before it and the writer, who should broach opinions so extravagant and mischievous, was a much fitter subject of the notice of the House, and in his time, more worthy of prosecution, than the author of the pamphlet then under consideration.

After having, with such a laxity of decision, reprobated the principle of the book, Gentlemen next applied to the scrutiny of metaphor, a curious subject, and more worthy a court of criticism, than a legislative assembly: he must further observe, that there was a slight mistake in the examination of this metaphor, because when the branches were cut off, it was not just to term those the same that sprung from the same part of the trunk; they were other, and different, and to confounding them in the manner he had remarked, betrayed a deficiency of knowledge of natural philosophy.

He read the passage so often quoted, and desired to know whether, except the King and those appointed by him, there was any thing but these adjuncts, which were *subsidiary* and *occasional*? Gentlemen, he believed, could not object to the term *subsidiary*, and as to that of *occasional*, the recess of parliament proved it at once, and shewed undeniably that the executive government could go on in full vigour, without the branches alluded to in the metaphor. There was nothing, therefore, in the proposition that was not true and legal. The author next maintained, that "the King's power was *substantive*:" what objection could that excite, as it was a prominent and admitted principle of the constitution,

Those two adjuncts of parliament and juries, said the writer, are *subsidiary* and *occasional*. but the King's power is a *substantive* one, always visible and active. By his officers, and

in his name, every thing is transacted, that relates to the peace of the realm, and the protection of the subject. The subject feels this, and acknowledges with thankfulness a superintending sovereignty, which alone is congenial with the sentiments and temper of Englishmen. In fine, the government of England is a *monarchy*.

Would any Gentleman say that assertion was a fallacy? He was aware there were persons who set up doctrines that the King was no part of the constitution. The contrary, however, was so unalterably true, that, although the monarchy might remain in vigour and activity without the other branches, the branches could not remain a single minute without the sovereign. Although the co-ordinate parts were sincerely revered by Englishmen, monarchy was nevertheless the first in their thoughts; because monarchy was permanent; while the others were variable.

Thus far then they had advanced into the subject without much dispute: they next came to the figure and metaphor. "The monarch is the ancient stock from which have sprung those goodly branches of the legislature, the Lords and Commons. But these are still only branches, and derive their origin and nutriment from their common parent; they may be lopped off, and the tree is a tree still; shorn indeed of its honours, but *not like them cast into the fire.*" With this last extraordinary expression he should have little trouble; it was evidently calculated for those to whom the book was addressed, and would be readily understood. He would immediately, therefore, proceed to the only part which gave the slightest colour to the charge brought against the pamphlet. "The kingly government may go on in all its functions without Lords or Commons; it has hitherto done so for years together; and in our times it does so every recess of parliament: but without the King, *his* parliament is no more. The King, therefore *alone it is*, who necessarily subsists, without change or diminution; and from *him* alone we unceasingly derive the protection of law and government.

He would first set himself right on the charge of quibble. He certainly had not spoken of monarchy in the abstract, when he defended it on a former night; he meant the kingly government in England. To consider the text in the first part, it was ambiguous, and in the second it was incorrect. First, it was ambiguous. The author might mean by the monarchy the whole constitution of the government. The kingly government, without Lords or Commons, undoubtedly might subsist; but when he said *in all its functions*, unquestionably the expression

was inaccurate; that it would be so in the opinion of the author himself, was evident in the pamphlet two pages preceding page 11, where he expressly states, that, "the king can enact no laws without the *advice and consent* of the Lords Spiritual and Temporal, who are in some sort counsellors of his own choosing, but also of the commons in parliament assembled," Therefore it was not strictly true, philosophically speaking, that it might subsist *in all its functions*, as laws cannot be enacted without the other branches subsisting with the sovereign; it is no less an absurdity than to talk of a man's seeing who had lost his eyes. But in all the other functions, except those of the legislature and those of jurics, it unquestionably is true that the monarchy may go on without them.

He next referred to the allusion to Charles the 1st. to shew the truth of the assertion, and still more obviously again to the recesses. "But without the king *his* parliament is no more," Is not this true, and sufficient ground to write the above upon constitutional principles? So thoroughly convinced was he of the innocent intentions of the author, that he would as soon put his hand in the fire, as say he adopted the constructions of the other side of the House; he should violate the conviction of his own mind. And he begged the House to reflect, that it was not sufficient to send this matter to a jury, because gentlemen thought the charge probable: it was unfitting, and disgraceful to the House, to send it to a jury, if their decision was, in the least likely to be against them. They sent their charge generally, though their judgment stood hypothetically.

From these considerations, the Secretary at War said, he earnestly deprecated the referring such a question to their judgment; and should give his vote against the resolution moved by the honourable gentleman, (Mr. Sheridan.)

The Chancellor of the Exchequer said, that whatever difference of opinion there might exist between his right honourable friend and himself, respecting the subjects contained in the pamphlet, it was matter of the greatest satisfaction to consider that no one could possibly imagine his hon. friend more inclined to one branch of the constitution than any other. The sole object, therefore, for him to consider, was, what was the true construction of the passages in question. And he should premise, that if they considered the nature of the British government, it was, that, their derived their honour, their happiness, and the security of property and principle, from the three branches which constituted the mixed and limited monarchy of this country; each of which was equally essential, and without which either would be obviously lessened of its virtue

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and authority. How far this pamphlet did upon the face of it bear this impression, or how far, by fair and liberal construction, it could be said, upon examination, to convey this idea, it was for the wisdom of the House to determine.

In the interval between the first reading and the present discussion, he had reflected upon its contents; and, from every consideration he had been able to give the subject, he confessed he was induced to draw a conclusion directly different from that of his right honourable friend. He would first remark, that he disagreed entirely from him in the rule of construction, that he had laid down; namely, that it was not sufficient ground for them to send any libellous matter to a jury, if any other construction than one could be put upon it. He denied the admission of any such restraint upon the conduct of parliament. They would undoubtedly be free, upon their general sense of the passage, to state the matter as in their opinion offensive and therefore proper for prosecution; and the jury would then exercise their judgment agreeably to the principle and the practice of the law of England: they were to determine only what construction the passage warranted. Still less could he agree with his right honourable friend, when he said that it should be seen whether there were any contradictory doctrines in the work to qualify and restrict the offensive paragraph. It must be judged of in its sole, as well, as in its collateral sense; an author of seditious or libellous matter ought to find no refuge or defence in his own inconsistency.

Having read over the words of the pamphlet, the Chancellor of the Exchequer said, he was ready to admit, with his right honourable friend, that there were contradictory passages in it; they by no means however in his opinion went the length of shewing, by fair inference, that the passage alluded to did not convey the meaning attributed to it. They might, indeed, afford a ground of argument to a counsel employed in his defence; but, in the impartial consideration which that House should give them, they would appear only as inconsistencies, which might, perhaps, create some confusion, but by no means tended to qualify the assertions complained of. What was it that the author of this book contended for, and what was the defence set up for him? Was it to be maintained that, according to the constitution of this country, the king could go on and exercise the functions of government without parliament? He would not stop to enquire what a king might do, if both Houses of Parliament were stopped off; but he would not hesitate to say, that he could not be a constitutional king; and that, from the moment the two Houses of Parliament

ceased to be integral parts of the constitution, that moment the constitution would cease to exist. If the King did continue to govern, it must be by a power totally new to the constitution; as much so as if it were contended that a House of Commons alone could exercise the functions of all the branches of the constitution, and yet that constitution remain entire.

In considering the original government of England, whether monarchy did first subsist, was a question undoubtedly involved in considerable difficulty. He was very far, however, from acquiescing in the opinion, which had been styled an historical fact, that the monarchy of England had never existed without being tempered in some proportion or other by the checks and the participation in the government of the other orders. Undoubtedly the constitution of our Saxon ancestors had suffered interruption from the violence of the Norman conquest, and the feudal innovations, which were its consequences, and became engrafted on its ancient customs; but, in his mind, from the collective result of all his researches into the subject, the root of the popular branches lay much deeper than the parliamentary representation.

His right honourable friend had compared the author to a man taking away part of a machine, in order to see the effect of the remainder of the works. With a machine, such an experiment might be curious; but when a man set about to enquire what part of a mixed government might be taken away, the enquiry at best would, in his opinion, be useless; if, by shewing that one part might be taken away without injury to the others, it had a tendency to recommend a practical experiment, then indeed it would cease to be merely useless, and would begin to be criminal.

To point out one branch of the constitution as less important than the others, was without all doubt criminal; yet that was the very thing which the author of the pamphlet had done in speaking of the two houses of parliament. The reasoning in the book did not merely go to say, that if, in consequence of a foreign invasion, a pestilence, or any other extraordinary event, the parliament was prevented from sitting, that then in that *interim* the King might exercise the functions of government; such reasoning as that would be true; but the author spoke not of a temporary interruption to the functions of parliament, but of its being *lopped off* totally.

In saying that the King could go on alone, whether the author meant that the King should possess the legislative power or not, he conceived him to be equally wrong. If the King

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was supposed to have the power of making laws, then a total subversion and destruction of the constitution must be presumed. If it was supposed that the King had not the legislative power, in that case the position was equally wrong and absurd; because a revision of the conduct of the executive government formed a part of the express duty and best privilege of parliament; and it was absurd to talk of the King having the *sole* government vested in him, and yet not possess the power of making laws.

Upon these grounds he must declare, that he thought the construction which his right honourable friend had put upon this pamphlet was erroneous, and that the real meaning was a doctrine incompatible with the existence of the constitution of Great Britain.

The writer who insinuated the independence of any part of the constitution, upon the whole, and argued for the possibility of their separation, deserved in his judgment marked censure, and his doctrines the strongest disapprobation. If, therefore, the wisdom of the House should pronounce this pamphlet to be of that description, they would decide accordingly. He should himself from conviction, vote for the resolutions which had been moved on the subject.

Mr. *Courtenay* said, he hoped his right honourable friend, (Mr. *Windham*), after hearing the unanswerable argument of his right honourable colleague, would vote the book in question to be what it really was, a scandalous libel, glaringly injurious and calumnious to the constitution, as consisting of King, Lords and Commons. The pamphlet asserted, that "The commemoration of the revolution cannot sound agreeable in the ears of the Sovereign; that to him it must convey some insinuation of reproach." What was this, but to declare that he holds his crown by some hereditary indefeasible right, independent of the will and approbation of his people? What was it but a libel on the succession of the House of Hanover, and on the monarch who fills the throne of these kingdoms? The right honourable gentleman (Mr. *Windham*) had said, that many passages in Mr. *Hume's* History, and in the works of other political writers of admitted ability might be censurable, as they held out different opinions upon constitutional subjects; Mr. *Hume*, however, says, notwithstanding his partialities, that "many important questions have been determined in favour of liberty, and especially by that great precedent of deposing one King, and placing a new family on the throne; that this had given such an ascendancy to the popular power, as to put that question beyond all controversy."

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Mr. Home said much to the same effect as Dr. Price did, "that his majesty reigns by the voice of his people." The right honourable gentleman had declared, that it would be absurd to state the privilege of parliament as a matter of question; and, in confirmation of his opinion, had laid down many nice distinctions. Such an argument reminded him of a Jesuit, who would undertake to prove transubstantiation by the doctrine of equation. The pamphlet, Mr. Courtenay said, advanced a new and dangerous doctrine; viz. "That Kingly government may go on in all its functions, without either Lords or Commons; and that the Lords and Commons derived their existence and authority from the King" Without submitting that question to the society of Arts and Sciences, or even to that Board of Agriculturs, under whom Mr. Arthur Young holds so conspicuous a place, he would rather appeal to the judicious author of the Spirit of Law; (Montesquieu) who said, that "whoever read the Treatise of Tacitus on the manners of the Germans, would find that, he said, *De minoribus rebus principes consultant, de majoribus omnes.* Hence they would see, that the English had taken the idea of their government from that authority, and that the beautiful system of the British constitution and government was first invented in the woods of Germany." To assert that the Lords and Commons derived all their functions from the crown, was surely, most unconstitutional doctrine. Not under the Saxon, or even the Norman line had any such doctrine prevailed, during the latter period, the English always claimed the rights they enjoyed under the Saxon government, though they were not always successful in their claims.

All sects were ridiculed in the publications that were not always the most compliant with the maxims of arbitrary governments. Mr. Hume, nevertheless, had not been ashamed to declare, that had it not been for the Puritans in the reign of Elizabeth, every spark of liberty would have been extinguished in England; it was the same spirit which supported and established the succession in the House of Hanover. And though these sects are stigmatized under the pretence of zeal for the church, yet the grand reason was on account of their uniform zeal for the cause of liberty. The pamphlet disseminated arbitrary principles, as if our liberties could be preserved under an unlimited monarchy. No wonder, if such persons stood forth as advocates for the proscribed house of Stuart, and ventured on a vindication of the principles for which

which that family was justly expelled. It was no great difficulty to ascribe the paroxysms of their zeal for loyalty to its true motives, as well as their attachment to the arbitrary measures of ministers; both proceeded from the same principles which attached them to the cause of the house of Stuart.

Mr. Courtenay took occasion to notice a performance recommended by certain Bishops, (said to be written by Mr. Whitaker) stating, that there was no legitimate government but that which was derived from Adam; that he was the first unlimited monarch; that the primogeniture of Cain entitled him to a share of the government, and that there was not such a great criminality in Cain's killing his brother, on account of his superior right to a share of the government, &c. He had heard that one Bishop (the Bishop of Rochester) particularly recommended this performance in a letter to his clergy, and perhaps it was ascribable to that circumstance that he had been treated with so little dignity lately in his episcopal city. The pamphlet before the house, dull as it was in its composition, contained doctrines that were absurd, and principles that were bigotted. It dimly shone from the borrowed lustre of a treatise written by a man of the most celebrated parts and luxurious fancy, and was evidently a production from the school of Filmer. He had little doubt, in his own mind, but that Mr. Reeves was the author; it breathed his language, his spirit, and his principles; and he could only impute it to the right honourable gentleman's personal friendship for that individual, that so much had been said by him in his vindication. If that honourable gentleman really knew the author, he hoped he would point him out, that he might receive his merited reward.

Mr. *Wilberforce* said, that if they considered the character and situation of the supposed author of the pamphlet, it could not be viewed as a despicable performance, and the resolutions of that House would add to its importance. It was with much satisfaction that he had attended to the two speeches of his learned friends; but he confessed that satisfaction was allayed by the speech which he had heard from the right honourable gentleman (Mr. Windham) who, perhaps, had gone a little farther than he ought to have done, in defending a man whom he might think loyal and deserving. He hoped that gentlemen would consider the subject according to the true principles of the constitution. In adhering to these, he should himself be led to combat some of that right honourable gentleman's expositions. He had argued, as if it was a matter of subtle enquiry, to find out the exact meaning of the author

of the pamphlet; the plain question, to his mind, was, not what a nice logician might, or might not, extort from it; but what the sense of certain passages really was, compared with the context, the general drift of the performance, and the impression which the perusal was likely to make on the generality of readers. He should therefore decline entering on a nice enquiry, as to the precise meaning of particular expressions: he remarked that the right honourable gentleman had found out what made in favour of the author, more than what made against him. In the passage so frequently quoted, there appeared to him something clearly unconstitutional; the author considered the component parts of the constitution, as if they could be disjointed, as if one part could survive the extinction of the others; how far, or for how long a period, this might take place, he knew not; but he was he said fully convinced that if a disjunction ever took place there was an end of the British constitution, each branch of it being inseparably connected with the others. He appealed, in illustration of this fact, to the days of Charles I. The three component parts of our constitution were so blended and assimilated in one inseparable essence, that they were incapable of being detached. He denied that the kingly government could subsist independent of parliament; it was from the votes and grants of that House, that the crown derived its strength, its assistance, and its supplies.

Mr. Wilberforce discussed the practical effect which the publication was calculated to produce, and insisted that it was likely to do mischief, by detaching the affections of the people from that which they ought all to cherish as an object of profound veneration and esteem; and more especially considering the present circumstances of the times, he thought it was likely to produce great practical harm without the timely interference of that House. In looking over the pamphlet, he said a sort of ridicule appeared to him to be applied to the constitution; in proportion however, as it was his ardent wish to secure the constitution, his endeavours to prevent any man from alienating the affections of Britons from the love of it, should be unremitting. If ever there existed a time when it particularly behoved the House of Commons not to suffer a pamphlet of that nature to be slightly passed over, the present was, he thought, that period. The parliament was then endeavouring to check seditious and libellous publications of an opposite tendency; it therefore became them, in order to vindicate themselves from the charge of injustice and partiality, when publications of a seditious

tious nature were under contemplation, to take proper notice of the pamphlet under discussion. Let every aspersion of that sort be done away; and let them not subject themselves to the imputation of passion or prejudice in their determinations. He declared he had voted for the Bill against Seditious Practices and Attempts, from the consideration that the speeches, publications, and proceedings, of the societies referred to, inflamed the minds of their hearers and readers; not only by defaming the monarch, but also the people of England; and for the same reason he was ready with equal willingness, to stand forth and vindicate the constitution from the stigmas of men of an opposite description. The theoretical ideas of government which different persons formed were not worthy regard; but he thought they were bound to give their fellow subjects clear ideas of the nature and excellence of the established constitution, and guard against all who would defame it, either one way or the other. The pamphlet treated with disrespect the labours of their ancestors at the period of the revolution, to whom they were indebted for that practical liberty they at present enjoyed? It struck him as a matter of difficulty how the House could act on the present occasion; though the pamphlet abounded with contradictions and political heresies, he could not tell how far an ingenious lawyer might be able to confound the minds of a common jury; he had his doubts, in particular, to that part of the motion, which charged the pamphlet with being a libel on the glorious revolution; because although the writer had indirectly censured some of the principles on which the revolution was founded, and again and again by inference reflected upon it, all that he had said, did not, in his mind, clearly amount to a libel upon it.

Sir John Sinclair rose to vindicate the Board of Agriculture from some aspersions which he imagined *Mr. Sheridan* had thrown on it. That institution was he said subservient to no political party, but looked for encouragement and support from all parties, which it wished to unite. With regard to *Mr. A. Young* being a pensioner of Government he could say nothing; all he could say was, that he was Secretary to the Board of Agriculture, and that a person to fill that department was annually elected. He was not conscious that *Mr. Young* abused his situation as Secretary to the Agricultural Society for political purposes; and as to the present question, *Sir J. Sinclair* declared himself disposed to concur in the general sentiment of indignation that seemed to agitate the House against the author of the pamphlet under discussion.

Mr. *Sheridan* said he did not accuse the Board of any thing improper, on the contrary, he had stated himself more than once a convert to the propriety of its institution. What he said was this, that Mr. Arthur Young had a pension from the Crown, and that persons employed by him had gone over the country, particularly in Cornwall, with the works of Mr. Arthur Young, to distribute them; this, Mr. Sheridan said, he was ready to prove at the Bar of that House.

Mr. *Hardinge* said, it was not for the purpose of compromising the opinion which he declared the other night, and which his attentive perusal of the whole context had confirmed; but upon account of ingenuous difficulties which he felt in his own mind, that he adopted the doubts of his honourable friend who spoke last (Mr. Wilberforce) respecting the amendment upon the original motion, contained in the new words imputing to this pamphlet a libel upon the revolution. He could not satisfactorily to his own mind agree to that amendment, for though he was convinced the writer did not love the revolution, or wish to have its principles treated with respect, he had been rather *sarcastical* upon it than *libellous*, and had even studiously though perhaps artfully commended the act as well as the actors in some parts of the work.

He assured the house it gave him sincere pain, to express in so marked a way the other night a kind of indignant concern at the doubts of his right honourable friend (Mr. Windham.) He revered his publick spirit as much as he admired his virtues, and he could not be more hurt than to have it imagined, by those who had then heard him, that he lent himself to that ungenerous and base obloquy which had of late pursued him.

He lamented the abrupt and the untimely intrusion of this topic upon the order of the day, which it intercepted and continued to supersede. He lamented it, because the exigency which gave rise to the Bill for the safety of the King's person was too awful to admit the delay of an hour, if it could be avoided.

That as to the question relative to the libel upon the House of Commons, after the manly, honest, and powerful arguments which he had heard from the Chancellor of the Exchequer, it would be the height of arrogance in him to add more than a very few words.

It was chiefly to explain one point that he rose. The right honourable gentleman (Mr. Pitt) had expressed a doubt whether by the resumption "of the Kingly power in all its functions

functions, when the Lords and Commons were *left off*," the writer meant *executive capacities alone*, or *legislative* too. It was clear to his conviction that he meant both, for having described in one of the passages preceding this, a King who "made as well as executed the law," who "never died" and who "could never do wrong," he adds "these are the original and main principles, upon which plain Englishmen could safely rest for their property and freedom. But the English will not always confide—jealousies arose and fears. To meet and appease them qualifications were annexed. The King was accordingly in future to make the law with consent of the Lords and Commons;" then he introduces the figure of this tree and of its branches *left off*, upon which event, "the Kingly power would exercise ALL its functions,"—what functions? Those which he exercised when he made the law, and before his power to make it was limited.

He said no more upon the libel, except only to re-assert that it was gross and scandalously false.

What measures the House would in its justice and wisdom pursue against the offender, he gave no opinion more than to say, that he wished for lenity as far as it could be reconciled with honor.

But he thought in times like these, to censure in the terms of the motion, such a libel was an act of sound *policy* as well as *justice*. It would shew to the people out of doors impartial judgement in the House of Commons against libellers of all descriptions, when those of the *worst kind* were so prevalent; though he was not sure whether such *false friends* as the writer of this libel, were not the worst enemies a government could find.

Mr. Fox asked whether the right honourable Secretary at War would have taken the same pains to find out a different meaning had any other pamphlet been the subject of discussion? Supposing even that it had been from Mr. Paine's? If so, he would then, indeed, pronounce him impartial. Or, if he had endeavoured to explain any pamphlet coming from a member of the Corresponding Society, whether that right honourable gentleman would have culpated him from the charge of partiality towards that *society*; then, indeed, he would give him credit for impartiality on the present occasion: but when he saw him employing his ingenuity in order to give a sense to the pamphlet different from what it would obviously bear, he could not help thinking that the honourable gentleman entertained some lurking partiality towards the principles asserted in that pamphlet. Would any gentleman

venture to declare that there did not appear as settled a design in Reeves's Association to attack the constitution, as in any of the Corresponding Societies? In the pamphlet of Mr. A. Young, an express vote of thanks, signed by Mr. Reeves, as chairman of the association, and an approbation of the doctrines contained in Mr. Young's pamphlet was subjoined. The principles which Mr. Reeves's association wish to adopt were, "That rotten boroughs, extravagant courts, selfish ministers, and corrupt magistrates, preserve the constitution of England!" What could such doctrines proceed from but a settled design in that society to destroy the constitution of this country? If they analyzed the pamphlet minutely, they would find the doctrine contrary not only to fact, but to the language of the Statute-Book, which declares, that the government of this country was not simply a monarchy; but it was a government in the King, Lords, and Commons. "My own difficulty (said Mr. Fox) is what the conduct of the House should be on this occasion. I profess myself an enemy to prosecutions for libellous attacks; and yet, at such a time as this, when Mr. Reeves's association are spreading their pernicious doctrines abroad, I am anxious that the house of Commons should express their disapprobation of principles recommended by that association. I wish to get at the author of this pamphlet, and pursue him only: this is so material an object, that I think the better way would be for the House to keep this business in its own hands."

Mr. [redacted] said, he considered the pamphlet to be a libel on the [redacted], and hoped that some steps would be taken to find the author, and bring him to trial.

Mr. *Willes* explained.

Mr. *Stanley* said, that the Whig party had been glorious to this country, and that Whig principles were involved in the discussion then before the House. The Whigs would have the opportunity of seeing, he hoped, by the decision of that night, that the house was not imbibing Tory principles: it was a duty they owed to themselves and to posterity, to shew that there were ministers who were willing to govern according to revolution principles. He declared he was exceedingly pleased with one of his Majesty's ministers (Mr. Pitt) for having that night boldly declared he coincided with the motion before the House: and he hoped he would follow up the motion, in order that the people might see, that, while on the one hand, a vigilant eye was to be kept over the efforts of

sedition,

sedition, so on the other hand, the effects of mistaken loyalty were to be checked.

Mr. *Serjeant Adair* declared that he should be extremely brief, having spoken to the subject on the former debate. He thought that, as to the main question, whether this pamphlet was a libel, there was no difference of opinion; and he congratulated his country, and the House, on their unanimity in resenting this attack on the constitution, and thus manifesting their adherence to principles, which would serve to establish and render them more secure. He expressed some doubt as to the propriety of the amendment, which charged this pamphlet with being a libel on the revolution; he thought it would be extremely difficult for any lawyer to persuade a jury to bring in such a verdict. He admitted it to be a gross and scandalous libel on those illustrious characters of the Whig party, who brought about the revolution; as what they did clearly was not to destroy, but to preserve the constitution. It was also a libel on the two Houses of Parliament.

The Master of the Rolls thought it necessary to explain what he had said on a former night; he declared he never had entertained any doubts respecting the matter contained in the paragraph being libellous; he disapproved of the manner in which one right honourable gentleman had been treated. And in all cases where that House was to appear as accusers or prosecutors, the utmost delicacy ought to be observed in their proceedings; he owned, had he been present when the motion was first made, he could have started some doubts whether it really was a breach of privilege, or whether he should have no objection, however, to a prosecution, if he was sure that the verdict would be the same as Dr. Sacheverell's, namely, that the gentlemen should not be allowed to write for two years.

Mr. *Sheridan* said, he had no intention of misrepresenting the honourable gentleman, and as he saw his amendment did not meet the general concurrence of the house, he agreed to withdraw it.

Sir W. Dolben said, he had come down to the House in the opinion that the book was a libel; but the right honourable gentleman (the Secretary at War) had made such an impression upon him of a contrary kind, that he would vote against the motion.

Mr. *Fox* said a few words in explanation,

The Speaker put the question, which was carried with only two dissentient voices.

Mr.

Mr. Sheridan said, that the House having adopted his motion, which, he considered as a circumstance fortunate for the country, it was proper that some proceeding should be grounded upon it, and that it should not be suffered to stand by itself on their Journals. He had been more anxious in pushing this proceeding, because, as he had before stated, he did not consider the publication to be a solitary libel, but to have been part of a system, and the more dangerous as it was issued from a quarter possessing extensive means of circulating attacks against the constitution. There were many things in the writings of Mr. A. Young which he considered almost as bad. From the candid manner in which the question had been discussed on all sides, it was no party question, nor was there reason to think that ministers wished to screen the author, be he whom he might. There were, he said, different modes of proceeding that might be adopted, and referred to precedents in former times. At a period when party ran very high, a pamphlet of Dr. Swift's, (on the conduct of allies) a very innocent and useful work, was ordered by the House to be burnt by the hands of the hangman, and a motion was made to address the crown to proceed against him. Another mode was, they might examine the Printer at their bar. Mr. Sheridan said, that, under the circumstances of the present case, what he considered to be of most importance was to come at the person of the author. He had reason to believe that Mr. Reeves was the author; and since he came into the House he had been confirmed in his belief. He had been given to understand, that a formal disavowal would be made of that fact; but he considered that which had been made by the Secretary at War to be by no means sufficiently precise or satisfactory. He declared he had a great objection to instituting any oppressive prosecutions against a poor printer or publisher, who looked for security to the character of his employer, and could have no idea that he would receive any thing of a libellous or unconstitutional tendency from the chairman of a loyal association. In order that proper steps might be taken to come to the person of the author, a power, which Mr. Sheridan conceived, that the House ought not to delegate out of their own hands, he would adopt a precedent of 1707, and conclude with moving, "That it be referred to a Committee to enquire who was the author of the libel." The motion was carried; and Mr. Sheridan, the Secretary at War, &c. were appointed to be of the Committee.

Mr.

Mr. *W. Smith* said, that he felt such strong objections to all prosecutions for political pamphlets, that he should move, in case of a discovery, that the proceedings of the House be confined to a censure upon the author, as he always wished that speech and writing on political subjects should be free.

The question was afterwards put, and carried without any division.

Mr. *Sheridan* then moved the Committee, and the House adjourned.

HOUSE OF COMMONS.

FRIDAY, November 27.

The Secretary at War stated to the House, that he had it in command from his Majesty to inform them, that he had ordered Colonel Cawthorne, a member of the House, to be put under arrest, in order to be tried by a court-martial.

Mr. *Sheridan* moved, that several members (whom he named) should be added to the Committee on the pamphlet, intitled, "Thoughts on the English Government," and that it be an instruction to the said Committee to sit at any time, notwithstanding any adjournment of the House. Ordered.

A message from the Lords informed the House, that their Lordships had agreed to a Bill to prohibit the exportation of soap and candles, and the Bill to prohibit the manufacturing of starch from wheat &c. and to lower the duty on the importation of that article. Also, that their Lordships had passed a Bill to divorce Henry Wakeman from his wife, and desiring the concurrence of the House to the same.

PETITIONS.

Mr. *Honeywood* presented a petition from the inhabitants of the town and neighbourhood of Hithe, in Kent, praying that the two Bills (the treason Bill, and the seditious meeting Bill) might not pass into a law. He said, that the meeting had been regularly called by the mayor of the town, who not being adverse to the Bills, declined taking the chair, from a consciousness that the contrary sentiment prevailed in the town: The chair was therefore taken by another respectable person, and the petition, which he had the honour to present, was agreed to without one dissenting voice. The petition would be found to be signed by most respectable persons of that town; he mentioned that fact, because it was so much the practice on the other side of the House to make that sort of distinction.

distinction. A noble peer of Ireland (Lord Rokeby) formerly a member of that House, (then known by the name of Mr. Matthew Montague) a person who had retired from public life, being in the eighty-fourth year of his age, but still actively employed in attention to the morals of his country, and in acts of private benevolence, and public charity had signed the petition, as well as many other respectable persons distinguished for their loyalty and love to the constitution. When the American war unfortunately occupied the attention of the House, the noble Lord, just mentioned, had done his utmost to avert the calamities which followed, and had foreseen and predicted the issue which took place. The noble Lord had likewise foreseen, from the complexion of politics at that time, and since, something like that which was at present in agitation against the liberties of the people. Such early presentiments of what was to happen, and had happened, entitled his Lordship's present apprehensions to have great weight and credit with the House. Though old in years, his Lordship was young in every mental faculty; and animated with the fire of virtuous patriotism, he deprecated the present Bill in common with the other worthy characters who had signed the petition.

Mr. *Honeywood* produced an extract of a letter from the mayor of Rochester, which he had received that day, and which exculpated that magistrate from some insinuations thrown out a few days since against him, because he had not prevented a procession, and the burning of an effigy, whereas he was a stranger to the circumstance till after it had taken place.

Mr. *Baker* called to order.

Mr. *Honeywood* said, he should not have presumed to revert to any petition which had been laid upon the table, but for the reflection thrown upon the character of a worthy magistrate, whom he thought it is duty to exculpate. He did not suppose the odium to have been wilfully fastened on him, for it was such as all men are liable to; but when it was not deserved, it ought to be removed, and he could himself bear testimony to the truth of the facts stated in the letter.

The Speaker said, according to the rules of the House, when a member is called to order, he must obey it; on the present occasion he imagined, that the honourable gentleman appeared to the candour and indulgence of the House, which, when addressed, were seldom withheld.

Mr.

Mr. *Honeywood* said, he appealed to the candour and indulgence of the House; with their permission, therefore, he read the letter, which reminded him that he personally knew the mayor was waiting in a back room of the inn, at the time of the procession, to speak to Mr. Honeywood, who was at the moment engaged in conversation with another gentleman. This Mr. Honeywood confirmed; and added, that, upon hearing the shouts in the streets, the mayor requested Mr. Wright, a gentleman who accompanied him with the Petition, to enquire what was the matter. Mr. Wright went out in consequence, but the noise had ceased, the people had dispersed, and gone to their own homes, and no crowd nor tumult was to be found.

Sir Edward Knatchbull said the allusion referred to an expression of his; that, however, did not go to blame a magistrate for not suppressing the procession, but for subsequently signing a letter on the subject, when he had not been actually in the town at the time he mentioned.

General Smith remarked, that it was a very common practice on the opposite (ministerial) side of the House, to cavil on every slight occasion at what fell from those who spoke from the contrary side, when it happened not to be agreeable to them; though no notice was taken of gross irregularities committed by any of their own friends.

Mr. *Honeywood* went through his explanation.

Mr. *M. Robinson* expressed his sorrow, that the bills before the House were not delayed for some time, since every day shewed how extensively the apprehensions they had given rise to had spread. It would be but common justice to the country to hear its last prayer on parting with its liberties. He warmly reprobated the assertion, that the country would be without a constitution if those Bills were not passed to secure it. He returned his thanks to Mr. Honeywood for the handsome terms in which he had mentioned his venerable relation (Lord Rockeby) and expressed his approbation of the petition.

Mr. *Fox* presented a petition from the inhabitants of the town of Lyme Regis, in Dorsetshire, against the Bills. The petition, after expressing the most decided abhorrence of the inhabitants of the town against the Bills, concluded with this emphatic expression, "and the petitioners entreat that honourable House to take every means in their power to procure a speedy peace, as the only means of giving stability to the throne, cloathing to the naked, and bread to the poor."

Mr. *Amyatt* presented a petition from Southampton, for such measures to prevent sedition as parliament shall think meet. This called forth a short conversation between Mr. Rose, junior, and Mr. Sheridan, who observed that notwithstanding this and similar petitions were presented as counter-petitions to those against the Bills, there was not one iota said in them for the Bills themselves.

Mr. *Sheridan* presented a petition from the town of Stafford, and another from the town of Newark, against the Bills, and also a petition from the gun-makers, signed by 852 of that trade.

Mr. *Sheridan* next presented a petition against the Bills from the gentlemen and burgesses of Newcastle under Lyme, where the mayor was not adverse to the petition, nor was there one person in the town dissenting from it. As the petition therefore passed unanimously, and both the representatives of the town were adverse to it, Mr. Sheridan said, the inhabitants had done him the honour to commit it to his care.

Mr. *Sheridan* next presented a petition against the Bills, from a number of mechanics who had not an opportunity of signing that petition from the associated tradesmen. To those 15,000 names, therefore, might be added the 852, affixed to this petition. It came from the journeymen gun-makers, which of course, he said, the gentlemen on the opposite side would deem very alarming!

Mr. *Fox* presented a petition against the Bills, which he said was of an uncommon description, as it was only signed by one person; but that person was a gentleman of genius and talent, of irreproachable manners in private life, and of the greatest integrity in his public character. It came from Major Cartwright: it was very long; but Mr. Fox said, he had perused it with care, and found nothing exceptionable in it.

Mr. Fox then presented another petition against the Bills, which came from his constituents, the inhabitants of the city and liberties of Westminster, and was subscribed by 10,125, a number nearly equal to the number of voters in that city. How this petition had been obtained was well known, as it had been introduced into the discussions of that House. It had been recommended by a large publick meeting, and was signed voluntarily. His noble colleague, (Lord Hood,) whom he was happy to see in his place, to offer any objection he thought fit, had advised to have the petition carried from house to house. Mr. Fox said, he would not pronounce it blameable to take the sense of the people in that manner, he did not how-
ever

ever think that way so free, so candid, and so fair, as when the people, uninfluenced and unbiaſſed, acted purely from their own impulse. The persons who ſigned this petition had been actuated by a voluntary, general, and univerſal motive. They came forwards ſpontaneouſly, generally, and univerſally to expreſs their abhorrence of the Bills againſt which they remonſtrated, and to expreſs their juſt apprehenſion of the evils likely to enſue. It was true, that, in conſequence of the proteſt of his noble colleague, a few parochial meetings had been held, and the veſtries had ſent about petitions from houſe to houſe. Mr. Fox ſaid he was preſent at three of the parochial meetings, and there was one which he did not attend. It was that of St. Martin in the Fields, where Mr. Drummond was in the chair, and where, contrary to the intentions of thoſe by whom the meeting was called, a certain number of reſolutions were almoſt unanimouſly paſſed, the reſult of which was a flat contradiction to the aſſertions of thoſe who had adviſed this meaſure. The other parochial meetings were held in St. Clement Danes, St. James's, and St. Anne's. In St. Anne's, the pariſhioners met at firſt in a ſmall number, upon which it was ſuppoſed, ſufficient notice had not been given; a ſecond meeting was therefore called, which decided againſt the Bills. In St. James's pariſh, a larger number of pariſhioners had met than had ever been remembered upon any former occaſion. Some reſolutions had been previouſly drawn up, and handed about from houſe to houſe, with very little ſucceſs, when this meeting, at which Mr. Devaynes was chairman, decided by a majority of one thouſand to twenty-ſeven voices. If any doubts ſhould be entertained concerning this petition, as not expreſſive of the general ſenſe of the people of Weſtmiſter, there might ſtill be opportunities (ſaid Mr. Fox,) to determine. "I have ſaid ſo much (continued he) upon this petition in particular, becauſe it is not poſſible for me to collect the opinions of all the inhabitants of every county in the kingdom; but as Weſtmiſter is the place in which I live, where you live, Sir, and where this Houſe lives, I may venture to aſſert, that this petition does contain the general ſenſe of the inhabitants of Weſtmiſter." He ſaid, he had frequently occaſion to attend publick meetings, and was in the conſtant practice of enquiring into the opinions of his conſtituents; he had likewiſe frequently the honor of preſenting petitions to that Houſe, and to his Maſteſty, but he had never before found the people ſo unanimous. He had preſented a petition to his Maſteſty againſt the American war, which was ſubſcribed by

an astonishing number of signatures; this however was far more universal and numerous. The House need not depend upon his testimony; they had all an opportunity to examine and enquire, though he believed they would find that the people who had signed it were more in unanimity and number than had been known in Westminster upon a former occasion of any kind whatever.

Sir *John Frederick* presented a petition from the clergy and freeholders of the county of Surry, subscribed by 2000 names. The prayer of the petition stated a desire that effectual means should be taken by Parliament to prevent seditious meetings, without infringing the right of petitioning, which being read,

Mr. *Sheridan* observed, that the petition was a strong censure upon the Bills; although the petitioners stated, that they understood some Acts were at present under the consideration of Parliament, the purport of which they evidently knew, as appeared by the subsequent part of the petition, they requested a remedy for the evils they complained of, without destroying the liberties of the people, or trenching upon the right of Parliament, and the free exercise of speech.

The Chancellor of the Exchequer denied that the petition contained, or was meant to convey, any disapprobation of the Bills; on the contrary, it called upon the House to enact such laws as might maintain the due exercise of the right of petition.

Mr. *Fox* noticed the Chancellor of the Exchequer's expression *due exercise* of the right of petition, and contended, that the Bill went to alter, nay do away, that right, for when it restrained free discussion, and placed a *dictator* where at present free and uncontroled discussion could be held, he contended that the right was not simply altered, but done away. That the Bills he asserted did trench on the form and manner of assembling, debating, and petitioning, and went to restrain opinion, had not yet been denied by those who supported the measures: he therefore insisted that the petition did absolutely convey a censure on the Bills, whatever the intentions or opinions of those who signed it might have been.

A conversation took place upon the proceedings of a former Surry meeting and petition, which Sir *John Frederick* said did not consist of the electors and sentiments of the county. The contrary was maintained by Mr. *Fox*, who said that the last meeting had been called by an advertisement, which betrayed the design of those who called it, and proved that they meant only to convene those who were known to be decidedly
in

in favour of the Bills. It was addressed to the holders of landed and funded property, a circumstance that at once shewed its meaning and its object. He said that open and publick meetings have this supreme advantage, that the principles of measures are open to every sort of discussion, and information is to be had by all parties. Where petitions are carried from house to house, such is not the case; and such was the character of the petition then presented.

Mr. *Crespigny* presented a petition from Castle-Baynard Ward, in the city of London, against the Bill. He also presented a petition from Bath, against the Bills. He said, a petition had been presented before to that House, which professed to contain the sentiments of that city: nothing was more remote from the truth. A meeting had been called to address the King; and, after the meeting had broke up, a few particular persons remained, and contrived that petition; to which they had, by an unworthy artifice, obtained a few additional signatures. That which he had the honour to present was the result of a fair, open, and free discussion, and the signatures were all voluntary: to one of them he found annexed the following expressive addition, it was the name of "John Disney," and annexed to it the words, "grossly imposed upon, and led to sign a former petition!"

Mr. *Rose, jun.* presented a counter-petition from the inhabitants of Portsea and Portsmouth, signed by 1974 persons, praying that Convention Bills might be speedily passed.

Mr. *William Smith* presented a petition from the Ward of Aldersgate against the Bills, signed by 200 inhabitants, householders, since the preceding night without solicitation, and who had not only given their names, but their places of abode; and said, the meeting at which it had been passed was called by the citizens, who had first applied to a worthy Alderman, (Ald. Anderson) to convene it, but the Alderman thought proper to refuse to call a meeting. He said he commended the candour of the worthy Alderman, whom he saw in his place, in voting for the Bills a few evenings since according to his opinion, though it went in opposition to the instructions of his constituents. He was sorry, however, that he had refused to call the meeting, when he had been applied to; because such conduct, however justifiable the persons might be to themselves, went to defeat their own wishes; in fact, that conduct on the part of the Alderman, and the refusal of the Sheriff of the county of York, and others, to call meetings, furnished the most powerful argument against the present Bills.

Mr.

Mr. *Alderman Anderson* justified himself, by saying, that he had lived long in the Ward, and had an opportunity of knowing most of the inhabitants; out of the 31 who signed the requisition, he nevertheless did not know more than four or five. The purport of the Bills having also been amply discussed before by the representatives of the Ward in Common Council, he thought it unnecessary to consult the inhabitants, and told the persons so who waited on him for that purpose, and they replied, that they were more anxious to do it, because Mr. Pitt had been minister for a great many years, and they thought it was now high time for Mr. Fox to be minister in his turn. [*A loud laugh.*]

Mr. *Sheridan* said the subject was sufficiently serious, and therefore he could not suffer such levity to gloss over the conduct of the honourable Alderman, who, however long his residence might have been in the Ward, or however universal his acquaintance with the inhabitants of it, was compelled by his duty, on receiving a requisition of that nature, to enquire who the persons were that signed it, and not to refuse their request merely because he had no personal acquaintance with them. Another reason had been stated by the honourable Alderman for refusing it; viz. that the representatives of the Ward in Common Council had already discussed the tendency of the Bills, and delivered their opinions on them: what kind of reasoning was this, and how would it apply to that House? What, because the representatives of the people there may have happened to pass a law, we suppose, for argument's sake, directly opposite to the interests, happiness, and prosperity of the kingdom, the people are no longer to have an opinion about it, and any discussion they wish to hold on the subject is to be deemed superfluous and impertinent. Gentlemen who held such doctrines, he supposed meant not to stand candidates again for the suffrages of their present constituents. He subscribed to the declaration of his honourable friend, (Mr. Smith,) that such proceedings were the strongest arguments that could be used against the Bills, and quoted the instance, not only of the High Sheriff of York, but of Northumberland also. Mr. Sheridan asked whether, after the Bills had passed, the Sheriffs of those counties or the honourable Alderman would think it their duty to attend that publick meeting which they had refused to call; or if they did, whether it was not probable it would soon put an end to it. He said, he had quoted these as instances of the abuses which were likely to ensue on the passing of the Bills; and observed, that it was remarkable, when one worthy magistrate (Ald.

Le Mesurier) stated a Common Hall to be an improper medium of ascertaining the sense of the people, and that there could be no appeal but to the decision of the several Wards, that the requisition for making that appeal should not have been allowed. As the publick meeting at Westminster had done, so did the Common Hall of London, express the general sense of the people; and it was not only confirmed by that petition, signed by 200 inhabitants of one Ward, and the petition he had presented, signed by 1700 of the inhabitants of the Ward of Farringdon Without, but he trusted it would be confirmed by every other Ward in the ratio of five to one.

Mr. *Anderfon* explained, that he did not say the meeting would be superfluous and impertinent, but unnecessary.

Mr. *Wilberforce* after a summary defence of the worthy magistrate attacked by that gentleman who spoke last but one, said he lamented the conduct of the High Sheriff of York, because it prevented a full, fair, and free discussion; and because it prevented the majority of the inhabitants, as he conceived would have been the case, from giving their approbation to the Bills. If the Bills, however, had passed, the meeting might have been held, because it entrusted three magistrates, in case the Sheriff should refuse, with that power; and among the 53 names of the persons who had signed the requisition, instead of three, there were he imagined at least thirty magistrates. In proof of the misrepresentation which had been circulated through the kingdom, Mr. *Wilberforce* stated, that one of the York papers, not only had given an account of the Westminster meeting which had passed, but of the Surry and Bedford meetings, which had not passed, and of the likelihood of a petition against the Bills from the merchants, bankers, and traders of London, which he attributed to the advertisement for the meeting in which the House had heard that no banker was concerned.

Mr. *Fox* declared he was not a little astonished at the boldness of gentlemen on the opposite side, who, because his honourable friend (Mr. *Erskine*) had said, that he did not know whether any banker had signed that petition, roundly asserted that no banker had signed it, and thus converted a supposition to a fact, although his honourable friend (Mr. *Wm. Smith*) had given them reason to act otherwise. The advertisement merely gave notice that a meeting of the merchants, bankers, and traders, was to be held, who were thereby invited to it; and if the bankers did not choose to attend, they were at perfect liberty to absent themselves. So
easy

easy was it to assume a fact, without enquiry, that he owned he wondered any person in that House should adopt such conduct.

After a desultory conversation between Mr. *Wilberforce*, Mr. *Rolle*, Mr. *Sheridan*, Mr. *Thornton*, Mr. *W. Smith*, Alderman *Newnham*, Mr. *R. Thornton*, Mr. *J. H. Browne*, and Mr. *M. Robinson*,

Sir *Wm. Milner* read the letter of the High Sheriff of York, in answer to the requisition, and commented on the impropriety of his conduct in quitting the county during his shrievalty, without leaving information where he might be found; the postscript, Sir William observed, stated that such was his intention, and he had not fixed on the place where he should abide.

Mr. *Sheridan* presented a petition from 1200 of the inhabitants of Clerkenwell, which was, he said, signed in twelve hours, against the Bills; and if there had been more time, the signatures would have been more in number; but they acted under the same impression with many other people, that, if the petition was not immediately presented, it could not be received at all.

General *Tarleton* moved, that copies of the extraordinaries of the army be printed for the use of the members. Ordered.

BILL TO PREVENT SEDITIOUS MEETINGS.

The Chancellor of the Exchequer moved the reading of the order of the day, for the House to resolve itself into a Committee upon the Bill for preventing seditious meetings.

Mr. *Fox* merely rose to ask when it was probable that the Report, and the third reading of the Bill, would come on. He said, he supposed when the Bill had gone through the Committee, that it would be reported, and then ordered to be printed.

The Chancellor of the Exchequer said, that, as usual, immediately after the Bill had gone through the Committee, and the clauses were amended, and the blanks filled up, he should move for it to be printed, and that the further consideration would come forward on Tuesday, December 1, and the third reading, he supposed, on the Thursday following.

Mr. *Fox*, Mr. *Grey*, Mr. *Lambton*, Mr. *Whitbread*, junior. General *Tarleton*, General *Macleod*, and the other opposers of the Bill (Mr. *Sheridan* excepted) immediately rose, and left the House.

The

The House having resolved itself into a Committee on the Bill, Mr. Sergent in the chair, the Committee proceeded on the discussion of the clauses of the Bill, the consideration of the date of its commencement having been agreed to be postponed.

That part of the clause having been gone through, which relates to meetings holden for the purpose or under the pretext of considering of alterations in matters established in church and state.

Mr. *Sheridan* said, he did not attend for the purpose of proposing any amendment in the present Bill, being persuaded that no alteration, except that of negating every clause in it, would be of service, or render it palatable, to the great majority of the public at large. He attended chiefly to watch some things which were going forward, and to hear what amendments would be proposed. The Bill was said to be a Bill to prevent seditious meetings and tumultuous assemblies, and he was convinced more than ever, that the Bill would not answer that purpose. It would not prevent the discussion of the question of peace or war; the conduct or capacity of the ministers to carry on the war; or give to the ministers the security which they wanted by this Bill, and which indeed was the foundation for it (although for the purpose of deluding the public, they had thought fit to give it another title); it was to give a security to ministers against any public deliberation of the people on the misconduct of ministers. Under the Bill four hundred thousand, or any other number of persons, might assemble at Copenhagen-house, or in any open field, and there they might canvass the question of war or peace; and the whole conduct of the King's ministers in all respects whatever; they might hold what language they pleased, whether temperate, or intemperate; to recommend peace, or even to withhold supplies; and under the authority of the Bill, no justice of the peace would have power to interfere with their proceedings, or even to approach them with any authority to disperse, prevent, or even to interrupt their proceedings. Gentlemen might wonder that he should state this to be the case, when the very object of the Bill was to prevent such tumultuous assemblies. He would tell them, by this Bill any number of persons might meet for the purpose of examining, and considering any depending law; this they could not avoid putting into the Bill, according to the principle on which its authors pretended to proceed. Every Supply Bill that was offered to that House, and there could hardly be a week during the sitting of parliament without one, was a depending

law, and therefore, according to the provisions of this Act, the people, to any number, and without any restraint, might meet and discuss it, and under the discussion of a Bill for granting a supply to his Majesty, they might, and they ought, to discuss the whole conduct of the King's ministers; they might, and therefore ought, to consider whether they ought not to be removed out of his Majesty's service. It was a Bill, therefore, rather to encourage and provoke, than to suppress tumultuous assemblies. He did not mention this to excite ministers to insert a clause to prevent persons meeting to discuss a depending law; on the contrary, if such a clause was offered, he should oppose it, as he had opposed the whole principle of the Bill; he mentioned it to shew the absurd inefficacy of the whole of the measure, and also by way of notice of what ground he should hereafter take when this Bill came out of the Committee, in order that there should be no colour for saying hereafter, that he took an unmanly part in the way in which he should oppose the Bill in its future stages.

The Chancellor of the Exchequer said, gentlemen most usually attended Committees on Bills in that House with a view of amending them; but the honourable gentleman had declared he attended for a different purpose; he should, therefore, consider what the honourable gentleman said rather in the nature of a notice, by way of anticipating his future objections, than any thing in the nature of debating upon them then. He should, nevertheless, make a few observations on some of the honourable gentleman's assertions. The other gentleman had said, that any number of persons might meet, as he described, for the purpose of discussing any Supply Bill, and then argue on the whole policy of the administration of the affairs of the country. He hoped that the provisions of the Bill would not be found liable to the abuse which the honourable gentleman had anticipated; he hoped also, that he never would lend the aid of his abilities to such an evasion of the principle of the measure, and thereby promote tumult and sedition. He had not the least fear of the danger to which the honourable gentleman alluded. If any number of persons met under a nominal pretext, and then discussed other topics that were foreign to it, he conceived that they would fall under the provisions of the Bill. At all events, they would, in the case alluded to, only assemble during the meeting of parliament; and if it should be found that the inexhaustible ingenuity of seditious assemblies required to be met again, by further legislative provisions, he hoped that parliament would do its duty; he

he had rather, however, leave that case to its own course, than to anticipate any provision that might be found necessary for its preservation.

Mr. *Sheridan* said, he was glad the right honourable gentleman had taken what he said as a notice of what he should do hereafter upon the Bill: he need not wonder to find himself a little sneered at by that right honourable gentleman, about lending the aid of his abilities to any measures, as he had been more than once reproached for having given himself so much trouble to mend so many of the right honourable gentleman's bad Bills. He seemed to forget the nature of the case before parliament. Suppose Mr. *Thelwall*, or any other person, was to call a meeting at Copenhagen-house, when a Bill of supply was to be voted in parliament, and that, instead of three, there should be ten tribunals erected for the purpose of haranguing the populace, could any thing be more regular, in the discussion of a Supply Bill, than to enter into the circumstances of the war, the distressed situation of the country, and the misconduct of ministers in the course of it? Gentlemen well knew it was the constant course of debating in parliament. There was no ingenuity required upon the subject; the company, so assembled, would soon find out the incapacity and the tyrannical disposition of ministers, and, without any ingenuity, they would soon find out, and express, that the calamities of this country were brought on by the profligacy of ministers. He again declared that advantage would be taken of the Bill, and the very thing which ministers affected to prevent. The people would avail themselves of it because they were provoked to it by the tyrannical and absurd restrictions imposed upon them by the Bill. He should state this more at large hereafter. Whether ministers would or would not hereafter bring in another Bill upon the subject, he knew not, but he was sure the present Bill was inadequate to the object for which it was professed to be brought forward.

Sir W. Young charged Mr. *Sheridan* with inconsistency, in so uniformly opposing the Bills *in toto*, and yet suggesting alterations and amendments.

Mr. *Sheridan* in answer to the charge adduced against him of not attending the Committees on Bills but for the sake of embarrassing, stated that Mr. *Pitt* had often advantaged himself of those embarrassments.

Serjeant Adair said, he was persuaded it was not in the contemplation of administration to prevent such discussions as those to which the learned gentleman had alluded; and God

forbid that it should ever be in the contemplation of any administration to prevent the free discussion of the measures of ministers, provided the discussion was peaceable and orderly. The conduct of the learned gentleman appeared to him to be very strange, and little entitled to the thanks of the Committee. He first of all said, that he did not like the Bill, because it did not contain such restrictions as he had stated to be necessary; and yet if it had contained them, he declared he would have opposed them when the Bill came out of a Committee.

Mr. *Sheridan* begged to set the learned Serjeant right. He should first, however, take notice of the appellation of the learned gentleman, which had been bestowed upon him through the whole of the learned Serjeant's speech. The learned gentleman had called him learned at the time that he was accusing him of absurdity; whether he called him learned gentleman because he had been absurd, he could not tell.

When he made the observation relative to the want of further restrictions on such meetings as he had alluded to, he made it from a motive of candour; if he had made it upon the third reading of the Bill, it might have been urged, that he was very uncandid in not having mentioned it in the Committee. The learned Serjeant had said, God forbid that the free discussion of the measures of ministers should be prevented, if such discussion were carried on regularly, and according to the provisions of the Bill. What he had conceded was, that to meetings for the purpose of considering Bills pending in parliament, the provisions of the Bill did not apply.

The second clause limits the number to 50. On the third clause, which enacts, that if 50 persons or more meet, and after an order of proclamation to disperse, twelve shall remain one hour, it was proposed to make it death without benefit of clergy, an amendment was moved, that such continuance should only be punished as a misdemeanour.

Mr. *Wilberforce* was for the more lenient, as he said, he thought the punishment disproportioned to the offence; from the immediate necessity of the case in a riot, the power of dispersing by force was justifiable; by law, a man might kill another who attacked him; but having secured him, he would be guilty of felony without benefit of clergy, if he afterwards killed him in cold blood. He conjured the House not to adopt a clause which, if carried into execution, he was persuaded all would repent.

Mr.

Mr. Stanley declared his opinion, that it should be only a misdemeanour.

Mr. Banks agreed with Mr. Stanley in thinking the punishment of felony was too severe for the offence.

Sir Peter Burrel contended, that if the crime was made less than felony without benefit of clergy, it would be inconsistent with the empowering the magistrates to disperse by force; for if, in doing so, men were killed, it would only be a summary way of inflicting the punishment of death, to which the law would otherwise condemn them; if, on the contrary, it was declared only to be a misdemeanour, the killing in the act of dispersing by force, would be exceeding the punishment the law would inflict, by a summary mode of proceeding.

Sir W. Dolben earnestly called upon the House to adopt the most mild and limited mode of punishment the emergency would permit.

The Solicitor General enlarged upon the magnitude of the offence, and contended for the propriety of a severe punishment.

The Committee divided,

<i>Ayes</i>	-	-	80
<i>Noes</i>	-	-	13
			<hr style="width: 10%; margin: 0 auto;"/>
<i>Majority</i>	-		67

The Committee then proceeded to fill up the blanks in the other clauses; and when the most material clause in the whole Bill, namely, that which was to empower the magistrates to declare the assembly unlawful, upon any matter being propounded that should appear to be unlawful, or tending to sedition, &c. and to dissolve the meeting, &c. the whole clause was struck out.

The Bill is made to commence in the metropolis, and within 20 miles of it, the day after it shall have received the Royal assent, and within seven days all over the kingdom.

The Solicitor General proposed, that the Bill should continue in force for three years.

Mr. Stanley proposed one year, which being objected to, he offered to agree to two years, which was refused, on which the Committee divided,

<i>Ayes</i> (for the term of three years)	46
<i>Noes</i> (for the term of three years)	2
	<hr style="width: 10%; margin: 0 auto;"/>
<i>Majority</i> }	44

The Bill then passed the Committee, and the report was received immediately, ordered to be taken into consideration on Tuesday, December 1, and that the Bill be printed.—Adjourned.

HOUSE OF LORDS.

MONDAY, *November 30.*

GORDON AGAINST HUME AND OTHERS.

Their Lordships, after hearing counsel on the above case, ordered it to stand over for three weeks, to afford the parties an opportunity to accommodate matters.—Adjourned.

HOUSE OF COMMONS.

MONDAY, *November 30.*

Mr. Alderm Anderson moved for leave to bring in a Bill to enlarge the charter of the London Assurance Office. Leave was granted.

PETITIONS.

Mr. David Scott presented a petition in favour of the Convention and Treason Bills from the East-India Company.

Mr. Fekyl wished that the opinion might not go abroad, that it was the petition of the Company, as had been stated, it did not speak the sense of the Company, but was only a petition of the Directors, who were a distinct part of the Proprietors.

Mr. David Scott replied, that the Court of Directors managed the affairs of the Company, they were entitled to come forward with their petition which he believed spoke the sense of the Proprietors in general.

Mr. Grey presented a petition from the nobility, gentry, clergy and freeholders, of the county of Northumberland, against the Bills. Mr. Grey stated the way in which it was obtained. The High Sheriff of Northumberland, he said, had refused to comply with a requisition from several respectable gentlemen in the county, to call a meeting for the purpose of considering the Bills. In one of the daily prints, however, he had seen an account of a meeting, which had been held at Morpeth, for the purpose of voting an address to His Majesty, which he would have no objection to have signed. Immediately on the address being voted, the Sheriff who was present

present withdrew, and Sir J. Swinburne took the chair, when the petition was voted almost unanimously.

Colonel Stanley presented a petition from the merchants, traders, &c. of the town of Liverpool, in favour of the Bills.

Mr. Blackburne presented a petition to the same effect, from the Mayor, Aldermen, and Common Council of Liverpool.

General Tarleton presented a petition from a number of bankers, merchants, and tradesmen of Liverpool against the Bills.

The General said, that the Mayor had refused to call a publick meeting, and that the petition, although it lay for signatures but a very short period, was signed by many very respectable characters.

Mr. Howard presented a petition from the town and neighbourhood of Lymington against the Bills.

Lord Belgrave presented a petition also in favour of the Bills from Chester, signed by 2,300 inhabitants, after being unanimously carried at a publick meeting regularly notified. By recent information from that town, his Lordship said, he was authorized to state, that the manner in which the previous petition was obtained, was *unfair* and *scandalous* in the highest degree.

Mr. Egerton presented a petition from the Mayor, Aldermen, and Corporation of the town of Newcastle, in favour of the Bills.

Mr. Milbanke presented a petition from the town and neighbourhood of Durham against the Bills.

Lord Hood presented a petition from the High Bailiff, Stewards, and persons holding official situations in Westminster, in favour of the Bills.

Mr. Fox observed, that it had been said, that the petition voted by the meeting in Palace Yard did not express the sense of the inhabitants of Westminster, and an appeal had been made from it to the different Parishes to justify the assertion. The sense of the parishes coinciding however with that of the general meeting, the official gentlemen in Westminster were brought forward. He would only further say, that if he had been asked, whether the petition which he had the honour to present, spoke the sense of the Bishop of Rochester, and some other individuals, he would undoubtedly have confessed that he was not sanguine enough to expect the honor of the signature of that learned prelate, or his friends.

Mr. Ferris presented a petition from the inhabitants of Hants, in the county of Hampshire against the Bills.

Mr. Secretary Dundas presented a petition from the Provost, Magistrates

Magistrates and Council of Glasgow, in favour of the Bills. And another to the same effect, from the merchants, traders, &c. of Glasgow.

Mr. Fox, in the absence of Sir W. Milner, presented a petition from the Common Hall of the city of York against the Bills. The meeting at which the petition was agreed to, Mr. Fox said, was the most numerous and respectable that had ever been held in the memory of any man that attended it, and was agreed to with only three or four dissenting voices.

Mr. Fox also presented a petition from the inhabitants of Plymouth, Plymouth Dock, and Stonehouse, against the Bills.

Mr. Rose, junior, read a letter from the chairman, to shew that the meeting did not express the sense of the people of Plymouth.

Mr. William Smith presented a petition from the town and neighbourhood of Wrexham, in the county of Denbigh, against the Bills.

All which petitions were read and laid upon the table.

IRISH BRIGADE.

General M^rLeod said, before the Army Estimates were taken into consideration, he wished to make some motions on a relative part of the subject. As the business flood for the next day, he would accordingly move, "That there be laid before the House the return of the Irish Brigade enlisted to serve against France, up to the 1st of August, 1795, with an account of their pay and allowance;" but from the important debate that was likely to ensue, he should not persist in it if it were opposed, but bring it on some other time.

The Secretary at War, (Mr. Windham) objected to the wording of the motion, on the ground that at present it would be impossible for government to comply with it. The Irish Brigade were to be recruited and kept in Ireland, and by a new regulation were to be paid on the English establishment. Certain monies had, indeed, been issued on that account; but the returns had not yet been made to the War Office of its application.

General M^rLeod withdrew his motion.

BUDGET.

The Chancellor of the Exchequer said that he had given notice of his intentions to open the Budget on Wednesday, but from the multiplicity of business that had since occurred, he was induced to postpone it to Monday the 7th.

Mr. Grey said, that he should on account of what the right honorable gentleman had said, defer his motion for a pacification

tion with France, which stood for the same day, till the Wednesday following.

COMMITTEE OF INQUIRY.

Mr. *Jekyll* moved, That the Committee of Inquiry concerning the authors of the libel, entitled, "Thoughts on Government," be revived, and do sit, notwithstanding any adjournment of the House, and report their opinion from time to time. Ordered.

Mr. *Sheridan* informed the House that the Committee appointed to enquire who was the author of the pamphlet intitled "Thoughts on the English Government," would present a report the next day.

RELIEF OF THE POOR IN THEIR OWN HOUSES.

Sir William Young moved for leave to bring in a Bill to explain and amend so much of an Act, of the 9th of George I. as prevents relief being extended to them in their own houses. Leave was given.

TREASON BILL.

The order of the day, for the House to resolve itself into a Committee of the whole House, to consider of a Bill for the better Security of his Majesty's Person and Government; the question being put, "That the Speaker now leave the Chair"

Mr. *Erskine* said, it might appear somewhat remarkable to the House, that he, who, upon ordinary occasions, discovered no particular activity in the business of that House, should of late have shewn so much zeal, and so keenly have engaged in the discussion of political questions, most especially that he should have that day been the first to rise to oppose the Speaker's leaving the chair, on a Bill entitled "a Bill for the better security of his Majesty's person and government." He would not, he declared, degrade himself by expressing the abhorrence he entertained of the abominable outrage offered to the sovereign, or those sentiments of loyalty, which, as an honest man, he ought to feel; sentiments, for which he had a right to expect every person should give him credit, and which could not be doubted without injustice. The safety of the king was intimately connected with the happiness of the state; to secure that connection it was of the last importance to adapt the regulations which were proposed for his security; to the genius of the people, and the constitution of the government. That his Majesty's person should be preserved and secured, was a measure, which not merely political wisdom, but generosity itself required. He was placed upon a
 VOL. II. 1795. H pinnacle,

pinnacle, exposed to observation and to envy. Every obnoxious law, every severe measure, was executed in his name; he was the point to which the voice of complaint, and the murmurs of the sufferer, were naturally directed. In protecting him from the dangers to which such a situation was exposed, it was to be considered how far the provisions were suited to the purpose. He had formerly said, and he still maintained, that this Bill furnished no new security to the king's person, although it took away from the security of the subject. He had opposed it, and would continue to oppose it with all his might, because it most deeply affected the liberty and happiness of the subject, while, instead of contributing to the safety of the King, it brought him into the greatest peril. It was a political axiom, of the highest wisdom and the most undeniable truth, that the fewer the restraints that were imposed upon a people, and the less that natural liberty was impaired in consistency with the safety and the energy of government, the freer and happier were those who lived under it. The more cool and cautious the conduct of the house, before they introduced new or superfluous restraints into that system where so few were to be found the better; before they engrafted severe penalties upon laws by which mild chastisements had been enacted, cogent reasons should be stated, and the necessity proved. It was even wrong, upon slight pretences, to repeal any of those old and reverend laws, which were entwined with the habits and the manners of a people, especially those state laws which had been enacted equally for the safety of the prince, and the freedom of the people. At any rate, they were never to be altered without the strongest proof that they were inadequate to the ends they proposed, and to which they had been applied. It was not enough to be able to point at an alarming conjuncture, it was necessary to prove the existing laws unequal to avert the danger that was threatened; and, in the adoption of new laws, it was proper to consider whether they guarded better against the evil than those in existence.

The great principles on which our forefathers proceeded in their criminal law, and especially in the state law, were strictly to observe these rules: First, precision, from the neglect of which so much confusion and oppression had on various occasions arisen, and from which our own history proved so much tyranny and injustice to have proceeded. The second was, never to make the penalties of the law more severe than was necessary. The statute of King Edward III. displayed in an eminent degree this mild and beneficent

ficent disposition. It was distinguished by that concise and majestic simplicity by which our old enactments were characterized. That statute had two distinct and separate objects; the safety of the King's person, and the stability of his government, in which all state crimes, that ever had existed, or that, in the range of imagination, could be conceived, were comprehended and provided for. Prior to its enactments, England was in that situation to which, by some strange and fatal folly, or depravity, it seemed to be the intention of some to draw her back. Then there was no law to define the limits of guilt, and to contract the bounds of discretion. Every branch of allegiance, however trifling, at that dark æra, involved a capital offence, and the misguided enthusiast was confounded with the malignant traitor. Every thing was held to be treason which it served the purposes of tyranny to lay hold of for the punishment of offence, or the gratification of passion. The statute of Edward the Third, in the words of Chief Justice Hale, was enacted as a *remedial law*, to atone for former oppressions, and to secure the administration of pure and impartial justice. The words of it were, whoever should, "compass or imagine the King's death." In the present Bill, a variety of new terms were introduced in addition to the simple expression of King Edward's statute, than which none was better calculated for the purpose it had in view, or afforded a more complete security to the King and his subjects. Persons ignorant of the legal interpretation of the words, "*compass and imagine*," might, indeed, ask, if stronger words could not have been used; but when they knew their import, they would be satisfied that the words were of most appropriate signification, and that it was impossible to use expressions more general and comprehensive. In the law language of that period, it was felony to compass or imagine the death of a fellow subject, but it was thought too severe to make the crime equally great in the case of a subject, as in the case of the king, and it was laid aside as to the subject. In proof of which he cited Foster, 193, as follows:

"The ancient writers, in treating of felonious homicide, considered the felonious intention manifested by *plain facts*, not by bare words of any kind, in the same light in any point of guilt, as homicide itself. The rule was *voluntas reputatur pro facto*. And while this rule prevailed, the nature of the offence was expressed by the term *compassing* the death.

"This rule hath been long laid aside as too rigorous in the case of common persons. But in the case of the King, Queen,

and Prince, the statute of treasons hath, with great propriety, retained it in its full extent and rigour; and, in describing the offence, hath likewise retained the ancient mode of expression. "When a man doth compass or imagine the death of our lord the King, or of our lady his Queen, or their eldest son and heir, and thereof be (*provablement*) upon sufficient proof attainted of open deed by men of his condition."

To compass or imagine the king's death, therefore, had the same signification as in the common law when it concerned a private person; and the crime which the words import was treason in the case of the sovereign.

The second part of the Statute of Edward, he said, constituted it to be treason to levy war in the realm against his Majesty, or adhere to his enemies. These enactments were meant to defend the King in his royal capacity. The first observation that presented itself was, Why was not the conspiracy to levy war against the King High Treason? Certainly, because our benevolent ancestors never outstripped the necessity which demanded the regulation. If a murderous conspiracy existed against the person of his Majesty, there was no occasion for external preparation to discover it. It lurked in the mind, and could execute its purpose without that force by which it might be exposed. But when the murderous intention existed in the levying of war, it was there left to be discovered by the acts, and the conspiracy itself was not reckoned treason. (The *Attorney General* seemed to dissent.) Mr. Erskine begged the learned gentleman would not imagine that he had forgotten the elements and principles of law, and that he would hear the doctrine stated clearly before he expressed any opinion. He said, that the statute did not put these two treasons upon the same footing, and for two obvious reasons. In the case where the person of the sovereign was concerned, the bare expression of the intention was sufficient; because the crime could be perpetrated without difficulty, and on that account required a more speedy interference of the law, to prevent the intention being completed. When the levying of war was, however, against the King in his regal capacity, the same rapid interference of the law was not required, and the intention was to be more clearly evinced by acts before the statute meant to sustain the conspiring alone an act of treason. In the latter case, more force was necessary to effectuate the purpose. The King was secured by his troops, by the attachment of his people, and by the other means of defence, less jealousy was therefore necessary. There must be an overt act to constitute the treason

treason. The statute of Edward III. bestowed every security which the situation would admit. It was to be considered then what formed an overt-act. The intention to take away the King's life was a crime of which Hale observes, that it is impossible to be seen, or to be taken cognizance of. Where the intention could be shewn to exist, it was Treason under the first branch of the statute. No new act could give greater security on that head than the statute of Edward III. or contribute more effectually to the punishment of the offender. What was the overt-act, must be considered by the Judges. It must be laid in the indictment as the means by which the treason was to be perpetrated. The Judges only decided, indeed, what acts were in law overt-acts of treason; the Jury determined whether, though the acts were established in point of fact, the malignant intention existed. In asserting that doctrine the whole law of England bore him out. A man might commit the overt-acts which the law recognized, and yet be found innocent, and it ought to be so. These doctrines were laid down in all the State trials which had occurred during the best times. In the case of Sir John French and others, accused of conspiring to levy war against King William, the overt-acts were distinctly stated, French was clearly guilty, but Chief Justice Holt only stated the overt-act as proof of the compassing, and left the jury to pronounce upon the intention. Sir John interposed an objection in law, that his conspiring, whatever might have been the consequence, was not treason under the statute of King Edward, though the completion of his designs must have involved the death of the King as an immediate effect, not as an event flowing from heaping construction upon construction, and consequence upon consequence. The overt-act charged in his indictment, was the raising of troops in France, to aid the cause of the Pretender. Dr. Goldsmith had taken occasion to say, that French made an excellent defence, but that Justice Holt was prejudiced. Mr. Erskine denied the assertion; and he did it upon this ground. Sir John French said that the troops were raised at his instance; and that the purpose for which they were raised was to levy war against the King; but resting his cause upon the intention not having been carried into effect, he contended, that he was innocent of the charges. To which Holt replied, "that if there was only a conspiracy to levy war, it was not treason. It is only a substantive treason, not a treason in the abstract: but if the design and conspiracy be either to kill the King; or to depose him, or to imprison him, or put any force or personal re-

"trant

"frain't upon him by force, and the way of effecting these
 "purposes is by levying war, then the conspiracy and con-
 "sultation to levy war for that purpose is high treason, though
 "no war be levied; for such consultation and conspiracy is
 "an overt-act, proving the compassing the death of the
 "King." He then goes on, "There may be a war levied
 "without any design upon the King's person, which, if actu-
 "ally levied, is high treason; though purposing and design-
 "ing such a levying of war was not so." To conspire to
 levy any species of war, personally directed against the King,
 as to kill, dethrone, or imprison him, is an overt-act, and
 can neither be demurred to, nor afford ground for an arrest
 of judgment, but must go to a jury to decide on the tend-
 ency and motive. In that case it was obvious, if the Pre-
 tender had been restored, William III. would have been a trai-
 tor: and therefore the intention to destroy him was clear,
 and the conspiracy to levy war was the overt-act, which not
 being rebutted, the jury found Friend guilty. This being the
 case, how was he surpris'd to hear that the present Bill intro-
 duced no alteration in the existing law of treason? It at
 least made this alteration, that, instead of a plain ancient sta-
 tute, instead of the old and known system, it gave a new
 code, unexplained and indefinite. The statute of King Ed-
 ward, notwithstanding the constructions that had been at-
 tempted to be put upon it, had been fortified by the prece-
 dents of many years, and had been rendered in a great mea-
 sure clear and explicit: Whereas the present Bill went to rob
 them of the limited application of these constructions, and
 again to plunge them in all the dangers of discretionary inter-
 pretation and legal ambiguities. He asked, what, in the name
 of God, was meant by such a proceeding? A conspiracy to
 levy war against the person of the sovereign was an overt act
 of high treason under the first branch of the statute of Edward
 the third, but it was extended by the present Bill, to all those
 acts which under that statute were not held to be treasonable.
 The compassings, imaginations, devices &c. were by the Bill
 made a conspiracy, not against the life of the King, but in
 any remote construction declared to be treason. Even the
 pulling down of a Hawdy-house, or any petty act whatever,
 might come under the treasonable operation of the present
 Bill. A letter found in the closet of an individual, though
 not connected with any acts, and not immediately aiming at
 the safety of the King, would be construed into a treasonable
 act, and would it be maintained that the Bill made no alter-
 ation in the law of treason?

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Were Gentlemen less secure of the Sovereign in his regal capacity at present than at any former period? Was there any deficiency of loyalty in the State, or was there any deficiency of military force to quell those discontents which necessarily arose even in the best regulated governments? Had they not already every security for the safety of the Sovereign, that could be obtained from laws and troops? Was it consonant with justice or sound policy, to harrass the people with new and grievous restraints and wean their love from the person of the Monarch by arbitrary statutes, at a period when every man ought to combine their affections around the throne?

No law could more securely or more effectually guard the person of the Sovereign than those in existence, which equally provided for prevention or for punishment. Every kind of levying war was embodied in this Bill; and though formerly only restricted to the royal character, were to be reckoned treasonable in future without limitation. For all these changes what principle was that that could gravely be stated as a reason for such dangerous proceedings? It was said, that on the day on which his Majesty was coming down to Parliament, to perform the most sacred function of his regal office, he had been insulted by a crowd, and that in this crowd a miscreant wretch had been found, who had the dark malignity of heart to assault the coach of the King, and to bring his sacred person into danger. He could not tell the exact amount of the evidence taken relative to the outrage against his Majesty. But, good God! Was it necessary to enact new laws to punish such an offence? Must the old law of King Edward III. in which the English nation felt so much honest pride and exultation, be abolished and annihilated, upon pretence of an outrage which no enactment could prevent, but which the existing laws were perfectly adequate to punish? Was not the throwing of the stone, by which the King's person was endangered, a sufficient overt-act? And if the abandoned wretch, by whom the act was committed, were to be apprehended, could any one doubt the fate that would attend him; unless he could shew something which might prove that the original intention which the action seemed to discover did not exist?

He would call upon any man in the House to say, that the laws ever were in one instance found inadequate to the punishment of such an outrage. In the trials at the Old Bailey last year, the question was, whether the conspiracy laid as the overt-act, had any foundation? No overt-act had been
alleged

alleged, as immediately aiming at the life of the Sovereign; and much as he differed on the point of law from some explanations of it which came from high authority, the Judges never had contended that a conspiracy, or any thing less than an overt-act, could constitute high treason; and even after overt-acts were proved, they left it entirely to the Jury to judge of the intention of their authors. What then prompted the House to put the life of the King in a different situation from that in which that of his predecessors had stood? What could tempt them to frame a Bill, comprehending an immense variety of new treasons, and even constituting writing into an overt-act of treason? Why did they not adhere to the mode followed by their ancestors, or why by dark and ambiguous language pervert the established nature of crimes, and the known rules of evidence. If it was already understood that writing was an overt-act, why was it not so expressed without doubt or equivocation? Why did not they use the good old phrase of our ancestors, as *proveably attainted*? or, if they were determined to create new substantive treasons, why not permit the subject to be tried upon these treasons by fair and legal evidence, without introducing terms of which it was impossible to divine the meaning, or which, if they had any meaning, contained an insult on the understanding and the feelings of Englishmen?

It was stated in the first enactment of the Bill, that it was treason not merely to intend the death of the King, but to depose him from his stile, honor, or kingly name of the imperial crown of this realm, &c. He could not express the astonishment the preamble of the Bill had filled him with. It was a libel on the best Parliaments of this country. It proposed calling to mind the good and wholesome provisions which had at different times been made by the wisdom of Parliament in former periods. What were these good and wholesome precedents? They were precedents, reprobated by the best men who had ever adorned this country. The Statute of Edward I. was passed, and was followed by that of Richard, which enacted, like the present, a variety of new treasons; but, as was observed by Blackstone, "so little effect have over-violent laws to prevent any crime, that, within two years after this new law of treason, respecting imprisonment and deposing, this Prince was both deposed and murdered." The Statute of Henry IV. by which that of Richard and other severe acts that had been made were repealed, says, that no man was safe, or knew how to speak, say, or do, for fear of these

these new constructions of treason. Severe laws had ever experienced a similar fate. He referred the House also to the preamble of the first act of Queen Mary's reign, which stated as the ground and reason of the abolition of oppressive laws, the hardships to which they gave rise, and declared that the safety of a sovereign depended more on the love of his subjects than fear raised by severe penalties.

He deprecated the idea of renewing, under the House of Hanover, those statutes which at different periods had with sound wisdom been swept from our code. Moderation and lenity, he contended, formed the truest policy that could be followed; and, in fact, the law, so definite and mild, had always been found sufficient, even in the most perilous times. In the reign of William III. it was strong enough to protect him even against the assassination plot. So in the reigns of George I. and II. it was found adequate to guard them, though assailed by rebellion and foreign force united. On these trying occasions it had never been suggested to make any alteration in the established law of treason, known and venerated throughout the land; and such was the attachment, he said, of the country to that law, that many people exulted in the acquittals at the Old Bailey, because they proceeded from a fair and broad construction of the statute of treasons, though they condemned the conduct of those who were tried, and thought them bad subjects.

Was it fit he would ask that the House should at this time proceed to adopt measures so inconsistent with the principles of the revolution, which nothing in the present conjuncture appeared even to authorize. A similar law had been cited, as an example, passed in the reign of Charles the Second; the situation of that monarch was however not only very different from that of his present Majesty, but the Bill, heavily penal as it was, did not obtain its object; and, perhaps, the odium of the latter part of his reign, and the expulsion of his race from the crown, was, in a great measure, to be attributed to it. Violent as the measure was, it should be recollected, that it was preceded by an Act of Grace, almost universal, and that the King's father had been recently brought to the block. That Bill therefore passed in the madness of loyalty in which men's minds were at the time of the restoration, and when they readily sacrificed every consideration of their own liberties and safety to please and flatter their prince. A motion made in the House by Sir Matthew Hale himself, for the House to consider the propriety of claiming some provision for their liberties, met with the success which similar

motions just at present received; even Sir Matthew Hale was forced to desist, overwhelmed with the clamours of the House. Let the House consider what had been the effect produced by that very statute of Charles the Second. His whole reign was filled with plots and conspiracies. The people were divided into petitioners and abhorres; and he was sorry to trace the resemblance in the division, which in the present instance was attempted to be established of petitioners and addressers. The only real plot, by which the life of the King was seriously endangered, was the Rye-house plot, and that was not disconcerted by the operation of that law, but by mere accident. The reign of his present Majesty and the reign of Charles were pretty similar for the number of plots and conspiracies that were rumoured and filled a great part of the kingdom with alarm and apprehension, but in the reign of Charles, there was one plot more than in the reign of George the Third, viz. the Rye-house plot to which he had just alluded. How did the sovereign escape from the machinations of the conspirators who had a design against his life? How was his person defended from the hand of violence? Did that piece of paper save him? No. He was saved by his house at Newmarket taking fire on the Wednesday, whereas his assassins were not ready to shoot him till the Friday. Where was the plot at present in existence which could demand the enactment of a statute? He was as ready as any man to adopt measures by which his Majesty might be really secured. Against attacks however which might endanger the King's personal safety, no laws could provide.

There were, Mr. Erskine said, three classes of attack, by which his Majesty might personally be assailed. Revenge, which no part of the conduct of our amiable sovereign ever could inspire; insanity, which no laws could influence; and political enthusiasm, which legislative regulation could neither intimidate nor controul. He could not hear injuries slandered or accused of backwardness to convict men guilty of atrocities, as those against whom the Bills was meant to guard. No man, he was convinced, who could be proved guilty, would escape. The Bill even went to banish the ordinary expressions of loyalty and happiness. It might be dangerous to venture out when the King was passing along the streets, lest some circumstances should arise in which even innocence might be involved. Good God! exclaimed Mr. Erskine, I cannot believe that his Majesty, convinced as he must necessarily be of the loyalty and attachment of his people, will ever give his approbation to a law, which, under the pretext of providing for his safety, contains
a gross

a gross and unfounded libel upon the character of his subjects. When it pleased God to remove from him the hand of affliction, what demonstrations of loyalty and affection appeared in the metropolis, as his Majesty passed to St. Paul's, to give thanks to heaven for his deliverance. One would have thought that it was one great family rejoicing at the recovery of their common father. And, notwithstanding all this tumult of congratulatory joy, notwithstanding that banquet of affection, on which it is the fortune of the present monarch daily to feast, his ministers would inspire him with jealousy and distrust; and instead of loud expressions of loyalty and love from his subjects, the gloomy and suspicious silence that mark the reign of a tyrant, would prevail. An alarm is sounded throughout the kingdom, and spies and informers echo back the cry.

Amongst the various prohibitions of the Bill, the second enacting clause contained one calculated to stir up dislike or contempt by preaching, or any other *thing or things*. He did not mean to criticise this phrase; nor could he conceive what these things were, unless the groans and the expressions of misery, which the conduct of some men had brought upon the nation were meant to be alluded to. The punishments provided by the Bill against these expressions of anguish and bitterness of soul, he knew not where to look for. They were not to be found in any code; even the most tyrannical which cruelty had ever devised. It resembled only the conduct of the tyrant of Syracuse, as described by the poet:

—————In the vaulted roof
The Tyrant sat, and through a secret channel
Collected every sound; heard each complaint
Of martyr'd virtue; kept a register
Of sighs and groans, by cruelty extorted!
Noted the honest language of the heart;
Then on the victims wreak'd his murderous rage,
For yielding to the feelings of their nature!

This was not, he said, the way to render the people dutiful and affectionate. He was shocked to read the punishment which the Bill assigns to the crimes it forbids. He could not conceive from what quiver this arrow was shot. He did not look to any particular quarter, of the opposite side. If it was borrowed from Scotland, he would remark, that the law which inflicted that severe penalty, at which every humane breast must shudder, to which the people of that country had chosen to submit, was passed by a parliament which declared the king indefeasible. What, however, was the discretion to
which

which the crime of misdemeanour was by the Bill exposed? It was enough when it was already discretionary, tempered by the mild character of the laws of England. This discretion was to be no longer confined to the supreme judges, it was to be entrusted to every court of oyer and terminer, and to every petty judge. Suppos, for instance, a bookseller were to be engaged in the publication of a book which he never read, nor saw while it was printing, which should be adjudged a libel, he would only be the tenant at will of the minister; and for a second offence, in which no blame could be imputed to him, he might be exiled for seven years. Some notice, he observed, had been taken of an argument of his on a former occasion. He had stated that the constitution of the government was jealous of the powers entrusted to the executive branches, and had not intended to throw imputation upon any set of magistrates. By the present Bill the honour and liberty of British subjects might be taken away for offences which it would hardly be decent to prosecute. Every low Magistrate might exercise this power without any adequate controul on his mind to guard against its abuse.

The consequences of passing the Bills, which would expose innocent subjects to the information and to the treachery of spies, were dreadful to be anticipated. He hoped, however, that they would never pass into laws. The voice, of the people would, he trusted, speak so boldly, and so firmly, as to compel ministers to give up their design. He declared he was no advocate for rebellion; but he wished the nation to express their disapprobation; and if the spirit of Englishmen remained, they would testify their indignation of the attempts made against their liberties. He hoped his Majesty would not endanger his own person by the passing such a law. Were he entitled to desire an audience of him, he would represent to him the evils that would ensue; he would almost be tempted to throw off the forms of decency, and rushing into the royal presence, conjure his Majesty not to expose his people to such oppression, nor his own person and crown to such danger. The Bill was a warning for men to fly from the sight of their fellow creatures, to shun the pleasures of social intercourse. Suspicion was let loose to poison the sources of happiness; freedom of speech was abolished, confidence and harmony for ever annihilated.

According to the law of libel, as lately amended and explained, the jury were judges of what was a libel, as well as the intention of the author. That doctrine, approved and applauded as it had been, however, might soon be superseded by the operation of the present Bill, which might limit and controul

controul the established privileges of the jury, and deprive the people of that last barrier, by which their liberties were defended. The severity of the punishment was only to be softened by the lenity of the magistrate; a power, which, as the constitution never hitherto bestowed, without a watchful jealousy, would never be exercised without danger to the subject. He would therefore oppose the Speaker's leaving the Chair, and the farther progress of a Bill, which he deemed of such dangerous tendency.

The *Attorney General* began his reply with observing, that the long and eloquent speech which the house had just heard, though certainly in many parts apposite, was, he need scarcely remind the house, rather directed against the provisions than against the principle of the Bill; that was not the proper stage for discussing the objections which his learned friend had urged with so much ingenuity and energy; they could only have been properly advanced and met in the Committee. The present point of decision was not whether there was ambiguity in any particular clause or passage of the Bill, nor whether the penalties inflicted were too severe, but whether the principle was such as should induce them to send the Bill to a Committee. However necessary it might be for him to reply to particular parts of that speech, when the Bill should be to be debated paragraph by paragraph, he would then chiefly consider how far it would be necessary to examine the provisions in order to amend them. The present Bill, as far as it related to the penalties of high treason, he should contend, was neither more nor less than an act declaratory of the law of Edward the Third; in that sense as an explanatory and declaratory act, all candid and wise men must deem it to be of considerable service, and particularly necessary at the present time. Could any man undertake to deny that it would be of infinite service for parliament to pass a declaratory law, which would determine whether the different judicial decisions for a hundred years back up to the present day were or were not just expositions of that statute. No measure could be of higher importance or utility than that it should be declared distinctly, what were the just interpretations of a law, which affected directly the being and safety of the state, and of every individual under it.

His learned friend had almost admitted that the present Bill would not bear out the statute of treason of the 25th of Edward III. from which opinion he differed most completely; he had never known a measure more essential since the formation of that statute than the present, inasmuch as it more clearly

clearly defined and explained the purport, meaning, and intent of that statute, while it most strictly followed the letter and spirit of it.

He said, he had paid a general attention to the petitions which had been laid upon the table against the Bills, and, from the declarations of his learned friend, he understood, that his learned friend followed the general propositions laid down in those petitions, that the law of treasons was not only fully adequate to the prevention and punishment of the crime of treason; but that, under the plain letter of the law as it stood at present, it was so explicit and intelligible as to admit no misconstruction. Here again he differed with his learned friend; because if the law of treason, according to the 25th of Edward III. be so clear, explicit, and intelligible, what occasion was there for the learned gentleman, in the year 1795, to desire the House to look to all the judicial expositions that had been put upon it? He agreed with him, that all judicious expositions of the law were to be looked at with jealousy, particularly those upon the law of treason; because every question of treason was that which immediately affected the being of an individual; he begged his learned friend to recollect also, that the statute of the 25th of Edward III. had provided, that in all questions of doubt and uncertainty, an appeal should be made to parliament for a more definite and satisfactory exposition; it was upon this principle that the present Bill had been introduced; a fuller and fairer exposition had previously been the subject of an inquest in that House, it had also been the subject of a trial in the House of Lords, the decisions upon which subjects were carried into effect by the third branch of the constitution, the executive government, *videlicet*, the King. According to the declaration of his learned friend, the statute of the 15th of Edward III. was so plain, that those who run might read, and those who read might understand; when, however, he recollected the many and the various constructions that had been put upon that statute, how many different decisions had been given upon that passage upon levying war, and when he remembered all the distinctions taken between actual and constructive war, he could not coincide. He, therefore, thought it a wise, a prudent and a necessary act of the legislature, to pass a declaratory law, like the present, upon that statute, inasmuch as it must tend to the health of the common weal; and to the safety of the subject, in proportion as it rendered a statute so highly praised less ambiguous.

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That parliament had been referred to in all ages; not only for the enactment of new laws, but for the declaration of old ones, and that the law of treasons required such a declaration no man could controvert. Lord Hale had said, in his judicial exposition of treasons, "Let no man suppose that these treasons are not explained by the statute of Edward III." So it was necessary that parliament should more distinctly and immediately describe what is, and what is not treason, by giving notice that that statute would attach to such and such crimes: and upon the same principle did Lord Hale say, in his observations upon the statute of Richard II. that the imagination of the deposition of the King was included in the language of Edward III. He was ready to admit that no one could hesitate to adopt the language of Mary, as applied to the bloody acts of Henry VIII. but he must totally deny the application of it to the present subject of debate.

He was at a loss whether he should, or should not, accord with the exposition of the statute of Edward III. that to compass or imagine the deposition of the King was an act of high treason. If it should happen that he who argued the deposition of the King to be an act of high treason, was, notwithstanding, doubtful, whether it was so comprehended in that statute, then he would ask, whether it was not fit to have some declaratory law upon that subject?

Mr. Attorney General reminded the House that he had been called upon to discharge an arduous and painful duty in the course of the state trials, as he had before stated; he, on that occasion, gave it decidedly as his opinion, that he who compasses or imagines the deposition of the King, compasses or imagines the King's death. Contrary opinions having, however, been entertained upon that question, he thought it highly necessary that all doubts respecting it should be set at rest. He said, he had the authorities of the justices Hale, Foster, and Holt, and a special verdict which was followed by execution to confirm his opinion. He observed his learned friend shook his head on hearing this. To obviate all tedious altercation, was it not therefore fit, since the law so evidently remained indefinite and obscure, that, according to the strong exhortation of the statute of Edward III. itself, the parliament should decide? His learned friend had supposed a case, upon which he argued, that, to restrain the King would not be an act of high treason; and it was perfectly obvious, that there might be an intention to maim, bruise, or wound, imprison, or compel the King, against his will, without any actual intention of killing him, and consequently the law would

would not attach. It was, however, by the natural reason of the probable consequences that the statute must be understood; and thus it was that Lord Hale included the compassing or imagining the deposition of the King within the meaning of the statute. In the case of Sir John Friend, Treby says, for he was sitting by Lord Chief-Justice Holt at the time, that the Lord Chief Justice informed the jury, if they had no evidence that the defendant compassed or imagined the King's death, but confined his intentions solely to the deposition, he came within the penalty of the statute; and was guilty of high treason. He confessed himself to be precisely of the same opinion; for although Sir John Friend had previously suggested matters, that King William should have been merely dispossessed of the throne of this realm, and have been suffered to escape unhurt to Holland, yet, he would say distinctly that it was treason. The law had been expounded, that either to maim, bruise, or to wound the person of the King, was an overt act of treason; Lord Chief-Justice Holt would have called it a circumstance of evidence. He further supported his opinion by the cases of Hardwicke and Lord Lovat, and then asserted that the single question for the House would be, to inform the people what the law of treason was. Taking it for granted that the law did not stand in the Act of Edward as it did in the present Bill, (which he must utterly deny) for the safety of the subject, it became absolutely necessary that it should be so made; and not for the safety of the subject only, but for the safety of the state; of that ancient and venerable structure which they had inherited from their ancestors, and which they were bound, at least to endeavour to hand down unimpaired to their posterity: they ought to preserve it from the attacks of the societies of affiliated democrats, from the machinations of wicked clubs, who, with industry and every species of art, were endeavouring to circulate their doctrines of equality; doctrines which were published in such a manner, that it was impossible almost to stop their progress; and principles which, by disseminating discontent, led to the total overthrow of the constitution.

The Attorney General adverted once more to the state trials, a subject which he declared he did not wish to introduce into that House often than circumstances rendered absolutely necessary. Though a traitorous conspiracy was not proved, what, he would ask, did the state trials prove? It might be said, they proved the innocence of the persons prosecuted;

secuted; did they not, however, leave the impression upon every man's mind (he confessed they did on his) that a conspiracy against the constitution did exist. If he thought so, if it was the genuine impression on the minds of men in general that such was the fact, some measure was absolutely necessary to meet and prevent the danger and its consequences. If necessary, ought he not to think it his duty to offer some measure to the consideration of the House and the nation at large? Such then were his sentiments, his duties, and such his conduct from a sense of those duties; and if the time should come, that gentlemen find they had laid down indolent and supine, in the midst of restless activity; if gentlemen should find, too late, that they had done without caution or fear, whilst their habitations were tumbling around them; if they should find that these republican spoilers had destroyed their property; nay, if those who had no property, but had that proud and important possession, the liberty of a Briton, should find their constitution crumbled in the dust by these political levellers; they would then acknowledge the guardian care of those who attempted to arrest the threatened evils; and possibly be not thankless even for his efforts, in attempting to produce a law which bears another text from that of Edward, and may provide against cases which have never yet happened in the history of judicial adjudications; when the treason stalking abroad was not British but French treason, derived from that baneful source, which must poison every place to which it communicated. When it likewise became necessary to provide barriers for the life and safety of the best of Princes; not more renowned for his virtues as a monarch, than esteemed for his conduct and character as a man; and when it was also necessary to throw round the constitution these general enactments which might explain the delinquency and the punishment, and which looked more to prevention than to penalty. Upon such grounds he felt the obligation to introduce the present law.

Another argument in favour of his declaration, he adduced from the commitment of Frith, the maniac, by the late Lord Chancellor, as guilty of high treason; not because Lord Thurlow could imagine that a small pebble was likely to kill the King, but because it was marked by circumstances of peril which at first indicated a treasonable intention. On the supposition, however, that it was not the law of the country, and, independent of any connexion with the societies, he asked whether there was an instance of a similar attack upon

the sovereign with that made the first day of the session; or whether there had ever been known a circumstance that more earnestly called upon Parliament to explain the law of treason, and propose new provisions?

With regard to the observations of his learned friend upon deposing his Majesty of his style, title, or honour, if the expression was inaccurate, it might be amended in the Committee; amidst the mass of professional matter in which his learned friend was engaged, he did not wonder that he should forget such words were a part of every statute of high treason; and that in the reign of William, it was held a just exposition of that Act, that those persons were guilty of high treason, who, without any intention of killing that King, intended to send him back to the continent, to fill the station he formerly held there.

His learned friend's objections to the clause about compassing to levy war did not, he declared, appear to him sufficient to bear out his argument. Were it practicable to avoid the difficulty, he owned he should rejoice at it; the passages he was inclined to think might be improved, and thence concluded, that the objections warranted the sending the Bill to a Committee. His learned friend had found fault with the overt acts. He said, he had not forgotten the trial of Sydney, by which, to the disgrace of the Judicature, that unfortunate man was condemned; he would undertake to make that part of the Bill clear in the Committee. With respect also to the learned gentleman's objection, that the words, "proved ably attained" should have been used, he had only to say, that the spirit and intention was preserved, though there was not such a compliment paid to the language of former times as to preserve the literal expression. For his own part, he confessed he was not wedded to words; it should be observed, however, that it was there expressly declared, that the person arraigned must be convicted on the testimony of two lawful and credible witnesses.

With respect to misdemeanours, it was, he reminded the House, the maxim of a wise and learned man, "that lenity of punishment insured the observance of the laws;" this, as a general principle, he agreed to; and he also thought that, in a single instance, the punishment for a misdemeanour was already sufficiently severe; and instanced a case in the 11th vol. of State Trials, where his learned friend, now a noble and learned Lord,* but then acting as Attorney

* Lord, Thurlow in Horne's Case in 1777.

General, had felt no difficulty in calling for a fine, imprisonment, and judgment of the pillory, though the libel upon record was not like the modern publications, a libel on the government and constitution of the country, and degrading to the most sacred and honourable characters, but merely a libel concerning the administration of the affairs of the kingdom. With respect to the first offence under this Statute, he observed, a misdemeanour was liable to be punished by common law, nor was any new construction given. The mode of convicting, provided by the present Bill, was more favourable to the defendant than heretofore; by the existing law, one witness was sufficient to convict a man, by the present Bill the same species of evidence as in cases of high treason was rendered indispensibly necessary, viz. the concurrent testimony of two witnesses.

The question then was, would they punish, other than by the law of King Edward, a malicious and wilfull repetition of seditious practices, and those of a new sort, and which before the year 1791 were unheard of? About the latter end of the year 1791, a system of opinions and of action perfectly novel sprung up in this country; in consequence, meetings were formed upon a new principle of association, in which, as his learned friend, Mr. Grant, had observed the other evening, in a speech that would be remembered so long as the deliberations of that House should be remembered, the machinations of a few individuals, leagued together like those who produced the French revolution, circulated those libels which, in their nature and extent, required some restrictions. The government of this and every other country, he continued, was founded on opinion; and who was there in that House who did not remember that only ten years since the constitution was considered as the source of every blessing, the security of all private happiness, the cause of all public respect, the pride and boast of the natives, the envy and admiration of foreigners, and the finest example of practical liberty that human ingenuity and wisdom ever contrived. He cared not, he said, whether this love of the people for their government was reason or prejudice; it was allowed by writers of authority, that it afforded the people more comfort in private life, and more political freedom, than any other constitution in existence; nay, it aimed at liberty to such an extent, that nothing but experience of its efficacy could beat down the opinion of former philosophical politicians, that to great a degree of liberty was inconsistent with a state of civil society. The new Republicans, however, had thought proper system-

atically to destroy the reverence of the people for their government; it became their principle to write down every thing that was sacred and valuable in society; to render persons in authority and their functions odious and contemptible, in order to destroy them; in fine, to humble that honest pride which swelled in the breasts of Britons, and labour to fill the bosoms of a once happy people with dejection, repining, and discontent: not satisfied with vending their baneful pamphlets in the ordinary way, they courted the study of the lower classes, by spreading cheaply or gratuitously before them those poisons which they had designed to infuse under the pretence of reform. They found out that the King could do no good, and contrary to the great constitutional maxim which upheld and adorned the state, that the King could do no wrong, they asserted that the King could do no right. They laughed at hereditary government as an usurpation, and those very persons who were at this time extolling the Bill of Rights, declared it was nothing but a Bill of Wrongs, and a scandalous compact between the King and a proud aristocracy. Every part of the constitution, which they at present pretend to reverence for interested purposes, was then the object of their slander and reviling. He hoped, however, the people would rally round their old and excellent constitution, he hoped that the lower and uninformed classes of society would not suffer their ignorance to be made a prey to the ambition of others more artful than themselves, he hoped that they would not be led away by the delusive visions of political speculation, but that they would support that constitution which experience had proved to be practically good; which did not, as designing machinators pretend to do, consider men as perfect characters, against whose passions and prejudices no check was to be opposed: No; the constitution of England looked at man as he was in life, as that imperfect creature which God and nature made him, subject to passions which must be regulated, and to vices that must be controuled. It surveyed the King, that cement and center of the state, with eyes of affection: though his wisdom confessed that he was but a man, it endowed him with higher qualities and assigned them to him in legal fiction, which tended to ennoble him in the minds of the people.

Immortality, ubiquity, and perfect goodness, were the attributes of the king: he could never die he could do no wrong; he was every where present by his servants; and he was the fountain of honour and of mercy. This did not arise from any extravagant idea that he lost his nature as a man

man when he became a king, but by a generous reverence in the minds of the people. Their loyalty admitted that fiction which contributed to the health and ornament of the state. Although the constitution placed the king on an eminence, it took care that he should be practically serviceable to the country; for good purposes it clothed him with duty; it aided him with counsels, it allotted him counsellors, responsible for their advice. Knowing that he was but a weak human body, it surrounded him with props, and rendered him as far as possible politically perfect.

Such were the monarchy and constitution of England, such the people's government and happiness, when there were poured in upon the land a set of men, whose project was reform, but whose design was plunder. All the objects of the people's love and veneration were rendered suspected, and odious in their eyes; and a new system introduced, which being theoretically captivating, had deluded the people from the contemplation of the practical benefits which they enjoyed in their own state. The protecting caution of our ancestors had not foreseen the introduction of such systems; they therefore could not, by any law which they could then have made, have prevented the danger. The infusion of political poison, by publications so numerous and so knotted, could not be guarded against by the laws which we derived from them; and he would not scruple to assert, that unless the legislature would aid the law, no individual prosecution would be effectual. What part was he to act at present as Attorney General? Let any gentleman walk down the Strand, (he had no secrets on the subject,) and stop at any of the pamphlet shops; he would find them full of seditious publications. What then was he to do? Was he to prosecute every book in the shops? In the course of three years, there had been more prosecutions in the court of King's Bench for libels than in the preceding 20 years; but what effect had these prosecutions? Only to multiply the offences. Already the courts had sentenced some of the publishers, who had been convicted, to three years imprisonment for the first offence, and two years for the second, and yet they were not deterred. He sincerely believed it would be found that many publishers had been so often guilty, that the duration of their whole life would not be sufficiently long to meet the length of increased and additional punishment. He doubted what principle of punishment would satisfy. If these libels were not overt acts of treason in themselves, they were projects of the offence, which if not checked in time no remedy could

could cure. He asked a right honourable gentleman, why he had declined delivering his opinion upon the objects of the societies, when called upon for that purpose by his learned friend, (Mr. Grant) who had given his opinion on the subject; especially when he had said, that they were less dangerous than before. He re-asserted, that similar laws had been enacted in the reigns of Charles II, King William, and Queen Anne, and so great was the evil at present, that a necessity did exist for new and extraordinary measures: and it was an admitted principle in morality, as well as politics, that the thing which necessity compels, is sanctified. As far as respected treason, this act was only declaratory of the statute of Edward; if it did alter it, that alteration went to remedy an existing evil, and was justified by necessity. If the Bill should not pass into a law, and those machinators were left to pursue their designs, every order of the state would be destroyed; all the respectable persons in high, in middling, and in low life, would be involved in the general ruin. The safety of the people, he contended, was more implicated than the safety of the sovereign, and "*Salus populi suprema lex.*" He concluded with saying, that the present Bill, after some alterations in the Committee, would be found unexceptionable, and the only preventive against the evils of sedition; against the designs of those who wished to eradicate every principle of religion from the minds of the people, and destroy their attachment to every existing political institution in the country.

Mr. Fox said, it did not appear to him from what he had heard, that there was any thing very auspicious to the freedom of the people of this country to be expected from the progress of the Bill before the House. The learned gentleman, had began his speech with finding fault with his learned friend (Mr. Erskine) for having blended the two Bills in argument on the present occasion. Though his honourable friend had spoken at considerable length, and with an effect which he trusted would not easily be forgotten, and though the two Bills, in their component parts, might be traced to the same principle, and considered as the result of a connected attempt on the liberties of the country, he called upon the House to recollect that his honourable friend had spoken most distinctly to the Bill then before the House, and also on the system which ministers had lately adopted for the purpose of subverting the liberties of the people of England. In this his learned friend was perfectly right, because the charge he made was just.

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He spoke of one in consequence of the connection which it evidently had with the other; they were both branches of the same system, which ministers had adopted against the liberties of the people; and he must say again, that, from the manner in which the learned gentleman had taken up the subject, it did not give him the most favourable opinion of the manner in which this business was intended to be conducted by its advocates; by the specimen he had witnessed, he was not led to expect any great candour.

The business then before the House undoubtedly was, the nature of the present Bill; he hoped however he was not mistaken when he expected that Parliament would consider that the preamble of a Bill and its enactment were two separate and distinct things. If that were true with respect to a Bill that originated in that House, did it not more emphatically apply to a Bill that originated in the other House of Parliament? and if the Bill then under consideration not only came from another House of Parliament, but came also from persons who were suspected of not being attached to the best principles of our constitution, upon that view only, if there had been no other, he was desirous that the Bill should be rejected; because he could not help thinking that the House would do well to consider the state of the country, to watch with anxious care, and constitutional jealousy, every thing that tended to abridge the rights of the subject, and then consider the state of publick affairs, and adopt some measure for its safety, if, upon mature deliberation, some measure should be found to be necessary.

To him Mr. Fox said there had appeared to be one way of considering a Bill which could not fairly be objected to; that was to attend to the preamble of it. He had flattered himself that he knew something of the Bill from some recollection of its contents; however the speech of the learned gentleman had staggered him; certainly the speech he had heard bore no resemblance to the ideas he had entertained of the Bill. From one part of that speech a person, who was a perfect stranger to the Bill, would have thought the Bill was a declaratory law on the crime of treason, and on the meaning of the statutes which defined it. He should have expected to have heard read as an introduction to the Bill, words to this effect: "Whereas doubts have arisen respecting the law as it now stands with regard to the crime of treason; be it declared, &c." Instead of this, he only found that reference was had, and loose, very loose, comments made on what had recently

recently happened, and on facts which had lately been brought forward in a Court of Justice. The learned gentleman had done no more than this, and then appeared to insinuate, to render the Bill a little less disgusting, that it was intended to be only temporary. He would ask, if the Bill was to be temporary, where was the propriety in making it of a declaratory nature? A declaration must be either true or false: truth was eternal: if therefore, the Bill depended upon the truth of its declaration, it should not be a Bill passed for a temporary purpose, but ought to be made a permanent law. This however was not the case with respect to the present Bill; it was made use of as an argument for the moment, to ~~take~~ take it in that light by way of justification to its enactment; but the Bill itself was only an experiment to try how the people would bear it. If any part of the learned gentleman's speech was attempted to be opposed to the reasoning of his learned friend, (Mr. Erskine) by way of answer or refutation, it was that which related to the construction that had been put from time to time by judges on the statute of the 25th of Edward III. Was the Bill a measure to set that question at rest, as the learned gentleman had stated it? Was such a declaration necessary? If the learned gentleman thought so, would it not be necessary to bring in a Bill to make that declaration explicit? Upon the necessity of making that declaration he might agree with the learned gentleman, "That the declaration of the learned gentleman and mine upon that law would be different, I have, said Mr. Fox, as little doubt as that we differ upon this; but the Bill surely cannot be considered in the light of a declaration, because it is temporary, and says nothing upon treason as to the levying of the war." With regard to the Act of Edward III. he must make a distinction between an attack upon the nature and political power of the King, He could easily conceive that any person, who should be guilty of an attack on the natural life of the King, that was to say, who had, by overt-act, proved that he compassed or imagined his death, should be subject to the highest penalty of the law; and yet an attempt at the destruction of the political power of the King should only be deemed guilty of a misdemeanour. He knew it was a popular argument, he had conversed with many who urged it, and said, "Why, is it not absurd to say you will guard the natural life of the King, which, in a constitutional point of view, cannot be more important than the political power of the King, more than you will

will guard that political power?" In his opinion that argument was wholly fallacious; because the laws of a state were not to be governed by the ideas of guilt, and in proportion to our feelings as to the mischief which might possibly ensue, but in proportion to the difficulty or facility with which the object might be attacked. It was in this last view that the wisdom of our ancestors had framed the law of Edward III. They had said, that he who shall, by overt act, prove that he compassed or imagined the natural death of the King, should be guilty of high treason. Why? not because the natural life of the King could be more constitutionally important than the political power of the Kingly office, but because the death of the King could be accomplished by one man who was wicked enough to determine on it; and this he could do in an instant with a pistol or a dagger, or in any other way; and therefore the legislature had done wisely to declare that he who should compass or imagine the death of the King should be guilty of high treason. To such an act there ought to be the highest possible penalty annexed.

He said, he was ready to admit the King's person was not so well guarded as he could wish, but it was as strongly guarded as it was possible to guard it by law. Guards of another description, indeed, he might have, but nothing of that sort was proposed by the present Bill; and he trusted they never would be proposed by any parliament, because it would be highly unconstitutional. With regard to the political power of the King, he must observe, that although, constitutionally speaking, that was a still dearer object to them, yet there was no necessity of guarding it in the same manner; because the destruction of the political power of the King could not be effectually attacked by one man, nor could it be accomplished, like the other, in one moment. Levying war for the destruction of government could not be the act of one single man, it must be the act of multitudes; it must, indeed, be a sequence of acts, upon which a government might wait with safety until something was done, instead of declaring that the compassing or imagining constituted the guilt as the law declared in the other case. The difference was, in the one case the King might be assassinated by a single individual in a moment, whereas the constitution could not be assassinated but by a series of acts committed by a multitude of persons; that was the reason why our ancestors had made an attack upon the life of the King, a different offence from that of an attempt to subvert the Monarchy.

Mr. Fox having thus observed on the wisdom of our ancestors with respect to the Bill, wished to say a few words with regard to the construction which had been put on the 25th of Edward III. He might be asked whether he approved of the construction which had been put by judges upon that statute? He admitted the inferiority of his judgment to that of those learned persons, he must, however, form it from the best lights he was able, and having done so, he had no difficulty in saying, he did not agree with them according to the statement of the learned gentleman that night. If he were asked, whether he thought the judicial determination of the judges from time to time made part of the law of the land? he would answer, he was not competent to determine that question; this he would nevertheless say, that an act of parliament was part of the law of the land, as interesting, as the judicial determination of the judges, and often more intelligible, to the mass of mankind; and it was, and ought to be, of higher authority. If, therefore, there was a doubt as to the real meaning of the Act of Edward III. he had no objection to a parliamentary declaration of the law in that respect; what that declaration should be he would be ready to argue hereafter. For the sake of the argument, he would allow, that all the judgments which had been given by the judges were correct; and then he would maintain, that gentlemen on the other side had not proved, that this Bill was not a material alteration of the law of the land, but that he would not enter into at that moment, but merely observe, that his learned friend's arguments upon that, as well as other points, had not at all been answered. Whether the point was to be given up, he did not know; but as it stood at present, it made conspiracy to levy war a substantive treason. (The Attorney General explained, that it only put under this description a conspiracy to levy a direct war, and not to levy an indirect war). Then, continued Mr. Fox, the point is, gained; if in some instances it made a conspiracy to levy war a substantive treason, and in others not, it was evident that a material innovation had been made. With respect to the construction of the law of Edward III. he had always thought, from what he had read from Hale, from Foster, and other authorities, and he had read their works with attention, that the point was clear, particularly the case of a special verdict. He conceived that when there were charges of levying direct war, stated as high treason, for deposing the King, they were always stated in that way,
that

that they were overt acts, to prove the intention of compassing and imagining the death of the King; and, upon that, the question came to this; Whether such acts prove the compassing or imagining? If that levying of war be of itself treason without the compassing or imagining, then a verdict that the defendant did so conspire, and levy war without saying one word of the compassing or imagining, would be a complete verdict; and whatever the opinion of the jury might be with respect to the imagining the death of the King the crime would be complete. He would ask the learned gentleman one question, Would he boldly maintain that judgment could pass upon a defendant for high treason? Suppose A. and B. had conspired to levy war against the King, and with hostile arms proceeded to depose the King, and that the jury on the trial should find the conspiracy and the appearing in hostile arms, but should find that there was no intention of putting the King to death, would the learned gentleman then say that judgment should follow against the defendants for high treason as a consequence of law from that verdict? If the learned gentleman would boldly say this, then he would allow that his construction of the law of treason was a bad, and the learned gentleman's a good construction. Indeed, he believed the learned gentleman would not maintain that doctrine; and he believed too, that the very essence of the crime of high treason was that of compassing and imagining the death of the King; and that if the jury did not find the compassing and imagining the death, the verdict would be null and void. Such he maintained was the law at present; but if the Bill passed, that would not be the law; then the law would be, that the bare finding of such verdict, as he had stated, would be sufficient to convict any person of high treason: and he would maintain, that it was extremely material to attend to that distinction. The subject ought to be protected in his right upon all occasions; the House should, therefore, be extremely cautious in agreeing to any thing that encroached upon them; but, above all, in cases of high treason; they should not forget that, as the crime of high treason was a crime to which the highest penalty was attached, it was also a crime in which the power of the magistrate ought to be looked at with the highest degree of jealousy. In all other charges made by the crown against its subjects, the chief magistrate had no distinct interest in the conviction, but in the charge of high treason, he was to be swayed by considerations of a personal nature, and thence had sprung all the regulations of giving to the accused

a list of the jurors, and the witnesses, and all the various other checks which the wisdom of our ancestors had provided. These were not jealousies of his own, stated for the purpose of supporting the debate, they were jealousies of the law of the land, jealousies which had been shewn in a variety of instances, constitutional jealousies, that ought to be considered attentively by that House. They ought still further to be careful how they proceeded in a measure that abridged the functions of a jury; independent of other considerations, the Bill would make a formidable invasion of the law: the jury would not hereafter have to consider the mind of the person accused; they would have nothing to try but the fact stated in the indictment; the rest would be mere inference of law; and although the jury should negative the intention of putting the King to death, yet judgment must pass upon the defendant.

Mr. Fox slightly adverted to the history of the two acts, the statute of Edward III. and that of Charles II. which were referred to by gentlemen of the other side as the precedents that made the foundation of the present measure. The statute of Edward III. was the old constitutional law of treason. Its introduction had freed the jurisprudence of the country from much uncertainty, and it had in no instance been deviated from in later times without producing considerable mischief. The other Act was brought in at the period of the restoration, when the people were wearied of the evils they had suffered under the former usurpation, and were willing to throw all their liberties into the hands of the crown.

Let the House look at the statutes, and recollect the prevailing spirit of that day. They would find that parliament, which the present was about to imitate, giving to the King a power to raise a military of his own, and money to pay them, which was to be applied afterwards without the consent of parliament. They gave to the king the power which they ought to have kept in their own hands; a scandalous negligence, and for which the people suffered most deplorably. That reign was a dreadful one to the people; infamous and detestable as that reign had been, if there was any one part of it that called for the execration of the historian more than the rest, it was on the public prosecutions that had been instituted in the course of it. Englishmen had, indeed, the happiness to feel that justice had been administered in this country for a century past in a better manner than perhaps in any

any other country upon earth for the same period ; they ought nevertheless to take care not to copy the sort of laws that were enacted in those abominable times of blind submission. They were about to adopt laws similar to those passed in one period of our history : What period ? the period of the reign of Charles II. that period which of all our history was most abominable and scandalous in the administration of justice ; the most scandalous, perhaps, in the world, under all the circumstances of it. To resort at this time to such a period for a precedent !—[Here an honorable member groaned so loudly as to interrupt the speech. Mr. Erskine called to order, and said, that if that gentleman was not silent, he should insist on having his name called from the Chair.]

The *Speaker* said, he had observed, with extreme concern, an individual member behave in a very improper manner ; he hoped he would receive an admonition from the Chair. If he interrupted again, he should give directions for the standing order to be read, and then he should be under the necessity of making a complaint against that member ; and, if that complaint was well founded in the opinion of the house, that member would fall under the high displeasure of the house.

Mr. Fox resumed his argument. He was desiring the house, he said, to compare the administration of the law at the period of the reign of Charles II. and that which they ought to follow, to prove that the one ought to be the reverse of the other. With regard to the reign of Charles II. one of its most remarkable features was, that the names of those who perished on the scaffold for high treason, were among those that were most dear to the recollection of Englishmen. He knew that Sydney and Russell were not, indeed, tried by the statute which he had alluded to, the time being expired within which that law allowed them to be accused, but those eminent men perished on the scaffold for high treason. He said this to shew the general spirit of jurisprudence that governed this country at that period, and disgraced that reign. Those, therefore, who admired that reign, were not to look to its ministers or its judges, but to those who expired on the scaffold for high treason. The law which then was enforced, was such as the law under consideration was proposed to be, it expired, however, with the prince for whom it was brought forward. Richard II. was also a prince for whom such a law was enacted, and soon after he was deposed and assassinated. Charles II. had a long, and, as some said, a flourishing reign ; but it was not flourishing in the mind of any man who really knew what a flourishing reign

reign was. Was there any one who looked to the history of those times, to the unprincipled policy of the Court, and the open profligacy of public measures, who did not consider it as a blemish on the English character, and a reproach to the spirit of our ancestors, that the reign of that monarch was suffered to be protracted till the period of his natural life? Were those suspicious times, to derive a precedent for their present conduct?

Two reasons had been adduced in favour of the Bill. The first he should dispose of very shortly. It was said to be a declaration of the meaning of the statute of Edward III. A declaratory act it could not be, because a declaratory act must be plain and simple; and, indeed, that part of the case had not been seriously insisted upon by the learned gentleman. The other reason was, the general prevalence of libels; and of the truth of this much had been said about the disposition of some people to treat all authority with contempt. It was true that a stone had been thrown at his Majesty; but whoever attended to speeches upon that subject, would find how small a part of the people were concerned in that outrage, or tinctured with the disposition he had just maintained. The act, every body knew, was an odious and a detestable one; ought the whole people of England however to be deprived of their rights on account of that act?

The learned gentleman, Mr. Fox observed, had adverted to what passed at the Old Bailey last year. If the temper of some of the people had been seen to be so dangerous at that time, it was extraordinary that the measures then proposed had not been proposed sooner. The truth was, ministers had not an opportunity to suit their views till just at present: they took the advantage of the generous indignation of the people at the atrocious outrage offered to his Majesty, and under pretence of providing against a similar outrage, were going to deprive the people of their rights. They turned the best passions of the people of England into a delusion, in order to deprive them of their dearest interests. He was justified in saying this, else why had not the Bill been brought forward sooner? He could say much more upon that topic, but that he deemed it unnecessary, after the very able and eloquent manner in which it had been treated by his honourable and learned friend, (Mr. Erskine.) With respect to those trials, the learned gentleman contended that they had proved much, and that, notwithstanding the persons indicted had been acquitted, the trials were calculated to produce a considerable effect on the public mind. So they certainly had, but not the sort of effect the learned gentleman would insinuate. In
that

that acquittal he, for one, had already declared, that he most exulted, and he should ever continue to exult. That acquittal, in his view of the subject, tended to produce an impression of the happiest kind. If there were men to whom the constitution had begun to appear odious, that acquittal must have softened their animosity, and disposed them to regard it with a friendly eye; if there were others wavering in their sentiments, it must have had the effect to revive their attachment, and confirm them in the line of their duty, more than all the penal laws that the legislature could enact in a century. Even if those persons who had been tried entertained opinions hostile to the constitution, and he did not deny that in the societies there were some men of that description, still he considered it as a glorious event for the constitution itself, that those persons had been acquitted. Nay more, if men, whose sentiments were hostile to the constitution, had found refuge from that strict and impartial justice which it administered to all; such an event he could not but consider as calculated to convert disaffection and enmity into admiration and applause. This he believed to be the real effect of these trials; although the learned gentleman made use of them in his argument, in order to shew a spirit of disaffection to the constitution in a considerable part of the people.

With regard to the other part of the Bill before the house, that which regarded the penalty of misdemeanor, it called for animadversion as it referred to an offence more likely to occur often than the offence of high treason. The learned gentleman had urged, that it did not, in the first instance, create new misdemeanors; he did not know that it did; this, however, he knew, that it defined that to be a misdemeanor on the second offence, which, by the law, as it stood, was subject only to the penalty of misdemeanor, to the penalty of felony, although it should not be stated in an indictment to be a felony. He wished to know, whether the provision in the late Libel Bill would be allowed to apply to the new law; or whether the Bill was not to renew the usurpation of Judges upon the old law, and deprive the jury of the privilege of examining into the intention of the accused, and from that intention to find their verdict; or, were they to be left to find the dry matter of fact, and all the rest was to be in the hands of the Court, to be disposed of as mere matter of law? The most material part of the case in this view was that which subjected a man for the second misdemeanor to transportation. How the learned gentleman would answer this he could not tell, but he was sure it was not in the power of human skill and ability to answer it satisfactorily. His learned friend

friend (Mr. Erskine) had observed, that this description of offence was so wide and general, that by applying a sentence of equal severity whenever an offence was repeated, the same punishment might be made to include the most venial errors, and the blackest crimes? It was a great principle of justice, that the punishment should be proportionate to the offence; but by the regulation proposed, this principle would be entirely defeated. Would the learned gentleman say, that by the analogy of law a comparative distinction could be made between the second misdemeanor and the first? Was it not essential, that the distinction should be kept up between a misdemeanor and a felony? And was it not essential that there should be a proportion between the punishment for one and another misdemeanor? There were some misdemeanors of so slight a nature, that though a thousand times repeated, they would not, in point of enormity, be equal to one of a more serious description. Under the head of misdemeanors was defined whatever might tend to excite hatred and contempt against the Constitution. He who complained of the inequality of the representation, and, in illustration of his argument in support of a reform in Parliament, referred to a borough so and so situated, might, from the operation of this Bill, be sent to Botany Bay for seven years.

“ I wish, (said Mr. Fox) you had made it death; the punishment would not have been more severe; and your law would be better understood by it. Compare this with the most atrocious misdemeanor in cases that are not political. Suppose a man be convicted of an assault, with intent to kill his own father, and repeats it as often as imagination can suggest, still he will be punished as for a misdemeanor only, which is fine and imprisonment: but if he be guilty twice of insisting on the propriety of a Reform in Parliament, he must be punished with transportation to Botany Bay. I have stated this case in the extreme, to shew you the enormous disproportion which this Bill creates in the punishment of offences.” It was in the nature of the thing, he said, that misdemeanor should be punished by a discretionary sentence, and that it should stand distinct from felony; a thousand misdemeanors could not, by the spirit and genius of the law of England, amount to, or be punished as, a felony. That was to confound all the principles of our law. The sort of punishment which the Bill enacted for misdemeanors was for the first time introduced into the country from the pretended law of Scotland; though such was the horror with which Englishmen regarded it, that when, some time since, it had been presented

to

to their minds, it excited an universal sentiment of indignation. He called it "pretended law;" for he would never so far degrade Scotland, as to suppose it could really be the law of that country. Had any want of effect, he asked, been experienced from punishments formerly inflicted, because they were not sufficiently severe? He adverted to the case of Muir and Palmer, men of enlightened minds, of respectable rank in society, of irreproachable morals, who, because they expressed themselves warmly with respect to what they considered to be grievances, were sent to Botany Bay, to associate, not merely with the lowest of men in point of rank, but with a description of persons so degraded and abandoned, that the necessity of associating with them under any circumstances, was a deep disgrace and must itself constitute a considerable punishment. What effect did Ministers pretend to say that had produced? Had it produced a greater reverence for the laws, or occasioned a cessation of those libels which were the subject of complaint? No, for they were told that libels had increased since that period a thousand fold. If, on the other hand, it had produced those effects, what necessity was there to resort to new measures? If it had failed, did not experience demonstrate the futility of again having recourse to a similar policy? It was said that in Scotland, where those measures had been adopted, no discontent existed. He believed the case was quite the reverse, and that the discontent really felt in that quarter was not the less because the expressions of it had been subdued by the terror of severe and unwarrantable punishment. If the state of Scotland was, as they pretended, they ought not at least to think of extending the penalties of the Bill to that country. The best way to attach the people to the Constitution, would be to preserve the mildness of its laws. Could the honourable gentleman, or any of his learned in the history of this country, point out an instance of such a punishment as that which was proposed by the Bill? He warned them against the policy of multiplying new codes of penal laws, and of accumulating oppressive restrictions, beyond what the temper of the people could bear? That they had been told, that the Corresponding and other societies did such and such things; and he was applied to on a former night, by an honourable gentleman, who said, that he avoided stating his opinion upon those societies. He did not avoid stating his opinion. That honourable gentleman had asked him, what these societies meant? To that question he had answered, that he could not decisively say, because he believed there were some in that society who meant one thing and

some another. He had distinctly said, that there might be a few persons in those societies hostile to the Constitution, but the great number he believed to be sincere in the object which they professed; a Parliamentary Reform. That there might not be others who had different views he did not deny; but he could not separate the whole from a part; and therefore in the mass he gave them, as he thought he ought, credit for the sincerity of their professions. Such he should always give to large bodies of people. There had been long established in this town a society against what are called republicans and levellers. What was his opinion of that society? The same as his opinion was of the Corresponding Society; that they were in a mass sincere in what they professed; that they were in favour of the constitution. Did he believe that one of them wanted to overturn the monarchy of this country, and the other to make it absolute? No such thing; he gave them each credit for being sincere in preserving the constitution; the one dreading one event, the other dreading the opposite event. He knew none of the leaders of the Corresponding Society; he however knew the leading Member of the Society against Republicans and Levellers; he knew Mr. Reeves. He knew he had published libels after libels, attacking the constitution; that he had, year after year, circulated such publications; that he had circulated a pamphlet, a direct libel on that house, in which it was said that rotten boroughs, extravagant courts, selfish ministers, and corrupt majorities were essential to the well-being of the constitution of the country. The conclusion to be drawn from such abominable doctrine, he did not ascribe to every man in that society; the greater number he believed to have united, in order to guard the Constitution against a danger, which they supposed to be pressing and imminent. The few who took advantage of their fears for the constitution, in order to forward their own designs for its destruction; of those he judged from their actions. He knew that, with respect to those societies, there were violent opinions on both sides; but he saw Mr. Reeves's society with as much industry, and with more means, because with more money, circulating such doctrines as were contained in the sentence he had just quoted; he saw circulated by the same authority a book called *John Bull to Thomas Bull*, and he saw such doctrines accompanied with incendiary hand-bills against the Protestant Dissenters, and fraught with every species of gross and inflammatory misrepresentation. He saw, on the other hand, libels ascribed to the Corresponding Society, so monstrous, that he could only compare them with the others

to which he had referred; with this difference, that when it was proposed to enquire into their authenticity, the proof was denied. He would say, therefore, that those who professed that they had no other aim but a reform of Parliament were in earnest in the mass, as he said of the Society against Republicans and Levellers, and he saw no ground for a Parliamentary provision against the mass of either society, although individuals among the members of each of them might deserve censure.

His two principal objections to the bill, Mr. Fox repeated it, were that it narrowed the power of the jury in cases of treason, and that it provided for misdemeanours a new punishment, which would apply with undistinguished severity to the greatest and least degrees of delinquency. The honourable gentleman had stated the increased and increasing number of libels as a justification of the present bill; some of these libels, he understood, had been punished pretty severely; and the publishers, who might have been in their beds at the time the books were sold, and who at any rate had only been in the exercise of their business, without being aware that they were committing a breach of the law, had been confined for two or three years. Some had been convicted on the oaths of witnesses notoriously perjured. One man had been convicted and punished at Manchester, on the oath of a person named Dun, who was afterwards proved to be guilty of perjury, and another upon the same evidence at Lancaster.

It had been said by the learned gentleman that libels were so numerous that they could no longer be prosecuted. Was he satisfied that the severity of the bill would infallibly diminish their numbers, or that he should be able more safely to apply the new law than the old? If there was a spirit of discontent so widely diffused in the country, and still likely to increase, arising, as he verily believed from the bad Administration of publick affairs; and as the honourable gentleman thought, from the obstinacy and perverseness of the people; it would be proper, in order to stop the progress of the evil, to send whole fleets of libellers to Botany Bay. The honourable gentleman had spoken of libels against the King and other persons. His opinion was, that libelling the King and individuals had not been sufficiently punished. He would prosecute, with the utmost severity, all libels on personal characters, with whatever party they were connected. The most exemplary rigour of that sort he would connect with equal temperance in respect to libels of another description. He would punish whatever reflected on the dignity of the

Chief Magistrate, or the fair fame of individuals; but all political libels he would leave to themselves; discussions on Government, so far as they did not interfere with private character, he would permit to pass entirely unrestrained, that was the way to make the press respectful and useful; and he was convinced, that if this policy had been adopted sooner, things would not have been in the situation in which they were at present; but such was not the object of the bill, the chief point which its promoter had in view was to terrify the people from making free with him under the name of government. Mr. Fox concluded with declaring himself, on the whole, against the principle of the present bill. He should therefore vote against the Speaker leaving the Chair. If another bill should be brought in less exceptionable in its clauses, and better calculated to answer the purpose in view, he should have no objection to give it his support.

The Master of the Rolls declared himself astonished at the strain of argument adopted by the gentlemen on the other side of the House. Was he to understand, from what he had just heard, that it was the duty of a judge, under an accusation for high treason, to state to the jury, that, unless they were satisfied that the person or persons accused actually intended to put his Majesty to death, it was their duty, under all other circumstances of the case, to acquit the prisoner of a conspiracy to levy war against him? Would the jury be authorized to tell the judge, that, though they were satisfied of the criminal design and conspiracy of the prisoners to levy war against, or to maim, wound, or restrain the person of the King, yet they were innocent of the crime of high treason? If so, the crime of rebellion was only a misdemeanour: and the parties who entered into the conspiracy to bring in another King, might be vindicated from the charge of actually intending the death of the Monarch on the throne. That was a sort of doctrine which he had not been used to hear, nor could he possibly assent to it. According to the right honourable gentlemen, (Mr. Fox,) an assault upon the person of the King was to be tried exactly on the same principles as that of an assault upon any other person; and because the miscreant who assaulted the King might not actually have intended his death, therefore he was to be tried only for a misdemeanour. Was there a judge who would accept of such a verdict, or state the crime and the punishment in the manner which had been represented in the House that evening? There was not a doubt but that the judgement of death would

would pass on such conviction; to say that such a culprit was not guilty of compassing the death of the King, would be expressly to contradict the established law of the land. Was not Lord Lovat found guilty of high treason when he wrote to the Pretender, and told him where he should land? He would assert, that at no time, within the history of the country, had such a doctrine been broached, till within the last twelve months; and he wished to know how the reigning Monarchs of the country could have been preserved without the laws had made such a provision for their security? He was sure no lawyer, as least no man who was guided in his own judgment by the adjudications of the Courts, could seriously maintain that doctrine. If that, however, was the law, it was high time that some alteration should be made in it; for what security could there exist for a government, if it was necessary that the rebellion should be actually begun, and perhaps the King attacked in his palace, before the conspirators could be indicted for high treason?

He thought it necessary to state, that in one case, and one case only, the bill before the House might be considered as an extension of the law of treason, as enacted by the 25th of Edward the Third. It had not hitherto been understood that a conspiracy against the King was a substantive treason against his person, but a levying of war against his authority. It was true, that the clause in this bill would include every act committed against the regal authority of the King; but every other article which it contained, was at this moment treason by the existing law of the land.

The Master of the Rolls enforced many of the arguments of the Attorney General with additional reasoning, and denied Mr. Erskine's assertion, that there had been no explanation of the Law of Treasons, except in bad times, as well as that there had been no explanation of it since Mary restored the Statute of Edward in its original form and construction. He supposed the Learned Gentlemen had been hurried away by a recollection of the acts in the bloody reign of Henry VIII. for, though he did not pretend to carry the Statutes in his head, he recollected an explanation or extension of the Treason Laws in the first and second of Philip and Mary, which passed soon after the revival of the Statute of Edward, and the Preamble of which he begged leave to read. Having done this he said he would come to better times, and asked, whether there were no new treasons enacted in King William's reign after the Revolution? Then, as at present laws were provided to meet the exigencies of the times; and the

the third and ninth of King William enacted new Treasons, which, though at this time unnecessary, were then both necessary and essential. In section 3. cap. 13. of King William, it is enacted, that if any person send arms, stores, or ammunition to the French King, or to any person in France for his use, &c. it is an Act of High Treason; and if any person send goods or wares, he shall incur the penalties of a præmunire, which is, to be imprisoned for life, or at the pleasure of the King, to forfeit all his goods and chattels to the state, and be incapable of bringing any action. All persons corresponding with the Pretender were declared guilty of High Treason; and any person returning from France without licence, was to be imprisoned twelve months; while they who went into France were recognized as guilty of Treason. The 9th of the same reign, from an apprehension of papacy, revived these regulations; and in the reign of Queen Anne, an act was passed, which is still in force, and by which a young man (named Matthews) in the reign of George I. was executed. That act makes any person guilty of writing or printing, to deny that the Parliament has a right to limit the succession, incur the penalties of High Treason. If these laws were necessary then, were they not so at present, when the King's right of government is not contrasted with that of another, but when all Kings are stated to be tyrants?

The Right Honourable Gentleman had contended, that it was absurd to annex the punishment of transportation to a misdemeanour; the Right Hon. Gentleman was not aware that perjury was punishable in the same way, as were likewise some other offences on the second conviction. The Right Honourable Gentleman had argued as if there was a distinction between felony and misdemeanour, when forgery, which was treated as felony, was, down to the year 1730, treated as a misdemeanour; at present it was felony, without benefit of clergy. The question therefore was, what was the enormity of the offence of conspiring to produce a hatred and contempt of his Majesty's person and government, what was the danger threatened to the state by it, and what was and ought to be the punishment? An assault, with an intent to rob, was punishable with transportation. Transportation was no unknown punishment in our law. The only question in order to apply the punishment, was to enquire what was the enormity of the offence, and what was the danger to which the state was exposed? If the legislature saw the necessity of adopting a remedy against existing dangers, it became high time to declare and enact what might be considered a sufficient protection

protection to the constituted authorities. In the best of times, such laws had been made, whenever the exigency of affairs required it. It remained then for gentlemen to consider whether the King of Great Britain could be safe if people were suffered to do things which had an evident tendency to endanger his person and authority. Sir Richard concluded by declaring that he should vote for the commitment of the bill.

The House divided upon the commitment of the bill.

<i>Ayes</i>	-	-	203
<i>Noes</i>	-	-	40
			163
		<i>Majority</i>	163

The House then resolved itself into a committee, Mr. *Serjent* in the chair.

Upon that part of the first clause of the bill which enacts, that it shall continue in force during the life of his Majesty, and until the end of the first session of Parliament after his decease,

Sir William Younge said, he thought the provisions of this bill so necessary, not only at this particular juncture, but as general regulations, that he should move to leave out the words, "during the life of his Majesty;" in order to render the bill permanent.

The Chancellor of the Exchequer said, that although he agreed with the Honourable Baronet that the bill was of a nature which might, without any violation of the constitution, or infringement of the liberties of the people, be made permanent, yet, as it was framed for the purpose of meeting a temporary exigency, and as it was copied from precedents in different reigns, which were temporary regulations, he rather differed in opinion with the Honourable Baronet, as to the proper time of its duration. Another motive which induced him to oppose this alteration was, that the bill had been sent down from the Lords with the clause so framed; and, unless there were strong reasons, he should be averse to any amendments which might protract the bill's passing. If at the end of the period fixed for the determination of this act, it should be found proper and advisable to continue its provisions, (which he thought might probably prove to be the case) it would be perfectly competent to the Parliament to continue the act. With respect to the horrid and diabolical idea, which it had in the course of the preceding debate been said might enter into the minds of some men, of aiming at the life of the Sovereign, in order to terminate this bill, that was provided against by the

the clause, that it should continue in force until the end of the first session of Parliament after a demise of the Crown. For these reasons, therefore, although he agreed in the general opinion of the Bill with the honourable Baronet, he wished him to reconsider his proposed amendment.

Mr. *Stanley* declared, that so far from wishing to extend the severity of the Bill, he was anxious to limit its duration, and therefore he would propose to confine it to three years, in the same manner as they did the Bill against Seditious Meetings; for which purpose he made a motion, on which he stated that he would take the sense of the Committee.

The Chancellor of the Exchequer being called on to re-instate his arguments in favour of the first clause, observed that it was needless, he believed, to gratify the importunity of several gentlemen at present; but if those to whom he had more particularly addressed himself (the Opposition) were then in the House, discharging their duty in Parliament, on account of whose absence the minister and his friends must exert themselves to render the Bill as perfect as possible, he would certainly, if requested, recapitulate his arguments. To those who had not properly attended to what he mentioned, he apprehended any recapitulation would only tend to delay the proceedings of the House.

Mr. *Barham* said, he approved of the present Bills, not as permanent regulations, but as provisions necessary for the exigency of the moment. So far was he from wishing to protract the existence of the Bill, he should be glad if it were only to continue in force one year. He was fully sensible of the danger which threatened the constitution at this time, but he did not wish to see the two Bills made a part of the regular law of the country. He thought it by no means a just tribute to His Majesty to say, that he required these guards and securities for his safety, which would be unnecessary for any future monarch; because, if any thing could check the designs of evil minded persons upon the constitution and government, it was the many virtues of his Majesty. Another reason why he wished for the shorter term was, that it would render it more palatable to the people, which he conceived to be a most desirable object.

The Chancellor of the Exchequer replied, that the honourable gentleman must have mistaken the tendency of this Bill, because it did not enact any new treason, except in the single instance that had been alluded to; nor did it create any new crime: its object, as far as related to the treason clause, was merely to render the law more intelligible, except only with regard

regard to the article of conspiring to levy war, which, instead of being charged as an overt act, to prove a compassing the King's death, was now a substantive treason; an alteration which would render the law much more clear, and even more favourable, to the party accused, as he would have a more distinct view of the charge brought against him. He understood that it was the intention of his honourable and learned friend to suggest an amendment in the clause of conspiring to levy war, in order to render the description more definite, and to extend it to levying war against both or either Houses of Parliament; an amendment which he hoped the Committee would approve, when it was recollected that an attack upon Parliament was more likely to happen, and was, if possible, more pregnant with danger to the constitution, than an attack upon his Majesty himself. Having stated thus much, with respect to that part of the Bill which related to the treason, it would not be supposed that he could assent to the motion of the honourable gentleman for making it a mere temporary provision, and the Committee would determine, whether it should have the same duration as the other Bill, or not.

General M'Leod spoke ironically of the term stated in the first clause. He argued very strenuously in favour of the Bill; and ironically advised, that its existence should be during the "Minitter's life."

Mr. Barham reprehended the latter Member for the levity with which he had treated the subject.

Mr. Baker argued for the period to be extended to the natural life of his Majesty, and stated the impropriety of applying for a renewal of the Bill every three years.

The Chancellor of the Exchequer quoted a precedent in the reign of Charles the Second, which was for the term of his Majesty's life.

Mr. Hawkins Browne was against the proposed limitation of period.

A division took place.

That the Bill continue for the natural life of the King, and until the end of the next Session of Parliament, after a demise of the Crown,

<i>Ayes</i>	-	-	229
<i>Noes (for the term of three years)</i>	-	-	6

<i>Majority</i>	-	223
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The Solicitor General stated, that, for the purpose of rendering another part of the clause more definitive, he should specify what cases of levying war he should propose to come under the penalties of this act: for this purpose he should move to insert, after the words levy war, "to compel a change of Counsels, or overawe either House of Parliament."

After a few words from *Mr. Stanley*, the Amendment passed.

Upon the part of the clause which inflicts death, as to cases of high treason, *Mr. Stanley* condemned the savage cruelty of sentences of high treason, and wished to insert the words, "Death, as in cases of felony."

Sir W. Young thought it had better be the subject of a distinct clause.

Upon the motion of the *Solicitor General*, the operation of the second clause, creating an extended punishment for misdemeanors, was limited to three years.

Mr. Stanley objected to that part of the clause which inflicted punishment for stirring hatred and contempt against the government. The words "hatred and contempt," he thought too indefinite: and wished to introduce, "to seditious acts," after the words, "to stir up the people."

Mr. Anstruther and the *Solicitor General* stated, that in law, the words used were more indefinite than those he wished to expunge.

The Solicitor General stated, that, in order to render that part of the clause more explicit, which related to banishment and transportation, he should propose to insert, after the words, "at the discretion of the Court," either to suffer such punishment as by the law is now inflicted, or to be banished the realm, &c.

Mr. Fiddell asked, whether banishment and transportation were not synonymous terms in the English law?

The Chancellor of the Exchequer observed, that the word banishment was perhaps not used in our law, but the distinction between banishment and transportation was well understood. In the one case, the person was carried to a certain destination, and, in the other, he was only driven or forced to retire from the kingdom.

The next clause, regulating the time of trial, was entirely new modelled. *Mr. Solicitor General* stated, that, as the clause stood, it was impossible, from the necessary forms of the law, to bring the cause to trial, in the stated time: he should, therefore, propose six months instead of three, and to introduce

introduce at the latter end of the clause, after the words, "prosecuted to an outlawry," "by the evidence of two witnesses." This would supersede the necessity of the next clause, especially as the statute of Queen Anne and Charles II. had done all that the clause proposed to do.

The Amendment was accordingly adopted, and the next clause omitted.

The two remaining clauses passed without amendment.

Afterwards Mr. Solicitor General brought up a clause for the punishment of those who returned from banishment or transportation, before the expiration of their sentence.

The report was immediately brought up, and ordered to be taken into further consideration on Friday.

The Secretary at War presented several papers.

General M'Leod wished to have them printed.

After a short conversation, the Speaker informed the honourable General, the Orders of the Day were before the House, and that he was not regular.

The other Orders of the Day were deferred.—Adjourned.

HOUSE OF LORDS.

TUESDAY, December 1.

ROYAL ASSENT.

The Lord Chancellor, the Archbishop of Canterbury, and Lord Spencer, having sent a message to the House of Commons desiring their presence, and the Speaker's, and a number of members having presented themselves at the Bar, accordingly opened a commission under the Great Seal, authorising them to give the royal assent to certain Bills, which had duly passed their several parliamentary stages. The same having been read, the Lords Commissioners gave the Royal Assent to the following Bills, viz.

Bill prohibiting the making of Starch, Hair-powder, &c. for a limited time. Bill prohibiting the Exportation of Candles, Tallow and Soap.

MR. REEVES.

Lord Albemarle moved, That the house be summoned for the next day, when he said he meant to move an inquiry respecting a late pamphlet entitled "Thoughts on the English Government, &c." Agreed.

LORD AUCKLAND.

Lord Lauderdale moved, that a copy of the grant made to Lord Auckland, in the year 1789, be laid before their Lord-

ships; and likewise copies of the grants made to sundry persons from the year 1791, and charged upon the $4\frac{1}{2}$ per cents.

Lord Auckland said, that as his name appeared in the motion, and would also be mentioned in a subsequent motion, which the noble Earl had in candour communicated to him, he must solicit their lordships' attention for a few minutes; more especially as he could not foresee when the subject would be brought into further discussion, and as to the domestic considerations obliged him to go into the country till after the Christmas recess.

The facts were, and he could avow them with fair pride, that in 1789, the king, from a disposition to mark a gracious approbation of his services in several foreign negotiations, had conferred on him and on his two sons for their lives, a grant on the four and half per cent duty. That grant had passed the Privy Seal. Some demur arose when it was carried to the Great Seal. The consideration remained in suspense, and an incident took place, in consequence of which the grant was never carried farther into effect. The incident alluded to was in the recollection of many of their lordships: it was the death of the late Lord Hardwicke; by which his Majesty became empowered to grant a reversion of a Tellership of the Exchequer. That reversion was offered to him, and he had accepted it certainly under the implied condition that he should renounce the other grant. These transactions had taken place in the latter end of 1789 when he returned from the Spanish Embassy, and in the spring of the following year, when he was again out of England and engaged in the business of the Dutch Embassy. It might possibly be argued from the circumstances thus stated, that the grant on the four and a half per cent duty had been relinquished by him, under a conscious and admission of its illegality. It was not so. He had been decided by other motives; by a sense that it became him not to consider strictly the value of the favour offered him, but to acquiesce contentedly and cheerfully in such arrangements or changes respecting it as might be thought expedient. The Chancellor of the Exchequer in mentioning to him the reversion of the Tellership had recommended it as less burthensome to the king and to the public; but had at the same time fairly and explicitly stated an opinion to him, that the other grant was perfectly legal. On his own part, though he had not particularly adverted to the question, he had no doubt as to the legality. He rested his general notion of that legality upon the collection, that it had been sanctioned by the acts of

several lawyers of the first eminence and of the most distinguished characters. In that list he might mention the late Mr. Yorke, Lord Camden, Lord Walsingham, Mr. Wallace, and the present Lord Chancellor, all of whom had as Attorney General signed Bills for sinecure grants. He had been more particularly confirmed in his opinion of the legality, by the recollection that it had been repeatedly sanctioned by the noble and learned person (Lord Thurlow) who then held the Great Seal. That noble and learned lord, when Attorney General, had signed Bills for grants on the four and half *per cent* duty, and even had, at no distant period, affixed the Great Seal to a grant for lives, similar in all its principles and provisions to the grant stated in the noble Earl's motion. It was certainly possible, and he was in candour inclined to suppose, that the noble and learned lord might have discovered grounds, for doubting the legality, which had hitherto escaped him. Such, however, were the facts; and if the noble Earl, whose activity in collecting information was well known, wished to bring the whole subject before the house, he would then proceed to move for copies of all grants of the kind in question, to which, the noble and learned peer alluded to, had at any time affixed either his name or the Great Seal. It was well known to their lordships, that the papers moved for were for the purpose of furnishing an argument against the legality of the grant said to have been lately given to the Right Honourable Edmund Burke. As he (Lord Auckland) could not have an opportunity of adverting to the subject in the future discussions of it, he hoped that the house, he hoped that noble Earl would permit him, though perhaps not strictly in order, to express a general sentiment respecting it. In speaking of Mr. Burke, he could not be subject to the impression or imputation of political connection or partiality. In the whole course of his public life, from the beginning of the American war to the present hour, it had rarely happened to him to agree in opinion with Mr. Burke. Such an avowal was perhaps little to the credit of his judgment, but it was the truth. Even when they were in office together for a short period, he believed that they differed as to the expediency of the measure which was unjustly called "Mr. Fox's India Bill." At this hour he believed they differed radically in their respective opinions upon the circumstances of the war. But such considerations had never prevented him, nor should it now prevent him from rendering justice to Mr. Burke's talents and character, which would ever reflect honour on the age and country

country in which we live. Was it fitting, that such a man, one of the brightest ornaments of these extraordinary times, should be left in his old age to struggle with embarrassments, resulting probably from the ardour and generosity of a great and transcendent mind. The noble Earl was undoubtedly urged to the enquiry by public principles; but the noble Earl possessed also much liberality and good nature of mind. And surely it must be painful to his feelings to strew thorns on the pillow of a man, venerable by a sense of former friendship, venerable by his genius and literary talents, venerable by his advanced years, and above all, venerable by a recent and terrible stroke of domestic affliction. This speech, apparently at least, one of the most candid ever made by a member of either house of parliament, who was himself so personally implicated in the subject, gave rise to an extraordinary, and we are sorry to say, not the most orderly conversation that perhaps ever passed in parliament.

The Earl of Lauderdale declared he felt no small share of surprize at the speech which the noble Lord had just made, and which, he contended, was perfectly out of order. He owned, he entertained great doubts of the legality of the grant made to the noble Lord in 1789, notwithstanding the high authorities the noble Lord had brought forward; what however astonished him most was, that noble Lord's anticipation of his intentions in making the present motion. In respect to Mr. Burke, much as he revered his private character, or respected his literary abilities, much as he admired his wit, his talents, or his genius, he did and ever would condemn his political conduct.

Lord Sydney thought it not very handsome in Lord Lauderdale's speaking of Mr. Burke in the way that he had done, considering that gentleman was absent, and oppressed by private troubles.

The Earl of Lauderdale took up the word "handsome," and in defence of his conduct, repeated what he had said as a just tribute to Mr. Burke's excellent private character, his unrivalled genius, his brilliant wit, and his eminent literary abilities. Before any noble Lord noticed any particular words he uttered, he reminded the House that the noble Lord ought to have moved to have his words taken down.

Lord Sydney briefly replied, which provoked a warm retort from the Earl of Lauderdale.

The Lord Chancellor spoke to the point of order, and called the recollection of the House to the motion before them. The motion was for certain papers specifically stated; on the motion being read, a noble Lord had arisen and solicited the indulgence

indulgence of the House, to allow him to detain their Lordships for a few minutes, as domestic considerations obliged him to go into the country, and he might not have it in his power to be present, when a further discussion might take place. Their Lordships with their usual indulgence had heard the noble Lord attentively, and upon that ground the noble Earl had taken occasion to make a speech in which a right honourable gentleman, who could not from his rank be present, however respectable and eminent in every other point of view, had been treated by the noble Earl with a degree of want of feeling that, he owned, had surprized him extremely.

The Earl of Lauderdale rose to reply, and denied that he had been in the smallest degree out of order. With regard to what the noble and learned Lord had said of his want of feeling, he did not think that he had less feeling than the noble and learned Lord; at least of this he was certain, that it was but very lately that the noble and learned Lord had entertained so strong a partiality for the right honourable gentleman, who had been alluded to in the course of the conversation. There was an occasion in which that noble and learned Lord had signalized himself by a very severe animadversion on Mr. Burke; and he believed, he had for some years lived in coolness with that right honourable gentleman. The Earl introduced an allusion to what the Lord Chancellor, when he was Mr. Wedderburn, a private counsel, had said to an eminent political character, (the late Dr. Franklin) before the Lords of the Privy Council *, which he reprobated as a most unjustifiable attack on a man remarkable for his private virtues and his public endowments. His Lordship added a variety of other cursory remarks on the conduct of the Lord Chancellor in the course of his political life.

The Lord Chancellor rose to reply, and was proceeding to give the explanation, which he said so personal a speech made indispensably necessary, when

The Earl of Lauderdale rose of a sudden to speak to order. He contended that the noble and learned Lord had not spoken to order, and was proceeding to speak with some acrimony on the subject of his former argument, when

Lord Grenville said, the noble Earl was himself out of order, for nothing surely could be more violently irregular and disorderly, than reflecting personally on a noble Lord, who was present, and taking occasion to ground his argument altogether on what had passed in debate on a former day. Such conduct

* *Homo trium literarum, fur est.*

was not only disorderly in itself, but highly disrespectful to the House.

The Earl of Lauderdale rose again, and insisted that he had not been correctly called to order. The whole debate or conversation whichever it might be termed, had in fact been disorderly. The noble Lord, who began it, had confessed that he was irregular in going into the subject of the motion at that time. The House had nevertheless suffered him to proceed, what therefore was permitted to one noble Lord, ought to be permitted to another. Having said this, his Lordship proceeded to renew his attack on the Lord Chancellor in reply to his having charged him with something like a want of feeling, in the manner in which he had spoken of Mr. Burke, and again said, that there had been a time when the noble and learned Lord's friendship for the right honourable gentleman had not been equally active and fervent. In pursuing his argument his Lordship used such strong language, that

Lord Sidney with some indignation said, "Are we in the House of Lords or in Bedlam? My Lords, I am perfectly astonished at the conduct of the noble Earl, which in my apprehension has been highly irregular." His Lordship added a few other general animadversions on what had passed.

The Duke of Leeds said the whole of the conversation had undoubtedly been disorderly, because no motion was regularly under discussion, at least no part of the conversation had turned on the motion of the noble Earl for the particular paper therein specified, excepting the speech of the noble Lord, who had immediately risen to speak to it. That noble Lord had been indulged by their Lordships with a patient hearing, and surely their Lordships would not prescribe one rule for one noble Lord, and a different rule for another noble Lord. The Duke spoke of Mr. Burke in terms the most cordial and at the same time the most handsome and flattering, that the zeal and ingenuity of the warmest friend could have devised. He lamented extremely that the right honourable gentleman's name should have been introduced into the debate. He saw no necessity for it, because if he understood the noble Earl right, his meaning was to call their Lordships attention to the grant itself, and not to the person in whose favour the grant was made. He hoped therefore in the future progress of the debate, that the right honourable gentleman in question, would be as little alluded to as possible.

The Earl of Lauderdale rose once more, and entered somewhat at large into a discussion of all the matters that had been
adverted

Dec. 1.]

WOODHOUSE'S PARLIAMENTARY AND REPORTS

adverted to in the course of the conversation, he was
unadverted on lord Sidney's question, whether he
consider himself in Bedlam or the House of Commons,
having with great ingenuity, delivered a speech
which, in his mind, very illagorally, no
the House of Lords, and not a single nobleman took
minute that the noble and learned lord the speaker had
one feeling for one set of lords and a different feeling for
another.

The Lord Chancellor in a very eloquent and eloquent
speech replied to every insinuation, which he had been
thrown out against him, personally, in the course of the
altercation. He reminded their lordships of the circumstances
that had given rise to the conversation, and the manner
in which it had proceeded. The noble Earl, who had got
down, had moved for a copy of the report to be printed
present, in the House of Commons, and the speaker of grants
to sundry persons in the House of Commons, he motioned
a noble lord who had been engaged in the subject of it, had
risen and begged the pardon of their lordships, and he
stated a few things which he thought to be necessary to be said,
but pleaded some other considerations, which he said he
had said would unavoidably occasion his absence from the
House till after the Christmas holidays. It was necessary for
the House, when any noble lord had claimed the privilege
to allow him, though formerly it was irregular, as he had
stated so competent a reason for his absence, to be heard.
Upon that principle, should had, any noble lord ever brought
into the debate, but no noble lord could fairly say
that because the conversation began in the manner he
stated, irregularly, it therefore was necessary to proceed in
manner singularly disorderly. With regard to matters of
personality of the noble Earl, he was considered as a
master, rather arising from the warmth of the debate,
than from any intention to violate the dignity of the
House, which required for debate, that the
bits of civility, and respect, which are necessary, should
they might differ in some particulars, but they should
each other, and should be paid in each other.
Earl had said considered, and he was not to be
wholly absolved or excused, and he was not to be
firmly stated that his lordship was to rise, and he was
(Mr. Burke) was not at all surprised, and he was not
of him, obviously remarking that it had been a matter of
a discussion of political opinions on, one side, and the other,

on both. The reverse was the fact. The right honourable gentleman and he knew each other intimately, before either of them commenced their political career or were in parliament. Their private friendship had continued uninterrupted ever since. It had been constantly warm and sincere, notwithstanding various occasional differences in debate on public measures. He believed he knew the circumstance, to which the noble Earl alluded, when he supposed a cause of difference or division of friendship had been publicly given by him. The circumstance happened before the noble Earl was a member of either House of parliament. In a speech that he had at that day delivered, in the House of Commons, it happened that the right honourable gentleman had for a short time quitted the House, and a part of his argument having probably been misconceived by a member of the House, but whether misconceived or not, he went up stairs to the room in which the right honourable gentleman was, and malevolently misrepresented what he had said, and gave his argument a turn directly opposite to his meaning. The misrepresentation was immediately communicated to him, and the first opportunity that offered, which was before the right honourable gentleman returned, he took to explain and set the matter right. The right honourable gentleman was perfectly satisfied, and their friendship had been as whole and entire from that evening, as ever it had been before. With regard to the other point, mentioned by the noble Earl, which called for some reply, viz. the circumstance of his having treated Dr. Franklin harshly before the lords of the Privy council, he had more than once explained it. He on that occasion stood not in the character of a legislator, not in the character of a member of either House of parliament, but in his professional character as an advocate. The ground of the charge which he urged with all the possible force in his power, as it was undoubtedly his duty to urge it, was, that he was instructed to press a fact upon Dr. Franklin, of which there was not the smallest doubt, namely, that certain letters had been actually stolen out of an escrutoire and made use of as engines of political purposes. It was his duty, in the situation in which he stood, to do every thing to attain the object of his clients. He had no scruple to confess, that he did all in his power to provide an explanation. He made the charge to his face, in his presence, and with every exertion he was master of, or that his ingenuity could suggest, but without effect. The fact was, the doctor well knew to what he alluded, and though the charge was made home, and in the strongest

strongest manner, no answer was put in. Their lordships would hold in their recollection that he did this in pleading, that it was his duty, as a counsel, to do it, and that he avowed, he did it purposely with all possible energy. After slightly touching upon other topics, that had been adverted to, in the course of the debate, his Lordship concluded with saying, that he had no thanks to return to the noble Earl, because what had fallen from him was what he expected, but there were some men of whose obloquy he should always be proud.

The Duke of Portland presented an address from Leeds in favour of the two Bills.

The Marquis of Buckingham also presented one from Buckinghamshire. Adjourned.

HOUSE OF COMMONS.

TUESDAY, December 1.

The Deputy Usher of the Black Rod delivered a message from the House of Lords, requiring the attendance of the Commons, to hear his Majesty's commission read. The speaker having accordingly attended, on his return informed the House, that the royal assent, by commission, was given to the Bill to prohibit the exportation of starch and to lower the duties on the importation of candles and soap.

CONVENTION BILLS.—CASTLE-BAYNARD WARD.

Sir W. Scott presented a petition, signed by a number of the inhabitants of Castle-Baynard ward, in favour of the two Bills, known by the name of the treason and seditious meeting Bills.

The learned gentleman observed, that the House would recollect that a petition had been already presented to the House against the Bills. It had been stated, that the petition already presented contained the sense of the inhabitants of that ward. That statement was certainly not the fact, as the petition he held in his hand would fully prove. The former petition was signed, it was true, by 196, and the present petition was signed by 100. On examining the signatures subjoined to the former petition, it would be found that out of 196, 132 had only signed, who were satisfied with it, which left a decisive majority in favour of the petition he was about to present.

Mr. Fox said, he despised misrepresentation as much on one side as the other; because, however misrepresentation might

serve the present purpose, it would not continue to deceive. He did not mean to impute an improper motive to the learned gentleman who presented the last petition, and would take his word as soon as any person's he knew; he had not, however, heard that learned gentleman declare, that the petition he had just presented was obtained in the manner in which he wished to see all popular petitions obtained, namely, at a public meeting. He considered a public meeting for that purpose preferable to any other, because many who came to a public meeting would vote according to their conscience, although they might otherwise be tempted to be influenced by motives of inferior consideration. At the same time, he did not wish by any means to throw the slightest reflection on any body of men who might happen to differ from him in opinion on any public subject, his own opinion was, that such was the tendency of the Bills, that, if no attempt was made to disguise them, an Englishman could scarcely be found to sanction them; this was what induced him to think that misrepresentations alone could procure signatures to petitions in support of Bills that went to the immediate subversion of the constitution. He was far, he said, from being surprized that petitions of this kind should be procured in consequence of the inordinate influence of the crown, his surprize was, that petitions against the Bills should find their way to the table from some places that he could name. Such petitions, undoubtedly, did great credit to the good sense and public spirit of those that signed them. The learned gentlemen had stated that the petition from Castle-Baynard Ward, presented by an honourable gentleman, (Mr. Crespigny) contained 196 signatures; but the real number was only 132, because the rest had not a right to sign it; and the petition (Sir W. Scott's) which he was about to present, amounted to 166; and this the learned gentleman called a *decided* majority. If the learned gentleman wished to come to issue on that *decided* majority, he was ready to join them; and in order to determine the fact, the best way would be to move for a Committee for that purpose. This mode was adopted in the course of last session, in the disputed petition from Carlisle; the Committee did not report on that question, as Carlisle was at a great distance to bring witnesses to the bar of that House; but Castle-Baynard was not hands, and he challenged the learned gentleman to meet him in a Committee on the question. If the majority of the inhabitants of Castle-Baynard was in favour of the Bills, why did they not attend the public meeting, which was regularly called to take the sense of the inhabitants on that subject? This, in itself, *prima facie*, was a strong

strong presumption that the majority was not in favour of the Bills.

The petition was read, and ordered to lie on the table.

Sir W. Scott replied, that his assertions were supported by the best enquiries, which he had made on the subject, no signatures could have been obtained, there having been no solicitation whatever; and he had no possible objection to prove his allegations in a committee, if required.

The Petition was read, and ordered to lie on the table.

POOLE.

Mr. M. A. Taylor presented a petition from the Merchants, Traders, and Inhabitants of the county and town of Poole, against the Bills. *Mr. Taylor* said; when he reflected on the influence of the Crown in almost every seaport, it was in some measure astonishing that petitions of the nature which he held in his hand should find their way to that House; nay, what was still more surprising, that they should be so numerously signed without any solicitation. The moment the Bills in question reached Poole, the inhabitants were determined to shew their pointed disapprobation of them. The meeting was regularly convened, the sheriff on the chair, and though numerously attended, the utmost order and unanimity prevailed. The signatures to the petition were of the first respectability. The number of electors in the town of Poole amounted to 120; but the inhabitants to about 5000, including the vicinity. A large portion of both classes had signed the petition, which was read, and ordered to lie on the table.

CHICHESTER.

Mr. Thomas presented a petition from the Inhabitants of Chichester against the Bills. Read, and ordered to lie on the table.

SPITAL-FIELD WEAVERS.

Mr. Sheridan presented a petition from the Weavers of Spital-fields, Bethnal-Green, and the neighbourhood, against the Bills. Read, and ordered to lie on the table. The signatures amounted to between two and three thousand.

DISTILLERY BILL.

Mr. Rose moved the Order of the Day, that the House do resolve itself into a committee of the whole House, to prohibit, for a time to be limited, the Distillation from Molasses, &c.

Sir

Sir John Sinclair presented a petition from Messrs. Baker and Martin, at Greenock, and Messrs. Pemberton, at Glasgow, the only distillers of spirits from molasses in Scotland, which stated, that they had paid 5430*l.* to government for a license to distill spirits from molasses, and that they had entered into large contracts upon that account; that they used only eleven puncheons of molasses in a week, and that they were ready to prove that molasses was not an article of contumption in Scotland. They, therefore, requested to be exempted till they had worked off their stock in hand, or to have the duties reimbursed, since it would otherwise tend to their bankruptcy, and the ruin of their families. The petition was referred to the Committee.

The House then resolved itself into the said committee, Mr. Hobart in the chair.

Mr. Rose said he had no doubt that the petition presented by Sir John Sinclair, contained a true statement of facts. He should, therefore, move a clause to refund the duty the petitioners had already advanced. It was his wish to grant every indulgence consistent with the views of the Bill, but if the prayer of that petition should be acceded to by the House with respect to times, it was not easy to foresee the consequences. Distillers from this country might go to Scotland to enjoy the benefit of it.

Mr. W. Smith said, the inconveniences arising from the prohibitions of the Bill, were as heavily felt by individuals in London as in Scotland, he hoped, therefore, that if indulgence should be granted to one party, it would not be refused to another; and that if distillers in this country had advanced any duty, it would be refunded in the same manner as it was proposed to be to the petitioners.

Mr. Rose replied, that in Scotland the duty was annual, in proportion to the size of the still; in this country it was on the consumption. He should propose that the distilleries should cease in this country from the 11th day of December inst. and in that part of Great Britain called Scotland, on the 19th of December instant. The blanks being filled up with these dates, and other provisions agreed to for contracts, &c. the Report was ordered to be brought up.

ARMY ESTIMATES.

General Mackenz said, he had looked that morning over the papers, which had been laid on the table the preceding night, relative to the army estimates, and found so many things questionable in them, that they ought, for the information of gentlemen

lemen on a subject of such importance, to be printed. He therefore moved, that they should be printed, which was agreed to.

POOR.

Sir W. Young brought in a bill to enlarge the powers of the ninth of George the First, for the purpose of occasionally relieving the poor at their own houses, under certain circumstances, and in certain cases. Read a first time, and ordered to be read a second. *Sir William* said, it was his wish, if the House should agree to the second reading of the bill, to move that it be printed, that gentlemen might turn the principles and provisions of it in their mind, before it went into the committee.

BOARD OF AGRICULTURE.

Sir John Sinclair gave notice, that, on Friday, he proposed to call the attention of the House to a subject of great importance. He need not remind gentlemen, that the House had addressed his Majesty to give directions, that a Board of Agriculture be erected; that Board had been erected accordingly, and employed in promoting the political welfare of the country. At the last meeting, the members of that institution had come to several resolutions, and, amongst the rest, they resolved that the President be desired to move in that House for a Select Committee, to take into consideration the state and improvement of the waste lands of this country. In pursuance, of that request, it was his intention to move for that committee on Friday.

GLASGOW.

Mr. Erskine presented a petition against the Treason and Seditious Meeting Bill, from several inhabitants of the city of Glasgow. *Mr. Erskine* said, he wished to avoid any thing that bordered on misrepresentation, in consequence of which, he would not say that this was a petition from the merchants of Glasgow. He should just state it as the title stood at the head of the petition, which ran thus: "We the undersigned merchants, manufacturers, traders, &c." The petition he held in his hand was signed by ten thousand and upwards; the list was truly respectable. He understood there were three counter petitions preparing in Glasgow, and daily expected to be presented to that House. The first, as he understood, was from the Provost, Magistrates, and Town Council of Glasgow; the second from the House of Trade; and the third from the Merchants, &c. of that city. As to the first class, it was, as far as his information could carry him, composed of 36 individuals,

divisionals, who elected one another; the second consisted, he believed, of the same number, and were considered as the representatives of 500 merchants. As to the third class, which laid on the table, gentlemen would then have an opportunity of comparing the signatures with those subjoined to the petition he held in his hand, and he was not afraid to shrink from any comparison, either as to number or respectability.

Mr. Secretary Dundas was happy that he had then the last petition to present, which the learned gentleman had mentioned; and the other two, he observed, had already been presented. The first was from the political representatives of Glasgow; and the other from the Guilderie; which, the learned gentleman must have known, consisted of the whole body of merchants and traders in Glasgow; as the Guilderie of every borough was the house of trade throughout Scotland. When the House had received the third, they would find that the petitioners considered themselves the great body of respectable inhabitants in Scotland. Mr. Dundas accused the people on the other part of misrepresentation: they had summoned the inhabitants of Glasgow to sign petitions against the bills by beat of drum; stating, that if they passed into a law, they would totally annihilate their liberties; and insinuating, that religious societies could no longer meet; that the surviving friends of deceased persons could no longer assemble in any large number at a funeral; and that all festivals would be subject to the same restrictions. It so happened, that the inhabitants of the town of Glasgow, who were severe and rigid people, and accustomed to assemble in large bodies at funerals, to pay the last honour to the dead, were deceived by those misrepresentations. All the bills were explained unto them, when those who were disposed to live quietly, drew up one petition, praying that the bills might be passed into laws; and, in another, that their names might be fairly investigated, and that they might be allowed to live in their usual places of abode.

Mr. Dundas said, he did not pretend to be intimately acquainted with the laws and customs of that part of his native country; but he believed he ran very little danger of being contradicted, when he repeated what he had just stated. The right honorable gentleman (Mr. Dundas) had called the Provost, Magistrates, and Town Council of Glasgow, by the pompous title of political representatives. The fact was, their number amounted to thirty-six only; and the number of the Guilderie no more. The former elected each other; the latter were stated to be the representatives of 500 merchants;

chants ; but he believed there was as little communication betwixt the representatives of that body and their constituents, as they were called, as there was betwixt another body, which he could name, and their constituents. With regard to a drum being beat through the streets, to tell the people, if the bills in question passed into a law, their liberties were extinct from that moment, was there any misrepresentation in that ? No. Alas ! it was too true. With respect to the prohibition of relatives and friends from attending a funeral, perhaps the person that told them this, meant to say, that in a short time, they would, as mutes attend the constitution to the grave.

Mr. Erskine added, upon the authority of Mr. Oswald, that the 36 Persons of the Guilders were a select committee out of the 500 Merchants, and that the names of many of those 500 Merchants who constituted that committee were subscribed to his petition.

Mr. Fox said there was no man more desirous to give weight, and the most respectable attention, to men of property, at all times, and on all occasions, than he was. If, however, there ever had been a period when an exception to that rule was demanded, that period had arrived when those distinctions should be avoided, that drew invidious separations between the higher and lower orders of society. He cautioned those in power to beware how they promoted a system calculated to unite the rich against the indigent. This, theoretically speaking, was bad ; practically, it was dangerous and ruinous. Nothing in his mind could tend more to affect the well-being of the state. Whatever means might be taken to stifle the voice of the people, the rich would still enjoy that intercourse, and the power of stating their grievances, and calling for redress, while the poor would be precluded from the means of approaching the higher powers. Who, then, would say, that the poor were not more interested than the rich, in objecting to laws that excluded them from redress, and prevented them from enjoying those equal benefits, resulting from our laws, the eternal theme of ministers. The government of the country was not less valuable to the lower than to the higher orders of the people ; and he was concerned to find such a tendency on the opposite side of the House to enforce such distinctions. These bills deprived the poor of their natural share in the government ; while the rich, by their influence in elections, and their controul over corporations, would gain that easy access, at all times, to state their grievances, and demand redress, which the poor could not obtain. So far he was desirous to give weight to men of property ;

party; but still he would repeat, that the poor, in the present instance, were more immediately and particularly interested. Gentlemen talked of misrepresentation; he had received a hand-bill, that had been conveyed through the General Post Office to the mayor of Caermarthen, which went to a complete misrepresentation of the bills; it stated, that they were perfectly harmless, and would by no means trench on the liberties of the people. As the bill stood at present, benefit societies were not excepted. It was said, that meetings by the sheriff were also excepted; it depended, however, on the will of the sheriff whether he would or would not call those meetings. He would not attribute this to government, it might be done without their knowledge, by their agents, but it contained a series of the most gross misrepresentations in favour of the present measures that could possibly be invented.

Mr. Sheridan, in allusion to the advertisement read by *Mr. Fox*, said, that the Post Office was made the *head quarters* for disseminating the misrepresentations and multitarious libels of government, the expence of which was paid by the public money. If such measures were countenanced by government, it was a matter of a very serious nature; and when he received better information on the subject, he would urge it as a matter worthy of Parliamentary investigation. He next adverted to what had fallen from a worthy magistrate, (*Alderman Anderson*) on a former night, who brought a charge against the persons who requested him to call a meeting of the Ward of Aldersgate, namely, that they wished to displace *Mr. Pitt* to make room for *Mr. Fox*. A public contradiction had appeared in the public prints, signed by four of the persons who waited on the honourable Alderman with the requisition, and they had positively stated, that not a word on such a subject was uttered. He must treat the circumstance, therefore, as a levity, similar to that which the honourable Alderman mentioned with respect to the Duke of Bedford, and the idle tale at the turnpike gate. Such misrepresentations, *Mr. Sheridan* said, were unworthy of an Alderman and a Magistrate; he hoped, however, the Hon. Alderman would have the candour and fairness to state the particulars of the interview with his constituents.

Alderman Anderson, in reply, said, he had seen the advertisement in a morning paper; signed by four gentlemen, which was artfully drawn up, merely to misrepresent, and with a view to insinuate, that he had delivered a sentiment contrary to the truth; he despised them and the advertisement. He did not
state

state that the conversation passed when the parties waited on him with the requisition. He told them at the time, that they wished to take him by surprize; on the next day, one of the persons told him what on a former night he had mentioned; this was the real state of the case, he declared upon his honour, and he hoped it would be deemed satisfactory.

Mr. Sheridan presented a petition against the bills from booksellers, stationers, printers, and paper-makers, who conceived that, if they passed into laws, they were so immediately connected with the liberty of the press, as to threaten their bankruptcy, and the ruin of their families.

The Attorney General wished this question to be debated and decided how justly the bills could be said to touch the liberties of the press.

A petition from the aldermen and clergy of the borough of St. Alban's, praying for measures to prevent seditious meetings, was presented.

Mr. Henry Thornton presented one to the same effect from the inhabitants of the borough of Southwark. When the inhabitants were convened on a former occasion, he said, 5000 people were assembled in the town hall, and the majority in favour of a petition against the bills was so great, that, according to the report of some people, there were 4 and 5 to 1; and, in the opinion of others, 7 and 8 to 1. That meeting, certainly, was not otherwise tumultuous than any other meeting in a town hall; and, therefore, though of a different opinion himself on the nature and necessity of the bills in question, and believing that a representative was not always bound to adopt the sentiments of his constituents, he thought their general sense was decidedly against the bills, and trusted to a future opportunity for explaining his dissent from them to their satisfaction. It was with no small pleasure that he then informed the House he was able to judge of the general sense of his constituents with accuracy; and he found, from experience, of three parishes out of five, that the majority admitted the necessity and approved of the construction of the bills. The way in which he deduced this opinion was from the following facts. Some gentlemen had prepared the petition which he then presented, and waited on the inhabitants at their own houses. Two thirds of the inhabitants declined all interference, but left it to the care of their representatives; many of them were not at home when the gentlemen called, who never made a second application, and the remainder were of opinion in opposition to the bills. Yet in St. Mary Overy's parish, out of 500 householders, 250 had signed the present petition; in St.

Saviour's, out of 230 householders, 120 had signed it, and in St. Olave's, 59. The petition contained 720 signatures, and there never were more than 1800 electors; so that one half of the whole of the housekeepers of Southwark, paying scot and lot, that is, high and low, excluding those who pay no taxes, might be said to be in favour of the bill.

Lord John Russell did not rise to object to bringing up the petition, but he wondered how the honourable gentleman could state that petition to be the general sense of the inhabitants, or allow it to be a decided majority, even if the electors were no more than 1800; though Lord John Russell had heard them computed at 2000. There was a material difference, however, he observed, in the manner of signing the two petitions. The petition just presented was only signed by three parishes out of five, after preparation, opportunity, and individual application, while the other was voluntarily signed in the space of twenty-four hours only, by upwards of 800.

LIBEL UPON THE HOUSE.

Mr. Sheridan presented the Report* of the Committee appointed to enquire who was the author of a pamphlet entitled, "*Thoughts on the English Government.*"

The Report was ordered to be read. After which

Mr. Sheridan rose, he said, to move, that the report should be laid upon the table, but the Speaker informed him, that such a motion would preclude him from making any subsequent motion for fixing a day for the consideration of the report.

Mr. Sheridan said, that it was his wish that gentlemen should have some time for the examination of the report. His own view of the fact was, whether it could be brought home to a man in the situation of Mr. Reeves, and connected, as he was, with the administration of the country.

He concluded by moving, that the report be printed, and taken into consideration on Friday, December 4th.

The Chancellor of the Exchequer submitted it to the House, whether there was a necessity for entering into a consideration of the report so early as Friday. Upon the doctrine contained in the pamphlet, the House had already declared their opinion. It was true, that questions of privilege were generally discussed as soon as possible; but as the House had already argued the subject, he conceived that the House might exercise its discretion with respect to the period when the report should be considered.

* Vide Appendix.

sidered. As some important business stood for Friday, he wished that the report should not be taken into consideration till Tuesday, the 8th.

Mr Fox stated, that Tuesday was fixed for the call; and that the report of the budget would probably be presented upon that day. The important business fixed for Friday might not, he suggested, occupy much debate.

The *Chancellor of the Exchequer* declared, he did not desire to delay unnecessarily the consideration of the report.

After some farther conversation, it was fixed that the consideration of the report should be the second order of the day on Friday the 4th. The report was ordered to be printed in the mean time.

BILL FOR SUPPRESSING SEDITIOUS MEETINGS

The order of the day, for receiving the report of the Committee on the Bill for prohibiting seditious meetings having been read.

Mr. Fox said it was not his intention to debate the general principle of the Bill with the modifications it had undergone in the Committee in that stage of it. He wished, however, that the House should, if possible, understand it. He declared he had perused it with attention, and he was ready to confess, that he did not understand it; and from what had fallen from a learned gentleman that day, respecting political lectures, he was inclined to believe that the framers of the Bill did not understand it much better than himself. He particularly complained of the ambiguity of that clause which included within the operation of the act, "every house, room, field, or other place, which shall be opened and used for the purpose of delivering lectures, or publicly debating, &c. whether such house, room, field, or place, shall be opened and used for any such purpose alone, or for any such purpose together with any other purpose, or under whatever pretence the same shall be opened and used, to which any person shall be admitted by the payment of money, or by tickets sold for money, &c." Mr. Fox said, he considered this clause as including every house where money was taken for admission, and consequently that political debates, either professedly, or incidentally, were introduced. If so, it would reach to every society; for example, the Whig Club, of which he had the honour to be a member, met at a tavern, and paid a certain annual subscription, partly for the use of the house, and partly for incidental expences, would, or would not, the tavern, under the present provision of the Bill, be liable to be pronounced a disorderly house, and incur the penalties of the Bill? The provisions of the Bill would attach

on such house the same as on a house where money was taken for political lectures; in both money was taken for the accommodation of the company. The same observations would apply to all societies composed of the lower orders of the people for the most laudable purposes, if they incidentally introduce politics into their conversation. He called on gentlemen on the other side to state on what principle of policy this restriction was to take place. No meeting, to discuss the propriety of cutting a navigable canal, could be held at an inn in the country, where money, on such occasions, was usually taken for the use of the room, although politics did not constitute a part of the conversation, without the landlord incurring the penalties of the Bill. It might be said, that innkeepers, &c. might qualify themselves by taking out a licence, the same as political lecturers: he would submit it however to the justice of the House, whether persons contributing so largely to the revenue ought to be oppressed with additional burthens, especially when their houses were not opened or used for the express purpose of political discussions, and whether they ought to be subject to punishment in consequence of any topics of a political nature being incidentally introduced by the persons who frequented, or casually dropt in at a meeting convened for any special purpose? The House ought clearly to understand the import of the words, that they might know on whom the Bill would attach. To him it was obvious, that it would include some whom the framers of it would he believed, wish to exclude, and it would likewise exclude others whom they, he took it for granted, wished to include.

The power of discrimination might perhaps be left to the magistrates: it was, however, impossible for them, who were too often illiterate persons, to put the proper construction on an act of parliament, which the legislature themselves did not comprehend. To invest them with discretionary power, was dangerous in the extreme, and it surely never could be the policy of this kingdom, to suffer them to dissolve meetings for the improvements of arts and sciences, which, under certain circumstances, they would under the Bill be empowered to do. He did not state these things with any view of shewing that he approved of any thing in the Bill, he detested the principle of it; he stated them for the purpose of knowing in what light they struck the authors of the Bill, in order that the way might be cleared for a debate on the third reading, and that he might not be entangled with perpetual recurrence to the provisions of the Bill, when he should come to oppose it on the third reading. In short, he wanted to know of the promoters

promoters of the Bill, what it was which the Bill would, and what it would not, prohibit?

The *Chancellor of the Exchequer* denied, that, according to the natural construction of the words in the Bill, any of the inconveniences pointed out by Mr. Fox could occur. If the magistrates abused the discretion reposed in them, the party aggrieved would have the right of appeal to the superior courts, where the proper construction would be put on the wording of the Bill, and if there appeared a misapplication of the sound discretion which it was their duty to exercise, punishment would of course attach on them. The expediency of the measure had already been discussed, and the house had agreed on the necessity of checking that torrent of licentiousness which threatened to sweep before it every thing that was valuable in the constitution. If more latitude was given to the persons whose conduct justified the restriction, it would open the door to evasions, and thereby render the provisions of the bill nugatory. It had been asked, whether every house, where political subjects might be introduced incidentally, was to be deemed disorderly? This would be a fit question for the consideration of the magistrate, who would, no doubt, discriminate between a house where a meeting was convened for one purpose, and another carried on. The bill must comprehend that in its perview and provisions, or the clause be altogether lost; and a specific regulation made against lectures and debates. He declared he was not aware of any other line of distinction that could be drawn; if, however, gentleman, in opposition, who had not deigned to give their assistance in the committee, would now suggest any amendment, or propose any practical distinction, the House he was persuaded would listen to it with pleasure. As an individual member of the House, he had no difficulty in declaring, that the provisions of the bill were equally well calculated to restrain the progress of sedition, and to protect the innocent from oppression.

Mr. Fox took notice that the Right Honourable Gentleman had admitted it to be a matter of difficulty to restrict in the particular cases, and he himself thought it an impossibility: as he did not set his eyes to combat impossibilities, he should recur to his former objection upon that part of the clause in which the words stood, "and under whatever pretence;" he declared himself by no means satisfied with the reply his question had received. The fact was evident, the gentlemen on the other side did not understand it themselves; and, in the name of common sense, could there be a greater absurdity, than

than to refer that to the discussion of a magistrate, when the House, that passed the bill, did not themselves understand it? What was this but saying, We pass laws; but we leave you to explain them. He should incidentally remark upon the universality attributed by the Chancellor of the Exchequer to the sentiment of intolerable grievance, resulting from certain political lectures. He, for one, saw nothing like this sentiment existing, although certainly he had no predilection in favour of political lectures. After considering a variety of cases that presented themselves to his mind very powerfully; he could not but object to the provision, which left it in the discretion of the magistrate to pronounce upon the degree of innocence of intention by which meetings eventually political might be suffered in houses opened for other purposes. He again therefore pressed for some fair and candid interpretation upon the subject from the other side of the House.

The Attorney General declared, he could not bring his mind to conceive that his words could be tortured to the sense gentlemen had been pleased to give them. He wished to call to their recollection a law framed by a learned gentleman of great abilities in the year 1781, (Mr. Mansfield,) for preventing public meetings on the sabbath, professedly for explaining the scriptures, but really for certain wicked purposes. That act, liable as it undoubtedly was to all the objections that had been urged in the present instance, passed with the concurrence of the right honourable gentleman and both Houses of Parliament. It was plain, that, if any meeting was held for the express purposes prohibited, it became punishable? If on the other hand a meeting was held expressly for another purpose, but really for any of the prohibited purposes, ought it not to be equally punished? Gentlemen might have suggested, if they were so inclined, amendments; instead of pursuing that regular parliamentary method of amending any clause of the bill, that they might consider to require modification, they opposed the whole, on account of a single objection to a part of it. He wished the House to consider, whether this partial grievance was to supersede the public advantage arising from the prohibition of the mischief.

Mr. Sheridan said, nothing that he had heard removed the objection taken by his right honourable friend; with regard to the act quoted by the learned gentleman, it did certainly not apply in the least to the case in point; the learned gentleman was inaccurate when he stated that it passed without objection; Mr. Sheridan well recollected, that at the time, he had himself opposed the bill as too extensive in its provisions,

sions, and too liberal of its construction. In respect to the clause alluded to, although gentlemen could not expect him to take any great delight in amending their bills, and he did not know whether he would if he could, yet he pronounced the present bill to be one which it was impossible to amend. As far as he understood it, it went absolutely to the prohibition of all political discussions whatever, and he believed was intended by its authors to do so: he therefore wanted a distinct answer to a plain and simple question; Would such an institution as the Whig Club, for instance, be suffered after the bill passed to assemble without a license? Or would Mr Reeves's Association, or the meeting at the St. Alban's? There never could be, in fact, Mr. Sheridan said, any meeting whatever, how usual so ever they might have been, and on whatever diversity of motives assembled, but, if politics were once introduced, from that moment the houses were disorderly houses.

Mr. Anstruther said, that if he understood the objection, it was, that if clubs or assemblies, however innocent in their nature, and different in their object, incidentally fell into debate on political subjects, they would be comprehended under the clause. He did not think, however, that that was the case; if a club, professedly for an innocent purpose, admitted discussions of a political nature under that pretext, they should in his opinion be stopped. The question then came to this, if the object of a meeting was directly political, there was no doubt; and if a different profession was abused, there was warrantable occasion for the discretion of the magistrates to interfere.

Mr. Grey said that his honourable friend's (Mr. Fox) objection, had not been fairly met; if a meeting did in fact take place, where political discussions arose, it would come under the bill as it stood, since there was no intension in it of the pretence of the meeting. Were there to be a county meeting, called for the purpose of petitioning against privance, at any inn, where each person paid for his proportion, the discussion of the business of the meeting would come under the words of the bill, and without a license the house would be liable to be considered disorderly. "Peace" was a word of very general description and wide extent, and might include every species of meeting on general topics. On his side of the house, he said, it had been maintained at first that friendly societies would be subject to it, as "meetings on any pretence, where politics might be debated," were forbidden.

but these words, "any pretence" had been since put out, which confirmed him in that opinion. Every other meeting, lectures on law, or any other subject, would be comprehended; and where money was taken for admission into a room where politics became the topic of conversation, the bill would interfere.

Mr. Ashruther said, he saw that he had been misconceived. He meant, if a meeting was *bona fide* for one purpose, and *de facto* for political discussion, that it ought to come under the prohibition.

Mr. Sheridan desired from the learned gentleman an answer to the question, Whether a tavern-keeper suffering a meeting, such as the Whig Club, to be held, would the master of the house be obliged to take out the license?

Mr. Mainwaring, in consequence of the great difficulty in the restriction, confessed by the right honourable the Chancellor of the Exchequer, was induced to move a proviso, that the masters of victualling-houses, ale-houses, and other places of public entertainment, should not be liable for the consequences of such debates or discussions as might unadvisedly arise in meetings held for very different ostensible purposes, and of which they could prove their having no sort of knowledge.

The Solicitor General reminded the House, that whatever might be the construction of this clause, it would, after all, remain for a court and a jury to determine upon it, and that therefore there was not that sort of discretionary power vested in a magistrate which had been supposed. He said, it was certainly not the object of those who brought in the bill to put winners and publicans under restrictions, or to harass them with penalties. In order to charge the master of a house with a penalty, it must be proved that these political or debating clubs were held with his knowledge; and that the original design of the meeting of such persons was for the express purpose of holding such political discussions; and where money was paid on admission, for that express purpose: before any master of a house could therefore be charged with a penalty, it must be proved that the meeting was held in it with his cognizance, and that the money was paid on admission, for the purpose of public debate. If a meeting or assembly was convened for one purpose, and converted to some other purpose than that which was intended, the master of the house was not in that case liable to the penalties of the bill. It would indeed be a most extravagant construction of the clause, that

a person should be made liable to penalties, because those present at a public entertainment, might be forced to hear things contrary to the professed intention of their attendance. It never could be supposed, that, because persons meet to dine at a tavern, and the conversation afterwards turns on political subjects, that therefore the tavern-keepers should be liable to punishment. Such severity would be peculiarly preposterous in penal acts, which must be construed by a jury; and, in such cases, the leaning both of the court and jury was always against extending the meaning of an act, and against including any person not directly within the purport of it. With regard to country or county meetings, where money was paid for the use of a room, he could not see how such a meeting could come within the meaning of the act.

Mr. Grey stated again the case of a meeting to require the magistrate to sign a requisition; and as the bill expressly said, that if any person or persons pay, or receive money, &c. he contended that such meeting came within the prohibition. Every person usually paid a shilling for admission; and hence it was clear, from the nature of their enquiry, that the meeting was prohibited by the bill.

Mr. M. Robinson said, he could only collect, that the Solicitor General was unable to give any clear opinion upon the bill, as he had not had it in his power distinctly to state his own opinion.

Mr. Powys said, he thought the discussion irregular, and that the grievance so much insisted on was merely ideal; but even admitting all that had been said by Opposition, he saw no objection to the passing of the bill. It was surely no great grievance for persons, having houses and places of public entertainment, to pay for an additional licence.

Mr. Powys then moved, "that the amendments of the committee be now read."

Mr. Fox said, that he was sure a gentleman, who could express himself as the honourable member that sat down did, so far from understanding the bill, did not understand the nature of the English constitution. That was a sufficient reason to induce him to wish to defer the consideration of the report, being persuaded that other gentlemen were in the same predicament with the honourable gentleman. He declared he was far from being satisfied by the answers he had heard from learned gentlemen; and that made him desirous of more time. He apprehended, that any society, such as met for innocent and convivial purposes, if they turned for a

troument to politics, were exposed to all the severities of the bill. It was not merely the master of the house, but the chairman, the toast-master, &c. who were liable to the penalty. No answer had been made to his honourable friend's case of a requisition; it was no answer to say, that the order and disorder was to be determined by a jury. Was the construction of acts of parliament, he asked, the province of a jury? He wished gentlemen to be explicit, and to say what they did mean to prohibit, and what they did not mean to prohibit; and, as he was aware that he should get no definite answer, from what he had already heard, he would move, as an amendment to Mr Powys's motion, that the word "To-morrow" be substituted in the place of "now."

Mr. *Shiridan* seconded the motion, and said, he would ask the seven learned gentlemen ranged in sable array over against him, whether or not, under the Bill, a house became disorderly as soon as political topics were introduced by any company assembled in it? He stated the hardships under which the publicans would labour, if they were forced to have a licence, which an honourable gentleman (Mr. Powys) considered so slight a grievance, as these licences would be given or refused, according to the whim or corruption of magistrates. A licence, for instance, might be given for Mr. Reeves's association, while the Whig Club, and the Friends of the People, might prevent the house where they met from obtaining a licence.

The Chancellor of the Exchequer declared, he could not see the propriety of delaying the consideration of the whole report, on account of any difficulty which had arisen as to a single clause. He said gentlemen on the other side ought to have contributed their assistance in amending the Bill in the Committee, instead of reserving their objections to that stage.

Mr. *Grey* reminded the House, that this discussion had arisen from a question put by his honourable friend, (Mr. Fox) to which several attempts had been made, without success, to give an answer.

The question being put on Mr. Fox's amendment, it was negatived without a division.

The Gentlemen of the opposition then left the House.

ORDER OF THE DAY.

The House then proceeded to take the Report of the Committee

mittee upon the Bill for preventing seditious meetings, &c. into consideration.

The Chancellor of the Exchequer said, that it was by no means the intention of the framers and supporters of the Bill, to lay the restraints represented by some gentlemen on meetings for signing requisitions, or on lectures, or other meetings that were not of the description which the House would unanimously pronounce to be intolerable, and utterly inconsistent with order and good government; namely, those seditious lectures on which men employed their talents in order to gain a livelihood. He had, in consequence of several suggestions, an amendment to propose, which he thought would obviate all difficulties: and he should be happy to hear any further suggestions in order to render it more perfect. In doing this, he observed that he was not departing from any part of the original design, but merely reconciling and adapting the Bill to the purpose for which it was intended. The amendment was to make a licence from the magistrates necessary "for any house, room, field, or other place in which a meeting should be held, or lectures delivered, discussing the laws, policy, or constitution of his kingdom, for which purpose money or any other valuable things, should be received from the persons who attended them."

Mr. *Stanley*, in consequence of the extensive signification of the words, law and constitution, proposed a further amendment to the objects of the meetings, by using the words "discourses or lectures tending to bring his Majesty's name and authority into contempt, &c."

The Chancellor of the Exchequer thought it would be a sufficient answer to this proposal, simply to state the awkwardness and absurdity of making a licence necessary to a meeting for bringing the King's authority into contempt.

The amendment moved by the Chancellor of the Exchequer was then agreed to.

The Solicitor General moved an amendment, to obviate the inconveniencies that might arise from the printers of newspapers refusing to insert notices for public meetings, and proposed that a notice, left with the clerk of the peace, should be sufficient for the purpose, which was agreed to.

He also moved, that to the words, "Lords Lieutenant of Counties and Sheriffs," should be added the conveners of counties in Scotland, which was also agreed to.

The Bill was then ordered to be engrossed and read a third time on Thursday, the 3d. Adjourned.

HOUSE OF LORDS.

WEDNESDAY, December 2.

LIBEL ON THE CONSTITUTION.

The order of the day being read,

The Earl of Altermarle claimed the indulgence and attention of the House pursuant to a notice he had the day before given. He said, he would state, as shortly as possible, the reasons that had induced him to cause their Lordships to be summoned upon the consideration of a pamphlet which he was sure all who read it must acknowledge to be a performance that required their immediate interference. The pamphlet contained doctrines directly hostile to the spirit of our constitution, and tending to alienate from the minds of the people their affection to it. It was also a gross and unwarrantable libel upon the privileges of the House. This not being a party question, nor a subject of discussion, (for no man in that House he was sure would rise to defend the doctrines it inculcated) he hoped, for once at least, their Lordships might come to an unanimous vote upon it. Much as he was averse to prosecutions in general for the publication of political opinions, he must, nevertheless, press for the condemnation of this book, inasmuch as, from the peculiar circumstances attending it, it formed an exception to the general rule. If the selection of a few passages only were brought forward, and those were not supported by the general context of the work, then he should say it was harsh to judge it in that mode: but if those passages were strengthened by the general and universal tendency of the whole work; if the doctrines inculcated were uniformly sustained by the whole chain of reasoning which the author used; and if, throughout, the intent of the author appeared evident and uniform, then they might be fairly quoted. If, also, they were merely the speculative opinions of an insulated political writer, and were left to the common modes of circulation, much excuse might be admitted. If, on the other hand, the pamphlet throughout was equally and uniformly an atrocious libel on the constitution; if it was one of the many libels circulated upon the same system; if it came from a person whose situation in the country and particular connection with government, gave it particular weight and influence in the country; then it became matter of serious consideration indeed; particularly as it was understood to contain principles not discordant to the

the sentiments of a nobleman high in office, under whose influence they might have been disseminated."

Under such circumstances as these, it became their lordships to use their power, and determine upon the libel. He should be well content to have the pamphlet read at length to their lordships, without offering a single comment; he was sure it would condemn itself; for the passages it contained were so strong, they were impossible to be mistaken; and their tendency so direct, that they would immediately fix the attention of the mind, and carry a conviction of their meaning. He would not, however, so severely tax the patience of their lordships; because, although it was a laboured, and artful work, it was wretchedly dull. To save, therefore, their lordships the trouble, he would endeavour to recapitulate the positions it maintained, and then read a few of the passages, by which they were endeavoured to be supported.

1. That the King alone makes laws. 2. That the other branches of the legislature are derived from the King. 3. That our liberties were granted from the King. 4. That the only object of the revolution was to secure us a Protestant King. And, 5. That the verdict of juries went for nothing.

In quoting the passages, he would not overstrain the sense of the author; indeed, they were so plainly expressed, that, when their lordships heard them, they must assent to their tendency. But if it should be objected, that he put a forced construction upon them, he would give up the point, and willingly refer to the direct tendency of the whole work. His lordship here read extracts from the pamphlet, "Thoughts on the English Government." The one which he considered to be the strongest, was that (commented upon so much in the other House of parliament) in which the author compared the English government to a tree, of which monarchy was the trunk, and the Lords and Commons the leaves and branches. The leaves and branches of the tree might be lopped off and thrown into the fire, and yet the trunk, though barren of its honours, would continue. So the kingly government would remain entire, though the lords and commons should be lopped off! This, his lordship said, was so directly the reverse of all the principles of the constitution, that it required no argument to prove it.

The revolution also only secured us a Protestant King; and the word was unknown to the English law, and must be displeasing to the King to hear of. "Good God! my lords, (said his lordship) can the mention of the revolution be unpleasing

pleasing to the House of Brunswick? That revolution which placed them on the throne which they now possess? Nay more, the author said, that the revolution had never been mentioned in the records of parliament, an assertion that proved the ignorance of the writer, as much as the other arguments he had stated proved his wickedness and his folly. The writer forgot that no longer since than the trial of Sacheverel, it was recognized by both Lords and Commons. In another passage, the author treated the Dissenters as a set of men who ought to be extirpated from the earth. And speaking of the late trials, said, "though they (the persons arraigned) were acquitted by the jury, yet they were condemned by the country." If this did not amount to make the verdict of a jury pass for nothing, he did know what did.

The Earl said, he could not conclude without taking some notice of the work of a fellow labourer in the same cause, (Mr. Arthur Young;) he treated the whole scheme of our liberty as resulting from the corruptions of our government; and there was prefixed to this (Mr. Reeves's) work, a dedication, shewing that they had embarked in the same cause, as it stated the good effect which must arise from the circulation of Mr. Young's book. In going through the work, his Lordship again declared, he had not overstrained or perverted any one passage; in proof that he had not done either, he was willing to rest the whole of his argument on the context of the pamphlet, and should content himself with laying the pamphlet on the table.

The Lord Chancellor said, it was necessary his Lordship should move something.

The Earl of Lauderdale, after a pause of a few seconds, rose and said, he believed his noble friend was perfectly in order by delivering in the book upon the table. His noble friend had so ably stated the seditious and dangerous tendency of the passages contained in the pamphlet, and had so fully established his charge against the author, of being guilty of the most audacious attack on the privileges of the house, that it would be superfluous in him to attempt adducing any thing further in support of his propositions. He conceived, the first impulse which Ministers ought to have shewn on the occasion was, their indignation against the libels and calumnies which they had just heard read against the dignity of the house, and the safety of the constitution. He had observed the usual whispering and gestures of his Majesty's servants, which had of late been the uniform practice when any subject was introduced by any noble Lord, who was not connected with

with them in politicks. Instead of having recourse to such manifestations of disapprobation, they ought to examine the journals of Parliament; they would ~~then~~ discover, that his noble friend was consistent and accurate in leaving the pamphlet before the house. He conceived, that where such violation was offered against the constitution, including such a gross breach of privilege, that Ministers would have risen with anxiety and alarm to wrest the business out of the hands of his noble friend, for the purpose of offering a motion on those passages on which he had animadverted.

The Duke of Leeds said, he did not think that the noble Earl had been disorderly by delivering the book at the table, or by any step he had taken; but he did imagine that, the House being summoned, it must be a disappointment to them that the noble Earl had not been prepared with some specific motion to bring forward. He owned he had expected either a motion of that sort, or that some noble Lord would have moved to adjourn.

Lord Albemarle rose, and moved, "That the said pamphlet is a malicious, scandalous, and seditious libel, containing matter tending to create jealousies and divisions among his Majesty's subjects; to alienate their affections from our present form of government, as established in King, Lords and Commons, and to subvert the true principles of our free constitution; and that the said pamphlet is a high breach of the privileges of this house."

Lord Grenville said, that he had been silent, because he expected the noble Lord had something more to propose to the House than merely laying the pamphlet upon the table. He did not mean to say that the noble Earl was wrong in point of order. With regard to the pamphlet, the only knowledge he had of it, was from something that had fallen from a noble Earl (*Lord Lauderdale*) in a former night's debate, when that noble Lord had read an extract from a book, the author of which he did not at that time know. With respect to the paragraph which had been read, he had no hesitation in pronouncing them to be scandalous, malicious, and as unconstitutional as any words that ever were printed or written. With regard to another part of the noble Lord's speech, he meant that in which he said that the supposed author of this pamphlet had been connected with, or under the influence of, his Majesty's Ministers, he must deny it on his own part; nor could he help feeling a considerable degree of surprize that it should have entered into the mind of any man, that his Majesty's Ministers would use their influence to circulate publications calculated

lated to alienate the minds of the subjects of this country from the government, when it was obvious that the people could never be more happy than while they preserved and enjoyed the present constitution, composed of King, Lords and Commons? He did not mean, in the present stage of the business, to enter much at length into debate upon it; but, on the point of order, he thought it necessary to state, that, it being matter of notoriety, that the House of Commons had taken up the business of the libel, and had proceeded a certain length in their enquiry respecting the author, which there was no doubt they would follow up by proper measures, he thought it would be extremely premature and extremely wrong if their lordships were to take any step in the business at present. The House of Commons had gone so far in their enquiry, that, in his opinion, it must lead to one of two proceedings; either of which would make it very awkward for that house to interfere. If the unfortunate author of the libel was to be impeached, their lordships would be prejudging his fate by any vote they might come to that evening, because he must, in case of an impeachment, come before them in a judicial capacity afterwards; the same objection would hold, if he was ordered to be prosecuted in another way, because it might then come before them in their judicial capacity, as the *dernier* and appellent Court of Jurisdiction. Having disavowed all knowledge of the pamphlet, the author, or the interference of Administration, in bringing forward so detestable a work, and conceiving that, from the proceedings of the other house, they ought not to interfere in a case where they afterwards might sit as judges, he would move that the house do now adjourn.

The Earl of Lauderdale said, when he expected an opposition to his noble friend's motion, he expected it upon some such grounds; however he was certain that no man in that house would dare to stand up and defend the libellous and scandalous doctrines contained in that book. He begged however to remind the noble Secretary of State, that, on a former occasion, viz. immediately previous to the introduction of a Bill for the suspension of the *Habeas Corpus Act*, when the same argument was used by noble lords in opposition to administration, it was treated as one deserving of no attention. Ought that house, in a matter which concerned their own privileges, to be bound by what was passing in the House of Commons, and while that house was engaged in endeavouring to protect their privileges to be altogether unmindful of their own? If they should come to the vote, it might be a good argument

ment in the other house why the impeachment should not be the mode of prosecution; but it came with an ill grace from a noble lord in that house. The noble Secretary must be well acquainted with Parliamentary forms; he must have intimately studied them, because he held a situation* in the other house which of necessity obliged him to it. Yet, if that noble lord, when in the chair of the other house, had declared them precluded from judging of their own privileges, by something which had passed in the Peers, he should have said that he very badly discharged his duty. It was making the privileges of one house depend upon the other. By the same reasoning, they were not in the least to pay attention to what passed in the other house, so as to preclude them from judging of their own privileges: and he again desired the noble lord to recollect his own answer to that argument, when the Committee was sitting to enquire into the supposed plots carrying on throughout the country. Was there not a Committee of the House of Commons then likewise sitting? Had they not then also come to a resolution upon that subject? And yet, when it was then urged, that they might, perhaps, be called upon to act in their character as judges, the argument was treated by the noble Secretary and his friends as nugatory and weak. He confessed, he acquitted ministers of having any hand in the circulation of these books; it was a folly too great to be imputed to them: they could never act so stupidly; and upon those grounds he acquitted them. There was however another matter, of which he did not acquit them. By their conduct, they almost enticed men to go the length of broaching such absurd principles. He could point out passages in other papers and works, expressly sanctioned by government, which very nearly came up to the present; at least they were a fair prelude to it. And when men found themselves sanctioned by attacking the principles of freedom, they might suppose, that the greater lengths they went, the greater satisfaction they would give to those on whose favour they depended. When there was a certain line of demarcation, and that only to be discovered by the person himself, it was no wonder that he mistook it, and so far he might be considered as rather worthy of pity than deserving of severe punishment. He was extremely surpris'd that the noble lord should have moved the question of adjournment, especially from some particular circumstances that had come out in reports, well known in both Houses of Parliament, and equally well known in the country. The author, or supposed author, for he never wished

* Lord Grenville, when Mr. Grenville, was Speaker of the House of Commons on the death of Henry Wolfran Cornwallle.

to criminate any man till he was found guilty in a legal and fair way, was stated to be a person in high office, in the confidence and immediate employment of government, and therefore it became those in administration to explain themselves upon that subject. Would it not look like a partiality and favour to a particular cause, the publick were in possession of the means of judging as well as their lordships: it had been pretty loudly rumoured, that a great number of these pamphlets had been sent to a person high in situation, which at least argued that the author supposed they were congenial to his sentiments, and would be sanctioned by administration. For these reasons he hoped the house would agree to the motion, and not agree to the adjournment.

Lord Hawkeſbury expressed his thanks to the noble Earl, and the satisfaction he felt at having an opportunity of contradicting a most false and scandalous report that a number of the pamphlets had been sent to him: this he positively denied; he declared, upon his honour, that he did not so much as know of the publication till it was noticed in the House of Commons, and then he bought it out of curiosity to see what the pamphlet was: he was certain that every one that knew him would acquit him of having any thing to do with the publication in question. He was sure, noble Lords must know, he could never countenance any doctrine which carried the least reflection on the government of King, Lords and Commons.

It might not be irrelevant to say something of Mr. Reeves, the supposed author. It was true, that he had been appointed Law Clerk in the department in which he (Lord Hawkeſbury) had the honour of serving the crown; and he was appointed upon the best recommendations, the recommendation of personal merit. He had written a history of the law of England, a work which evinced the powers of his mind, and was highly spoken of and esteemed by every lawyer, both on the bench and at the bar. Even supposing the book had been sent to him, or that he bought it, did it follow that he approved of the doctrines contained in the book? As well might it be contended, because he bought Paine's Rights of Man, that he approved of them. Of the present work, he would again repeat, that he knew nothing; he was perfectly unbiassed and uninfluenced as to the contents; he should however give no opinion whatever respecting them at that time; and for the reasons already urged by his noble friend the noble Secretary of State, he should support the motion of adjournment.

Ear?

Earl Spencer agreed with the noble Earl, who had spoken last but one, that in the House of Lords alone, the privileges of their Lordships ought to be considered, and he said, he would be the last man in that House to give up any of their privileges; in the present instance however, he saw great impropriety in coming to a decision. With regard to what a noble Lord had said of the conduct of ministers on a former occasion, it did not weigh much in his opinion. The object then was to come at a general and alarming conspiracy against the constitution and government; no individual was afterwards to be brought to their lordships bar, and the greatest care and caution were used: in respect to the present publication, he did not know of its existence till it was brought forward in the other house. The other noble lords had the advantage of him, as he had never read the pamphlet. It was certainly necessary that time should be given their lordships to read and to consider the work; of what he had heard that night read from it, there was much unconstitutional and offensive matter; but passages might be taken from almost any work highly objectionable while they were detached, but with the context they might be not only harmless but laudable. He was glad to see noble lords come forward to punish seditious publications; he could wish they had always done so, and noticed a variety of libellous works of contrary principles to the present: where people were violent on one side, it provoked the other, and that might be the case in the present instance. He declared his intention of supporting the motion of his noble friends.

Lord Mulgrave said, that, after noble Lords, who held official situations under government, had explicitly disavowed all knowledge of the publication before their Lordships, and after what had been insinuated about suspicion of the opinions of those who did not reprobate this pamphlet, he thought it would not be improper to give his opinion as a member of that House, but certainly holding no official situation with his Majesty's Ministers. The question before their Lordships was, whether it was proper to go into an enquiry on the subject of the privileges of that House at that moment, a question which he for himself had determined in the negative. The question might come before their Lordships judicially, in one form or other. The Commons might resort to the high tribunal of impeachment as the best mode of obtaining the ends of justice, and he hoped the House would feel the force of that argument. They would in a great measure prejudge the case in that view, if they then came to any vote upon the contents of

of

of the publication. With regard to the idea that such of their Lordships as were present ought instantly to have taken up the subject after the noble Lord had laid the book upon the table, he could not help observing, that to wrest the case out of the hands of the noble Lord who brought it forward, would have been incompatible with the decorum for which he trusted their Lordships' conduct would always be eminent. In taking the idea of an impeachment being brought before them upon this subject, their Lordships would do well to recollect the case of Sacheverel, the Commons had already adopted in the present case part of the mode of proceeding in Sacheverel's case; and if their Lordships prejudged the matter at present, they would involve themselves in a difficulty, and might get into an embarrassing dilemma. Should the Commons proceed by indictment instead of impeachment, there might in that case also be a punishment of the author of this pamphlet.

With regard to the former proceedings of that House when the *Habeas Corpus* act was suspended, his Lordship said he must observe, that the case was very different from the present; the two cases were very different in their nature. In the former case, it was necessary that a committee should enquire into facts, to collect information for the House, before it came to make a legislative provision upon the subject; in the present case no legislative provision was necessary.

With regard to the question of privilege, their Lordships had it in their power to take it up when they pleased; and it would not be wise in them, for the sake of saving a little time, to expose themselves to much possible inconvenience. Would their Lordships think it worth their while to run a race with the House of Commons, for the sake of a little vanity upon the point of privilege, when the real object of coming to a determination on the case, might be gained without it?

The Lord Chancellor having put the question, their Lordships divided,

<i>Ayes, for the adjournment,</i>	31
<i>Noes,</i>	2
	29

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, Dec. 2.

The report of the committee on the distillery bill was brought up, with the amendments, and read a third time.

The

The estimates of the ordinary and the repairs of the navy for 1796 were laid before the House. It was ordered, on motion, that there be laid before the House an account of the expences incurred by Duncan Campbell, Esq. for the maintenance of convicts on the river Thames. Also, that there be laid before the House an account of monies issued to W. Chinnery, Esq. for the maintenance of the convicts in New South Wales, and which have not been made good by Parliament. Also, an account of monies issued to J. Branstone, Esq. for the maintenance of convicts in Portsmouth and Langstone harbours.

It was also ordered, that an humble address be presented to his Majesty, that he would be graciously pleased to lay before the House, an account of all sums of money which have been expended in the public service, and not made good by Parliament.

It was ordered, on motion, that there be laid before the House, an account of monies incurred by carrying on the prosecution against Warren Hastings, Esq. and not made good by Parliament. Also, an account of exchequer bills which had been issued, and not made good by Parliament. Also, an account of debentures, which have been issued for the relief of the American loyalists.

PETITIONS FOR AND AGAINST THE SEDITIOUS MEETINGS AND TREASON BILLS.

Mr. Fox presented two petitions; one from the corporation, and another from the inhabitants, of Nottingham, against the bills.

Sir William Heathcote presented a petition from the freeholders of the county of Southampton in favour of the bills.

Mr. Byng presented the petition of the freeholders of the county of Middlesex against the bills.

Mr. Noel Edwards was desirous of addressing a few words to the House previous to his offering a petition, which he then held in his hand. At the commencement of this war, he stated, that his opinions and principles led him to vote in the minority against it. About that period the association commenced, of which *Mr. Reeves* was chairman, and of which, as he had always disapproved of it, he did not become a member. Nearly at the same time another society was instituted, for the purpose, as it was expressed, of protecting the liberty of the press. At the first meeting of this society he attended;

and

and, contrary to his expectations, was voted into the chair. Some resolutions were then shewn him, to one of which he objected; and it being altered according to his wishes, he took the chair of the meeting. Previous to the resolutions being put, he thought it proper to make a few observations; in which, when he expressed his abhorrence, and represented the dangerous tendency of the Rights of Man, as maintained by Mr. Paine, he perceived that his remarks upon the subject were received with a pretty general hiss, which gave him a very unfavourable opinion of the principles and disposition of the assembly. Soon after his retiring to the country, he received a letter from a society of the friends of the people in Scotland, with whom he was unacquainted, and addressed to him by the style and title of *citizen* Edwards, in which they thanked him for his concurrence in the sentiments of the meeting at which he presided, and exhorted him to support any measures they might propose. In defence of his character and reputation, he thought it necessary to publish a vindication explanatory of his conduct.

Respecting the present petition, he said that it was agreed to with the greatest unanimity by a meeting of the freeholders of the county of Rutland, convened by the sheriff, at the request of himself and others. He then presented the petition, which expressed its satisfaction at the happy escape of his Majesty, and prayed the House to take measures to prevent such outrages in future.

Mr. Fox wished to be informed whether any thing of the Bills then before the house was included in the requisition made to the sheriff?

Mr. Edwards replied, that he mentioned in the requisition nothing more than an Address to his Majesty.

Mr. Secretary Dundas presented a petition from the inhabitants of Glasgow and Newark, in favour of the Bills; also a similar petition from the magistrates and town council of Port Glasgow and Greenock.

The petitions were all ordered to lie on the table.

ARMY ESTIMATES

The report of the Committee of Supply on the Army Estimates was brought up.

General Smith rose, and expressed his surprize at the unprecedented account extent of expence with which the military establishment has been, and was to be still burthened.

He

He said, there had been the sum of 750,000*l.* brought to account as the savings in 1794 and 1795; he thought it was, therefore, high time to enquire whether the house would agree to such estimates, without enquiring whence such savings should arise. He observed, that the estimate for the extraordinaries of the army for the ensuing year, was larger, beyond all comparison, than for any former one. He thought it impossible to vote for such an estimate without farther satisfaction.

Whilst the country was engaged in a foreign war, and great establishments were necessary, no gentleman, he declared, was more anxious than himself that a sufficient number of troops should be raised; since, however, these troops either had been, or were about to be, recalled from the Continent he wished to know upon what ground it was, that ministers produced such an estimate, including 10,000 fencible cavalry. The expence of the army was enormous, while they had nothing to look to but general accounts. In the manner in which they were presented by piece-meal, no decisive judgment could be formed of them; nor did it appear whether the sums voted were justly and properly applied. He particularly objected to the charge for 10,000 fencible cavalry. The yeomanry cavalry were, in his opinion, sufficient, and any apprehension of French invasion was perfectly chimerical. He was not in the habit of speaking in disparagement of any individual; at the same time he could not help remarking, that it was somewhat extraordinary that gentlemen should be selected to be put at the head of large bodies of men, who had not had any experience in military affairs. It grieved him to hear the complaints of old officers, who felt themselves overlooked, and who ought to receive the just reward of their labours, by being preferred before the raw and inexperienced, (however respectable in other points,) who were without experience in military affairs, had seen no service, and who were taken from a line of life very different, and preferred before others, who had borne the heat and burden of the day. He therefore proposed, that the report of the committee be re-committed, in order that there might be time for further examination of the estimates. With respect to the Irish brigade, he wished to know whether the money paid to them was properly applied. A particular return of the expence of the Irish brigade ought to be made, that the house might be properly informed on the subject. He wished that the Secretary at War would bring forward at once an estimate of all the troops, that it might be

seen at one view what expence was incurred. As to the emigrant corps, he considered that also as a fit object of enquiry, how they were employed, and at what expence. In one regiment, of not more than 270 men, ninety serjeants were enrolled. At the moment when the service of these emigrant corps was no longer wanted, they ought to be disbanded. Taking all these things into one point of view, the subject required important and serious consideration, and he would therefore move that the report be recommitted, to give an opportunity of a more minute examination, which being seconded :

The *Secretary at War* said, the topics which the honourable general had insisted upon, were by no means immediately connected with the subject of the army extraordinaries, nor was the object of his motion in any degree to be obtained by the mode he wished the house to adopt. With regard to his first observations, he could answer that the money contained in the estimates of last year was not all laid out, the reason of which was obvious. In making out the estimates, it was the practice to state the sums required rather higher than lower than was supposed to be necessary, as it was much safer to err on the side of superfluity than of defect. Those who gave in the report, had no interest in misleading the house ; and he had stated the reason why they had acted in such a manner as to occasion the saying which the honourable general had remarked ; nor was it usual to give a more detailed account than that of which complaint had been made. To examine the necessity for the expenditure of the sums they granted, was undoubtedly the proper function of the house, and therefore they might wish to know why it was thought proper to keep up the fencible cavalry. This, however, was no reason why the report should be re-committed, since such an answer as would be necessary might be given without it. Upon a general view of the force of the country, the cavalry did not appear to be out of proportion to the rest of the army. It was also to be observed, that the augmentation of the fencible cavalry was not a new measure ; it had taken place before Midsummer last, and was made at a period when the situation of the country was relatively different. A reduction had taken place in this respect, the troop which consisted of 80 was diminished to 55 men. A great number of dragoons also were sent out of the country ; and, as it was necessary to keep up a certain force in the kingdom, it seemed to make little difference whether that force was composed of infantry or cavalry ; nor did he see that this force was larger than

than necessary. With regard to the Irish brigade, he could explain the matter as effectually as it could hope to be explained by agreeing to the honourable general's motion. They were a body of troops lent by Ireland, and paid in consequence of an arrangement by this country. They were troops raised in Ireland, and were destined for general service; and so far as they exceeded five regiments, which by that compromise were furnished, they were to be paid by England; though they were immediately connected with Ireland, and no returns brought to the War office here. The next objection was that respecting the fencible officers, the nature of which troops seemed to have been overlooked by the honourable general. His own opinion was, that those officers who had performed signal services to their country should not be forgotten; yet this was not an employment to recompense them. The men received no bounty, nor had the officers half pay, and the other advantages which the regular service afforded. The plan of employing men of large fortunes in their respective counties was more conducive to the public service; as they easily procured men; and the corps partook more of the nature of a militia than of regular troops.

The Emigrant corps were raised, he said, during the hottest action of the campaign on the Continent, and had done very essential service; regular returns, therefore, were not to be expected. The honourable General was mistaken, when he said, that they were at present of no use; they had been employed on very important duties; and having been recruited and completed, were embarked with the expedition to the West-Indies. The deficiency of men, in proportion to the officers, arose from the circumstances he had mentioned; viz. that they had been formed during the heat of the campaign, and no provision was made for filling up those who were *killed off*. (General Tarleton and others testified some dislike of the expression.) Mr. Windham said, he believed the phrase was a military one, and the truth of the account was perfectly obvious. So far as any reduction was proper, it had already been made. Upon the whole, he did not think there was any occasion for going again into the committee, to obtain the information at which the honourable general's motion aimed, he should therefore oppose it.

General M'Leod said, that from the papers he had moved for, he should have it in his power to shew that the honourable Secretary at War was not correct in his statement; and he would also prove that the mode which had been taken in the levying of men this war, was highly unconstitutional as well

as unnecessarily expensive. The fencible cavalry, notwithstanding what the honourable Secretary had asserted, received a bounty from two to five guineas a man. These troops had been given to members of this and the other house of parliament. He had no objection that the militia and such institutions should be so commanded, and that men of fortune and influence should be so employed; but regiments upon the establishment had been given to members of parliament for the disgraceful purpose of patronage and corruption. He did not wish to point out individuals, the fact, however, was undoubted. He knew many of these officers who never saw a shot fired, who even yet were unable to make their troops change their front, and were utterly unacquainted with military affairs. From the returns it appeared we had on foot the enormous establishment of near 220,000 men, of which there were 14 or 15 different species of troops; fencibles on various terms, volunteer corps, yeomanry, &c. &c. Such was the motley force of which the British army was composed.

With regard to the Fencible cavalry, he said, he trembled at the object to which they were to be applied. The Secretary at War, with that openness which distinguished him from his confederates, had said, and the same idea had been suggested by the right honourable gentleman, (Mr. Pitt,) that they were to be employed to maintain internal tranquility, which was simply this; that they were retained to overawe the people of this country. Having asked, why so much larger a force was thus kept up than was necessary for the defence of the country, he declined going into the subject farther after what had been stated by his honourable friend, (General Smith.) He mentioned the case of Colonel Bowles's regiment of cavalry, the horses of which had been bought at 25*l.* and sold for 8*l.* each. The volunteer companies spread all over the country, he conceived, had no other use than to afford an opportunity of making individuals captains who had never been in the army before. He stated, that the fencible regiments were more profitable than the Secretary at War had allowed, all the off-reckonings being pocketed by the commanders. On an average, every man who had been enlisted within these two years had, he said, cost government 66*l.* and this, on a computation, taken rather below than above the truth. The levies had been made by granting commissions to the various officers. In two years, the pay of all the officers amounted to 99,000*l.* and odds; then the half-pay to which the officers were entitled, at a valuation of their lives, was

was 33,000*l.* odds, and five to fifteen guineas given by government as a bounty, besides the commissions. From this statement, of 65*l.* a man appeared to be reasonably just; government, therefore, in his opinion, have done better to give a bounty at once, instead of the bounty they did give along with the commission. The army, in addition to this, was ruined; and, active as his Royal Highness the Duke of York, was, in endeavouring to repair the loss, it was impossible for any man in ten or fifteen years to bring it back to the state in which the present minister found it. Many old officers, of great merit and experience, were forced to sell out, or remain broken hearted under the command of raw unexperienced boys, who were promoted; and to this cause he believed some of the failures of the War might be attributed.

He owned he was alarmed when he saw troops collecting round the metropolis and that House. The measures which had been used in another country, when the Protestants were dragooned into a submission to the mandates of that tyrant whom the non-honourable gentleman seemed to imitate, were about to be introduced. Such were the expedients to which the right honourable gentleman was forced to resort, in order to stifle complaint, and to compensate for the loss of confidence. If he were to invoke the spirit of Lewis XIV. how would that Prince rejoice at the system of dragooning which was adopted in this country, and which he had so impiously practised in the persecution of the Protestants of France. The system of Lewis XIV. was dragooning those whom he thought religiously disaffected and ours was dragooning such as the minister regarded as politically disaffected towards him and his measures. The hand of God appeared to be against the Minister in the present war; Let them look at the catalogue of calamities that the right honourable gentleman's administration had entailed on the country. A war began by ambition, conducted with disgrace and incapacity, and likely to end in ignominy and dishonour. Pestilence had swept away numbers of our bravest troops; famine was at our door, and probably a civil war, to which accumulation of misery the desperate measures of the ministers would soon reduce the nation, if his mad career was not checked in time. He concluded with giving his support to the motion.

Mr. *Jenkinson* rose to state, that for the Fencible cavalry, as originally raised, there was not one shilling bounty-money given by government; the expence of raising these regiments in which there were many old officers, had entirely fallen on individuals;

individuals; and no advantage could accrue by off reckonings, or selling commissions.

General M^rLeod said, that respecting the Fencible cavalry he had made no assertion; but he was ready to prove that in the Fencible infantry, a bounty had been given by government.

General Tarleton expressed his surprize and indignation, that the House should be so thinly attended, and that upon matters, on which the expenditure of millions depended, not more than sixty members were to decide. He would, however, discharge his duty, and make some observations on what had dropp'd from the Secretary at War. It had been asserted that the cavalry were not more numerous than at former periods. He would nevertheless affirm, that on no former occasion, no, not during the rebellions of 1715 and 1745, were there so many upon the establishment. He was astonish'd, to find, that no reduction of the Fencible cavalry seem'd to be in contemplation. The Secretary at War had likewise said that they were not more than the proportion going out of the country; he would, however, venture to assert, that the cavalry going to the West-Indies was not a third or fourth of what was expected from the Continent. One expression used by the honourable Secretary was, he said, extremely odious to him. The right honourable gentleman had talked of those who were "killed off." He was, and he trusted the House would give him credit when he said so, no *holiday soldier*, no *papinjay*, yet, as a military phrase, the right honourable gentleman should have said; "expended or lost in the service." Such an expression as "killed off" might have come from a philosopher; but it came with a very ill grace from a soldier. The honourable gentleman was, perhaps, little affected with the melancholy ideas which such an event produced. He spoke of it with the coolness of philosophy. The honourable gentleman was unacquainted with the horrid reality of such scenes—

"He jests at scars who never felt a wound."

The profits of the fencible regiments he would not scruple to assert, were considerable, so that they were much more valuable than the profits of a regular regiment in time of peace. The state of the argument, as it had been conducted on a former night, was this; they had contended, on his side of the House, that the fencible cavalry were large beyond example, without the prospect of diminution. The whole cavalry was 28,000. In addition to the other arguments which had been adduced against maintaining such a large body of fencible cavalry,

cavalry; he mentioned the immoderate quantity of fodder &c. which would be thereby consumed, to the encrease of the alarming scarcity and dearness of provisions. It would also involve the nation in an expence of 700,000*l.* If, as had been stated, a reduction had taken place, he wished to be informed whether there had been also a reduction of expence. He took a progressive view of the amount of the army expenditure from 1792, when it amounted to 1,814,000*l.* to the present year, when it was swelled up to 11,470,000*l.* In no year of the American war had the expenditure of the army he said, been equal to that amount. He animadverted on another branch of this expence, the ordnance, which in 1793 was 448,000, in 1794, 1,747,000, and in 1795, 2,913,000*l.*: this added to the 11,470,000, and the army for the present year, they would find cost the country 13,383,000*l.* sterling. When such was the enormous expenditure of this country, there was sure little reason to exult in the comparison with the expence of the military operations of France. Considering the experience of the American paper currency, it was below the understanding of any man to indulge much hope or deduce any sound argument from the depreciation of assignats.

No minister, he said, had possessed greater opportunities of carrying on a war with vigour than the right honourable gentleman. He had a compliant parliament, and unlimited supplies; yet they had seen no proofs of advantage to the country derived from that circumstance, either in their conduct or measures. He had heard of delays in the sailing of the expedition from the want of transports; had not Ministers the power of providing transports? If they neglected to do their duty, the consequences were justly imputed to their mismanagement and negligence. In the West Indies, the success obtained by Sir Charles Grey, had been defeated in consequence of not sending him timely reinforcements. The delay of the West India fleet should be marked with the most pointed censure. The plan followed in sending troops to that quarter had been extremely inefficient. Men had been kept lingering in transports till death relieved them from their sufferings. That great armament, of which so much had been said, should have been sent in three divisions; but it was most impolitically, he would say cruelly, detained. The very moment in which he was speaking was the proper time of acting in that quarter. The time of opening the campaign commenced in December, and ended in March. Even the effects resulting from the tempest, which had lately damaged

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so much of the fleet, and delayed the expedition, might have been escaped, had the proper season of sailing been embraced. It should have been detached in smaller parts, which would have supplied fresh troops, and saved the colonies. He remarked the state of inactivity in which our cavalry on the Continent was kept; instead of joining our allies, and sharing in the laurels of the Austrians, they were kept as a guard to Hanover; and as we paid the fleet of Russia, so ought the Elector of Hanover to contribute towards the expences of those troops which defended his territories. The late events on the Rhine could occasion joy to none, but those who delighted in blood. They could neither tend to restore the conquered countries to their former situation nor to accelerate a peace.

The General next adverted to the expeditions to the coast of France. The time it was pitched upon was extremely improper. While France was distracted by insurrections in various parts of the Republic, and Toulon in the hands of this country, the expedition alone could have been plausible. The troops employed were prisoners of war, taken out of confinement, and little affected to the cause. The officers, indeed, were men of honour; but the commander, M. Putaye, was neither a person of character, nor of military talents. He had been preferred to many distinguished men, whose abilities would at least have afforded a chance of success. The event of the expedition was equally calamitous to those engaged in it, and fatal to the reputation of this country. In justice to the individuals who had thus perished by their reliance on this nation, he could not mention without respect and compassion, the dignified resignation of the Bishop of Dol, and the premature fate of the gallant Sombrioul, and his brave companions. Sombrioul's letter speak daggers to them, yet he was aware it was to no use to talk of pity to men callous to every feeling of humanity; to men who

Whilst bath'd in blood they smile at our hero's tears,
And Europe's groans are music to their ears.

The subject deserved nevertheless to be investigated scrupulously and sifted to the bottom. The enquiry was necessary to vindicate the humanity and honour of Great Britain, and he hoped ministers would not shrink from it.

He next spoke of the expedition to the isle of Dieu, which he also reprobated in strong terms. He said, that it was impossible with British troops to conquer St. Domingo; it had, however, been held out as a reward to the emigrants for their exertions in reducing it, and as an asylum from their miseries,
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the design might have been rendered honourable, and beneficial to this country. Instead of this, they were sent to be murdered, foully murdered, on the coast of France. Would not the reflection upon the unhappy fate of these emigrants harrow up the soul of the ministers who exposed them to such inevitable destruction? Their folly was likewise eminently displayed in that expedition. A British fleet was kept idle, which, if employed for the protection of the Mediterranean, the severe loss lately sustained in that quarter, might have been prevented, and the commerce of the country not have received so fatal a blow. In the whole course of the war, disaster had followed on disaster, and disgrace upon disgrace, and yet this was the only war during which enquiries had been uniformly refused. In voting money, it was necessary to examine how it had been applied, and the advantages they were entitled to expect from it. Without performing this first duty, the representatives of the people might be said, to meet only to rob them of their money to support the schemes of a minister. He would therefore vote for the motion.

Colonel Grovesnor conceived it to have been highly improper in the right honourable Secretary at War, to use any expression which had the appearance of levity upon so melancholy a circumstance as the slaughter of the emigrants at Quiberon. He could not conceive what live stock he was talking of when he used the words *killed off*. He took that opportunity of bearing testimony to the gallant conduct of some of the emigrant corps who had served on the banks of the Rhine and of the Waa!, particularly to the valour of Count Sombrevil and the corps serving under his command.

General Smith declared, he was extremely happy to hear such a generous acknowledgement, it was worthy of the Hon. Colonel's character. The General said, he hoped that nothing which he had said might be construed into an insinuation, that many of these corps had not acted bravely, he firmly believed that to have been the case.

The Secretary at War declared, he was surprized that so much should have been said, on an expression which he had casually used, and which he employed merely for want of a better. He appealed to the House if he had spoken with any thing like levity, much more with unbecoming levity; and if he had not, why should such an advantage have been taken from a solitary incidental expression? If he had recollected the soldier-like word *expended*, which the honourable General (Farleton) had suggested, he certainly would have used it; though, perhaps, it originated in rather a ludicrous story,

which he would mention to the House. General Guise, at the siege of Carthage, having demanded a fresh supply of men, was asked the grounds of the demand; to which he replied, that his troops were expended. The application of the term was certainly ludicrous; though it might be pardonable in that commander, who had been a sharer in the dangers of the siege.

Mr. *Sergeant* arose, not with an intention regularly to follow the honourable General (Gen. Tarleton) through all his arguments, but chiefly to state, that the estimates and accounts of the army and ordnance were made out this year in the same way that they had always been. It was, he said, impossible for the Board of Ordnance to make out exact estimates; the ordinaries, it was true, might be computed, but the extraordinaries could not. The honourable General had, he observed, lamented that there was not a larger attendance; that, he had on his part a right to presume, was something like evidence that gentlemen had looked over the accounts, and were satisfied that they were fair and irreprehensible. Indeed, such he had considered to have been the Honourable General's opinion, since he had not made any objection in the committee. Mr. *Sergeant* reminded the House, that some occurrences had taken place so lately, such as the affairs at Portugal-Prince, &c. &c. that they could not possibly have been included in the original estimates. Having said this, Mr. *Sergeant* proceeded to exculpate the present master general of the Ordnance from any share of blame in delaying the West India expedition. The report which the honourable General might have heard, relative to the ordnance stores being sent back from Southampton to Woolwich, was entirely unfounded; on the contrary, the Duke of Richmond was the first Master General who had taken care to provide that there always should be a considerable depot of ordnance at Portsmouth, in case of any sudden occasion which might occur for its exportation; a measure which was still persevered in by the noble Marquis at present at the head of that department. He was confident that there never had been an armament of such magnitude fitted out in so short a time; and he put it to gentlemen, whether it was fair to suppose that the noble person (Marquis Cornwallis) who had been so active in the service of his country, when abroad, should in any way be remiss in furnishing stores for others who might be acting on stations similar to those which he at one time had so honourably occupied?

General

General Tarleton rose to explain. The general said, he agreed with the honourable gentleman as to the subject of the estimates, but differed with him as to the mode in which they were made out. He declared, he was glad to hear the exculpation of the noble Lord at the head of the Ordinance, and the inference which he drew from it was, that all the blame attached to the rest of his Majesty's ministers.

Lord Belgrave declared that the arguments of the honourable general upon the other side, had not convinced him that the resolutions of the committee ought not to be received; notwithstanding the tempest which had caused the delay of the West India armament, he had no doubt but that through the exertions of his Majesty's ministers, the fleet had been refitted in sufficient time still to render it effectual. With regard to the great force kept up throughout the country, he thought it absolutely necessary to prevent the designs of traitors; and his opinion was, that the cavalry should be preferred, as best adapted to the purpose. The expences of the year were, he admitted, more considerable than before the war, but that circumstance, instead of being matter of triumph to his Majesty's ministers, he believed was a serious cause of concern; and he was persuaded, that they would be happy when the time to reduce them to the same state as before the war, should arrive. That time, he hoped and trusted, was not far distant; but he hoped and trusted also, that a peace would never be made upon any other terms than those of honour and security to the country. With respect to the French expedition, he understood that the emigrants were anxious for it, from a strong supposition that they should be able to co-operate with the royalists, and effect a counter-revolution. In answer to the charge of want of feeling for those unfortunate men, with which the honourable general had accused his Majesty's ministers, he must declare, that the honourable general seemed himself to have very little feeling for the feelings of others, when he made such an accusation. Upon the whole, therefore, he should vote for the bringing up the report.

Colonel Grosvenor in explanation said, he should have been the last man in the world to impute invidious distinctions or want of feeling to the right honourable Secretary at war, upon so melancholy a subject as the unfortunate affair at Quebec. He only meant to point out the impropriety of the singular expression he had used.

Mr. Secretary Dundas began with declaring that he thought it indecent for gentlemen to apply themselves personally to the feelings of individuals, of which they were not qualified to

judge, and which never could be learnt from any rash and hasty expression, that might escape in the warmth of debate.

The public, that just tribunal, would not judge of men by the rash or intemperate animadversions passed on them in that House, but by the uniform tenour of their conduct in general. No man of feeling, nor of sense, would ascribe a want of humanity to his right honourable friend, to whom some charges seemed more particularly to be directed. No man could justly charge him with sporting with the feelings and sufferings of men, or think he could smite at "orphans' tears, and widows' cries, or deem the groans of Europe music." The honourable gentleman had, he supposed, introduced that quotation merely to decorate his speech, and grace it with some touches of the pure pathetic at the expence, no doubt, of considerable labour on his part. The honourable gentleman was at liberty to indulge his fancy in those flights, but they would, he trusted, have little effect upon the sober judgment of the House. With regard to the sailing of the West-India armament, he had thought proper to say, that if the delay was not to be traced to the ordnance, the blame attached to the rest of his Majesty's ministers. This was begging the question; he should first have proved that delay had existed at all. In truth, and in fact, no blame was imputable to any person whatever. The honourable gentleman had talked of sending away a great armament of 20 or 30,000 men, as if it was only a machine that was to be sent out of the country. He did not consider the many preparations that were necessary for it. He did not consider that the expedition depended upon drafts from the Continent and various former services; that the regiments, when landed, required time to refit, to repose, and to recruit, and to get the many reinforcements necessary; in short, the several sorts of preparation of ordnance, soldiers, sailors, provisions, stowage, ammunition of all kinds, &c. &c. The honourable gentleman had stated, that military operations ought to commence in the West-Indies in December. He admitted the truth of the position, and, according to the usual mode of calculating, the armament would have been ready for action in the West-Indies in December if it had not been restrained by such accidents as no human precaution could prevent. The right honourable gentleman said that the fleet should have been ready to sail in October, it really was so; at least part of the armament was ready for sailing on the 20th of October, and the whole was completed by the first of November; the delay since that time had been entirely owing to contrary winds.

winds. Would the honourable general impute it as a matter of blame to his Majesty's ministers, that the wind blew from the west instead of the east, as if they could' controul the elements, and regulate the weather? The only cause of blame then, was, that the armament had not been sent out in different detachments. He had not, it was true, the benefit of that honourable general's advice, but he had the advice of many other able and experienced generals! their opinion was, that to carry on a great offensive operation in the West India Islands, with effect and probability of success, a large European force should be sent in a body, and led into action immediately on their arrival. His opinion, he had formed upon the first military authority, and he was not disposed to sacrifice it to the opinion even of the honourable general. For the purpose of defence he would allow that the garrisons in the islands might be fed gradually and occasionally, in small bodies; and this, in fact, had been done, the charge was, therefore, answered. The honourable gentleman had mentioned what he would have advised to be done with Lord Moira's army: in one part of his speech he said he would have sent it to the West-Indies; at another time, he would have had it to maintain a position at Quiberon. It was unnecessary to dwell upon the inconsistency of opposite opinions from the same person; he would only say, that it was impossible it could be sent to both places; and the fact was, that the admiral who commanded the expedition, from his great and laudable zeal, had sailed sooner than, if he had not been animated by that zeal, his prudence would have suggested; the consequence of the anticipation of a few hours was, he was exposed to the dreadful hurricane. This had, he confessed, been an uncommon and expensive disaster; but if it was as great a misfortune as ever had happened, he had the pleasure to state that there never was a great misfortune so speedily repaired; at the moment he was then speaking, the fleet was completely refitted and equipped, every thing was prepared. it had been ready ever since Monday, and it only waited for a fair wind. He trusted it would soon sail, and he flattered himself they might full expect that it would arrive at the place of destination soon enough to be productive of advantageous and important consequences.

General Tarleton again explained. He said that all the world would be at peace, but for the interference and obstinacy of his Majesty's ministers; He would not undertake to state the precise number of troops which might have been necessary to cover the landing of the emigrants at Quiberon, nor did

did he think that all Lord Moira's army was necessary, but he conceived that the 4000 men, under the command of General Doyle, which were still at Pisse Dicu, would have not been sufficient.

Mr. Grey said, he found himself called upon to make some observations upon the speech of the right honourable Secretary of State. The right honourable gentleman had stated, that there had been no unreasonable delay in the expedition to the West-Indies. Whatever defence he might set up for himself and his colleagues respecting the management of the expedition, he believed that there was but one opinion in the country with regard to their conduct on that business, which was, that very improper and unnecessary delays had taken place. The right honourable gentleman had urged, that much preparation was required; that the troops to be employed had returned from the continent, and stood in need of refreshment and repose; and that arms and amunition for them were to be provided. All this was most true; but would it be believed that all the vigour and energy of government was exerted, as it ought to have been, to render the armament complete? Let it be remembered, that so long since as last June twelvemonth, an account of the recapture of Guadaloupe was received in this country, and that his Majesty's ministers must then have known the necessity of sending out a great armament to the West-Indies, if they wished to preserve our possessions. The administration had assumed the credit of displaying a superior vigour and energy to all former administrations in the conduct of war, and yet they had not been able to display that vigour and energy in the very quarter, where, according to their own declaration, all our hopes depended. It was said, that the troops which returned from the Continent required repose and refreshment; let it be remembered, at the same time, the troops returned in the Spring, and therefore they were kept inactive from the Spring to the 10th of October, and had not yet sailed. On the 10th of October, too, the right honourable gentleman had himself admitted that only one part was ready; and even that was not sufficiently early, for the ships ought to have been clear off the channel by the 20th of September.

He perfectly agreed with the right honourable gentleman, that if they meant to carry on the war with exertion in the West Indies, it was to be done only by a great body, and by employing that body at once, on account of the mortality which prevailed in that inclement climate. Yet, it appeared, that a part only was ready to sail by the 12th of October. It

was

was not a part, but the whole, of the armament, that ought to have been ready at that period. There must lie a charge then of delay imputable somewhere. The right honourable gentleman pleaded that his Majesty's ministers were not accountable for the winds which detained the fleet for a certain time; he was ready to allow it; they were, however, so far accountable, that the disaster which attended the armament, was, in some degree, to be attributed to them; it was their duty to have equipped the transports long before, and not to have detained them in the Channel till that season came on, when storms and violent winds were to be expected. If the right honourable gentleman was resolved to persist in his assertion, that the injury which the fleet suffered was entirely owing to the dispensation of heaven, before that argument could avail him, he must prove that the fleet was long before ready to sail.

The right honourable gentleman, it was to be remarked, had refused to follow his honourable friend upon the other points of his argument. Whether that was a sufficient apology to the public for the calamitous expedition to the coast of France, he would leave the right honourable gentleman to determine. He would next proceed to say a few words on the proper subject of the day, and in doing so he should refer to the estimates themselves, and ground his reasoning upon the items those estimates contained. If he understood a right honourable gentleman (the Secretary at War) rightly upon a former evening, that right honourable gentleman had announced the reduction of the army by more than 25,000 men, which produced a saving to the public of 800,000*l.* in the probable expences of the establishment for the next year. He compared the estimates of the ensuing year with those of the preceding year, and perceived that the last were calculated at 6,954,000*l.* (not including the India forces said Mr. Pitt) and these at 6,142,000*l.* In addition to this saving of 800,000*l.* he conceived that the surplus of the estimates, which had been reckoned at 700,000*l.* should be deducted also. (He was informed that 700,000*l.* was the surplus of two years.) Well then, said he, there is an actual saving of 350,000*l.* which ought surely to have been deducted.

An honourable gentleman (Mr. Sergeant) had he observed, imputed the thin attendance of which his honourable friend had so justly complained, to their being satisfied with the fairness of the estimates. He could not admit that to be a warrantable presumption. He considered so thin an attendance, when one of the most important functions of the House was

to be performed, viz. the voting away the public money, as an indication of gross remissness and want of attention to that duty, which the Members of the House were bound to discharge diligently and faithfully.

There was one article in the estimates, which Mr. Grey said, he would next take notice of, and which particularly called for the attention of the House; it was so excessive as to be alarming, and he proposed hereafter to take the sense of the House upon it. The article that he alluded to, was, the provision for the staff, which amounted to 103,642l. He had compared it with the estimates of former years, and found it unparalleled and enormous. He took the last war of the Earl of Chatham, in 1762, in which the largest army of late times was raised, and the sums for the staff then voted were 58,813l. That, however, was not the chief-point of comparison. The points which he should next refer to, were the two last years of the American war in 1781 and 1782. The American war had always been arraigned by the present Ministers, as the most extravagant war in which this country was ever engaged; and he could shew what the state of the staff was in the two last years of that war, which were unquestionably the most expensive. In 1781, the number of men voted for guards and garrisons were 39,666, and the money for the staff 42,957l. In 1782, the number of men voted for guards and garrisons were 49,456, and the money for the staff 43,840l. The number of men estimated for the guards and garrisons this year were 49,219, and the money for the staff 103,642l. which was a sum more than double the allowance of the staff in the two last years of that extravagant war. This difference he wished to state, that the House might consider whether the enormous increase of this article had arisen from any want of attention on their parts, and he intimated that he should hereafter examine it more particularly.

Having dwelt for some time on this point, he said, he would not sit down without saying a word or two on the charge urged against the Secretary at War, of using ludicrous expressions upon serious and affecting subjects: he entirely acquitted him of any such charge, he knew him better than to believe he really merited any such imputation; but he was not astonished that other gentlemen should shew a considerable degree of feeling and jealousy at any levity of expression on our losses, when they called to mind what a quantity of blood and treasure had been uselessly squandered in the present unnecessary, unjust and hopeless war.

Mr.

Mr. *Secretary Dundas* explained, that if the account of the recapture of Guadeloupe was received last July twelve-month, the account of the loss of St. Lucia did not arrive till last July; and therefore, if Guadeloupe had been the only object, a force would have been ready.

Mr. *Fox* said, that the reply of the Secretary of State was not a satisfactory answer to the arguments of his honourable friend. He asked, if our Government had confined their views to Guadeloupe, or whether they had not from the beginning a design upon St. Domingo. If that had been an object throughout the whole course of the war, the question might with propriety be asked, why we had not made greater and more timely exertions to secure it? He had always been a friend to enquiries; and he considered it as a lamentable circumstance, both for that House and the country, that it had been the uniform practice of the present ministers to dissuade the representatives of the people from instituting these enquiries. It was too much to make the country believe, that this war had been managed with superior wisdom and skill to all former wars; and yet this was the only war recorded in the history of Great Britain, in which no enquiry had taken place. He would not, he said, accuse administration of a want of feeling, respecting the fate of the expedition to Quiberon, but he hoped and trusted that they would move for an enquiry to justify their conduct. In his opinion that would be the best way to shew a proper feeling for those unfortunate men who had fallen a sacrifice to their councils and their conduct; and he hoped and trusted it was their intention to do so; and to do it not only in regard to France, but to the West Indies also. He did not believe himself, and his belief was confirmed by public opinion, that the West India armament had been ready to sail on the 10th of October, and he doubted if it could have been made ready by the 1st of November.

The right honourable Secretary of State had asserted, that their fleet was ready to sail by the first of November. This was an assertion, which, for his own part, he repeated it, he was convinced the right honourable Secretary could not make good upon an enquiry. He demanded of the house, if they were satisfied on such an important point with a bare declaration; and whether, after seeing the country involved in calamities by a fruitless and unfortunate contest, which years of peace would not be able to retrieve, whether they were not bound to enquire who was the author of these calamities, and what were the measures by which such complicated misery

had been produced? He hoped and trusted that the effect of the debate would be to lead the house to enter into a serious enquiry into the two expeditions. The first expedition to the coast of France, in his opinion, was wild and chimerical; planned without wisdom, and executed without energy. On that expedition, however, he confessed there was room for difference of opinion. The second expedition had been planned and executed in contempt of the experience to be collected and learnt from the former; and that men were detained there without any possible service, or even the shadow of a hope of their being of any assistance. That failure, however, if gentlemen thought like him, would not be so dreadful if it should bring us nearer to the blessings of peace. He was taught, however, by a noble Lord, (Lord Belgrave,) to expect that the time would soon come, when these troops would be recalled, and he was taught to expect also that we might soon have peace. He hoped it would be so; but he could not help remarking how much indebted they were to the ill success of the last expedition for that hope. If we had been successful, that time would have been remote indeed; because if we had made any impression on the interior of France, and Louis the Eighteenth had been proclaimed King, however small our impression, and however weak, comparatively speaking, our support, all our hopes of peace would have been remote indeed. We must have prosecuted the war with endless perseverance, to the ruin even of the country; because to have given up, would have been a breach of faith, and a species of the basest treachery.

With regard to other subjects, Mr. Fox said, he agreed with his honourable friend, (Mr. Grey,) that the estimates of the Staff for the ensuing year, when compared with the estimates of former years of war, incontestibly proved the present to be the most extravagant war in which this country ever was engaged. In the American war, among all the censurable features of the ministers then in power, there was no one by which they were so strongly marked, and for which they were so much reprobated, as for their extravagance; he was, however, ready to take even that war as a criterion of economy, and by that crisis to convict or acquit the present Administration. If this was not proved to be infinitely more extravagant, he would allow that the present ministers stood acquitted in the face of their country.

The next subject he had to notice was the cavalry fencibles; and no man of common observation could deny, that, in a time of scarcity like the present, it was peculiarly incumbent

on ministers, if they were resolved to keep up such a considerable force in the interior, to make the proportion of infantry greater, and the cavalry less. On that ground he objected to receiving the report, and on that ground he objected to the estimates in general. It was, he said, a shameful thing, when the country was not in dread of an invasion, to keep up such an alarming and unprecedented army in the kingdom. He even thought that the militia ought not to remain any longer in the field, as the necessity was removed, together with the apprehension of danger. It had been innuigated, however, by a noble Lord, that this unprecedented and alarming force was not kept up from any apprehensions of a foreign enemy, but for the preservation of domestic peace. He hoped and trusted this was not the case; because every man must know that the preservation of domestic peace had been solely entrusted to the civil power, and the civil power had always been sufficient. According to the insinuation of the noble Lord, then, they were not to expect that this enormous force would be disbanded, even if a peace with France was made; they were not to suppose they were to be disembodied on the cessation of war, but on the cessation of alarms.

Mr. Fox then entered into the causes of the commencement and continuance of the war. Never were they, he said, so light and trifling in any former war; never did they rest upon opinions so whimsical, so fanciful, and so false. Some of the men who led the councils of this country, had advanced these opinions; and the whole nation was suffering for their delusions. These delusions had occasioned streams, nay oceans of blood, to spread over the continent of Europe. What was the opinion of all other nations with respect to this country? He would tell the House: Great Britain appeared in the most odious and detested light; by its persistence and obstinacy, it had kept alive the flames of war, which, but for its efforts, would have subsided. He believed no man would attempt to contradict him, when he asserted, that more than twelve months had elapsed, since all Europe would have enjoyed the blessings of tranquility, had it not been for the machinations of British ministers. The King of England's good counsellors had held up the torch of war. Was not this true? Ask our merchants; ask all those who had any communication, any correspondence abroad. If ministers were coming at last to a change of opinion, and were earnestly disposed to pacification, he congratulated the House and the country. When that peace should arrive, let the guilt of those be remembered who had protracted it, and so uselessly prolonged the war.

guilt of those men, at whose door all the disgrace, calamity, and bloodshed, suffered within the last twelvemonth, would entirely lie.

Mr. Dundas said, in explanation, that he had not at all alluded to the force destined for St. Domingo.

The Chancellor of the Exchequer said, he did not think he should have been induced to trouble the House that night, had there not have been brought forward a topic on which he thought it necessary to say a few words, because it was a topic intimately interwoven with the honour, the security, the character of that House, and of the nation; not only of the nation, but of all Europe, and of the world at large. It was so connected with the cause of truth and of justice, that it was impossible for him to remain silent. A doctrine had all at once been assumed by the right honourable gentleman, who had just sat down, of a most singular nature. He must, therefore, remind the House of the extent of the right honourable gentleman's proposition. The right honourable gentleman had said broadly, that they had been unjust in beginning the war; that they were detested by Europe; and but for the interference of Great Britain, all Europe would long since have enjoyed the blessings of peace and tranquility. He had no right to question the individual opinion of the right honourable gentleman, nor would he. He had no right to dispute that right honourable gentleman's drawing what consequence he thought proper from that opinion for the regulation of his own private conduct; but he must beg leave to say, it was something like arrogance, self-consequence, and presumption, in any individual, while he was addressing an assembly, who had as good a right to judge as himself, to set his opinion in opposition to the repeated decisions of that House, as to the motives for entering into the war, and the necessity for continuing it. The House had been sensible that it was provoked, and entered into in consequence of the aggressions of France, and not in pursuance of the spirit of ambition in England; that we were forced into the war in defence of every thing that was near and dear to us in our religion and government; that it was not a war begun in injustice on our part, but one in which we were to engage for the security of the fundamental principles of all governments: and particularly in support of that mixed government which we had so happily enjoyed in Great Britain. It was too much he said, for the honourable gentleman to expect from the House, that either the eloquence or the vehemence of his speech should induce them to negative their own decisions; to make them declare, that they

they had unjustly entered into this war, when, in fact, it was a defensive war; and not merely a defensive war, but a struggle for our political existence. That House had determined that the war was just, was necessary, was unavoidable, on our part; a war which had been, in point of fact, argued in that House, and proved to its conviction, to be in its spirit defensive: not only because some of our interests were attacked; but defensive even up to the extent of struggling for our law, our religion, our liberty, and our constitution: He believed, in spite of the various calamities of the war, which he would not dissimble, in spite of the exertions of the enemy, greater than ever had been heard of in Europe, and occasioned by efforts which were gigantic strides towards their own destruction; in spite (he would assume it for argument sake) of the imperfection of the councils of the British ministers, not only the page of impartial history would record, but it was the present conviction of mankind, that the exertions of this single island, pushed to its extent by the noble ardor and spirit of the country; by the extraordinary resources it possessed; by its exertions, which were in proportion to the incontestible justice of its cause; Europe, all Europe, would be rescued from the greatest danger to which it had ever been exposed. by the exertions of this island, small in size, small in population, but great in the possession of an excellent and free constitution, which had raised commerce to such a height as to make it the envy and admiration of mankind; this little island it was that cemented and preserved that coalition, by whose exertions that unnatural system of equality had crumbled into dust; and now, when we could discover a hope that, from a change of government, it might be possible to treat for peace, we find on the road the obstruction of proud pretensions. Were they to be told that we might terminate the war with honour, and that we obstinately adhere to old opinions? What have those gained who have made a separate peace? Have they gained honour or honourable security? How were those states of Germany situated that had stolen away from the confederacy? A little before the shouts of victory had given triumph to the Austrian armies, did not the French general declare, that not one of the states under any line of demarcation should be exempt from contribution? Here was honourable security! How did he qualify and excuse this act of faithless tyranny? Truly, they were to be reimbursed from the other states which the French might afterwards conquer. Was it then to be imputed as an obstinate adherence to false opinions, that the English did not accept

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of a separate peace on any terms? Should they consent to the act that declared, that up the Rhine should be incorporated with the French Republic? Ought this country peaceably to permit the French, our eternal, inveterate, and hereditary enemies, to possess an extent of territory inconsistent with our safety, and the security of Europe? Our system, it was true, had been a costly system. There was no man who more regretted the great expences of the war than he; but we ought to weigh well the importance of the object which we had in view; our own security and existence were at stake. We had destroyed the Jacobin faction, and preserved the independence of all Europe; We had extended the diversified prosperity of Great Britain; supported it by alliances; served the interests of commerce, and defeated the designs of a perfidious, encroaching, and dangerous neighbour. What England had already saved was as much beyond the object of any other war, as the expence of it is beyond that of former contests, and he was willing to try this point on its own merits, before the question of expence be even touched upon, gentlemen ought to look at the importance of what we had already gained, and then the expence, on a fair comparison, would be regarded as nothing.

Having apologized for thus entering into the general subject of the war, with a greater degree of warmth than perhaps was proper, by declaring that the charge made by the right honourable gentleman had not only led him to the discussion of it, but rendered what he had said unavoidable; he owned he had never been more affected than at the moment when we were about to experience that effect which we had so dearly earned by our valour and our exertions, to hear one assertion, which, if not refuted, would lead to a dastardly surrender of all our glory.

He proceeded next to the objections urged by several gentlemen against administration on account of delay, respecting the sending succours to the West Indies. Until August, 1794, they had not, he said, received accounts of the loss of St. Lucia; and since that time large reinforcements had been sent out for the defence of the islands. Neither was it until the latter end of that year that government found the necessity of a great armament; and, although he by no means allowed that it could be got ready sooner, if it had been determined on earlier, he would maintain that no delay had taken place since, but what was unavoidable.

With respect to the expedition to the coast of France, gentlemen called aloud for enquiry, and established a most com-
pendious

pendious conclusion ; that if they asked for enquiry, and ministers did not think proper to grant it, it followed, that a denial of enquiry was a confession of guilt ; this was a fallacious conclusion, and not more fallacious than it was stale and hacknied. He was ready to argue with the honourable gentleman on the propriety of an enquiry, on a view of all the circumstances relating to the expedition to Quiberon ; he was ready to argue upon the policy of the measure, from the information which government had received of the probability of co-operation in La Vendee, from the probability, that the junction with La Vendee would rouse and awaken a spirit of loyalty in other parts which then laid dormant, and produce important assistance ; from the effect that such co-operation and roused spirit of loyalty, would have upon the forces on the exterior ; in short, from all considerations and probable consequences, he was prepared to defend the policy of the expedition ; and not only its general policy, but its expediency in the several parts ; the expediency of appointing Monsieur du Puyfaye ; of having no more than the number sent ; and to contend, that the measure was wise, seasonable, and practicable, according to the intelligence in the possession of ministers. In this or that comprehensive view of it alone was it that the matter could be fairly judged ; and in that view he would be ready to argue when a future opportunity should present itself.

In answer to Mr. Grey's observations, the Chancellor of the Exchequer assigned as the reason why the estimates of this year were calculated on the same scale as last year, although the last year's estimate exceeded the expence, that last year there was a considerable number of non-effectives, and therefore a saving of pay ; whereas in the present year no such deficiency would be found in the reduced establishment. With respect to his objection relative to the increased expences of the Staff, he declared he did not wish to support any unnecessary expences ; he took it for granted, that it was reasonable and justifiable from that quarter in which it was determined, though he would not undertake to say how far the increased ought to extend above those of 1782 ; yet he would just mention some general reasons why they ought to be an increase. Although the guards and garrisons were pretty nearly alike that year and the present, yet there were material additions in other ways ; there was an increase in the militia, in the whole fencible army, and the yeomanry corps ; these required a greater superintendance than old regiments ; and although he did not wish the Staff should be unnecessarily enlarged, it was certainly economical to have the advantage of superior discipline.

Should

Should any enquiry be moved for upon the subject adverted to, he said, he should not think himself bound to consent to it, unless a fair ground be laid down from whence a reasonable charge that ministers had acted contrary to their duty, could be made, in which case a variety of circumstances which had not yet been even mentioned, should be taken into consideration.

Mr. Fox rose to explain with respect to a few points. When he talked of the expence of the war, he did not mean the general expence, but the expence of particular branches of the service. Whatever was the importance of the contest, it was not, surely, necessary that any particular service should stand at a sum beyond what it was usually charged. When he said that this country had, for years, prevented Europe from enjoying the blessings of peace, he had delivered only his own individual opinion on that point, alluding to the influence which her opinions had upon the events that had taken place on the Continent. With regard to his declaration that England had prevented a general peace for the last twelve months, that was a proposition which he thought he could prove and establish as completely as any political proposition could reasonably be proved and established. When he recommended to give peace to Europe, he did not mean that this country should form a separate treaty, he only meant that she should remove those obstacles which she had hitherto opposed to the conclusion of a general peace.

Mr. William Smith said, when the right honourable gentleman had argued that we ought not to leave France in possession of certain territories without a proper compensation, he was at a loss to conceive what compensation he could have in his contemplation. The right honourable gentleman boasted that it was a proud thing for this Island, by our interference in the contest, to have saved Europe; it was, nevertheless, an honour which might cost us too dear. The right honourable gentleman must either be less timid with respect to alarms, or more bold with respect to finance, if he did not see, in the deranged state to which our finances might be brought by the war, more danger of a revolution, than from all the seditious pamphlets that had been brought forward. When he mentioned the firmness and perseverance which parliament had shewn in the prosecution of the contest, and which discovered their sense of the justice of the cause, he ought to have recollected, they were exactly the same expressions which had been used in 1781, by the noble Lord who conducted his Majesty's councils during the American war.

General

General Smith in a short speech reprehended the magnitude of the accounts, which had been brought forward, and the extravagance of particular items, and declared his intention of exercising the utmost vigilance with respect to the expenditure of public money. He had stated last year what had that day been repeated, that Great Britain had become odious to all the Powers on the Continent, from being considered as the only obstacle to peace. He had hitherto shunned talking of the French Revolution; he thought it, however, necessary to declare that he believed the principal cause of that Revolution to have been a profuse and lavish expenditure of public money; and in that light ought to be held out as a warning to ministers.

The question being called for, strangers were desired to withdraw, and were not again admitted. The motion for the re-commitment was negatived.

The House proceeded on the report. After a short conversation, the resolutions were read a second time, and agreed to.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, December 3.

Mr. Alderman Anderson brought up two bills for explaining and enlarging the Charters granted in the 7th of George I. to the Royal Exchange and London Insurance Offices, which were read a first and second time.

PETITIONS FOR AND AGAINST THE TREASON AND SEDITIOUS MEETING BILLS.

The Master of the Rolls mentioned some circumstances relative to the proceedings at Bath, it having been stated, on presenting a petition from that place, in opposition to those bills, that the petition presented from the same place, in favour of them, had been obtained in a surreptitious manner. For the purpose of refuting the charge, he stated that the meeting had been openly held, that the petition was fair, and the signatures were obtained without solicitation from the inhabitants and the visitors at both the rooms. It was to be regretted that the rules of the House did not provide some regulations for ascertaining the weight and influence that should be given to opinions; an order, that no petition should be received, to which the parties who signed it did not affix an

account of their occupations and places of abode, might, he said, go a considerable way in effecting that useful object.

Mr. *Francis* desired to know to which of the petitions, that had been presented from Bath, the Master of the Rolls meant to apply his observations.

The Master of the Rolls replied, that he meant merely to state, that the petition which he had presented had not been surreptitiously obtained.

Mr. *Wilnot* presented a petition from the Corporation of Coventry in favour of the bill.

Mr. *George Barclay* presented a petition from Bridport against the bill.

Sir *George Thomas* presented a petition from Arundel in favour of the bills.

Mr. *Mainwaring* presented a petition from the ministers churchwarden, sideman, overseers of pavements, overseer, of buildings, and others of the parish of Clerkenwell, in favour of the bills now pending in Parliament.

Mr. *Sheridan* observed, the churchwarden and sideman, who subscribed the petition just presented, were in the singular number; there was only one churchwarden out of four, one sideman out of four, and two overseers out of six, who espoused it. Nothing, he said, could be more fair and open than the petition which he had the honour to present the other day against the Convention Bills from the inhabitants of Clerkenwell parish; a requisition was made by 24 housekeepers, to call a public meeting; a hand-bill, of which 4000 copies were distributed, was signed by 26 housekeepers; six respectable houses were opened for the reception of signatures, and in 12 hours 1200 names were subscribed. Whereas on the contrary, nothing could be more clandestine than the manner in which the present petition had been obtained; it was privately prepared, and carried from door to door, where the poorer inhabitants were terrified into a subscription by the appearance of the collectors of rates and taxes, and the public houses by the appearance of a magistrate, who at the next quarter sessions might otherwise refuse a licence. In the mean time it was a notorious fact that a week had been employed, on this occasion, to collect and coerce signatures.

Mr. *Mainwaring* said, he had reason to depend on the account given him, as he had it from a number of respectable persons, and particularly from the minister of the parish, who was a man of the greatest respectability.

A petition

A petition in favour of the Bills from Staines was presented by Mr. Mainwaring; and a petition from Arundel to the same effect was presented by Howard.

Mr. *Crespigny* presented a petition from the inhabitants of the borough of Sudbury, in the county of Suffolk, against the Bills.

Mr. *Hippesley* said, that connected as he stood by a double tie with the borough, being the Recorder as well as one of its representatives, he felt it his duty to make some observations on the petition, though not to oppose its lying on the table. The petition appeared to be signed by 500 persons, styling themselves inhabitants of the town. Many of the subscribers he knew to be of the most respectable of the class of Dissenters; gentlemen of whose motives not a question could be raised, as he believed they acted from the purest principles, however he might differ from them himself, and that no description of inhabitants in the borough, or even in that House were more zealously attached to his Majesty's government and the constitution of the country. But the great majority of the signatures had been obtained, as he was instructed, by the principle of the Bill being erroneously stated to them, and consisted of the lowest class of inhabitants. That every one knew the town of Sudbury to contain many thousands of inhabitants; the petition, therefore, could no more be said to convey the collected sense of the borough, than a petition signed by 4000 inhabitants of the city of Bristol, whose population is scarcely less than 120,000, could carry with it the sense of that great commercial town, as had been attempted a few days to be insinuated in this House.

Mr. *Crespigny* replied, that he did not present the petition as the petition of the majority of the inhabitants, but merely of those who signed it. He reprobated the idea of drawing a distinction between the rich and the poor, and observed, that the honourable member, though professing not to oppose the petition, had thrown every obstacle in the way of it; that the mayor had refused to call a meeting, and that every species of undue influence was enforced to obstruct it.

Mr. *Hippesley* said, he should be very sorry indeed, if an opinion went forth that he wished to raise an invidious distinction between the opulent and the poorer class of inhabitants. No man was more ready to assert the rights which the poor and rich were entitled to, in common, than he was. With respect to the situation of the poor, particularly of the town of Sudbury, no one could be more sensible of their distress than himself; a distress aggravated by the unfortunate

continuance of the war, which bore hard on their manufactures; but the very pressure of their distresses and poverty exposed them more to the misrepresentation or misapprehension of the opposers of the Bills: that the most perverted and ill-grounded comments had gone very far in the present case. The petition had been hawked about the town, among the market-people, and even the signatures of boys of 12 and 14 years of age procured. Mr. Hippesley said, he could not avoid advertng to the humorous anecdote that had appeared in one of the Newspapers, of a poor man being urged to sign a petition of this sort, "because it ~~want to remove~~ *had minister.*"—"That I will, with all my heart," was the reply, & for our *Parson is the worst I ever heard.*" Mr. Hippesley then said, that he trusted the Master of the Rolls or some person of more weight and influence than himself, would follow up the idea he had so judiciously thrown out that day, so that it might become a standing order of the House, that the place of abode might be added to the signature. Indeed, said Mr. Hippesley, this regulation might be carried still further, with salutary effect, by extending it to the profession or occupation, and even age, which might check those scandalous practices which had disgraced so many of the petitions then lying on the table.

He hoped the learned gentleman would not disappoint those expectations the House had a right to form from his declarations: should he neglect to follow it up, he would take the liberty of reminding him of it in his place, the House would then have the means of knowing whether their petitioners were school-boys, or persons capable of forming a just opinion of their measures.

Mr. Fox said, that on entering the House, he happened to hear the concluding part of Mr. Hippesley's speech, exhorting some other honourable gentleman to move, that no petitions be received but those which described the occupations and places of residence of those who signed them. If any thing could surprise him in the present day, this would have surprised him very much. Would it be right, he asked, to put shackles on the right of petitioning? All that he should say at present on the subject was, that whenever a Bill should be introduced for that purpose, they should find him a steady opposer of it. What was the object of such a measure? merely to deter the aggrieved from signing, and to mark out those who were proper objects for the persecutions of government? He could not, he said, let even the matter pass, without shewing his abhorrence of a system which seemed absolutely intended

to extinguish the rights of the people. He would ever oppose that spirit which prevailed of drawing a distinction between one part of the country and another. He could not conclude, however, without remarking, that this was an additional proof of the minister's intention to destroy the Bill of Rights, and the right of petitioning together.

Mr. *Hippesley* rose, with warmth, and said, he must trespass again, one moment, in explanation, that his words might not be thus twisted and distorted from their only natural meaning; no man respected the sacred right of petitioning more than himself, but to check its abuses in the mode suggested, was not to strangle it. How the regulation of affixing the place of abode, &c. to the name of the petitioners could trench on the liberty of the subject, was past his humble comprehension. Mr. *Hippesley* then proceeding beyond the point of explanation, was called to order by the Speaker. *Mr. Fox* put and carried, that the petition lie on the table.

Mr. *Pelham* presented a petition from the freemen and inhabitants of *Lowes*, in *Suffax*, praying parliament to adopt such measures as to them should seem meet.

Lord *William Russell* presented a petition, signed by 6000 freeholders and inhabitants of the county of *Surry* against the Bills.

Mr. *Onslow* said, he could not help thinking that there were some stimulating vapours in the atmosphere of that House, which affected gentlemen with the *caputis leuandi*; as he will not, however, infected with any of the noxious particles, he would only trouble them with a very few observations. He then remarked, whatever might be the majority in point of numbers in the present petition, it was far from conveying the genuine sentiments of the people of *Surry*, which were, indeed, contained in the county petition already before the House, signed by the most respectable inhabitants of the county. In obtaining signatures to the present petition, the judgment of those few who were capable of forming any opinion on the Bills had never been consulted, but a variety of different objects were placed before their view. There appeared to it the marks of several persons, who, though they might be substantial people, possessed of property, were not from their education or habits, capable of judging what they were about. He begged pardon for using the word property, he assured gentlemen on the other side of the House that he meant no invidious reflection upon any. To some of the subscribers, it was represented, that signing the petition would remove the present ministers; to others, that it would bring about a peace; and

and to more, that it was meant to reduce the high price of provisions. Butts of beer were also employed to gain over the suffrages of the people, and the potency of the liquor generally served to strengthen the weakness of the argument used to persuade an inhabitant to sign; without any further explanation, therefore, the pint of beer and the name frequently went down together. Many like the man so humorously alluded to, by an honourable gentleman, who had thought the minister meant the poison—Mr. Onslow was called to order; whereupon he proceeded with his argument, and said, that at the meeting at Epsom, the most respectable persons, and those of most property, did not attend, while the assemblage was, in a great measure, composed of those in inferior situations, or who had no business to be there at all. The sentiments of these people were very much in favour of the principles of the right honourable gentleman opposite; so their suffrages, he did not pay any very implicit regard, as, for substantial reasons, he wished to prefer the sentiments of freeholders of land to those of freeholders of opinion.

Mr. Fox observed, that the honourable gentleman had given such a specimen as he expected of the fairness with which the petitions of the people were henceforward to be treated in the House of Commons; Formerly it had been stated by an honourable baronet, who presented the counter-petition, (Sir John Frederick) that a majority was nothing; and the honourable baronet enlarged upon the respectability of the 2000 signatures attached to his petition; Now he was given to understand, that signatures were more valuable than the *viva voce* declarations of millions. It was astonishing to him how so much could have been done with 6000 people, which was the number who had signed that petition, and how so much beer could be given away by persons who had no property; if it were true that so much could be done in that manner, why did not those persons who had so much property, not only of their own, but of government, to expend as they pleased, appropriate some part of it to so material an object? The gentlemen on his side had been accused of using too much liberality; and it so happened, that he had always blamed them for having used too little; it was a notorious fact, that advertisements appeared in the public papers, stating, that petitions lay at particular places for signature in London and Epsom; and when a number of people went to sign them, they found no petitions had been left there, it was in fact some time before a petition found its way to his neighbourhood, viz. Chertsey.

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The objection which the honourable gentleman had made to the signatures of inhabitants who were not freeholders of the county of Surry, was another way of expressing his contempt of petitions from the great body of the people. For his own part, he did not object to freeholders, though he certainly should have done so, if they had not been inhabitants of the county; it appeared, however, that the honourable gentleman did not exclude the inhabitants from signing his petition, because they were invited by advertisement, with the persons of landed and funded property. The honourable gentleman, however, was the last person to vaunt of the freeholders, because the freeholders of the county of Surry had never shewn any particular regard towards him. He had the strongest and most repeated opportunities of taking their opinions at elections, and he had always found that they acted directly opposite to him; especially at the last election, where their opinions were more strongly marked than on any former occasion. He thought the honourable gentleman would himself allow it, though he had attempted, by various modes and circumstances, to win them over to his interest, though he was a man of the largest estate in the county, and of a family long distinguished for hereditary rank and hereditary worth, for virtues and benevolence, that had done honour to human nature, and although he himself possessed talents, situation, and a name, capable of influence, yet ever since he (Mr. Fox) had come to this estate, he had never found that the freeholders should represent the county. If petitions did not speak the sense of the people, he asked, how was the sense of the people to be obtained? Mr. Fox declared, he said so much from his personal connexion with the county: he had still one observation to offer to the house; it was upon what the honourable gentleman had said concerning the marks of some people to their petitions. He did not know but there might, or there might not be some marks; he supposed there were; but he wished, if, from the great progress we have of late years made in science and literature, from the invention of the art of printing, from the progress of education, and the general distribution of letters, that marks were to be rejected, let the house pass an order to that purpose, and let it at once be generally understood. At present, however, a man's mark is acceptable; for why should a man be proscribed giving his opinion, because he has not had an opportunity to learn to write? Notwithstanding what the honourable gentleman had said upon this subject, he repeated that a mark to a petition was consistent with the rules of the house.

house, which the signature of some of the names of the counter-petition in the same hand-writing was not.

Mr *Onslow* rose to explain; but as he could not confine himself to the subject of explanation, the Speaker called him to order.

Sir John Frederick explained, that the residences only, and not the names to the counter-petition, were in the same hand-writing.

Mr. Sheridan hoped that he should not incur the censure of the honourable gentleman (Mr. *Onslow*) for long speaking, as he intended to be very short. The honourable gentleman, however, had chosen a convenient opportunity for his rebuke; for it was not made at a time when he displayed any absence of preparation. He had heard that petitions were better for their numbers; he had however never understood before, that a story was better for being told a number of times over by a number of persons. He supposed, if the honourable gentleman had not been called to order, that by turns they should have been entertained all night, by the gentlemen on the other side, with the story of the parson and the petition; and, after all, it appeared that this idle and factitious story was at best but a second hand plunder from a newspaper compilation. There was one circumstance, however, which the gentlemen upon the other side seemed to dwell on most tenaciously; that was, that if any persons wished to procure signatures to the petitions, they persuaded the people that the petition was for the removal of ministers; and there was no longer any scruple, for the people subscribed immediately. Mr. *Sheridan* he said, was glad to hear it. He was glad to see the returning sense of the nation. With regard to what the honourable gentleman had said concerning property, he seemed to have similar ideas with Serjeant *Kite*, (in the Recruiting Officer), who exclaims, "A man's opinion is good for nothing, unless he's six foot high," according to which standard, he was obliged to confess the honourable gentleman would have very little claim. The present petition, was certainly three times higher, in the strength of its opinion, than the other, because it contained three times the number of signatures, having 6000 to 2000. An honourable gentleman opposite, had wished for accurate descriptions; he supposed he had taken the hint from a foreigner, who had he not signed the petition might have been sent out of the country, whose name he observed in a petition, which he begged the Clerk to read.

The Clerk read "Alexander Robert Dupont, Proprietaire et Fidele Sujet du Roi d'Angleterre."

Mr. *Secretary Dundas* presented a petition from *Kidderminster*

minster, in support of the Convention Bills; and Mr. Foley one from the same place against them.

Mr. Fox presented a petition against them from 6000 of the Inhabitants of Halifax, in Yorkshire. He said, that with regard to the propriety of its being presented by one of the members of the county, as one of them disagreed with the petitioners on the necessity and principle of the Bills, he was not sure whether they meant it should have been given to him; and he did propose to offer it to the other, if he had no objection to present it, but he did not see the honourable gentleman till after he had risen to present it. He added, on the authority of a letter from one of the most respectable inhabitants, Mr. John Rhodes, that the meeting for this petition met with some obstruction, inasmuch, as the men who carried the Bills about to convene it, were apprehended by the constable, and carried before a couple of magistrates, who threatened them with punishment if they did not desist.

Mr. Duncombe said, he certainly could have had no objection to present the petition to the house, provided the language was fair and respectful. He thanked the right honourable gentleman, however, for his deference, but was satisfied that it was in good hands. With regard to the circumstances of apprehending the persons who delivered the bills for calling the meeting, and threatening him with punishment if he did not desist. Mr. Duncombe declared he knew nothing about them.

Mr. Fox observed, that he had only received it an hour and a half before he came into the house, or he should have sent it to the honourable gentleman.

Mr. Fox presented a petition from the county of Suffolk against the Bills.

Sir John Rous observed, that against the petition which he had the honour of presenting from that county, there was only one dissenting voice; and he was warranted to say, that the present was unfairly obtained, signed by schoolboys and persons of that description.

Mr. Fox presented another petition from Rye, in Sussex, to the same effect.

Sir Frederick L. Rogers presented a petition from Plymouth and its vicinity, in favour of the Bills.

Mr. Fox next presented a petition against the Bills from the inhabitants of the county of Cambridge.

Mr. W. Egerton presented a petition from 366 inhabitants of the borough of Newcastle-under-Line, in favour of the Bills. He said, the petition presented by an honourable gentleman

(Mr. Sheridan) on a former night from that town, had been unfairly obtained. Many respectable persons were obliged to decline mixing with the meeting that voted it, from their turbulent conduct; and many persons who were not residents signed it.

Mr. *Sheridan* said a few words in defence of the petition which he presented.

Mr. *Dent* presented a petition from the freemen and electors of Lancaster against the bills. He expressed himself averse to the prayer of the petition.

The Right Hon. T. Harley presented a petition from Alder-gate ward in favour of the bills, signed by upwards of 200 inhabitants. The names of their abodes were annexed to the signatures. He proceeded to a justification of Mr. Alderman Anderson, in not calling a requisition for a meeting in compliance with the desires of certain disorderly persons. It was further to be considered, that calling a meeting of the inhabitants, was not the business of the Alderman, but that of the Mayor, as superior officer. The Alderman, he declared, was the last man who ought to be treated with disrespect in that ward, as he had fed many who were in want of bread.

Mr. *W. Smith*, who presented the former petition, bore testimony to the character of Mr. Alderman Anderson; he, however, gave it as his own clear opinion, that the Alderman ought to have complied with the request of those who desired him to sign a requisition. He could not find that they behaved disorderly, or with violence. The worthy Alderman ought not to have waited for the Mayor. The petition, Mr. Smith said, which he had presented, was signed by 364 persons in twenty-four hours, which was nearly double the number of signatures to the present petition, although more than double the time for obtaining signatures had been taken.

Alderman Le Mesurier said, that the majority of the ward were of a different opinion from those who wanted the requisition, and this was, he thought, sufficient to justify the magistrate in refusing. Many of those who behaved turbulently and disrespectfully to the worthy Alderman, had been fed by him for five or six weeks in the worst time of scarcity.

Mr. *Sheridan*, in a very energetic manner, reprobated the idea that, because the poor in these hard times were obliged to have recourse for subsistence to the bounties and superfluities of the rich, they were to give up the free exercise of opinion. It was not English benevolence, nor was it at all honourable to gentlemen, to presume that, because the poor have tasted their bounty, they are to be slaves to their will!

Mr. *Erskine* reprobated, with great warmth, the illiberal reproach of the honourable alderman; as if the necessities of the poor, brought on by this calamitous war, should be made the instrument of subjecting them to the arbitrary will of the rich. He could not, without the highest indignation, hear it avowed, that those were the views with which gentlemen distributed their bounty, and that their charity must be the price of the dearest interest and privileges of their countrymen.

Mr. *Alderman Le Mesurier* disclaimed this interpretation of his language; and said, that an Alderman could not safely open his mouth without being subject to the animadversions of the honourable gentleman opposite (Mr. *Sheridan*) who seemed by his conduct, to be the natural and determined satirist of all Aldermen, let them say what they would.

Mr. *Sheridan* was about to explain, but desisted on its being observed, that he was not strictly in order.

Mr. *Erskine* presented a petition from *Kylsyth*, in Scotland, against the bills, which was ordered to lie on the table.

SEDITIONOUS MEETING BILL.

The Chancellor of the Exchequer moved the order of the day for the third reading of the Seditious Meeting bill.

General Smith wished to be informed, whether it was intended that evening to proceed in the discussion of the Army Extraordinaries.

The Chancellor of the Exchequer replied, that it must depend on the length of the debate upon the present question.

General Smith then said, he would oppose the third reading of this bill, which, after all its amendments and alterations, was by far the most fatal, in his opinion, that had ever been introduced into that House. Two years ago the minister, in moving for the first suspension of the *Habeas Corpus Act*, admonished the House to consider whether the danger would not be greater, under all the circumstances, in submitting to the evils with which they were threatened, than in suspending for a while this otherwise salutary protection of the liberty of the subject. At that time, evidence was laid before the House of the existence of the danger, upon actual proofs of treason, recorded against the societies then in question, he had cooperated with government, and a majority of that House, and voted in favour of the suspension of the *Habeas Corpus Act*. At present, however, when the House was called upon to adopt a measure much more violent and serious, no proof whatever was attempted to be given of the existence of the danger.

danger. To adopt the minister's admonition, he wished to consider whether we had any thing to gain in security, as an equivalent for the surrender we were making; such was his view of the measure, that, he vowed to God! he should think an actual invasion, if the enemy landed in this country, not half so great an evil as the passing of this bill, as it appeared in its first introduction; the enemy must shortly be repelled, but the operations of the bill would be permanently destructive. Referring to the debate on the suspension of the *Habeas Corpus Act*, he was proceeding to controvert some position in the Chancellor of the Exchequer's speech upon that occasion, which he read from a newspaper, when

Mr. *Secretary Dundas* spoke to the question of order, observing, that it was contrary to the rules of that House, that the debates or speeches should at all be printed; and least of all could it be allowed that members should refer to such reports, when it was not strictly in order to allude to speeches delivered in former debates. Should the honourable gentleman pertinaciously persist in pursuing this mode of debate, he hoped the interposition of the chair would not fail to call him to order.

The Speaker said, that he had listened for some time with great pain to the manner in which the honourable general was proceeding, and wished him to understand, that as it was not permitted that any accounts of the speeches or discussions of that House should be printed, any reference to such publications in debate were totally inadmissible.

General Smith resumed. He wished the honourable Secretary had used a milder word than pertinaciously. He said he had considered the bills through all their stages, and he was far from thinking them boons to the country. There were no thanks on the occasion due to ministers: he foresaw all that was likely to result from them; disturbance to the happiness, peace, and tranquility of the nation. If people met, they were liable to be executed by military law. The Riot Act stated, that the magistrate should be in the same field, or as near as possible, and that there must be some overt act. Such words were not in the bill. (*He was answered from the opposite side, that the words was in the bill.*) The magistrate might go into an adjoining field to read it, and not more than nineteen or twenty persons know any thing of the matter till surprized by military execution. The Sunday bill, talked of, but that was a particular measure to prevent a particular evil.

Sir J. Mordaunt rose to state to the House, agreeable to the request of several respectable persons of Birmingham, a tradition

tradition of what had been stated by an honourable gentleman, (Mr. Sheridan) on his presenting a petition from that town. It was stated, that no advertisement would be inserted in any of the papers for a meeting: this was a wrong statement; no application was made to that effect to any one printer or editor of a paper in Birmingham. It was also stated, that violence was used to a person who circulated a hand-bill for the meeting; an assertion equally unfounded.

Sir George Shuckburgh confirmed the truth of what was stated by the honourable baronet.

Mr. Sheridan acknowledged that he had made such a charge against the printers as had been stated by *Sir John Mordaunt*. Had he known that the subject would have been mentioned that day, he would have come prepared; he certainly had received information of the nature alluded to, from a person, who, he believed, would have no objection to the disclosure of his name.

Mr. Hardinge said, that he would make one preliminary comment upon what he had just heard from the honourable General, partly out of respect for him, and partly because what he had said was of material importance to a point in the discussion of the Bill, which candour and fairness would reconcile between them, so as to make the General his convert upon his own principles.

The honourable General told us, "that he co-operated with government and a majority in the House of Commons, upon the bill to suspend the *Habeas Corpus Act*, on actual proofs of treason recorded against the societies who had produced that measure."

But he would now ask the General himself, or any man of honor, if he would put his hand upon his heart and say, that, in his judgment and conscience, any one of their tenets, and of the conspiracies then recorded against them, did not exist at this moment in equal if not accumulated force. They have themselves asserted in print, and recently too, "that still their ends are the same."

Yet we are told by the honourable General, that, although it was just and wise to suspend the *Habeas Corpus Act*, it is iniquitous and foolish to pass this other Bill, for want of similar proofs. But the General must admit that, in comparison to that restraint upon the liberty of the subject, we are now adopting what is "light as air." And that our proofs are the adopted is evident, because the societies exist, and have not only what is disclaimed, but, in explicit though general terms, avowed their adherence to the original system, which Parliament has branded with a just character of treason.

He

He then opened his argument in support of the Bill, and begun it by assuring the House, upon his honour, that he offered himself to their attention, rather to mark openly what he thought and felt upon the subject, without reserve and fear, than with a hope to impress it upon the conviction of others.

After the effect produced on the public mind, by a learned friend of his (*Mr. Grant*) upon a former stage of the debate (in the most commanding powers of intellect that ever enlightened a political subject) he should have been silent if he had not felt an impulse to the vindication of his own sentiments, in language at least as explicit as words could frame, at the most awful crisis that ever the country knew.

It was the exigency of the times, and a despair of meeting it with effect as the law then stood, or without such a Bill, that made our safety and our freedom, as a people, demand imperiously this measure.

That it was a new check upon the right of popular discussions, and even upon the right of petitioning (by its effect upon the continuance of the assembly held for that ostensible purpose) he would readily admit; not being a sycophant in praise of the measure, but an honest, impartial and reasoning friend.

Having gone thus far in concessions, which it would be neither manly nor ingenuous to withhold, he would proudly devote himself to popular odium, if that must be the fate of his ardent wish for the passage of this Bill into a law.

He considered it as a *Bill of Allegiance*, framed in the generous and loyal spirit of that oath which he and those around him took upon their admission to the representative character and functions; an oath which binds them "to defend his Majesty against all traiterous conspiracies or attempts," and promises our "disclosure of them to him."

Before he touched upon the outrage which had endangered the King's life, he would remind the House, and would inform the people, who the King of this country is, or, as perhaps in Parliament he should express it, what he is.—He is no "despot," as libellers have basely called him, but the King of men who are free, intrusted with duties inseparable from the public interest,—amenable to controul, direct or collateral, in all branches of his executive or legislative power, subject even to censure thro his ministers, and (which he would never dissemble as long as he had political existence himself) stript of all claim to allegiance if he should cancel the bond by converting his will into the law.

Upon

Upon *such* a king's person violence had been committed, which, endangering his life, the law (jealous of a deposit and *paladium* essential to liberty as well as government) has made high treason, and has punished as if his death had been directly the object, and had even been accomplished.

This outrage had been treated in so many a way, and with so ingenuous an argument by an honourable gentleman ~~over~~ against him, (Mr. Grey) that he was in hopes no man living, who had even dreamt of our law and paid allegiance to our king would ever have disputed it.

He (Mr. Grey) had said, "that even if that miscreant had acted without concert and without intention, pointed in his thoughts at the king's life, he was yet guilty of "compassing and imagining the death"; because he has committed an act of criminal outrage which evidently endangered the life."

But if the right honourable gentleman who sits near him is correct, (Mr. Fox) it is no high treason"; though he admits, almost in the same breath, by the tenor of his argument that it is. He admits, that if a jury should find this fact alone, their finding would be a verdict of guilt, and the guilt would be that of high treason. In other words, he admits that such a fact is in legal inference that crime; but he discriminates by an expedient which an understanding so elevated would have disdained in others. He puts the case, "that a jury having pronounced the fact, should qualify it themselves in a kind of special verdict, and say, "But we do not believe that he had the intention to kill." This finding, it seems, would be an acquittal; even to repeat this argument amongst lawyers, legislators, or even historians at this time of day, would give it a death's blow. To every judicial voice in the kingdom he would make a direct and confident appeal against a tenet so mischievously and so ignorantly false.

To resume the outrage, it was an act of treason, but committed by whom and when? By a ruffian, who was part of a multitude in open day, and who acted in concert with at least many others, each of the party reviling and menacing the sovereign.

At the time of all others most ungratefully selected, when the king as the father of his people was in the act of preparing to animate the energies of the popular mind and will in their proudest form; that of a share in the legislative power.

At a period very little prior to this, printed hand-bills had been circulated over the metropolis, prompting the very act of regicide.

It had been truly said,—"that no *personal* connection was traced between the authors or publishers of these hand bills, and those who committed the outrage of attempting the
"measure

“measure which they recommended,”—But was it better for the public, that, instead of a conspiracy in two parts of the same concerted plan, we should have two detached conspiracies, and with no personal intercourse uniting them, the first recommending, and the second attempting the sovereign’s death? Let it be two parts of the same conspiracy! or two distinct conspiracies! united however, as they must ever be, in coincidence of time and connection of principles.

He would next go further back and recur to mischief that preceded the hand-bills: call it here too the same or a third conspiracy, and make your choice between those alternatives! what he meant so to describe, had been stamped upon the records of parliament, called high treason there, and called by its true name. It was a conspiracy that having acquired new strength every day had rooted itself, not in the good sense of the popular mind, (“God avert that calumny (he said) from them and me!”) but in those who hate the people as much as the king; who have acted, and continue to act with ability, zeal, and concert for the attainment of an object which he could not better develop than by two words fatally well understood—words imported from the wretched city of Paris with an English version, to the disgrace of our national character; the words “*Revolutionary Government.*” In those words, and in the sanguinary comment upon them which had struck horror into the world he gave to enlightened men a picture, which no eloquence of detail, if he could ever have commanded it, would make either more just in the portraits or more awful in the mischief. But this, after all, is “a fanciful theory and a vision.” An honourable gentleman over against him, whose dexterity, as well as other talents, (and most of all his wit) he had ever admired (Mr. Sheridan) blew it into the air by two pithy little words “*prove it!*”

His answer to those two words could not be so very short, but would, at least, be short enough to refute them in almost as few words as any thing, like an argument, was able to select.

First, he would say, as a member of parliament, that upon the subject of a remedial and prudential Bill, he should ever protest against the formality of proofs in a legal or juridical sense of the term, as a mode of determining fact, injurious to legislative policy in measures which like this, if necessary at all, were founded upon circumstances too well known to demand proof, and whose exigency was of a kind that required all practicable haste. He would next affirm, that in every view of that solemn phrase which could affect a House of Parliament with a general notice of the facts, they have been proved. High treason had been recorded against a number of corresponding and *affiliated*

ated societies, by an act of the legislature. It is not even denied that such have been the hand bills, and our own senses have told us what else, we could not have believed that such an outrage has, in fact, been committed upon the person of the king.

But in the same two little words, infinite fallacy, was covered. It was true (and this was the fugitive cry of the moment) that *no proof* had been, or *could be*, adduced as *the law now stood* so as to punish the conspirators, or avert the continuance of their projects. Upon the despair of that proof stood the Bill, and stood upon a rock, "*prove it!*" "yes, I *will* prove it," (said Mr. Hardinge) if you give to me this Bill. The executive arm shall be my agent for the purpose of that proof. "It shall punish, or prevent, or shall take upon itself the mischief."

His learned friend, whom he had already cited (Mr. Grant) had well said, "what is *your* opinion of these doctrines, and of these practices? we have told you *ours*." To this appeal we had received prevaricating answers, and the right honourable gentleman had gravely observed (like *Scrub* in the comedy) that *some of them said one thing and some another*. He called upon them to give their sentiments upon the mischief; to admit or to deny it as a fact; and if it should be admitted by themselves, to co-operate in the discussion of the best remedial policy that could meet or avert that mischief. He called upon them in the name of the Commons and people of England, but feared that he should call upon them in vain. We are told, "the laws are able to correct and suppress the evil;" If they are, I, (said Mr. H.) am an enemy to this bill, and amended as it is (in essential parts) I would oppose it as innovating at least in form and in its possible abuse, upon sacred and established rights. In other words he undertook, (and there he laid upon himself the burden of proof) to demonstrate the necessity, arising from the importance of all existing checks, or of any but those which the bill imposed. What the inadequacy of law thus imputed was, he would mark to the conviction of those who heard him, in a very few words.

First, There is no legal power to compel notice of the meeting, and an open allegation of the ostensible purpose. This defect of the law enabled sedition to convene itself abruptly, in pursuance of secret arrangement for that purpose amongst the confederates.

Secondly, In the next place as the law now stands, no magistrate has the legal power of access to the interior of the meeting to the fountain head of the mischief in the oracles of sedition. He may now be excluded as an impertinent

gossip, who obtruded himself as a mere spy of the police, upon the liberty of popular discussions.

3dly, The mask of the ostensible purpose could baffle, as the law now stood, any general suspicion or grounds of alarm. Such a mask would no longer be of any avail. It would be torn off by the detected perversion of the laudable object.

4thly, There is no legal power to disperse the meeting, if the language is inflammatory, but without external outrage or tumult.

It was to mischief like these, that a remedy was claimed, and if the remedy adopted in this bill was not commensurate or strayed an inch too far, it was tyranny, perhaps a worse mischief in itself.

He had listened attentively to arguments arising from two sources, both of them invidious, and yet both of them as manly as they were just against a pending law of restraint upon the liberty of the subject. He would state them fairly, and watch the extent of them.

“ Let a meeting be duly convened; the magistrate with no
 “ pretence for suspicion, intrudes himself. This very intrusion
 “ is, of itself, a check upon freedom of debate. Let the
 “ meeting be assembled *bona fide* and singly, to discuss the
 “ reform of Parliament, or something of that nature. Let
 “ the magistrate, paid by government, (as in Westminster
 “ he is) act like a mercenary in the bad sense of the term,
 “ and in order to court the minister best, (as he may imagine)
 “ let him intercept, by his *imperial vis*, a popular statement
 “ of the mischief. Let him attempt the arrest of a debating
 “ individual. Let an objection to that legal injustice be
 “ made by some ~~arrogant~~ man; let the magistrate then dis-
 “ perse the meeting, and announce the penalty of death for
 “ disobedience to the mandate of dispersion, let him call
 “ in the military to his aid if such a meeting cannot be
 “ dispersed by the civil power alone.

Is not this, he would ask, invidious enough? and is not he in thus putting it, an adversary against himself? or at least against the bill? He would, however, in general, protest against the calumny to which the magistrates who act in the metropolis had been exposed, though he had stated an instance of gross and scandalous abuse in theory, and for the purpose of argument.

He would add no dissingenuous colouring to soften the mischief, but yet would soften it by a fact; which is, that against that abuse there is a remedy at hand, in the controul of other magistrates over these delinquent justices of peace, viz.

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the judges of the land, who have their offices for life, and in the additional controul of juries, who will avenge the insulted genius of the people, and convict the offender; whom the judges cannot spare.

But now in a balance of political evils take the other alternative and chuse between them.

Jacobin clubs, disseminating through *affiliated societies* openly and without fear of check, every mad principle that can degrade the head, or pollute the heart!

Let the good sense of the legislature guarding the publick interest, make the option between these alternatives!

Having gone thus far, he should very soon dismiss the licence of *political schools or lectures*, and the right of inspecting them, which had been called in two other French words (put into English) *domiliary visits*.

Of all the inexplicable events in the political scene, perhaps none had ever more astonished him, than to find such a want of *memory* on the other side of the House upon this topic.

It was true that every man's *house* was his *castle*, but was it also his *theatre*? And so as to exclude all interference of the executive power? These were *political theatres* and made the vehicles of sedition.

Was there no other description of theatres in England? And could the honourable gentleman over against him (Mr. Sheridan) give no account of them? Had he never heard of theatres for dramatic purposes? If he had—could he never have heard of an act which passed in the 10th of the late King? And which disables any theatre unlicensed, or play even in a licensed theatre, which has not the King's previous approbation through his Chamberlain, who is no magistrate, and from whom there is no appeal?

Is the cause of that restriction light in the analogy of it, as bearing upon this part of the Bill?

Sedition had found its way into that school of playful but unimpressive morality; upon this ground alone the restriction was built; not as here for a limited period, but for ever; not liable to any controul over the "*custodes ipsos*," but the offspring of absolute, of personal, of individual discretion and will.

The Act passed the Commons with uncommon haste, and without one division. The whigs and the tories, the minister and the opposition supporting the measure.

Upon the several days which the legal stages of the Bill had occupied, the House was not ill attended, upon many of them

them divisions took place; the minister was then vehemently opposed, and was beginning to lose ground.

In the House of Lords it was opposed by the late *Earl of Chesterfield* in a very elegant, ingenious, and popular speech which is in point—the expressions are beautiful, and the images full of grace; but a more flimsy argument he had never seen. Lamenting for the honor of the talents over against him, that he detected in their topics evident plagiarism from that work; every topic now used by them was anticipated there, and the conceit of prophetic sagacity was not spared. “It was tyranny over opinion—it fettered political freedom and the energies of independent spirit—it would be of no use—it was a *dicatur* that would necessarily in the course of an *imprimatur*, and would in that shape fall with redoubled weight. It was the first hint, and the liberty of writing would soon follow the liberty of speech—the laws were adequate—the Bill was unduly and suspiciously hurried through the House of Commons—a better way to correct popular disaffection was to deserve popular esteem, &c. &c.”

What has been the result? It has been innocent at least, and the mischief at which it aimed, that of a seditious theatre, under this *dramatic* veil has been suppressed. If it was a tyranny in itself upon genius, wit, and freedom of thought, where has the honourable gentleman lived (Mr. Sheridan) that he could suffer its continuance? He that had an interest as the *Congreve* and *Wycherly* of his time (with a dash of the *political reformer*) to make such theatres free as air? And if theatres dramatic in their general office were checked upon account of an occasional abuse, by the permanent controul of a Chamberlain, what shall we say of a check only for a time upon *Mr. Theatrical*'s political theatre, and by a magistrate sworn? Are such theatres less prone to abuse for purposes of sedition? Is the licence here under a magistrate's view less convenient or less wanted at this time? A time, in which not occasional but universal abuse of general freedom has endangered the safety and the existence of the realm? If there ever existed such a thing as an argument *a fortiori*, it was in all branches of the parallel decisive here, and he challenged the abilities in battle array against him to answer it.

Mr. *M. Montagu* said, since he had the honour of a seat in that House, no subject had occurred which required so calm and deliberate a discussion, and to which the circumstances of the times, the temper of individuals, and even accident itself, had so little contributed to allow of such a disposition. To narrow

narrow the ancient right of petitioning, by any encroachment on its free exercise in the utmost latitude, was to touch one of the main pillars of the constitution. It was a truth which could not be denied, nor was it attempted to be contested. It followed of course, that the only justification for even the slightest interference must be founded on an impetuous necessity, and that the right of that interference was only commensurate to the urgency of the danger to be prevented. This principle was not more true in the abstract, than in wise practice and sound discretion; to administer with justice and fidelity, the duty at present incumbent on Parliament, was the sure method to make its expedients effectual, and to give vigour to the law it was called upon to enact. Did there exist any necessity for the interference of Parliament upon the present occasion? Had it a right arising out of that necessity to circumscribe the liberty of the people to meet for the purpose or under the pretence of petitions to the different branches of the legislature? How far did that necessity, and the right derived from it, extend? These were the first questions for honest and independent men to consider and decide.

The best criterion of the necessity arose from the consideration of the consequences which might follow from abstaining to interfere. And here he begged leave to pause, and to leave it in some degree to the minds of gentlemen to supply this part of the argument, because it was impossible for any lover of order, and of genuine liberty, to have failed to gain, from recent experience, if not before from history, observation and reflection, a sufficient fund of ideas to convince him, that some strength was requisite in the hands of the executive government to repress the detestable spirit of some persons in the kingdom. Strength was, indeed, requisite; and so were vigilance, determination, and activity. He was the less willing to enlarge on this subject, since, while it required no amplification, and would scarce admit it, these topics had a tendency to encourage the daring attempts of seditious men, by the knowledge of the terror they had already excited. He therefore took it for granted, as he felt it in his conscience to be certain, that the danger was pressing, the necessity imminent, and the right of course was proved and established.

But were not the laws in being sufficient to empower the executive government to repress these disorders? Upon that part of the argument the opposers of the Bill derived a great advantage, from an imputed remissness on the part of government to employ all the weapons already placed in their hands

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by the laws, and perhaps from an unskilful use of those which they had employed. Upon that head, he confessed himself to be of opinion, that blame might possibly attach to them, and he must leave the justification to those whom it concerned. Still he believed that the existing laws required to be reinforced, and particularly to be declared and notified by some fresh Act, which should draw the attention, instruct the ignorance, rouse the activity, and warrant the exertions of the Peace Officers. The same arguments of the sufficiency of the laws would have been urged with equal truth at the period that London was in flames in 1780, because few understood, many doubted, and none dared act on the established provisions. Upon that ground he was for a new Act upon the subject, which he confessed he should the more approve the nearer it approached to a Declaratory Act. The rise of new species of tumult required new provisions; and it must at least be said, that we rendered the measure effectual, and that we did not stop short of security against that stormy inundation which threatened our peace, our property, our civilization, and, not less than all these, our liberties. And this necessity of new provisions was the more evident, from that skill which had been derived from a concerted system, to make use of lawful means to unlawful ends, to pervert constitutional words to unconstitutional meanings, and to preach revolt under the pretence of reform. "Oh! Liberty, how many evils are inflicted in thy name!" was the exclamation of one who had as little of a slavish disposition as Brutus himself, or the greatest idol of Pantheonized Jacobinism. No.

"License they mean, when they say Liberty."

"For who means that, must first be wise and good."

Such was the exclamation of Milton, who was no Tory, characteristic of the Jacobins of his time, but as justly to be applied to anarchists and king-killers of the present moment.

The present Bill, in its original form, inasmuch as it gave to the magistrates a discretionary power of at least a doubtful tendency, he considered as going beyond the limits of the right we derived from the necessity of the case. He therefore should, on no account, have thought himself at liberty to vote for it, especially as the introduction of it, with all its attendant circumstances, seemed to have excited that alarm in the minds of the lovers of order, and the best supporters of

* Madam Roland.

government, —

government, which would have probably rendered its execution at least weak and precarious, if not impossible. The alterations since made had done away the objection arising from the discretionary power to a sufficient degree to enable him, upon the whole, to vote for it, consistent with the principles he had laid down; while the time assigned to the duration of the act had qualified it as a measure, called for and justified only by the peculiar and eccentric circumstances of the times.

But while he gave his assent to the Bill in the present shape, he could not help adding a remark on the circumstances which had attended it. It had been more than once a matter of regret to him, as, upon the whole, a well-wisher to the present administration, that, upon important political conjunctures, there had not been a sufficient solicitude to explain thoroughly the principles of a new measure on its introduction, or to circulate that explanation through all quarters, so as to conciliate the minds of the well-wishers of government, and best supporters of the constitution; and to evince the wisdom and necessity of the legislative regulations, or of the political determinations of the time. The Russia business appeared to him to be a marked instance of this neglect. Perhaps, upon a retrospect, the right honourable gentleman might have reason not to dissent, as far as related to that example. The present instance appeared to him to be pregnant with an useful lesson to the right honourable gentleman, and to future ministers; it might serve to teach, nay even to convince, that, in the introduction of new measures, especially when they concerned constitutional principles, too much precaution could not be used to explain the nature, use, extent, principle, and consequences of the innovation. Mankind must be ruled by their opinion. Opinion followed upon confidence; confidence was generated by the belief of prudence and honesty in those who governed. Where the case was new, where it touched the near concerns of every one, the wisdom of the identical measure must be explained, enforced, and proved; the wisdom which consisted in the well concerted expedient for an useful and honest purpose.

He begged it might not be objected to him, that he was holding forth a tame submission to popular clamour, or a degradation of the dignity of Parliament, to a fawning observance of popular favour. "No," (said he,) let us have that stability in our councils, which suits with the long established experience and accumulated wisdom of so many ages. But let us study to appear as well as to be (because it is useful so

to appear as well as to be) the faithful guardians of the rights and privileges of all classes of the community. Let us be firm, but dispassionate: just when we are severe, candid when we are misrepresented, and intrepid when we are attacked. Much is lost in private life, as well as in public concerns, by misunderstanding. Half the disputes of the world have no other foundation. Calm and clear explanation, a little indulgence to hasty misconstructions, and the most eager disputants are friends in an instant. It is the same in the affairs and conduct of nations. Let not any man confide, that the good people of England may not be misled, by even a mistaken jealousy, to commit all their precious treasures (and no nation ever had greater) without rudder or compass, to the rude waves of popular commotion. Mankind are affected more by metaphysical, abstract, and even distant grievances, than by immediate and personal danger, the wreck of property, and all the fatal consequences of civil tumult. The Americans fought for what they might suffer, not for what they had suffered. I know the pressure and multiplicity of the affairs of this great, rich, commercial and powerful nation, which leave little leisure to those who manage its concerns; but at the same time I am certain, that more time is lost, and more inconvenience is felt, by subsequent difficulties, than by previous arrangement, and a full preliminary explanation."

Mr. Sheridan said, that the direct allusions which had been made to him would prevent any surprize at his anxiety to come forward. He was not sorry, however, that he had given way to the honourable gentleman who had spoken last, as he had followed the same train of argument with the learned gentleman who had preceded him, and as it would save the House the trouble of having separate replies. It had been remarked, that, during the late momentous time, the magistrates had been extremely idle, and not been active to exert their authority in suppressing the meetings, and resisting the principles, from which so much of the danger was thought to arise. If any evils, however, had arisen from their neglect, he would ask how the present Bill was calculated to secure their activity? Instead of prompting them to greater vigilance, it threw impediments in the way of their exertion. They were placed in an odious situation, when they could not execute their trust without incurring the detestation of their fellow subjects. Men of virtue and honour would avoid a station which they could not fill with credit or respect. He had been accused, Mr. Sheridan said, of casting reflections upon

upon the magistrates in this country, although he had never uttered a sentiment in general disparagement of that class of men. He had limited his charge to the justices of Westminster, who were appointed, paid, and controlled by the executive government.

He next came to the observations of the learned gentleman, (Mr. Hardinge.) He certainly was bound to thank him for the personal civility which he had displayed, and the handsome compliments he had paid him. He was still more pleased, however, that the learned gentleman had placed the argument upon that footing, on which alone the subject ought to be considered, namely, what the necessity was that required the interference of the legislature; and whether the present measure, or any part of it, was adapted to meet the exigency of the case such as it might be. In the applauses which had been given to the speech of a learned gentleman (Mr. Grant) on a former occasion, he heartily agreed, as it was a performance conspicuous for the ingenuity of the reasoning, and the appropriate character of its language. Without detracting from its merit, however, he could not but observe, that the main points involved in the discussion had been omitted. He had neglected to establish the existence of the evil, and to demonstrate the fitness of the remedy. All turned upon this point; the learned gentleman had objected to him, that he called for the proof of the disorders to which the application was to be made, and had summed up all his argument in the two words, *prove it*. The learned gentleman seemed studious of brevity, and had divested these words of all the observations with which they had been connected. He wondered, at the same time, how the learned gentleman found fault with this imputed brevity, since he seemed disposed to adopt the same mode of illustration. The learned gentleman had likewise thought proper to assume the task of stating the argument against his own side. In this he had succeeded to admiration; in the course of his speech, he seemed all along to argue against the part he really meant to espouse. This, indeed, was not an uncommon case with the learned gentleman, nor with the profession to which he belonged, to speak on both sides the question. How he had discharged the duty to his client he would not decide, but he would by no means advise the meetings complained of to put their brief into his hands.

The learned gentleman had called upon his side of the House to say whether jacobin principles had increased of late, and then objected that the proof of it was demanded. To this

he would again say, prove it. It was not, however juridical proof, but prudential proof, that he looked for; that kind of proof that ministers themselves had thought necessary, and brought forward previous to the passing of the Act for the suspension of the *Habeas Corpus* Act. That measure, however, was not near so strong as the present. It was, therefore, not extraordinary that he required, on a greater occasion, what they had voluntarily brought forward on a less. Was it wonderful that now he should demand a similar proof. Formerly the House had been deceived by the assertions of the minister, and he was on his guard against a fresh imposture. None of the plots which had been announced in such alarming descriptions, the plots to seize the tower, and the various other conspiracies, had existed. The verdict of impartial juries had decided that ministers had stated to the house, what the event did not justify. Where was likewise the plot which had been fabricated at a very particular period, during the sitting of the grand jury, upon which various persons had been apprehended, and harshly and unjustly confined for many months, without the shadow of proof or reality for the accusation. Being thus three times deceived, does the learned gentleman trust again to the assertions of administration? He was ready to declare, that he did not think the principles complained of were increased; and on which side did the presumption lie? There was a most important difficulty to be surmounted before the gentlemen on the other side could maintain their argument with consistency. If they knew the increased and increasing danger of seditious doctrines and assemblies, why did the speech from the throne bear the language it contained? If ministers were acquainted with the evils they now magnified and insisted upon, in what light was the declaration of the King, of the loyalty and good order of the country, to be considered? or how were they entitled to argue on the ground they assumed at the opening of the session of the advantage which in this respect the war had produced? Mr. Sheridan said, he believed these principles and this danger to be diminished. As a proof of it, he would appeal to a learned gentleman opposite, (the Attorney General.) When the *Habeas Corpus* Act was suspended, numerous prosecutions were going on, and the jails every where were filled with this species of criminals. Were any such heard of now? It was said that the different societies still professed their former objects, and held their former language. He would nevertheless affirm, that their professions and conduct had been materially altered.

Formerly

Formerly they had said, that it was needless to adopt the usual mode of obtaining redress of grievance, that that House was too corrupt to be honoured with petitions, and that reformation was only to be effected by the persevering exertions of the people. They had since found that such pretensions were little fitted to procure converts, and had retracted them in form. They had disavowed their former claims, and their former language. The bad success with which their schemes had been attended, while they maintained these extravagant objects, was a proof of the general attachment of the country to the constitution. Whether they were sincere in their late professions it was impossible for any man to decide. The learned gentleman had said, that they had a right to hear what were the sentiments of the side of the House on which, he, (Mr. Sheridan) sat, upon this subject. He asserted that they had acted jesuitically, and had declined any explicit declaration. On the contrary, he would maintain that they had acted with uniform fairness and consistency. He had never, for his own part, scrupled to affirm, that there might be some pains taken to circulate sedition through the country, for desperate individuals there were in every State. The practice for imitating the cant of the French, and all the mummerly attending their proceedings, were certainly highly ridiculous; what, however, had been the consequences of this? It had shewn that they were as ignorant of the temper and dispositions of Englishmen, as ministers were in the regulations which they meant to impose upon them. Might they not, in good earnest, have relinquished the extravagant, and tempered the wild ideas which they were in use to entertain? An honourable gentleman opposite (Mr. Pitt) had been the strenuous advocate of substantial reform, though he had not gone the lengths proposed by the Duke of Richmond. He did not believe that any one considered him as a better man than when he maintained those principles. The Duke of Richmond, he was informed, had been heard to say, that he was convinced of the folly of the plans of reform that he had prosecuted. Were those gentlemen to monopolize the privilege of abandoning their professions and their principles? Ought not the same candour to be extended to the societies, and might not they be allowed to change their conduct? Even the example of France might have contributed to withdraw them from their attachment to the principles which had been introduced into that country with so little success. He believed, on the whole, that the mischief was beyond calculation.

A learned

A learned gentleman had confessed, that the present bills were strong measures, yet no attempts had been made to prove the evils worse. If this could have been done, he was convinced that ministers would not have allowed such an opportunity of sanctioning their measures to escape. The present bill was stated to be a balance of evils. The learned gentleman had insisted on the advantage that would arise from notice being given of meetings when they were held. Would any man for a moment contend that the meetings of the Corresponding and other societies were clandestine? They had often been charged with an opposite conduct, and the boldness of their proceedings had been urged as an aggravation of their guilt. He considered the first clause to amount to a prohibition of all public discussion. The notice was to be given by seven persons, resident householders, in the place where the meeting was required, in the newspaper usually circulated there. No meeting could take place of persons not householders. Journeymen tradesmen might have occasion to assemble to complain of a grievance, or lodgers to take measures against the exorbitance of rents, without being exposed to the severity of the law. Would the editor of a country newspaper, he desired to ask, always insert the notice which was necessary to constitute a legal meeting? He was to judge whether the persons signing it were householders, and whether he would be satisfied with their responsibility. He might say that he had not leisure for these enquiries, and might refuse to insert it. Instances had already appeared how partial the conduct of such men might be. Country newspapers were greatly under the influence of the Crown. They might, even with the danger hanging over them by this bill, be justified in their refusal. The other alternative, of applying to the clerk of the peace, five days before the meeting was to be held, might likewise be frustrated; and no legal means remain to constitute a meeting under the operation of the statute. It was a mockery to give to the people the privilege of holding a meeting, and to affix to that privilege such conditions as did not at all depend on their own will and choice. Why had not the old modes of giving notice been adopted, by means of the common cryer, or by an intimation at the church door. In fact no meeting could hereafter take place; all discussion would be annihilated. The learned gentleman considered it of trivial consequence that, after the notice had been given, the meeting would suffer no inconvenience. Notwithstanding the modification which had been attempted upon the bill, magistrates might still come and dis-

perse

perfe a meeting which they imagined had entered upon difcuffions which they might difapprove. Any thing which, in their opinion, tended to create diflike; any deliberation on the fubject of parliamentary reform, or of exifting grievances, would inflantly authorife him to interpoze. Nor could any responsibility attach to his conduct, where he acted in this manner. At any rate, where the magiftrate conceived himfelf bound to put a flop to proceedings which involved topics of fuch a nature, perhaps dangerous, in his opinion, he would be undoubtedly freed from all danger of punifhment from the abufe of his authority. He rejoiced that one petition (Mr. H. Tooke's) containing many important facts, was on the journals of the Houfe; becaufe it would be impoffible to difcufs many of the facts it contained after this bill was paffed. For example, to fay that feats in that Houfe were at the nomination of members of the other houfe, and were fold as common as stalls for cattle at Smithfield. Introducing the words wilful and advifedly fpeaking, could have no effect in regulating the magiftrate's difcretion, though it might be of importance in the confideration of a jury on an indictment. Even fhould he get the length of debating a queffion, muft it be regarded as nothing to fpeak under the watchful ear of an attending juftice? Where, it was faid, was the harm of the magiftrate being thus authorifed? He was entitled to feize the perfon who was "wilfully and advifedly" exciting the people to the diflike of government. Be it remembered, however, that as it was impoffible for the magiftrate to decide what words came under this defcription, he could only exercife his own judgment; confequently, however legally conftituted a meeting might be, it depended upon the caprice and the character of the magiftrate whether any deliberation was to take place, or any advantage to be obtained. Mr. Sheridan compared the prefent bill to the Riot Act. Nobody of character would accept the charge which this bill required to be performed. The loweft magiftrate, a petty conftable, might put a flop to an afsembly, as foon as any words were uttered which he confidered to be obnoxious. He reprobated the hardfhip of feizing a perfon in the arbitrary manner prefcribed by the bill.

The Riot Act had been intended for a different object from the prefent bill. The former was intended to enable the magiftrate to act to prevent violence about to be committed, and where, by a tardinefs of the application, the remedy would have come too late. Nothing of this nature, however, was called for by the prefent cafe, nor could there be any parallel between

between the circumstances. Resistance to the magistrate was felony; and if twelve men peaceably remained, military execution was to take place. The Riot Act was only to be enforced when the persons assembled acted riotously and tumultuously. It was also to be recollected, that even the Riot Act was introduced upon the eve of a rebellion, when the constitution was assailed; not by popular meetings and political debates, but by a great part of the inhabitants of the country, supported by men of the first fortune and influence. Compare that measure with the present, and how feeble must it appear? Yet Blackstone questions whether its remaining part of the code, after the necessity which had occasioned it had ceased, was not inconsistent with the spirit of the constitution.

Suppose, however, which was no improbable case, that the persons desirous to assemble could not procure the insertion of their notice in a newspaper, nor their intentions notified to the justices in sufficient time, what was to be done, in order to effect the purpose for which they meant to assemble? Resistance, should they meet, would be useless. He would recommend to them to exercise only passive resistance. Should they, to the number of fifty and upwards, meet, and send for a magistrate, and remain above the number of twelve above one hour after being ordered to disperse, what course would the magistrate follow? Would he inflict military execution, or commit to jail the supposed culprits? If so, would a jury find them guilty under the present bill? could they be punished in thus throwing themselves on the conscience of their country? Of what avail then was the law which could not be put in execution? He disclaimed intending any thing personal to the magistrates for Westminster, but could not, however, but say, he thought all the magistrates in the kingdom must be assimilated to the Westminster justices, in dependence on the Crown, and tutored in the new doctrine of lopping off the branches of the Lords and Commons, before they would be brought to contribute their exertions to realize so sanguinary a system.

The learned gentleman had argued most elaborately on the situation of the country if the bill was not passed. If you are to permit the existence of these societies, he exclaims, what are to be the consequences? He had then solved the question, by recurring in the usual high toned language to the example of France. The learned gentleman had said, he had remarked, on a former occasion, the difference of character between the British and French nations. He must still maintain, Mr. Sheridan said, that scarce any argument could be formed upon premises

premises so dissimilar. The operation of different governments roused and sublimated the characters of a people, animated every energy of human nature, elevated and ennobled the temper, or extinguished the great affection, and degraded and distorted the human heart and the human intellect. He would not then ascribe the horrors which had attended certain parts of the French revolution to the influence of Jacobin clubs. He was above the obloquy or misrepresentation which this opinion might produce. It was not the Jacobin clubs of Paris that filled France with prisons, or deluged the country with blood. It was the infamous club of Piltz, the associated society of despots, that, in the unprovoked attack on the infant liberty of a people, awakened terror, distrust and cruelty. The French trembled for their freedom, and they thought every moment that treachery was about to rob them of it. Nothing was so cowardly as fear and panic, nothing so humane as courage. When the French were under the influence of this terror, cruelty and oppression rose. To what other cause than this could the charge be attributed? In the beginning of the revolution, a system, mild and lenient to a degree, perhaps of extravagant refinement, was embraced, but was quickly superseded by the fears which external danger and domestic distrust inspired. Terror was only to be allayed by spreading terror, and suspicions by suspicion. The example of France, therefore, was altogether inapplicable, either in the particular circumstances or general character of the people, to the designs of any party of this country. The leading cause of the superior virtue, the superior glory, and superior happiness of this kingdom, was not the particular distribution of the parts of the constitution, but the possession of a general freedom of sentiment and of speech. It was not by solitary efforts that the national character had been elevated so high, all that was good and great had been effected by numerous meetings. Put the existing laws in execution against those who may not have changed their sentiments, and reconciled themselves to the constitution; let not, however, the great principle on which the vigour of the whole system depends be destroyed.

The bill was said to be improved, but it did not appear to him in that light, and he hoped the learned gentleman would not be offended if he again pronounced those obnoxious words 'prove it.' He said that on his side of the House they had already assigned the reason why they did not attend the Committee on the bill. It was too incorrigible, too radically rotten, to be amended; its deformity was too hideous for the sight, its pollution too gross for the touch.

As to the outrage against his Majesty, so much deplored, and the hand-bill inculcating the doctrine of king-killing, the only connection which could be of any use to be proved, was to fix it upon the Corresponding Society. But no such connection had been attempted; and it was much more probable that it issued from one of the government spies, who on every occasion displayed the utmost violence of sentiment to delude the unwary, and to bring discredit upon the pretensions of the whole body. The present alarming measures he believed were brought forward merely to screen ministers from the consequences of misconduct, from the odium of a war, the object of which was the subject of detestation, and the conduct of contempt. This, as was said at its commencement, was the war of kings, and not the interests of their subjects. In former contests there had generally been some view of national pride, some acquisition of conquest, or some valuable possession, by which the people were reconciled to it. The present had none of these objects to sanction it, but stood exposed to the unmitigated detestation which the miseries it had produced must excite. From this circumstance ministers thought the outrage offered to his Majesty furnished a pretence for adding security to the person of the king, when they were fighting so strenuously the battles of royalty. They wished to shelter themselves from the storm which was impending, and to erect the royal sceptre as a conductor, to catch the lightning of popular wrath, which threatened to destroy them; to draw it away from themselves, and to protect them from its dangers.

One slight circumstance he would not have thought deserving of notice, had it not been involved with so many observations personal to himself. The learned gentleman had asked, why he, who was so anxious to reform abuses, did not think of procuring an alteration of the law which required theatres to be licensed, especially as he had a personal interest in the alteration? With regard to the learned gentleman's observations upon that act of Parliament, and the celebrated speech of Lord Chesterfield, he totally differed. He considered the speech as one of the most brilliant and powerful compositions of that elegant nobleman. The act, however, was intended more to repress moral licentiousness than to prevent political entertainments in the play-house, where there was not much danger of men becoming popular. He mentioned the following instance in which he himself was concerned, to shew that the power which the Lord Chamberlain possessed, might, notwithstanding what the learned gentleman had

had said, still be abused. He once produced a piece called *The School for Scandal*, in which he introduced the character of a jew who lived by supplying extravagant young men with money at exorbitant interest, and thereby bringing them to ruin. The night before the piece was to be performed, he was much surprized to hear from the prompter that a licence was refused. It happened that at that time there was a contest in the city between two gentlemen, Mr. Wilkes and Mr. Hopkins. In the warmth of contested election a story went about, that the character of the jew was meant for Mr. Hopkins; and the piece was represented as a factious and seditious opposition to a court-candidate. He, however, went to Lord Hertford, and explained the circumstance of the scene to be a matter of general satire, and not of personal obloquy or ridicule; Lord Hertford laughed at the affair, and gave the licence.

The regulation, however, was merely confined to the theatres of Covent Garden and Drury Lane; because, by an easy fiction, the performers were considered as his Majesty's servants, and to act only such pieces as should be agreeable to him: the act extended to no other theatres in the kingdom.

He concluded with solemnly declaring, that if this bill passed into a law, the doom of British liberty was pronounced, and that in all probability it would lead to such scenes of misery and horror, as no friend to the happiness of his country could contemplate or outlive.

Mr. *Powys* said, the only question to be considered was, whether the bill was adequate to the exigency of the occasion? The House had already decided on the principle of the bill. It was, he observed, a distinguishing feature of the British constitution, that it was capable of relaxation or contraction, as circumstances required. The monster to be contended with was such as no act had produced, and for the destruction of which no precedent could dictate rules of conduct. It was a monster which gentlemen might think they could muzzle, but if once allowed to taste the blood of the constitution, it would devour its vitals. Those political meetings, so much alluded to, were not, he thought, of so harmless a nature as had been represented, but deserved the serious attention of the legislature. The evil against which this bill was intended to guard, was a monster perfectly non-descript; it was an evil *sui generis*. If once the principles of these societies prevail, there was an end to all which our ancestors had held dear and sacred. What insatiation then had

gone forth¹ that, with the principles of these societies before their eyes, people should be so blinded as not to discern their interest in guarding against their machinations. With men of desperate fortunes and turbulent spirits it was thought,

“Better to reign in hell, than serve in heaven.”

There might be men who wished to make a shipwreck for the sake of plunder, and of involving in one common confusion the property and enjoyments of Englishmen. What, however, most surprized him was, that there should be others found, of a different description, who could lend their assistance in aid of such proceedings. It, amongst the apologists of such meetings, there should be men of extensive talents, of amiable manners in private life, of an ingenuous mind, and commanding public esteem, the danger would be infinitely increased. He was afraid that the converse of that sentiment, “that the people have nothing to do with the laws, but to obey them,” would be adopted, and that the people would be led to think that they had every thing to do with the laws but to obey them. He lamented that the industry of the working classes among the people had been checked through the progress of these societies, and arrested by an attention to matters of wild speculation. He asked, what was contained in that act of tyranny, as it had been termed, to encourage the exercise of “the holy duty of insurrection?” A passive resistance to the law was all that was recommended. For his own part, he could see no practical hardship imposed on the people of this country by the measure in agitation. He thought that the Bill was likely to be attended with much more benefit to the people than injury, though he owned that it certainly was an abridgement of a great and valuable privilege, which should not be attempted except only in urgent cases, such as the present emergency? Some cry out, where will you stop? To which he would answer, where the evil stops. They were told,

“If an eye offend thee, pluck it out.”

He perceived a cancerous tumour in the body politic spreading corruption through the whole mass; if it was not cut off, it would grow; they should take care that no vital part should be affected, the wound would then heal, and the constitution recover its pristine health. It was surely wiser to submit to a gentle operation than hazard a mortification. The question was, whether the constitution would be better secured by the temporary restraints of this law, than it would be under the uncontrolled operations of those who would overturn all law and established government in the land.

Mr.

Mr. *W. Smith* said, after the able discussion which had been entered into upon almost every part of the Bill in question, he should certainly take up no more time than necessary in stating in a few words his opinion upon one part of the measure only. He owned, from the attention he had been able to pay the Bill, he felt an apprehension that, unless the effect of one clause could be done away, a very important branch of liberal education would be cut off in every seminary, except our two Universities. If they referred to page 8 of the printed Bill, they would see that every house, in which lectures were given upon the laws, the constitution, or the policy of the government, upon the payment of money, was liable to the operation of this clause.

[He was told, that in the debate on the report from the committee, that was done away.]

The alteration, Mr. Smith said, made little difference to his argument, as gentlemen would never contend that persons should not be instructed in the laws and the constitution of the country; the provision as it stood made no other change than this, it left it in the breast of certain magistrates to determine upon the fitness of such studies. This appeared to him to be a point of serious importance, and required explanation. As much had been said upon the petitions which had been presented against the Bill, he begged to refer to one presented May 6, 1793; and desired it might be read, after which, he declared, that from its importance, with respect to a reform in parliament, it well deserved attention. That petition contained allegations, that the house was by no means an adequate representation, and that it was framed upon principles detrimental to the interest and happiness of the people, and offered to bring forward proof of the truth of the allegations. Whether these allegations were true or false was nothing to the argument; he desired to ask, supposing the present Bill had then been in existence, would not a hundred justices have been found to step forward, and to tell those who offered proof of these allegations, that they attempted to excite hatred and contempt for one branch of the legislature? He said, if there was an individual (Mr. Powys) who, by his own merit and exertions, had risen to considerable influence, who for a long period had observed a certain conduct, and pursued certain objects, but whose mental opticks in the violence of a fantastic alarm, were deranged, that all objects were totally reversed, the friends whom he formerly had followed turned enemies, and those he once considered enemies turned into friends, the measures

he once condemned at present supported, and the principles he once maintained at present reprobated; who insinuated the blackest charges against the persons he once esteemed, of which he knew them incapable, but which he enforced with an affected solemnity of manner, to conceal their real absurdity, such individuals whom he had stigmatized, would agree with him, that it was beneath them to reply to such nonsensical imputations.

Mr. *Abbot* said, that having attended minutely to the progress of the Bill through the committee, he would defer all other topics of consideration to a future time, and confine his present remarks to two distinct heads of consideration: First, the principle for the Bill, and second, the circumstances under which it was brought forward. If both these enquiries led to the same conclusion, it was time that they should break off their work. There was but this plain consideration in the framing any legal measure, restrictive and penal, whether the theoretical good outweighed the practical evil? and as the making such laws was an indispensable duty, it became the legislator to disregard imaginary fears. To him the law appeared to be incontrovertible in its principles, and unobjectionable in its provisions. If sedition was apprehended, means should be taken to prevent it; the facts on which such apprehension was founded, were too obvious to be denied, and were proved not less by their own notoriety, than by the pains which had been taken to depreciate the danger, for who would labour to combat a shadow; if then a new law was found necessary, the provisions of that law were next to be considered; and however numerous they might be, they were easily compressible within a small compass; namely, that all meetings, not authorized by law, and all lectures, should be notified by writing, so that if mischief was likely to ensue, it might be prevented by the interference of the magistrate. He could not conceive it to be an injury to the liberty of the subject, that men should be obliged to speak in open day; as men really holding direct and honest intentions would rather their actions were open to the judgment of indiscriminate and impartial observers, than confined to the opinion of a certain number of prejudiced partisans, convened in a corner. The discretionary power vested by the Bill in magistrates, had been much complained of; he wished to hear from gentlemen, whether there existed in this country any magistrate without discretionary powers? The happiness of Englishmen was, that ample redress was provided by the law if those powers were abused. The laws held magistrates

of all degrees, from the Secretary of State down to the constable responsible for wilful abuse, or excess of authority; which was no chimerical safeguard.

Great stress, he observed, had been laid on the petitions, which crowded upon the table of the house, and were said to prove that the sentiments of the people of England were adverse to the Bill: it should however be remembered, that of eighty-two counties, eight only had petitioned; and that of these eight, only two were against the Bill. That in the capital towns in the kingdom, they were known to be divided in opinion where they had delivered any, and several had given no opinion at all: and this during three weeks, when every art and artifice had been industriously used to procure them; so much for the assertion, that the universal sense of the country was adverse to the measure as determined by the number of the petitions. Their quality, he said, was a consideration of still greater importance; they bore the strongest internal evidence of the misrepresentation which had obtained them, and the misconception under which they had been drawn up. The Birmingham petition was, in effect, a address for peace; and they all of them looked upon the present laws as adequate to the punishment of the existing evil; though not one man in a thousand, who signed them, could form a judgment on such a point. A great philosopher said, that the utmost perfection of work arose from the division of labour. Yet in that most complicated science, law, particularly political law, every man professed to be an adept; and, without having so much as seen a statute book in their lives, professed a thorough knowledge of the subject, as if they could obtain it by inspiration. If they would look for information where it was to be met, they would find that the parliament of Henry the Fourth enacted rigorous laws to prevent mischievous assemblies; to did the parliaments of Charles the Second, and George the First, give the magistrates that power to disperse dangerous assemblies, which was given by the present Bill.

They ought, undoubtedly, Mr. Abbot said, to attend to the reasons stated in the petitions, to examine, to compare and weigh them; but reflecting upon the mode of their attainment, to use their own discretion as to the object they professed to consider; and when they laid their hands upon the ark of the liberties of the people, they should exercise their judgments agreeable to the dictates of their conscience.

The bill unquestionably had derived important amendments from the committee; and, had not one amendment been made

made, he should have thought it his duty to have opposed it. If more were not made in that committee, let those answer to the country who had deserted their duty, by absenting themselves, when the collective wisdom of the whole House was called upon to co-operate in rendering the bill effectual and adequate to its end, and at the same time as little objectionable as possible in the means it provided for its attainment.— One gentleman left them because he thought the principle of the law tyrannically severe; another gentleman, upon whom the title of the public servant had been conferred, abandoned them because he thought the bill too bad to be amended. He, however, had, from the sueness of his mind, in his objection to the measure, stated one circumstance of his dislike, and an amendment had followed it. If that right honourable gentleman had descended to have attended, more amelioration might have been the result; if, therefore, the bill was less perfect than it ought to be, the country have to attribute it to the conduct of those gentlemen who had abandoned their duty upon the shallow ground of playing off a political manœuvre, or with a paltry view to embarrass a rival in politics.

Some gentlemen had chosen to state it as a matter of doubt, whether if the law passed it would be obeyed? That ought to be well looked after. In Parliament, the idea of resistance could never be stated but as a speculative proposition; when, however, it went forth into the world, the consequences might be dangerous. A wise and virtuous legislator, who sat in the last Parliament of Scotland, had said, that every government ought to think resistance lawful in the subject, but that the subjects ought not to think it lawful in them to resist. One gentleman had stated that theoretically, which he had formerly stated practically; a second (Mr. Sheridan) had voluntarily brought forward this topic of resistance; and I rejoice, (said Mr. Abbot,) that he has given us a comment, viz. "passive obedience," an expression which corresponds with that of a distinguished name in this country, Horne Tooke: who treating upon the subject of resistance, had said, "let your resistance be like of the anvil to the hammer." Another right hon. gentleman (Mr. Fox) of distinguished talents and considerable weight, had said, that if these laws were raised by the Royal sceptre, and the people of England should ask him what they should do? he would say, that it was no longer a matter of duty, but of prudence, whether to obey or to resist. It was remarkable, within a few hours after that declaration had been made within those walls, the London Corresponding Society printed a declaration in similar

Similar terms, which was all but laid on the table of the house. Mr. Abbot concluded with saying, that without doubt they were told this in a style not ambiguous, and, notwithstanding the amendments which the bill had undergone, it was time to demand of the advocates for resistance, Whether, when this bill was signed, the standard of rebellion was to be unfurled? Be that as it might, no consideration ought to deter the house from persevering in the conscious discharge of its duty.

Mr. Fox said, he had been called upon in a very polite and civil, but at the same time in a very unparliamentary manner, in that house, to account for his conduct. The honourable gentleman might have taken notice of the whole that he had said on a former night. He would then have afforded him an opportunity of reinstating his words, if they had been misconceived; upon all this he had no particular complaint to make; he should only say, that the practice of attacking a member of parliament for what he had said on former occasions, in that general manner, was wholly new in the course of parliamentary debates. That any individual member, (he made a difference between such a character and a member of his Majesty's councils,) should be called thus to account, was very extraordinary; and what the honourable gentleman, when he had taken more pains to become acquainted with the usages of the house, whatever abilities he might display in his speech, and however politely he might conduct himself, would not he was persuaded frequently practice. Indeed, there was hardly a part of the speech of that hon. gentleman, which, in former times, would have been suffered to be delivered in that House. He wished to know whether it would be of advantage to the proceedings of that House, that the sentiments of each individual, and every part of his parliamentary conduct, were to be the subjects of particular debates unless part of that conduct was such as called for the particular cognizance of the house? He knew there was a species of artifice, of which he did not accuse the honourable gentleman, to call on individuals, in advancing stages of debates upon a bill, to explain what they had formerly said, and this was done with a view of making it impossible to have a fair debate at last. This he had experienced more than once; he hoped, however, that he possessed a temper that was not to be discomposed by such an artifice, at the same time not to be damped by any species of catechism. The honourable gentleman asked him questions with regard, not only to expressions which he had used on a former debate, but also with regard to his former conduct; and he seemed to think he had a right

a right to know why he did not attend the committee on the present bill? He thought he had told that honourable gentleman and the house already his reason for his non-attendance. He would repeat it. It was because the principle of the bill was so detestable, so ridiculously vicious, and so dangerous to the constitution of the country, that he believed it to be impossible to amend it to any good purpose. He did not wish to gild a pill which contained poison in its essence. He wished to speak plainly upon such a subject; and he scorned to defend himself by any species of garbled explanation. He believed that he was not singular, nor were those with whom he acted singular, in abstaining from the committee upon the bill.

He would ask gentlemen who were so willing to put questions to him upon this occasion, nay, he would ask those who were the most willing to desire it, but who did not choose to come forward themselves with such objections, whether they had or had not attended the Committee on the India Bill, which he formerly brought forward in that House? Whether they had attempted, in a Committee, to gain something in that Bill for the East India Company? It was well known they declined altogether to attend that Committee? Why? They stated, that they conceived the principle of the Bill (whether right or wrong, was another question) to be so bad, that they would not endeavour to amend it in the Committee. Let him ask the right honourable gentleman, and the majority of that House, who seemed to have forgotten the conduct of the minister, and his adherents, upon that occasion, whether they would not then have blamed him, if he had asked them whether they did not think that their country would regard them as acting with propriety? whether their country would think them honest by declining to attend that Committee? He knew the answer which would have been made to him then. He knew he should have been told of the influence of the crown upon that occasion. He knew as well the nature of that influence at the present moment. He knew how persons could be prevailed upon, by pensions, by douceurs, and by promises, and he did not wonder that so many gentlemen should comply with ministers, and do all they could to please him, by attending him (Mr. Fox) of a neglect of his public duty. Such shifts, such attempts, to attack him in his conduct, were, however, no more favourable to their honour as gentlemen, than to their understandings as men. If he knew any thing of the examples of precedents in that House, he was not ungrounded in his conduct in ab-

senting

senting himself from the Committee upon this Bill. The honourable gentleman would find easily, as he was a man of research, by the annals of parliament, that he was correct in what he was then stating. It would be found to have been formerly the common practice for gentlemen, who disapproved of the principle of a Bill, never to attend to the detail of it in a Committee; nay, it had been prescribed to them as a rule of the House, never to attend the Committee of a Bill after they had opposed its principle; and absolute orders had been made to enforce that rule. The rule, however, had not, of late, been rigidly observed; nor did he himself wish to observe it in every instance, there might, indeed, be cases in which he disapproved of the principle of a Bill, and yet might be induced to attend the detail of it in a Committee. But then it must be such a Bill as would be capable of being modified by amendment, so as possibly to produce some good. With regard to the present measure, he was clearly of opinion, that no amendment whatever could make the Bill wise, useful, just, or in any sense constitutional.

With respect to the other points, which the honourable gentleman had stated against him, and on which he had been so much catechised, although he disapproved of such a mode of debate altogether, as a personality, it did him no injury, because he never had expressed an opinion, in that House, or out of it, which, if he had reason to alter, he was not ready to retract; or to which, if he still continued in the same opinion, he was not willing to adhere. The honourable gentleman had said, that he had explained away at one time, what he had said at another. He would ask that gentleman, whether this were a fair charge, whether it was correct in point of fact, whether it was proved in point of inference? That honourable gentleman had stated certain words of his, but had omitted to accompany those words with the reason which followed them. The honourable gentleman had charged him with stating a certain doctrine, to which he was still ready to adhere; the honourable gentleman, however, had omitted to accompany that doctrine with the application of it. He would ask that honourable gentleman, was it in reality to the doctrine, or the application of it that he objected? He thought a just man, a candid man, or a wise man, would have endeavoured to understand the distinction between a doctrine in itself and the said doctrine, and the application of that doctrine. This applied to what he had formerly said, when he had stated what it was that would justify resistance on the part of the people of this country. He never said any thing upon that topic,

which he was not prepared to defend; and what he had asserted from principle, he would scorn to explain away from caution. He was ready, therefore, to repeat the doctrine he had stated to its full extent, and he would repeat, that neither Lords nor Commons, nor King, no nor the whole legislature together, were to be considered as possessing the power to enslave the people of this country; they might separately or united do such acts, as might justify resistance from the people. Was this doctrine false? Was it necessary to urge any argument to support its truth? It was a doctrine which he had learnt from his early youth. He had learnt it from Locke, from Sidney, from the late Sir George Saville, from the late Earl of Chatham, and from almost every great and venerable authority that the annals of the country could boast. Had he any fear upon uttering this doctrine? Yes; one fear he confessed he had, and that was, lest some persons might imagine that he was too pusillanimous to maintain this doctrine without referring to authority, to support it, and that he might be considered as a slave to authority. To avoid this, he would state, at once, that, if there was no authority to support it, he would maintain it by himself. He was not singular, however, in that opinion; for he believed that every man, who really valued the principles of our constitution, entertained the same sentiment; and this had been eloquently expressed in a celebrated sermon, by a Reverend Prelate, the present Bishop of Landaff.

Mr. Fox said he himself had no idea of that species of omnipotence in the whole legislature of the country, as to suppose that it could not so conduct itself as to justify the resistance of the people. It was more necessary than ever to maintain this doctrine; since it had of late become the fashion in that House to refer to precedents in the slavish reign of the Stuarts. It seemed some gentlemen were extremely fond of reviving doctrines that were popular in those abject times. Many men, of slender talents, had been encouraged by the countenance which that eloquent man, and great genius, Mr. Burke, had lately been supposed to give them. He lamented that talents so brilliant should have been so employed; they had contributed, in a great degree, to render odious principles palatable. He trusted, however, that the spirit, the energy, the vigour of the English character, was not to be depressed; and that there would be always found in the country men bold enough to assert, eye, and to maintain still, that King, Lords, and Commons, having to compose a legislature, might so conduct themselves as to justify resistance on the part

of the people. Did any man say, or would any man maintain that they were so omnipotent, that nothing which they did could justify the resistance of the people? He believed there was not one, amongst the most base, contemptible, and servile, of mankind, who was yet prepared to state, that the people could in no case be justified in resistance; even to the whole legislature.

He came next to the application of this doctrine, which, for some strange reason or other, those gentlemen, who accused him, had totally omitted in the course of the late debates. In referring to that, the House would do him the justice to recollect, that, when he spoke of resistance, he did not speak of actual resistance, or the propriety of it at the present time; he only stated it as an argument, to shew that it might be just, and he observed, that it ought to be considered attentively by that House, when they were passing a Bill, which, if all its provisions were enforced, after the declared sense of the majority of the people was against it, might provoke that resistance; he was sure that the House would also do him the justice to reflect, that he urged it as an advice to the governors, not an incitement to the governed. Let gentlemen, then, not mistake his words, or the meaning of them, nor misrepresent them again. He was not, he said, surprized at the misrepresentation that had taken place; since the same thing had happened with regard to the words of his honourable friends upon the same subject, and particularly those of his honourable friend Mr. Sheridan, who had been accused that night of having recommended passive resistance. In that case, he must declare, his honourable friend had been very unfairly treated. He had not recommended resistance, either passive or active; he had more than once or twice, in discussing the subject of resistance, said, that if there should be any persons determined to make resistance, the mode he should recommend them to adopt would be that of a passive nature. That, however, as well as other expressions, had been taken without the qualifications by which they were accompanied, which marked too plainly the sort of candour that was shown to himself and his hon. friends. To deny this, he would assign as a task to the advocates of the present Bill; a Bill which, it was evident, they themselves did not yet understand in its full extent. He was not at that moment, nor had he ever been, a very correct measurer of his words; but he thought he had stated on a former night, that which could not be easily misunderstood; it was, in general terms, that, if the Bill passed into a law, the conduct of the

people might be regulated by a point of prudence. If it was passed against the general sense of the country, and if the Bill was executed to the full extent of its then provisions, the resistance would not be a question of moral duty, but of prudence. He was that night asked a question upon that, and he had made his answer in the same words. If these were not his words, he was indeed much mistaken; he was sure he meant to utter them, and he believed he did. Honourable gentlemen had however forgotten, or seemed to forget, that the subject had before been amply debated, and that his honourable friends had distinctly stated for themselves the same words. They had said, that if the gentlemen on the other side admitted the doctrine to be true, that, in taking away the liberties of the people, and the constitution of the country, what he had stated as an opinion upon that subject was nothing more than a necessary inference from that doctrine. What then constituted the difference between him and those who denied that inference, but then difference of opinions upon the principles of the Bill? They who thought the Bill not innocent only, but salutary also, must act very differently from him. He had endeavoured, by argument, to prove that the Bill did not merely tend to destroy the outworks, or attack the guards, of the constitution, but actually attacked the vital parts, and tended to destroy the corner stone and foundation of British liberty. He had not merely stated, but also argued that opinion. He had not convinced the House, he had not power to convince it; but as he had long ago convinced himself, it was his duty to express that conviction. He thought, that his duty at all times, more especially at the present time; as he saw, and was sorry to see, a spirit of despotism in ministers encouraged by that House, and which tended to deface and remove the very vestige of liberty in the country. Then, he would say again, that if such measures were persisted in against the decided voice of the majority of the people, the question of resistance must ultimately be, not a question of moral duty, but of prudence. He would not say of morality or of prudence only, but of justice also. In talking of resistance, however, he must again observe, he would not recommend it; for prudence, in his opinion, dictated quietness, unasked under many severe oppressions. There was a lesson to be learned from a celebrated character of antiquity, of which he was fonder at this time than when the ardour of youth had greater influence on his passions. The more he thought, the more he was convinced of the philosophy of that maxim, *Iniquissimum pacem justissima bello antegere*. That

appeared

appeared to him to be one of the wisest sayings of that wise man, and it expressed his opinion upon the point of prudence in these cases. He must also say, if the people of this country, who felt that they were called by Providence into a free state, should revolt at such a measure as the present Bill, he should not wonder at it. If they saw a conspiracy against that liberty which made them happy, a conspiracy, proved, as it was, by the Bill; for the Bill repealed the Bill of Rights, and reduced Englishmen to the character of slaves; he should not wonder if they resented it. If, therefore, regardless of the maxim which he had just quoted, the people of England should be so unwise as to commit acts of resistance, ministers might condemn them, parliament might condemn them, the law might condemn them, prudence might condemn them, but he believed no good man could ever accuse them of moral guilt.

The honourable gentleman had been pleased to accuse him roundly for sentiments which he had uttered on a former night, and which he then repeated. He would ask that honourable gentleman if he approved of the names of Sydney and Russell? Were they dear to that honourable gentleman? "Dear to me they are, (said Mr. Fox,) dear is their very name; dear to this country are the descendants of the illustrious Russell: I see the spirit of that great man this day animating his descendant; I see a man of high rank, splendid talents, and patriotic virtue, emulating the virtue of his ancestor. I admire his principles, they adorn his character, and I hope will be rewarded with glory. I say he emulates the virtuous principles of his ancestor. Perhaps, some people in this country wish he may share his fate; I have no such wish; but I have hopes, when I see the descendant of the illustrious Russell possess the spirit, the patriotism, the fortitude, and perseverance, of his ancestor, that he will be rewarded in like manner by the affections of an admiring people. Why do we admire the great characters of Russell and Sydney? Was it because they were unjustly condemned? Certainly they were unjustly condemned, for they were condemned illegally, on defective evidence, and against law. Although they were thus condemned, is there a man this day who has read their history, who does not believe they had in contemplation a resistance to the prince then upon the throne? Why do we admire them then? The simple injustice of their execution could have reflected disgrace only upon their accusers, and their judges. No, it was because we know they had that resistance in contemplation; that they were determined to resist principles which then prevailed;

vailed; principles which were odious to the people of this country, much too nearly resembling some modern doctrines among ourselves. they found the law insufficient, and they endeavoured to bring about a revolution favourable to the liberties and rights of Englishmen; and if this be the cause at present, the question becomes still nothing but a question of the application of the same principle. These are the reasons why we admire the characters of these great men, and admired they will be while a spark of liberty animates the bosom of an Englishman." These were his sentiments, he would maintain them to the hour of his death. If others, who heard him, could not approve of them, let them use what arts they pleased to blacken him in the opinion of his countrymen; he would still persevere; he knew he had pronounced principles, independent of which his present Majesty never could have been placed upon the throne of these kingdoms. He wished it again to be understood, that he did not mean to shelter himself under the authority of names, he spoke them for himself, but he could not here help referring to the venerable Earl of Chatham's speech on the American war. That great statesman had said, "that he rejoiced the Americans had resisted." A noble sentiment, and although he differed on other points from that illustrious man, he would say, that in that event he rejoiced also, considering the point which was then at issue between America and this country, he had rather that America should be independent of Great Britain, than that, by the meanness of her servitude, she should have infected this country by the baseness of her own slavery. Upon that occasion Lord Chatham had said, in his own peculiarly emphatic strain, "rather than slavery should be established, let discord reign for ever;" and, "old as he was, he wished to see the question tried between government and the people." The phrase was, perhaps, a little harsh, but the principle was excellent. He was sure he had heard similar sentiments from the late Sir George Saville. After all, he would beg leave to say, that, of all the attacks to which he knew he was exposed, there was but one he feared, that of incurring the contempt of pusillanimity. He must therefore again say, that, from the course of his education, from the disposition of his mind, and from the principles he had uniformly maintained in that House, and out of it, he should be a fool if he did not believe these principles to be true, and a coward if he did not profess them.

The honourable gentleman, in his attack upon him, had insinuated, that he had declined attending the committee, in order

order to gain a triumph over his rivals. In what way did he mean? What triumph did he suppose was expected by him? That the present measure should go into the country without his lending a hand to improve it? He pleaded guilty to that accusation; as the measure could not be modified, so as to be tolerable to a people possessing any sense of freedom, he really wished it to appear before them in all its native ugliness and original deformity.

Mr. Fox next proceeded to take notice of the arguments of a learned gentleman, (Mr. Hardinge). That learned gentleman had stated, that the Bill was not only intended to check the progress of certain meetings, in as much as they were seditious, but also to check argumentative and dispassionate reasoning in such societies where government was attempted to be reviled; so that, in point of fact, the Bill was intended to prevent all reasonings, however dispassionate, and however correct, on the inadequacy of the representation of the people in that House. If, for instance, he should himself dwell on the absurdity of the representation for Old Sarum, without passion, and without violence, in any assembly, except in that House, a magistrate was to have the power to take him up, and to dissolve the meeting; and if, after a certain time, a number of persons should stay to hear him, the magistrate was empowered to employ the military to murder them. That must be the case, and the learned gentleman had put the issue upon fair grounds. How could it be otherwise? because the whole must depend on the feeling of an individual magistrate. That would create endless strife, even among magistrates themselves. He had received a letter from a most respectable magistrate, who held that office much to his honour, and the benefit of the place in which he resided, in which he expressed his terror at these Bills. Heretofore, men of different political principles had held the offices of magistrates together, and, forgetting all private opinions on politics, had united in consulting the interests of the poor, and in forming plans for their relief; whereas hereafter they would be forced to depart from their civil capacities to decide controversies between Mr. Burke and Mr. Paine. In short, it would be simply impossible for two men, differing in their political sentiments, however honest, however expert, however useful in their office they might be, to be in the same magistracy. They were directed by this bill to check the progress of reason in popular meetings. How was it likely they should, for any length of time, agree upon the propriety

of interfering their authority, unless they were all of one opinion?

In the course of debates upon this subject, it had been taken for granted, that the preamble of the Bill was a proof of the object of it. That was a curious way of taking a point for granted; it never could be taken as a thing that was true of courts, and he did not believe it to be true in this instance. The preamble of the Bill talked of seditious meetings. A learned gentleman had said, that as to the intention of these meetings, he had evaded the question. That learned gentleman had asked what *these societies* are? A pretty comprehensive phrase: Corresponding and other societies. He had said that, on a former occasion, some of them meant one thing, and some another. The learned gentleman had said that was *Scrub's* answer. He really did not care whether it was *Scrub's* answer, or the answer of any other person, it appeared to him to be the only good answer which a man of common sense could make: where there were a great number of men, there must be a variety of sentiments, and upon that he must refer to the observations already made by his honourable friend, (Mr. Sheridan). The general principle of every society he took to be that which it professed. He knew it might be said, that the language which was held forth on behalf of these societies was moderated in consequence of the course which parliament was then taking. He desired any gentleman to shew him the probability of a person holding forth, in a very large popular assembly, any doctrine that was not agreeable to the real feelings of the mass of that society? He would ask any gentleman to give him proof that the proceedings even at Copenhagen-house were in any degree seditious, and to shew him that the meeting there had any idea of recommending an attack upon his Majesty? The petition presented to that house contained sentiments of a different nature. He would ask the Attorney General himself, if he knew of any proceedings at that place which called upon him to institute a prosecution? What they had done upon that subject could not have been blamed in the bad reign of Charles II. whose shameful example they were at this time so fond of secretly imitating. They had not gone beyond the limits which were then prescribed to those who wished to petition the king. He did not know that these proceedings opposed, in the slightest degree, the sentiments of those who censured *Sunderland* and impeached *North*. He did not know they had done any thing illegal; and he could not presume the proceedings were seditious, merely because

it was so insinuated in the preamble of the present Bill. He knew that to take it for granted, without evidence, was contrary even to the principles laid down in the slavish reign of Charles II. and directly contrary to all the principles of our constitution. Gentlemen, when they talked of seditious meetings, adopted general terms, "these societies," by which they converted them as it were, into a species of body corporate of sedition. Instead of considering them as a body corporate, he considered them just as he did every other large body of men, as consisting of some good and some bad persons. The mass of that body he considered to be good. Such he had considered, and had more than once stated to be the body of the society of which Mr. Reeves was President. He knew, indeed, that some of the publications of that gentleman, as also those of Mr. Arthur Young, were directly hostile to the best principles of our constitution, and that they had been circulated with a mischievous avidity; he was, nevertheless, willing to allow that the mass of that society were what they professed to be; namely, friends of the constitution of this country, as consisting of King, Lords, and Commons. Precisely the same did he think of the London Corresponding Society. By the way, there fell into his hands very lately a pamphlet which contained much admirable reasoning; it was stated in the form of a dialogue, supposed to have been supported by two opposite characters, the one a friend, the other an enemy, to the London Corresponding Society. The enemy says, I hate the society because it has for its object the destruction of all monarchy. The friend says, have you found any thing of that kind in their proceedings? No, says the other; they are too cunning to profess that. What, says the friend of the society, were the 30,000 men all cunning? Mr. Fox said, he fell in very much with this sort of reasoning, on behalf of the society, because he believed it was very difficult to collect together at any time, or at any place, 30,000 cunning men. In proposing the questions the other night to the promoters of the Bill, as to their opinions upon the effect it was likely to have upon all societies, Mr. Fox declared he had not done so, for the purpose of endeavouring to amend the Bill, but merely to get, if he could, at the opinion of its authors on the probable extent of it. With regard to what had been said upon the general opinion of the public upon the measure, he was willing to allow to the promoters of the Bill all the advantage which they could derive from a full contemplation of that subject. He believed it to be, in the true sense of the

phrase, as clearly against the general sense of the people of the country, and as entirely unpopular, as any measure that had ever been brought before parliament. That he was sure would be evident to every unprejudiced man in the kingdom. Upon looking at the nature of the petitions which had been presented, and stated to be in the nature of approbation of the Bills, scarcely one of which directly approved of them, but prayed generally for such measures as the wisdom of parliament might adopt, and were founded chiefly on an idea on which there could scarcely be two opinions in the country, namely, that of congratulating his Majesty on his fortunate escape from the late daring outrage upon his person.

With regard to the general topic, that the present were fit times for temporary restrictions upon popular rights, his opinion was directly the reverse. He thought that the people of the country were more enlightened at the present period than ever they had been, and that they could be more safely trusted with liberty than the inhabitants of any other part of the habitable globe; because the better they understood the principles of liberty, the better use would they make of them, and consequently the more and more might and ought they to be trusted with liberty. When gentlemen therefore asked him what measure he would adopt to prevent confusion, he would answer, "meet the evil; reform those who are adverse to your constitution by reforming its abuses: reform, I do not say upon what system, that may be discussed hereafter, but reform the representation of the people in this house. Keep your word with the publick; tell them they may safely trust in your promise; proceed immediately to the abolition of that infernal traffic the slave trade. Shew them the constitution of this country in its perfection. Shew them that the House of Commons has really a feeling for the condition of the people. While you are so ready to check the exuberances of freedom, shew them the constitution of England in its true beauty; shew them it is favourable to the principles of liberty, and then your enemies will be so few that you indeed may despise them. These, then, are the points by which you will preserve the constitution of this country. I know that liberty is the greatest blessing that mankind can enjoy, and peace the next; but, from the experience I have of the human character, and particularly of the people of England, this Bill will drive the people to this alternative: they will feel that peace and liberty cannot be enjoyed if the provisions of this Bill be enforced. If the provisions of this Bill be still obstinately endeavoured to be carried into effect, the attempt will disgrace our government

ment. I know that some persons are of opinion, that, if this Bill be not passed, government will be disgraced; and I believe that some of the promoters of the Bill are of that opinion, and that therefore they wish to pass this Bill; but that they do not intend to act upon it. I think that would be next to throwing out the Bill. Let gentlemen catechise me; let them spread papers throughout the country, stating me as an enemy to my country; let them blacken me as much as they please; let them even be successful, if they can, in their endeavours to make me odious to my countrymen; still I will persist in doing my duty to the publick, and never relinquish it but with my life. I am not vain enough to suppose, that any efforts of mine have contributed much to the spirit and the energy which has been manifested in this country, I should be proud to think they had; I should be glad to learn that any efforts of mine had contributed to awaken my countrymen to a sense of the value of their own freedom. A great orator, whose defence has frequently been stated to be vanity, has said, *Nobile jusjurandum juravi, ne quid omitterem ut Republica denique salva sit.* That is far from being my opinion of myself; but I am ambitious to preserve the liberties of my country. I have therefore opposed these Bills; and, I trust, the spirit of the country will resent them, especially as they are avowedly only part of what was originally intended by ministers, who have brought on the distresses of this country, by prosecuting an unjust war, and notwithstanding their artifices, I hope we have spirit enough among us to preserve the principles of our constitution. As far as a single individual could exert himself upon that occasion, I am proud of the part which I have contributed; and nothing gives me more pleasure and satisfaction than to feel that a vast majority of the people of England agree with me in this daring attack on our constitution.

Mr. *Hardinge* rose to explain; he said that a sense of honor to the public, as well as to his own character, made it necessary for him to rescue his words from the perverſion of them by the right honourable gentleman who spoke last, and who had accused him of a design to murder the people, if they were to insinuate, by way of arguments, a defect in the existing House of Commons.

He would re-assert what he had said, and would appeal to every man of honor, if it was any thing like what the right honourable gentleman had invented, for the purpose of denouncing him as a victim of popular fury, and as a friend, though he had paid him the compliment of telling him that he had put the argument upon a manly footing. He desired no

such compliment so accompanied, and he repelled, with indignation, such torture of his words.

He had said, that if inflammatory and seditious language were to be delivered in cold blood, and without external violence or tumult, the magistrate would interfere under this act, and if obstructed in the arrest, would have the right of dispersing by force, if no other means could be found. This in construing the act was good law and policy too. He would assert it again and again. A word more for explanation alone. The right honourable gentleman had complained of him for stating, that he (Mr. Fox) had not been explicit in admitting or disputing the object of the societies, though he had expressly and recently given his opinion of them; but here again he had been misrepresented, what he had said, was that Mr. Fox had never told us what he thought of *those conspiracies which parliament had called high treason*; upon the evidence of records, written by the conspirators themselves, and as the test of their political faith against *that want of explicit and fair dealing in Mr. Fox and his friends*. He again protested, for they had, that very night, left the point as dark as ever; though Mr. Hardinge had challenged them to come into the field upon it, especially as those were the very objects which the societies not only had never disclaimed, but had again avowed, by declaring in general terms, *that still their ends were the same*.

Mr. Fox explained, by insisting, that the general impression on his mind was, that on any serious or argumentative speech delivered at public meetings, the magistrate was fully empowered to obstruct the proceedings, and that the honourable member argued thence, that on refusing to obey his command, for dissolving the meeting, the magistrate had a right, if he pleased to disperse them by force,

Mr. Secretary Dundas assured the House, that it was not his intention to detain them by enlarging on all the various topics which the right honourable gentleman had advanced in the course of his speech. The very able manner in which several, who preceded him, had treated the subject that evening, rendered a particular disposition on his part unnecessary: to no one however had he been more indebted than to the honourable gentleman (Mr. Abbot) on the same bench with him, who had delivered an excellent speech, fraught with much good sense and information. The right honourable gentleman, in the plenitude of his panegyric, could not help confessing his irritation at some interrogatories which had been made by
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the honourable member. In a strain of vehement declamation, the right honourable gentleman had expressed his wrath at the boldness of the learned gentlemen in having dared to catechise him on his parliamentary conduct. With all deference, however, he would venture to give it as his opinion, that the learned gentleman had not exceeded the limits of discretion.

In political animadversions, the candour of adverse parties was commendable, when fully convinced; in the present discussion, the rules of candour had, however, been rigidly adhered to on one side, while they were violated on that of the other. The right honourable gentleman had wished to establish an unfair distinction between his friends and his majesty's ministers; and in the perplexing art of catechising or challenging a man's conduct, he was eager to involve the latter in difficulties to which he thought the former were by no means entitled. This was certainly a mode of reasoning which no man actuated by the impulse of plain dealing, would sanction. Why the right honourable gentleman and his illustrious friends were to be exempted from the sort of political catechism which the right honourable gentleman thought better adapted to his majesty's ministers, he would not presume to determine. As public men they were all liable to animadversion; if there could be a difference, he thought that the one party was, from official situation, in a more delicate situation than their opponents, consequently a greater latitude ought to be allowed for their conduct. Between the learned gentleman and himself, there was, however, some difference of opinion. The learned gentleman had regretted and censured the absence of the right honourable gentleman and his friends when the bills were in the committee, because he concluded that some emendations might have been proposed by them, which would have rendered the Bills more acceptable to the country at large. Instead, however, of condemning the opposition for their absence, he, for his part, believed that they deserved commendation. The learned gentleman had expressed other and different sentiments; but he assured him, and the House, that neither he or his colleagues in office felt any cause of regret on the occasion; and that the absence of the right honourable gentleman opposite, at the particular state of the Bill alluded to, was the only laudable part of his conduct. So far, therefore, was he from complaining on that account, that he was glad of that opportunity of expressing his praise; and he pledged himself, that whenever opposition adopted a similar conduct, and thus expedited the national business, he would always, with cheerfulness and promptitude,

promptitude, bestow on them that degree of panegyric to which they were so justly entitled.

Another topic had been introduced which he believed, had contributed in no small degree to excite that irritation which the right honourable gentleman had confessed, and which if he had not confessed it, it was evident he laboured under, he meant the doctrine of resistance, which the right honourable gentleman had advanced on a former night. Upon that point, his saying a word might be questioned, as he was absent all the time; but if he might trust the report he had seen of the words, a report given by the avowed and active friends of the right honourable gentleman, it was not extraordinary, that the sentiment had excited the surprize of the House, and he believed, he might safely add the indignation of the country. If the right honourable gentleman had endeavoured to justify his expressions by a reference to the period of the revolution, it would be found that the doctrine of resistance, as then applied, militated against his argument. Our ancestors adopted it not particularly in opposition to the government for the time being, but in opposition to the king himself, whose actions had rendered him obnoxious to his people, and stimulated them to the resistance of his power. The present case was not, therefore, applicable to the revolution, because the causes and effects were totally dissimilar. Even if the analogy had been well founded, he begged gentlemen seriously to reflect on the dangerous tendency of propagating such doctrines at this particular crisis. The minds of men were sufficiently inflamed without the aid of such mischievous doctrines, doctrines the more mischievous, as they were broached by persons of considerable weight in the country, and broached in parliament, which necessarily added to their influence, and effect. If those who espoused the doctrine of resistance to the government, attempted to vindicate themselves by a reference to the conduct of those who had been immortalized on account of their opposition to slavery at the time of the revolution, it would also be found, that the analogy, in this instance, bore no sort of resemblance. The illustrious patriots alluded to had never, like the patriots of more modern days, instigated a revolt against the legislature. For the sake of argument, a case had been stated by the right honourable gentleman, which was, in some degree, fallacious, at any rate it was an extreme case. The right honourable gentleman had asked, whether if king, lords, and commons, were combined against the liberties of the people, it would not justify resistance? There could be no difficulty in answering that question. Upon the true statement of it, it resolved,

resolved itself. Were such a combination to take place, there was at once an end to the government as well as to the constitution. If resistance at such a crisis were adopted, the people would appear on the one side, and the king, lords, and commons, on the other; that would certainly be a constitutional act of resistance; and an act of resistance not to be questioned, provided the three branches of the legislature had so far violated the confidence reposed in them as to render the resistance of the people absolutely necessary. Grounding an argument on a case which could hardly exist, was, however, so self-evident an absurdity that he would not waste words in affecting to deign it an answer. He would only put it to the good sense of the right honourable gentlemen, whether he really thought it consistent with policy or even humanity to hold such language to the people?

An attempt to propagate doctrines subversive of the constitution must, at all times, demand his utmost indignation. When he seriously reflected on the bold avowal of such sentiments, he thought it the duty of every one to check their farther progress, and he submitted it for the consideration of gentlemen, whether the recommendation of such doctrines was or was not a proper parliamentary language, or a language fit to be held within those walls. The doctrine of resistance was too easily infused into the minds of the people without doors, and therefore gentlemen ought to act cautiously before they attempted to propagate such principles. When that day arrived, he entertained no doubt but all would readily and conscientiously discharge their duty; till such an awful crisis did, however, take place, he hoped gentlemen would desist from the public discussion of a subject not only of the utmost delicacy, but of some considerable degree of danger.

The right honourable gentleman, he observed, had endeavoured to give some species of refinement to his expressions, when he talked of resistance being a point of prudence rather than of morality. The right honourable gentleman was not, he believed, apprised of the evil consequences to which such sentiments might tend, more especially when they were invigorated by his poisoned arrows, industriously shot through the country. Every ignorant man would conceive, he had a right to resist every thing that did not accord with his feelings and the result might be shocking to humanity. Such language would tend to bring all government into disgrace, or at least to render it precarious. He was aware that the freedom of speech in that House gave every man a right of saying almost what he pleased, but every good and wise man would consider the

the effect of his councils before he scattered them among the people.

The right honourable gentleman did not recollect, that, for the sake of popularity, he was addressing that class of people who could neither form nor understand a particular system; and that when he thus seduced the people through the medium of their intellectual incapacity, from their moral obligations, he reduced them to political or rather to positive despair. He instigated them not only against the government, but against the legislature itself. All men would relapse into the original and barbarous state of society; and the unfortunate people be incited against their best friends, their governors, merely because they had been persuaded that the act of resistance was an act of virtue.

Having perused thus much, Mr. Secretary Dundas said, he considered the subject more immediately before them. He had listened to an honourable gentleman (Mr. Sheridan) with the utmost curiosity as well as the utmost attention, particularly to one part of his speech, in which he spoke of the conduct of certain societies. With real satisfaction he had heard him declare, that the views and object of these societies were altered: he had heard him admit that there had been certainly some very pernicious principles propagated by the societies, and that he believed there were some disaffected men among them, but that they were much less in point of number at present than heretofore. He wished to hear the honourable gentleman give some strong reasons to the House, in order to convince them of the conversion of these gentlemen, without which he, for one, could not believe that they were sincere converts. In the first place, he begged to call to the recollection of the House, that in the year 1792, when Paine's book first made its appearance, it was adopted with the utmost warmth and avidity by the Constitutional and the London Corresponding Societies, and circulated by every means in their power, all concurring in the pious hope that the new order of things would take place.

He wished to ask, what were the principles contained in that book? There were an attack upon the monarchy, an attack upon the legislature, and a libel upon the revolution. These were the leading features of a system which they adopted, the principles of which they must have approved. Nothing would have given him more sincere satisfaction than for the honourable gentleman to have come forward, and announced the conversion of those people, if it existed, that honourable gentlemen must be acquainted with the circumstance,

france, from his recent communication with them: the hon. gentleman, however, knew better than to pledge himself for their sincerity, because he well knew they were not sincere; as a proof of this, he would refer the House to a meeting held on the 26th of October, three days before the meeting of parliament, in which they expressed themselves in terms the most insolent and indecent, in an address to his Majesty. In short, from the whole of their conduct and from all their publications, no doubt could be entertained of their design to subvert the constitution; and he had not heard of any thing which led him to suppose they had altered their plan.

He wished the House to look for a moment at the address voted at Copenhagen House, to which he had before alluded, and having examined its language, to see whether or no there was any connection between it and the atrocious attempt made immediately afterwards upon his Majesty. They had been told that great reliance was laid upon the petition which had been presented to parliament from these societies. It was argued, that, by petitioning, they acknowledged that House, the authority of which they before denied: he begged to ask, when their petitions had been sent in? not till after the present bills had been proposed. It appeared that they could vote thanks to Dukes, Earls, and illustrious characters, whom they had hitherto treated with the grossest abuse. If, however, these societies had really given up their detested systems, and would even join the Whig Club, the present acts would be waste paper; they would never be carried into execution. But until he had some strong grounds for believing this sudden change had taken place, he could not consent to lay down his arms, more particularly at a moment when he had every reason to believe that they were sparing no labour to make proselytes to their cause.

What he had hitherto said, related to the preamble of the bill; he would now observe upon some attacks which had been made upon the bill itself. It had been said, that no magistrate would act under the bill, and that therefore ministers had purposely omitted the word "required," which is in the Riot Act; in answer to which he should only say, that, in case of a riot, the magistrate was called upon to act immediately, and from the pressing nature of the danger; under this act the immediate urgency was not so great, and, therefore, the word "required" was not necessary. With respect to the argument upon the means of giving notice of a meeting, he had to observe, that from the number of newspapers, it was not

likely that they should not be able to get their advertisement inserted; but even if they could not, they might go to the clerk of the peace; and it was not true that, if the notice were not delivered to the justices, the persons calling it would be answerable, because they would have obeyed the law in giving the notice, and the meeting would certainly be legal.

Upon the whole, it would be found, by every calm and unprejudiced enquirer, that not one of the old established modes, in which the people used to meet for the purpose of petitioning, were interdicted by this bill; and the whole question would resolve itself into the balance of two evils. As the law stood at present, it was competent to any man to call a meeting, however numerous; and to hold almost what language he pleased: finding the mischief to which such a license led, the question was, whether it would not be better to give up a part of that privilege, than to incur the dangerous consequences which might result from such a privilege remaining in the hands of bad men, excited to mischievous purposes, by others more artful than themselves.

With respect to the arguments upon which gentlemen relied so much, viz. that magistrates might be guilty of great excesses under the bill, he could only say, that if magistrates acted wrong, they were amenable to the laws and must be punished: they were allowed, in every act, a certain degree of discretion, which if they exceeded, they were exposed to the rigour of the law; and he saw no reason why they should be allowed discretion in the Riot Act, and not in the present bill. It had been imputed to him, that he had said, that these bills ought not be passed without the sense of the people was for them. He certainly thought that they ought not to pass unless the people were convinced of the propriety of a measure of the kind; though he wished to be understood to maintain, that cases might happen, in which it might be proper to pass laws, even against the sense of the majority of the people.

He then adverted to the petitions before the House, and the arguments which had been held upon them. He said, that, with respect to the distinctions which had been made between persons of property and those who had none, it depended, in his opinion, upon the nature of the subject: for instance, if all the societies were to petition against this measure, he certainly should not listen to them, because the object
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of the bill was to refrain them; and he conceived there might be cases in which the petitions of the common people ought not to be attended to; not because they were not deserving of the regard and affection of their governors, but because they were more easily misled from the true consideration of their own interests than men of another description. Mr. Dundas took notice of the meeting at Grocers Hall, at which Mr. Bosanquet presided, and spoke of the gentlemen present with terms appropriate in praise to their situation, credit, and character. He at length concluded a compressed but strong argument, most of it consisting of matter or pointed reply, by declaring that he should certainly give his assent to the bill.

Mr. Grey said, that, at so late an hour, when he felt himself very much exhausted, he supposed the House might be little inclined to listen, if he endeavoured to follow the right honourable gentleman who had spoken last, through the whole of his speech, which indeed was in many points of it very difficult to understand. Some parts of it, however, he could not avoid answering, and thought that the right hon. gentleman ought rather to have attended to the forcible and manly doctrines his right hon. friend had laid down, than the misrepresentations that had been sent abroad against him. He stated what Mr. Fox had really said on the subject of resistance; which he declared was, "that if any measure, subversive of the constitution, and the liberties of the people, were attempted to be carried into effect, against the decided opinion of a great majority of the people, the doctrine of resistance became a question of prudence, but was no longer a question of morality." Reproach was certainly as much due to Locke, Sydney, and even Judge Blackstone, as to his right hon. friend, on that head. Mr. Grey read a quotation from the speech of Mr. Dolben, on the trial of Dr. Sacheverel, in elucidation of this; and said; that the right hon. secretary had drawn a line of distinction as to the resistance of our ancestors at the revolution, because in that case the executive power had made a direct attempt to destroy the liberties of the subject; if, however, the two Houses of Parliament should combine with the Crown to that end, would it not, he asked, be as good a reason for the resistance of the people as against the executive power alone. The right of petitioning was one of the strongest bulwarks of our liberties erected by the revolution; would not the people therefore, be justified in resistance to maintain it? if at any time he found he could not conscientiously vote according to the instructions of his constituents, he would ask for the Chiltern Hundreds and resign his trust.

Mr. Grey read a long extract from a memorable speech of the late Earl of Chatham on the subject of the Middlesex Election, tending to confirm his argument, and after pursuing the train of reasoning that Mr. Sheridan and Mr. Fox had so ably pre-occupied, he adverted to what Mr. Secretary Dundas had said, respecting the petition of the bankers, merchants, &c. proposed and agreed to at Grocers Hall. He described the meeting, as exhibiting a shifting scene of manoeuvre and tumult, and thence inferred, that the petition respectable as the names were, that were subscribed to it, was not more pure and immaculate than others, on which the same species of panegyrick had not been bestowed. With regard to the societies so much alluded to, he said, the right honourable Chancellor of the Exchequer had raised them higher in the view and consideration of the publick than they could have expected would have been their rank and importance in the contemplation of mankind.

The Lord Mayor said, that at the Common Hall he thought the majority against the Bills; since the meeting of the bankers, &c. he was perfectly convinced there was a great majority of the freemen of London in favour of the Bills.

Mr. Parker said, he was present at the meeting at Grocers Hall, and confirmed every thing his honourable friend (Mr. Grey) had stated in regard to that meeting.

Sir James Saunderson gave a circumstantial detail of the origin and progress of the meeting at Grocers Hall, tracing it from an accidental meeting at Mr. Harman's house, to another accidental meeting at the London Tavern, from which the meeting at Grocers Hall originated; he denied that any unfair means had been used to get possession of the Hall by the party who possessed it.

Mr. Alderman Anderson said a few words on the same subject; his call for the question was however so loud that nothing but that call was audible.

Mr. Orde spoke in favour of the Bills, and taxed Mr. Fox with having varied that night from the language he had used on a former occasion.

Mr. Fox begged to be heard two words in answer to what the last speaker had said. He declared that he had not varied in the least that night from what he had ever before said, and appealed to the house if he had; concluding with these words, that if the honourable gentleman persisted in saying so, there was no species of contempt so low, that he should not think him worthy of.

Mr.

Mr. *Orde*, in explanation, assured Mr. Fox that he mistook what he had said, as he had not meant to misrepresent or offend him.

The question being called for, a division took place:

<i>Ayes</i> , for the third reading,	266
<i>Noes</i> ,	51
	215

Adjourned.

HOUSE OF LORDS.

FRIDAY, *December 4.*

The Duke of Ancafter presented a petition from the Corporation of Lincoln, signed in the name of the corporation and inhabitants, by the High Sheriff, in favour of the pending Bills.

The Earl of Lauderdale objected to the petition being received or laid on the table, because it was contrary to the established forms of the house to receive a petition not signed by the persons from whom it was stated to come, that mode of receiving petitions would lead to infinite inconvenience; he pressed it therefore on the house, not to let the present precedent escape their lordships.

Lord Thurlow coincided in opinion; and the petition was withdrawn and transmitted back for signatures.

CONVENTION BILL.

The Chancellor of the Exchequer brought up the Convention Bill from the Commons.

On the motion of *Lord Grenville*, the Bill was ordered to be read a first time, and printed, and to be read a second time on Wednesday the 9th.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, *Dec. 4.*

Mr. *Burdon* begged leave to enquire whether it was consistent with the Orders of the House to present a petition against a Bill after it had been read a third time and passed?

The Speaker informed him that he knew of no Order to the contrary.

Mr. *Burdon* presented a petition, against the Treason and

274 WOODFALL'S PARLIAMENTARY REPORTS. [COMMONS,
and Convention Bills, from the inhabitants of Sunderland, in
the county of Durham.

RELIEF OF THE POOR.

Sir William Young moved for the second reading of the Bill for enabling Overseers to extend relief to the poor at their own houses. The Bill, he observed, was a matter of policy to prevent the breaking up of domestic indigent families.

Mr. Curwen opposed it on a former day, because he thought it would trench upon the erection of poor-houses, and produce a partial distribution of relief; but, upon a minute examination of the Bill, he found it provident and just, and gave it his support.

The Bill was read a second time, and will be committed on Monday.

Mr. Long presented a petition to the same effect, from the mayor, aldermen, and council, of the town of Rye.

Sir Francis Bassett presented a petition of similar purport from the Borough of Penrhyn, in the county of Cornwall.

VOTES OF PARLIAMENT.

Leave was given to bring in a Bill for the easier conveyance of the printed Votes of Parliament to members in the country.

NAVY ESTIMATES.

The House resolved itself into a Committee of Supply, when the Ordinary Navy Estimates were referred to the said Committee; which resolved that a sum, not exceeding £624,152 1s. 0^d. be granted to his Majesty for the ordinary pay of the Navy, including the Marines, &c. and the sum not exceeding 708,400l. for the building and repairing ships of war, &c.

ARMY EXTRAORDINARIES.

Mr. Hobart brought up the Report of the Resolutions of the Committee of Supply on the Extraordinaries of the Army when the resolutions were read a first time; and on the motion for the second reading,

General Smith made some observations on the lateness of the hour at which they had been passed, and condemned the amount of the article of barracks; namely, 330,000l. on the application of which he thought the house should receive more information than had been given. The General proceeded to put separate questions to the Chancellor of the Exchequer on various articles, when the Speaker called him

to

to order, as the question the General chose to put, should have been proposed in the Committee.

Mr. Grey followed his observations on the extraordinary charges made for bread and forage, &c. and said, he thought it highly worthy of the House's consideration of the house, that a sum of such unprecedented magnitude as was stated in the accounts should be voted for the building of barracks, which seemed to threaten the nation with a military government. He considered the object to which the money had been applied as incompatible with the spirit of the constitution. He would however, he said, take another opportunity of discussing, whether it was the real opinion of the house, that a garrisoned force (for he could not call it by another name) was to be established all over the kingdom. Even allowing the object to be good, the sum which had been expended upon it was so enormous, that, in his opinion, the house could not vote it with propriety. He would with permission of the house, once more revert to the subject of discussion on a former evening, relative to the circumstances which had impeded the sailing of the West India armament. It had then been stated by one of his Majesty's ministers, that a considerable part of that armament had been ready to sail on the 10th of October. Of what consequence was that, when they contended, that the expedition was of such a nature that it could not be divided, and, to make its due impression, should act together? Notwithstanding that boast, and although the expedition had once sailed, he was well informed, that the contingent from Ireland was not even yet ready. The troops from that kingdom had been a long time encamped on Spike Island, in the Cove of Cork, a damp unhealthy place, chosen to prevent desertion; but, by being detained there so long, the army had lost many men by disease, and at that moment had 1200 men sick in the hospital. On that place they still continued, and on the 28th of November had not transports sufficient for their embarkation by 3000 tons. From these facts he thought that much culpable negligence attached to ministers. It was a subject that demanded enquiry, and as an honourable gentleman (Mr. Sargent) had on a former evening expressed himself ready for enquiry, he hoped it would be granted.

Mr. Secretary Dundas said, that the credit taken by government for its exertion was expressly confined to that part of the expedition fitted out from England, and not a word was mentioned relative to Ireland: when the magnitude and complication of the armament was taken into consideration, he was persuaded, the moment all the relative facts were
known

known, every candid mind would allow that every possible exertion to expedite the equipment, and accelerate its sailing had been made. With respect to the choice of Spike Island, for the encampment of the Irish army, it could not be imputed as blame either to the officers who selected that spot, or the ministry who approved of it, as it was calculated to prevent the desertion of the troops. With regard to the objection, that it was unhealthy, that was not the case when it was first selected, its unwholesomeness arose incidentally from the advanced season of the year, and the general inconveniences arising from encampments. To remedy which, government had sent barracks in frames with the shipping for their embarkation, in order, if unavoidable cause of delay should still present itself, that the troops might receive every practicable accommodation and relief. The ships had however, sailed long ago, and if not arrived, they must have been delayed or driven out of their course by adverse winds.

Mr. Grey replied, that he did not mean to say the island was unhealthy in its climate, but that the men were unhealthy from remaining so long in camp at this inclement season. This was what he had been informed, and he believed his information to be accurate.

General Tarleton spoke in vindication of the argument, he had held on a former evening, when he had contended that the most prudent mode of supplying the West Indies with reinforcements, would have been by sending out troops in detachments.

Mr. M. A. Taylor observed, that every thing confirmed what he predicted about four or five years ago, when he had the honour to bring forward a motion concerning the erection of barracks in the kingdom. When the subject had been submitted to the consideration of parliament, he had testified it to be his opinion, that they were completely unconstitutional; and, from what had taken place since, he would venture to affirm, that if a speedy check was not given to the measures which administration were pursuing, a military government would be completely established in the country. It was impossible to resist this conclusion, when he contemplated the late doctrines and measures of the house, and compared them with the gradual increase of barracks, and the alarming extension of the army. This great change in the history of our government was now nearly effected. Doctrines of a singular and dangerous nature, with respect to the liberties of the people and the spirit of the constitution were held in parliament, and there were between 30 and 40,000 men cantoned

cantonment within a circuit of fourteen miles round the metropolis. Under these circumstances, he saw cause of apprehension and serious alarm. Was this a situation fit for the representatives of a free people to meet in? He had originally condemned the principle of barracks, and foresaw to what pernicious consequences it would lead. His opposition, however, had been of no avail, and the principle was sanctioned by the house; though they admitted the principle, they had yet the power to watch and controul its application, and therefore were called upon to disapprove of such an enormous charge set before them in the lump, without any detail or explanation whatever. That the project of building of barracks in order to relieve the inn-keepers was merely a pretence to cover the real design of converting this country into an immense camp, in order thereby to separate the soldier from the citizen, and prevent their having any communication of sentiment and feeling; a circumstance laid down by the ablest writers on politics as leading infallibly to the destruction of liberty, and particularly so to this country, where it was now for the first time contended, that the army was necessary as an appurtenance to the civil power, in order to preserve the internal tranquillity of the country.

The *Secretary at War* said, the complaints of gentlemen relative to the enormity of the sum were so far unfounded, that though the general article of charge was under the name of barracks, yet this head included forage for the cavalry in barracks, the additional allowance to innkeepers while billeted, and some other articles, that it would be tedious to have detailed. It should also be recollected, that if an additional sum had been paid for all soldiers billeted, that charge would have greatly exceeded the present; and therefore, in point of economy, the plan of barracks was clearly defensible.

General Tarleton contended, that with respect to the West-India expedition, the Ministry were to blame in not having it ready sooner. It might, and ought, to have sailed three months, or at least ten weeks ago. He ridiculed the idea of keeping a great part of this immense force inactive because the whole was not ready. If part only had sailed, as ministers contended they could, on the 10th of October, they would, he was confident, have been of great use in that quarter; and we might, by this time, have received the welcome news of their success. Whereas, by protracting the whole force to the present period, it was obvious that they could not arrive in time to leave them more than six weeks for military operation; since in the sailing of such an immense fleet, great

and unavoidable delay would certainly take place, from inconveniences that might have been in a great measure prevented if the fleet had sailed in divisions.

Mr. *Courtenay* said, the saving of expences was no argument why the subject should not be taken up by that House, and investigated with attention. The perplexity in the accounts increased, and was seemingly enlarged. If different articles were included under one head, the measure was certainly unwarranted; and if any reference was made to hospitals, the statement was evidently inaccurate. Barracks should, if they were found necessary, be erected in distant parts of the kingdom: they were, in the true sense of the word, fortresses, which separated the soldiers from the other orders of the people. The most excellent writers on the constitution (*De Lolme* and *Judge Blackstone*) had wisely observed, in his praise, that "the jealousy of the English would not allow the soldier to be separated from the people." The erection of barracks would entirely do away the benefit resulting from freedom from so wise a measure. It would not be improper, he said, to introduce a specific motion for the sums that had been, and that were likely to be expended on barracks for a certain number of years. It had been insinuated, that the delay of the West-India armament, was in a great degree to be imputed to the Master General of the Ordnance. He had seen with pain such insinuations in the ministerial papers; and from every careful enquiry he had been able to make, he had found them completely unwarranted and groundless. He had not been of late in the habit of praising that department at which the noble lord presided: but the humanity, attention, and politeness, of that noble lord, to the various civil and military officers employed under him, could not be sufficiently commended. The delay, he apprehended, was rather to be ascribed to an innovation of late, made in the mode of providing transports.

Mr. *Sergeant* said, that the accounts laid before the House were perfectly regular, and conformable to the constant practice.

Mr. *Whitbread*, jun. declared, that in his opinion the charge for the erection of barracks was highly extravagant, and of a most unconstitutional nature. The manner in which the House seemed to vote away the money of their constituents, had long excited his surprise. Ministers had specified an unconstitutional mode of spending immense sums of the people's money, on unconstitutional objects. They might, perhaps, attempt to vindicate themselves by saying, that

that the persons who were employed by government would be ruined, if the sums which they had expended were not made good to them by that House. It was much better that individuals should suffer, than that the public money should be squandered away. And ministers would speculate without consulting parliament, and run the risk of their own temerity. Should parliament exercise its privilege and leave ministers to be responsible for their own conduct, the contractors, with whom they negotiated, would be more cautious. He would therefore move for leaving out of the resolution the expenses incurred in the erection of barracks. As to the large allowance which it was said un-keepers expected for the troops, he thought it better that a large sum should be voted for that purpose, than that the constitution should be injured. Mr. Whitbread then moved, That the resolution be amended, by leaving out the sum "expended for the erection, &c. of barracks."

Mr. Sheridan rose to second the amendment of his honourable friend. He considered it as a part of the system of ministers to establish military fortresses all over the kingdom, in order to compleat a military government; and therefore this article, of all others, had no pretence to a place among the "Extraordinaries" of the army. He was convinced, that if the whole of the expenses for the erection of Barracks to their present extent had been calculated, and in one general round sum, submitted to the consideration of the House, it would have found but feeble support and therefore he was desirous, that even at this time it should be developed, and submitted to them as a subject of open and separate discussion. Besides being unconstitutional in its object, it was become a mere government job; he had heard of barrack-masters being appointed, with large salaries, where there were no barracks, and no intention of erecting them. With respect to the West-India expedition, he wished for nothing so much as a fair enquiry into the subject. He hoped that it was the intention of administration to institute an enquiry into the whole conduct of the war, and then he would have an opportunity of showing the inhuman neglect of this expedition, in which there was not only an extravagant waste of treasure and national honour, but also of the lives of their countrymen.

The Chancellor of the Exchequer said, with respect to the proposed inquiry, alluded to by the honourable gentleman, he could assure him, that he was just as ready to assent as could be to set it on foot, and therefore, on that occasion,

it would not be necessary to reply to any thing that had been said in the course of the night on that subject.

Much observation had been made relative to the principle of erecting barracks; it should, however, be recollected, that the House had decided that principle after very full discussion, when gentlemen had the advantage of every argument that had been brought forward in the present debate, which yet, however, were not thought adequate to maintain the opinion they espoused. He conceived that nothing could be more obvious, than that the public force should be kept in such a state of discipline, that it might be ready, and applicable to service, when called upon for the purposes for which it was constituted; otherwise, instead of supporting peace and order, it would be the parent of violence and anarchy. It could not, however, be expected, that he should enter into a full defence of that principle, from the incidental observations that had taken place. He was, nevertheless, ready at any time to enter fully upon the subject, and re-investigate the arguments on which it was supported, whenever any gentleman thought fit to bring it regularly before the House; but at present he was bound to conceive it as a principle sanctioned by the House, and to act on it accordingly. The application of the principle, he admitted came directly, in every instance, under the inspection and control of the House, and he was therefore willing to afford any detail of information that might be required, and to enter into a defence of the numbers, situations, and expence of the barracks. The accounts he believed to be accurate, and in regard to the general policy of the measure, if ever it was necessary, it was necessary at present, when more than the usual precautions were to be taken that the soldiers might not be perverted from the purposes of defending their country. He admitted that the expences were heavy, but they were such as the safety of the country absolutely required.

Mr. Fox said, it was a scandalous prosecution of the system with which every measure was lately hurried through the House, to enter into the Committee of Supply on the extraordinary of the army at so late an hour as they did the other night, and it had made an impression on the country by no means to their honour. Could the House feel no sentiment of wonder, that the extraordinary of the army for a broken year should amount to 3,900,000. It was true, that in the constitution there was a provision for these extraordinary; but in his opinion, it was the weakest and most vulnerable part of the constitution, and the only principle on which it could be defended

defended or justified was the necessity of it, since nothing ought to be extraordinary in the current expences of a nation that could by any possibility be avoided, it therefore ought to be watched with great vigilance and care. Among the accounts he found 300l. charged for the payment of the fees of a Knight of the Bath! Was this an army extraordinary? He found also 300l. charged for conveying Frederick North to Corfica! Was this also an army extraordinary? As he went on, he found sums of greater magnitude, charged for purposes of more mischievous tendency; 20000l. was charged for erecting of barracks, and this the House of Commons were called upon to demand, without ever having been consulted respecting the purposes for which the money was applied, without any estimate of the charges having been submitted to the inspection, and without any account, or so much as the title of an account, of the mode in which the money was expended. How did they know that they did not cost more than twenty pounds? Had an estimate been made out and stated that the expence had been incurred in consequence of such a number built near London, and so many in a certain part of the country, specifically named, they might have been enabled to judge whether the object was worthy of the expence, and whether the expence was the least that it was possible to incur in attaining the object. As matters had been managed, they knew not what they had in return for the demand which they were that day called upon to answer. They could neither tell their constituents, whose money they had voted for them, what the barracks were, or where they were erected. They did not know what barracks had been built, what real expence was covered by the charge, or whether the expence actually incurred was such as could at all justify the demand which was made. It had been said by the Secretary at war, that the Master General of the barracks was an excellent man, and every way qualified for the office which he held. He had no doubt of it. But because the Secretary at War had been pleased to declare that he entertained a good opinion of the Master General of the barracks, was that a reason for the House of Commons voting away 330,000l. of the money of their constituents? From what the Secretary at War had said, it was evident that he had himself never so much as examined the accounts; he had said that under the head of barracks were comprehended the hospital expences, the expence of forage, &c. in looking over the accounts, however, he observed separate charges for these very articles. He did not wish to take advantage of any slight inattention,

attention, but the expence was so enormous that he could not let it pass unnoticed. The right honourable gentleman had said, that it might be proper for the House to enquire into the policy of creating barracks; was that any apology for what had already been done, or that afford an excuse for ministers not having submitted the estimates to the House, that so they might have had an opportunity of judging whether the advantage, supposing it to exist, was procured in the best and cheapest way? When such sums of money were thus expended for purposes, which at the best were suspicious, was it matter of surprise that the people were discontented? ministers seemed to be great masters in exposing the defects and blemishes of the constitution. Their conduct was not unlike that of Dr. Swift, who, when he wished to expose the weakness of human nature, resorted for his descriptions to the character of the Yahoos.

With respect to the West India expedition, all that was heard only tended more and more to confirm the appearance for enquiry. It had been stated that the expedition was ready to sail on the 10th of October—a part of it at least, and that it was detained by contrary winds. It appeared however, that, so late as the 28th of November last, the transports were not ready; and, although it had been asserted also that these must have been detained by contrary winds, it was hardly possible to suppose that they could have been detained by contrary winds from the 10th of October to the 28th of November. A right honourable gentleman had said, indeed, that he was willing to meet investigation. But how? Not by enquiry, but by assertion, by opposing assertion to assertion, and claiming the victory by a call for the question. “I (said Mr. Fox) wish for no such meetings. Let him institute an enquiry into his conduct, and if fact will bear him out, then let him come forward, proud of his innocence, and challenge the merit which is due.” He had, however, no hopes that they would ever consent to meet him on the ground of enquiry; and he begged leave to remind them, that it was not much to their credit, (but that was their own concern,) that it was not much for the credit of the House, and that it was not much for the credit of the country, that no enquiry had taken place into the conduct of the war.

Among others which the right honourable gentleman had urged, of great importance and well worthy notice, he had contended, that it was a desirable object to have the army so disciplined as to be best fitted to the purposes of protecting the tranquillity of the country. To the maxim in the abstract

abstract

fract he had no objection. How did the right honourable gentleman mean to apply it? If he meant that the army ought to be kept separate from the people, and ought never to mingle with them, no doctrine could have a more hostile aspect to the constitution of Great Britain. When the army was kept secluded from the people, they became attached to different interests than those which it was their province to guard; when they were permitted to mingle with their fellow subjects, it would not be so easy to make them take up arms against their countrymen. If the army of King James, previous to the revolution, had been in a situation in which they had no opportunity of mingling with the people, it was probable that they would not have thrown down their arms, when they were called upon to espouse the cause of that unfortunate monarch. A standing army was at all times dangerous; but when it was kept apart from the people, the evils to be apprehended from it increased to an alarming height. In other countries ministers would not have dared to vindicate that system of military government, which they were now attempting to establish. All regard for the constituents was however lost sight of, in fact the constitution itself was no more. In times like these, what strides of arbitrary power could excite surprise? By the Bill which passed the preceding night, the foundations of English liberty were destroyed; and those who had undermined the foundations, would have little scruple to demolish the fabric.

The Chancellor of the Exchequer in explanation declared, that he had said nothing which insinuated that the military ought not to participate in the same wishes and sentiments as the great body of the people.

The Secretary at War said, that he was ready to answer any instance of abuse which might be produced. With regard to the Board of Ordnance, no blame was ascribable to them, on the contrary, peculiar praise was due to General Delancy, the Superintendent of the Barracks, for his attention.

Mr. Secretary Dundas reminded *Mr. Fox* that he must have known the intention of ministers to put the extraordinary to the vote the night they were carried, and yet he had not expressed any disapprobation then, nor had he intimated any wish that they should not be brought forward that night.

Mr. Steele vindicated the conduct of ministers, with respect to the time at which they brought forward the extraordinary, and contended, that the accusations had been made out with the utmost accuracy and precision. It was intimated, that

that there was some ground of complaint, that no estimate had been prepared. It might, however, be easily recollected, that there must necessarily be considerable difficulty in the way of preparing any estimate, on which the House could proceed with certainty. In the sum of 330,000*l.* for barracks, were included different articles, such as coals, candles, and beer, which had been furnished to the soldiers.

Mr. Fox explained, and said he only alluded to the taking into consideration the extraordinaries of the army at a late hour of the night, and after three days long debate.

General Tarleton asserted that the estimates and extraordinaries, heretofore, never were debated the same day; but the right honourable gentlemen did not seem to know the nature of them, they were too complex and intricate for their understanding. One of them had included hospitals under the head of barracks, but he found a further sum of 388,000*l.* for hospitals. There was also for supplying bread, &c. &c. 140,000*l.*

The House divided.

<i>Ayes (For Mr. Whitbread's Motion)</i>	28
<i>Noes (Against it)</i>	74
<i>Majority</i>	46

While strangers were excluded, which was the case for a more than ordinary length of time, General Smith made a motion for recommitting the report of the extraordinaries of the army.

Mr. Fox insisted, that whatever might be the intention of building barracks, the effect would be, that the soldiers would be prevented from participating in the general sentiments of the people; and with respect to the excellence of the system, he was sorry to say, that during the last twelve months, the soldiers had been far from being well disciplined, and a disposition had been evinced to mutiny. He wished to have it ascertained, whether the troops evinced a greater disposition to mutiny when they were quartered in barracks, than when they were not. With respect to the money voted, he would put it to the honour of gentlemen, whether such large sums ought to be voted without some enquiry? What account could they give their constituents of the grounds and reasons of such a vote? They would be unable to give them any; and totally incapable of saying whether the money had been voted for good or bad purposes.

He therefore approved of the motion for recommitting the report.

Mr. *William Smith* said, he felt himself proud in the recollection that he had always approved the establishment of barracks: and he had always voted against the present vote in a financial view. In consequence more than 100,000*l.* was to be voted, without any effect being made. A right honourable gentleman had said, that barracks were established upon the same principle as the Bells. He would tell the right honourable gentleman that was not the case; the Bells were but temporary; they were but a temporary remedy for a temporary evil; but the barracks, made of brick and stone, were permanent structures. If they were increased, as they had been lately, they would contain 40 or 50,000 men, which was a greater number than the peace establishment of the

country. He declared, he had always set his face against the establishment of barracks; and (even admitting the principle) they were too costly and extravagant for the circumstances and means of the times. The barracks in Hyde Park were placed at an equal distance between the palaces of St. James's and Kensington, and displayed more magnificence than the two palaces together. He thought the erection of barracks likely to alienate the affections of the people from his Majesty, to whom he sincerely wished they might look up with reverence.

Mr. *Burton* said, he gave ministers every credit for good intention in the erection of barracks; and stated that his constituents had desired him to apply to government for the erection of barracks in his part of the country; and they had complied very readily and properly with his request.

Mr. *Brandling* confirmed what Mr. *Burton* had said, relative to an expression of a desire to have barracks erected, as a desirable protection of their persons and property.

Mr. *Whitbread* said, that two honourable gentlemen had stated, (what he was sorry to hear) that their constituents had applied for barracks; which, however, did not interfere with any consideration of protection, which barracks might be calculated to afford; he only went to call for the accounts relative to the expense, in order that the House might be qualified to judge in what manner the money of their constituents was applied.

Mr. *Sheridan* said, that, in some occasional forms on account, the public mind was carried away more than if a planter offered his own money to be laid before them: the present

sent charge for barracks was only down to the 5th of August last, and money was still due; the majority of them were only building. He wished that ministers would come forward with a declaration how much would complete the plan, that the House might determine upon the propriety of pursuing it. He believed he was moderate, when he said, that, in addition to the 600,000*l.* which had been expended, these barracks would cost one million more.

Mr. *Whitbread's* motion was then negatived, and the report was agreed to.

Mr. *Grey* moved, "That there be laid before the House, an account of all sums of money expended on barracks in Great Britain, Guernsey, and Jersey, (together with the money laid out for bedding, furniture, and utensils in the same) which have been erected between the 1st of January, 1790, and the 1st of December, 1795. Also, an account of the sums now due for the same; and an estimate of all sums of money which will be necessary to complete such as are now built, or are intended to be built."—Ordered.

Mr. *Sheridan* then moved for "An account of the number and names of all barrack masters, and other officers, appointed to superintend the said several barracks, built, or intended to be built; with an account of their salaries and emoluments." Ordered.

PETITIONS FOR AND AGAINST THE TREASON AND SEDITIOUS MEETING BILLS.

Mr. *Duncombe* presented a petition from the freeholders of the county of York against the Bills, which had been put into his hands by a worthy Baronet (Sir William Milner). It was ordered to lie on the table.

Mr. *Wilberforce* said, he rose to present a counter-petition from Yorkshire. He observed, that the mode in which the petition, presented by his honourable colleague, had been obtained, was very unfair. The meeting was certainly regularly called, but the opposers of the Bills wished not to let the supporters of them have regular notice.

Mr. *Wilberforce* stated, that he himself was in York when the meeting for the petition was called; and he expected, from the manner in which it was conducted, and the manner in which he found the friends of opposition endeavoured to misrepresent the Bills, that he would be out-numbered. Those who wanted a petition against the Bills, sent for all their friends to the West Riding, and elsewhere; and took care not to make the business public where they expected opposition.

sition. The same sort of misrepresentation was used as that which had been sent to Newcastle, informing persons there that the bankers and merchants of the city of London, the people of Westminster, the freeholders of Surrey and Middlesex, unanimously opposed the Bills. He saw that a paper, couched in the very same words with that sent to Newcastle, was transmitted to Yorkshire. This paper grossly misrepresented, not only the sentiments of the people, but the Bills themselves. He solemnly declared, that the public sense was decidedly in favour of the Bills in Yorkshire. It was a respectable county; and of this the petition he was about to present was a proof, as it was signed by a very considerable number of respectable names. They reflected coolly on the Bills; and had presented the petition to that honourable House, in the assured idea that the Bills, if passed into laws, were calculated to preserve to them the blessings of the constitution.

Mr. Fox said he valued the county of York as much as any gentleman, for men of worth and independence of character; he could not, however, but remark, how much the other side of the House seemed to exult on the circumstance of receiving a petition in favour of their measures from that county; they had not taken the same notice of a petition from the counties of Suffolk, of Surry, or of Middlesex, with which surely, if a criterion of the expression of public opinion was to be formed by petition, no comparison could hold; neither had the petitions from different populous places in the same county, as Halifax, Leeds, &c. been recollected, though the numbers who signed the latter petitions amounted to near 20,000.

The Attorney General declared, that after what happened the preceding night on the passing of the Bill, he could not avoid saying a few words, as he thought it pertinent to the present petition. When he called to mind the transactions that formed the base of judicial proceedings in the last state trials at the Old Bailey, he could not avoid thinking on the then predicament of that great county. Societies here, acting conjointly with other societies in Sheffield and Leeds, &c. addressed the National Convention, and the Convention returned for answer, that they would assist them in maintaining what they called their right. These societies were the cause of the war; and their number was so increased, that upwards of 10,000 met at Hackney, openly avowing jacobin principles, particularly one man, called Breillet. It was, at that meeting, appointed to send delegates to the Scotch Con-

tion. When Meetings were less frequent, in consequence of some being prosecuted and absconding from justice, many of them went down to Sheffield to abuse the right of petition. There it was publicly declared that they never would petition parliament: for they maintained that the legislature was not competent to redress their grievances; and declared they would teach the 558 gentlemen who composed the Commons to go about their business. The alarming designs and dangerous practices of the societies was proved by evidence on the table of the house. Thus the constitution and government were brought into peril by bad men, who set up the pretext of having grievances to complain of, as a plea for their assembling with far different views and intentions.

The Attorney General adverted to the hand-bill sent down to Newcastle, misrepresenting the counties of Surry and Middlesex, the cities of London and Westminster. This paper he repeated it, gave the most fallacious account of the Bills, omitting their best provisions, and stating restrictions which they did not contain. The counties and places alluded to, from that misrepresentation, were so alarmed, as to petition against the Bills. Hence it was that the sheriff of the county of Northumberland was called upon to sign a requisition for a meeting to vote a petition against the Bills. He knew, from experience, that the inhabitants of that county were friends to the constitution and government; and he was certain that the Bills, when passed into laws, would attach them, if possible, still more to the constitution and government.

Mr. Fox said, that similar proceedings with those to which the learned gentleman alluded, had also taken place in Middlesex, in Westminster, in Southwark, and in Surry. He mentioned that petitions against the Bills had been received from nearly twenty thousand persons in the country, so that the honourable gentleman ought by no means to flatter himself with so decisive a majority as he had represented.

The petition was ordered to lie on the table.

Mr. W. Smith reminded the house that he had suggested an amendment to one of the Bills which the learned gentleman had adopted: it had been said that misrepresentations of the Bills abroad, and not the Bills themselves, had spread the alarm. Surely the Bills, as they at first stood, and the manner in which they had been announced to the house by a right honourable gentleman, contained seeds of alarm sufficiently terrible to the country; beside that, the very circumstance of the amendments made in the Bills proved that the alarm

alarm had arisen from the Bills themselves, and not from misrepresentation.

Mr. *Secretary Dundas* presented a petition from the merchants and manufacturers of Glasgow, in favour of the Bills then pending in parliament.

Mr. *Sheridan* presented another against the said Bills, from the town of Strathaven.

They were ordered to lie on the table.

LOAN.

Mr. *Wm Smith* presented a petition, which he said differed entirely in its nature from the many that had been lately presented; it was a petition from several persons, who, with divers others, had engaged with Mr. James Morgan, in a subscription for the loan of the year. The petition was brought up and read. The following is a copy:

To the Honourable House of Commons in Parliament assembled.

WE, whose names, are hereto subscribed, being persons who, with divers others, had engaged themselves in a subscription, under the management and conduct of James Morgan, of Kensington, in the county of Middlesex, Esq. for the purpose of making a loan to the public of such money as might be wanted for the public service of the present year.

Do most humbly represent,

That for some time previous to their forming such subscription, for the purposes before-mentioned, and prior to the 25th day of November last, it was matter of public notoriety, that the money wanted for the public service was to be borrowed on a competition of offers, whereof the most advantageous to the public was to be accepted.

That this method was by the Right Honourable the Chancellor of his Majesty's Exchequer communicated to the Governor of the Bank of England, as is usual in such cases, and by him to the said James Morgan.

That, in consequence whereof, your petitioners formed to themselves the plan of becoming bidders for the loan.

That the said James Morgan having informed the Right Honourable the Chancellor of the Exchequer of his readiness to treat for the loan, he was invited to the Treasury on the said 25th day of November last, which day was fixed for the communication of the nature and extent of the loan, in order that the intended bidders might be fully prepared against the time fixed for the bidding, which was the Friday following.

That the said James Morgan was then, for the first time, requested to declare whether he would agree to bid for the loan, on condition that the offer made by him (should it turn out to be the most advantageous for the public) should be, at the option of Messrs. Boyd and others, the contractors for the said loan, to supersede

by

by offering to advance the money at a rate more advantageous to the public by half per cent. or ten shillings on every one hundred pounds to be borrowed.

That your petitioners humbly represent, that in their minds there cannot exist any good or sufficient reason why such preference ought to be given to the contractors for the last loan, more especially as they are informed, that many of the persons who furnished the last loan to government, as standing on the list of Messrs. Boyd and others, the then contractors, are not the same persons as are upon their list for the present loan. And that, in case it should appear that any terms were made on the contract for the last loan; those terms could only apply to the same persons with whom such terms were made, or who were liable to be affected thereby.

They farther humbly represent unto your honourable House, that, relying in full confidence on a fair competition being allowed in offering to make the loan for the public, they have been induced to prepare large sums of money, ready to be applied to the use of the public, should the offer made on their part have been found the most advantageous.

That the plan of a competition being destroyed by the conditions stipulated in favour of the contractors for the last loan, they have been deprived of an opportunity of making any bidding for the loan, which opportunity they humbly insist they were entitled to, as well from the declared terms of a competition being allowed, as of the great benefit to arise to the country therefrom; whereby your petitioners have sustained great injury, not having any provision made for the reinvestment of their money, by them necessarily called in, to be prepared to make the usual deposit, and such payments as might be fixed for an early period.

That, in regard your petitioners are advised that the contracts, made by the Chancellor of the Exchequer for all public loans, are upon condition of the sanction of parliament for the terms thereof;

Your petitioners therefore, for the reasons before stated, most humbly pray your honourable House will not sanction the contract made with Messrs. Boyd and others, for the loan for the ensuing year; and that your petitioners may be heard by counsel in support of this their petition,

And your petitioners shall ever pray, &c.

Mr. *Squire* said this petition was signed by between 150 and 200 names. The immediate object of the complaint was, their individual sufferings as subscribers; the public grievance was an incidental circumstance. He did not wish to interrupt the course of public business which at present pressed, he was however desirous that the matter might be taken into consideration in proper time to prevent any vote of sanction. He therefore gave notice, that he would move to have it taken into consideration before the House entered into the committee of ways and means, for the purpose of opening the budget on Monday.

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The Chancellor of the Exchequer, said, the most regular and parliamentary way of discussing the subject of the petition just presented, would be to refer it to the committee of ways and means, in which the budget was to be opened. The first vote respecting the loan would be as to its amount, when the statement of the supplies would come to be compared with the ways and means of the year; with that vote this petition had no connection. The next vote would be as to the terms of the loan, to which point the petition immediately applied; the committee would then consider whether the bargain made with Mr. Boyd was a proper one, taking in all the circumstances.

Mr. Fox objected to referring the petition to the committee of ways and means. It stated facts; these might or might not be controverted; a difference of opinion might, and probably would, arise respecting it. Suppose the allegations on different sides were stated different ways, each party asserting the truth of the allegations they stated, and the other denying their validity; it would then depend upon the evidence that might be adduced on both sides, and the committee of ways and means could not examine witnesses. The better way he thought would be to refer the matter contained in the petition to a committee, with power to examine witnesses. That he conceived would be the best way, inasmuch as the question would be entirely a question of evidence.

The Chancellor of the Exchequer said, that when in the committee of ways and means, if there were any doubts or difference respecting the facts, and those doubts were important, it would be in the power of that committee to report progress, and ask leave to sit again on a future day, and take any intermediate steps necessary to remove those doubts, and ascertain the facts.

Mr. W. Smith said, that as the petitioners relied upon the justice of their cause, they were desirous of producing evidence. He had otherwise no objection, to the petition being referred to the committee of ways and means, if any fair opportunity of discussion would be afforded.

Mr. Fox wished to know what objection the Chancellor of the Exchequer had to the petition being taken into the consideration of the House on Monday, before going into the committee of ways and means?

The Chancellor of the Exchequer informed him, that he did not wish that any preliminary matter, on which there was likely to be a debate, should precede the budget, which it was known generally involved subjects of extensive and laborious detail;

detail; and the duty he owed to the public service made him oppose any such delay.

Mr. Fox said, he feared that mixing the object of the petition with the other business of the budget would make too much business for one day.

The Chancellor of the Exchequer said his opinion was, that in the committee the subject of the petition would lie in so narrow a compass, that it would not create any great addition of extent to the business of the budget in general.

Mr. Huxley observed that there were only two witnesses to the transaction of which the petition complained, the governor of the bank of England and Mr. Morgan. He wished to know if the Chancellor of the Exchequer had any objection to having those gentlemen before the committee to be examined on Monday, as they were the only persons who could give evidence. If the right honourable gentleman had no objection, he submitted the propriety of making an order for their attendance.

The Chancellor of the Exchequer thought the honourable gentleman had heard him say, that there could be no examination in the committee of ways and means. If there were material doubts, a further step might undoubtedly be taken.

After some further conversation, the petition was referred to the committee of ways and means on Monday the 27th.

The Chancellor of the Exchequer then moved, that the other orders of the day be read.

MR. REEVES'S PAMPHLET.

Mr. Sheridan observed that the report of the committee on the pamphlet of Mr. Reeves ought to be considered as a question of privilege, and therefore should precede all other business, especially as it was understood, when the subject was last before the House, that it should come on to-day. He therefore, to save the time of the House, suggested the propriety of making an order for the attendance of Mr. Reeves on Tuesday next in the House, and then gentlemen would deliver their sentiments on the mode of proceeding to be adopted in this case.

The Chancellor of the Exchequer said, he saw no objection to this, provided the order was made with a general understanding that no gentleman was pledged to any future proceeding on the subject. He declared, that though the evidence in the report of the committee was sufficient, in his opinion, that the business should be sent before a jury, by the House directing the Attorney General to prosecute Mr. Reeves as the author; yet even if the evidence was ever so clear and satisfactory, he should not readily agree to the House adopting the conclusions

clusions of the committee, in positively declaring Mr. Reeves to be the author. In the last case they might proceed to deal with him on their own authority; whereas in every view it appeared matter infinitely more proper for the discussion of a jury.

Mr. Fox said, he had great doubts whether it would be at all proper, that the House, after having taken cognizance of the libel, should give the proceeding thought fit to be instituted respecting it out of their hands.

Mr. Sheridan said his intention was to move, that Mr. Reeves be ordered to attend the House on Tuesday the 8th; and previous to his being called in, the House might determine what proceedings it should take.

The Master of the Rolls said, he strongly objected to the order for requiring the attendance of Mr. Reeves, while they, in fact, were debating the question whether he was the author; if the majority of the House were of opinion that he should be prosecuted, the resolution they might come to would shew that his attendance was not required; in fact it could never be necessary. Before they proceeded to call upon Mr. Reeves to attend, they should first determine what should be the mode of their procedure.

Mr. Grey said, that the committee had been appointed to investigate who was the author to the pamphlet in question, which was the first object to be ascertained. He said there were other modes of proceeding against the author than by prosecution, sanctioned by precedents of the House in similar cases. He thought the House might vindicate its own dignity, without recourse to any other jurisdiction. If there appeared a deficiency of evidence the report might be re-committed, and farther investigation pursued, which the committee had imagined to be unnecessary.

Mr. Sheridan said, that an enquiry had been made, and the committee had reported to the House. They would decide whether the evidence they had stated was sufficient: the next consideration would be the mode of procedure. If they should determine to prosecute by the Attorney General, the recommitment would be improper. Those who held a contrary opinion, were undoubtedly entitled to call for fresh evidence; they might say, "you refuse to let us bring forwards that which would justify our mode of procedure." He should therefore move that the committee have leave to proceed in their enquiry, and for that purpose, that the committee be revived, that the House might be in possession of the whole of the evidence.

The Chancellor of the Exchequer admitted that the natural consequence was, that those who wished to follow another procedure, should rather wish to have full evidence before the House. If however the authorship were fully proved: he should still be of opinion, that the best mode of proceeding upon the case would be by prosecution at law, rather than by the House itself. He had no objection to the revival of the committee, and the production of the new evidence, provided it was understood, that he did not hold himself bound thereby to follow another line of prosecution than that which he had then declared he thought most eligible.

Mr. Serjeant Aldair said, at all events, he would vote for sending the enquiry back to the committee, because he there saw a great deal of illegal evidence, or rather matter, which being in its nature inadmissible was no evidence at all; and he should hold himself bound not to vote for a prosecution against a man upon less evidence than would be sufficient to find a bill against him before a grand jury.

The Master of the Rolls again rose, and contended, that if there was sufficient evidence to found prosecution upon, and that mode was to be adopted, it was unnecessary to send the report back to the committee.

The Speaker interfered, and observed, that the conversation, though not in order, had been suffered to proceed in order to adjust a matter for the convenience of the House. He stated the progress of the conversation, and that the question of the moment was for reading the orders of the day.

The motion for reading the orders of the day being withdrawn, upon the motion of *Mr. Sheridan*, the further consideration of the report of the committee of enquiry was deferred to Monday the 14th.

Mr. Sheridan next moved, that the committee be revived.

Mr. Sec. Dundas opposed this, on the ground, that witnesses should go to the trial pure and unprejudiced, and with minds unfettered by former declarations. If there was enough to proceed, he thought it improper to go further in the examination.

Mr. Sheridan said, that argument went against all committees of enquiry.

After some farther conversation between *Mr. Sheridan*, *Mr. Dundas*, *Mr. Wiggley*, *Sir W. Young*, and the Chancellor of the Exchequer, the committee was revived, and leave granted to proceed.

TREASON BILL.

The other order of the day being read for the House to take into consideration, the report of the amendments made in the committee

committee on Lord Grenville's Bill, all the gentlemen who had uniformly opposed it, quitted the house immediately. The amendments were then gone through, and agreed to by the house, after which the Bill, with the amendments, was ordered to be engrossed and read a third time on Thursday next.

The motion was carried.—Adjourned at 10 o'clock.

HOUSE OF COMMONS.

MONDAY, December 7.

GRAND JUNCTION CANAL BILL

Mr *Peruys* moved, that the third reading of this Bill be postponed, on account of the important business to come before the house that day, his motion was negatived without a division. The Bill was then read a third time, and several clauses added to it by way of riders.

PETITIONS FOR AND AGAINST THE TREASON AND SEDITION BILLS.

Mr. *R. Vyse* presented a petition, signed by several respectable inhabitants of the town of Laid in Yorkshire, against the passing of the Bills into laws.—Ordered to lie on the table.

Sr Francis Basset presented a petition from several of the inhabitants of Redruth, in favour of the Bills.—Ordered to lie on the table.

Sr W. W. Wynne presented a petition from the town of Wrexham, in Denbighshire, disapproving of a petition already presented to the house in favour of the Bills. On the petition being read,

The Speaker observed, that the expression nothing in the wording of it thus entitled it to be regarded as a petition, for nothing was prayed for. *Sr W. W. Wynne* consequently withdrew it.

Mr. *Grey* presented a petition against the Bills, signed by 4000 of the inhabitants of Huddersfield, in Yorkshire.—Ordered to lie on the table.

A petition was presented from Lincolnshire against the Bills.

ACCOUNTS.

Mr. *Rose* moved for an account of the amount of the quantity of refined Sugar exported from Great Britain for the last

three years. Also for the nett produce on tobacco and snuff for the last three years. An account of the amount of the produce of the assised taxes for the last three years. An account of the amount of duties on legacies for the last three years. And an account of the amount of the discount allowed on the prompt payment of the duties on salt for the last three years. All of which were presented by the proper officers, and ordered to be laid on the table:

HIS MAJESTY'S MESSAGE.

The Chancellor of the Exchequer delivered a Message from His Majesty to the following effect :

G. R.

His Majesty thinks proper to inform his faithful Commons, that a considerable sum is likely to arise from the sale of prizes taken from the United Provinces of Holland, and that he has ordered the amount to be ascertained, and the overplus, after the claims of the captors had been discharged, to be applied to the public service.

The Chancellor of the Exchequer said, as there could not be any objection to it, he should move the usual address of thanks to his Majesty for his most gracious message: he had, however, to observe with respect to the allowance to be made to captors, that it depended upon particular circumstances. Some of the vessels were taken in a manner which reflected as much merit upon the captors as if they were taken in a state of war; in that case the allowance to them would of course be liberal: there were however other cases in which the vessels were merely detained by order of government, and then of course the allowance would be proportionably small. He concluded with moving the Address.

Sir Francis Baring said, he by no means objected to the principle, but had some doubt with respect to the dismissing of certain individual claims, under a clause in the Dutch Property Bill. He did not know whether in the present case they could have recourse to a court of justice.

Sir William Scott in reply said, that the message operated to that point, as the money was not to be applied to the public service until certain legal claims could be discharged. Besides, the clause to which the honourable Baronet alluded would not prevent their seeking and obtaining redress in the Court of Admiralty, or the other courts of justice.

The

The Address was then agreed to *nem. con.* and his Majesty's message, on the motion of the Chancellor of the Exchequer, was referred to the Committee of Ways and Means.

SUPPLY.

Mr. *Hobart* brought up the Report of the Committee of Supply, that the sum of 624,752*l.* be granted to his Majesty to defray the additional expences of the Navy. And also that the sum of 708,400*l.* be granted to his Majesty, to defray the expences of building ships of war, &c. for the year 1796.

BUDGET

The House then went into a Committee of Ways and Means, Mr. *Hobart* in the Chair.

The Chancellor of the Exchequer rose, and said, he was perfectly aware of the difficulty of endeavouring, at so early a period of the session, to call the attention of the committee to a general view of the expences of the year, and of proposing to them the means of meeting those expences. A considerable part of those expences could now only be judged of by estimate, and must of course be taken upon confidence. At the same time, he trusted, that he should be able to give a general account sufficiently exact, and that the Committee would agree with him that it was materially important to the public service not to postpone this business to a later period. The committee would recollect that, at the commencement of the present session, his Majesty, in the speech from the throne, had held out to parliament, and the nation, the prospect of a negotiation for peace; and it was the opinion of parliament that the probability of a speedy termination of the war would be materially assisted by our shewing to the enemy that we were prepared for either alternative. Under that impression, and feeling that to be the sense of the house, he thought it better to come forward at once, and to open the general state of receipt and expenditure, by fairly stating what would be the total amount of the service for another year of war, together with the means of fairly meeting and defraying that expence, than to suffer it to pass on to a later period of the year; he did this with the more confidence, in the persuasion that the account would be a triumph of the finances of Great Britain, and would demonstrate, both to the enemy and to all Europe, that she was equal to the emergency, great and imminent as it was, in which she was engaged. When at the same time he looked out of this country, and observed the condition of the enemy, he found an additional inducement

ment for bringing forward this account. When he saw them struggling to maintain their expences by stratagem, and devising strange and wild expedients to supply their exhausted resources from month to month, or rather from week to week, he was desirous of shewing that Great Britain could confidently look forward, and provide the means of carrying on the war 100 years, if we should be forced to that extremity; and that, with the consolation of being able to do this without imposing burthens on the people, that would either fall severely on the lower ranks, or be any material injury to trade. From these considerations he was induced to bring forward the business of the day at that early period of the session, and he should not think it necessary to make any other prefatory introduction, but proceed to consider the subject under those heads into which it resolved itself as briefly and as distinctly as possible.

It would be his duty to state under the various heads of service, the articles of supply which had been already voted. And first,

The Navy; the number of seamen for the present year was 110,000 men, being 10,000 more than the preceding year; and the sum already voted for this head of service was 5,720,000*l*. Gentlemen would see with pride and pleasure, that in this department of the national service such exertions had been made as had carried the navy to a height unparalleled in the service. There were still two further sums to be voted, namely, 624,000*l*. and 708,000*l*. for building ships and repairs, making the whole of the navy for the year

7,072,000

being an excess over the sum of the year preceding of 757,000*l*. This excess, however, he was persuaded, gentlemen would view with complacency, since it had given to decided a superiority to our fleet.

The next head of service was the Army, for which there had already been voted the sum of

6,104,000

which was less than the expence of the army for the last year by 844,000*l*. a consideration which he was sure would be highly agreeable to the Committee, as it would shew that the excess was on that head of service, which was always the favourite service of Englishmen,

and

and that a great reduction had been made under the head of the army.

There were still, however, several other sums to be voted under this head of service, viz.

For the expence of several French corps, which it was thought might be beneficially employed in our West India Islands, the sum of -

300,000

The Sardinian Subsidy - - -

200,000

The Extraordinaries of the Army, as far as they had been able to be made up, and as the sums had been paid, were - - -

2,646,000

But this was certainly not all that would come under this head, and it would be impossible for him precisely to state what further might be required; he would estimate the sum however at - - -

350,000

The next head of service was the Ordnance, which was - - -

1,744,000

a sum less than the expence of last year by 577,000l.

Miscellaneous services - - -

360,000

Gentlemen would observe that this was more than the last year by 100,000l.

and which arose from the increase in the article of secret service money. In time of peace the sum for this service was 28,000l. This year it had advanced to 151,000l.

The next article that he should state, would be the necessary sum for replacing Exchequer Bills. The amount of the Exchequer Bills was

6,000,000

Though it stood, however, at this sum on the supply side of the account, yet as it was his intention, as an article of ways and means, to move for a vote of credit for 3,500,000l. there would in reality be no more than 2,500,000l. to be provided for in the supply of the year.

The next sum was what he was sure gentlemen would think it right for him to continue; he meant the provision for the reduction of the National Debt. It was a matter of consolation to gentlemen to know that the measure for the reduction of our debt was persevered in with unceasing steadiness, and that the benefits of it were daily felt in the efficacy of the fund set

apart for that purpose. The sum on this head was

200,000

Gentlemen would recollect that when he made the loan of 18,000,000*l.* last year, he stated the reasonable expectation which he had of receiving from the India Company 500,000*l.* But lest that sum should not be paid, he had provided taxes for nineteen millions instead of eighteen. In looking, however, at the deficiencies of the grants, he should lay out of the consideration for the present this circumstance, and should take it on the same ground as last year. Under all the various heads, the deficiencies of grants he stated at 1,750,000*l.* The sum allowed for the prompt payment on the loan of last year was 344,000*l.* and the interest upon Exchequer Bills he stated at 240,000*l.* making together the sum of 2,357,000*l.* But from this was to be deducted the sum of 285,000*l.* which the land and malt produced above the sum taken in the deficiencies of last year. The whole of the deficiencies therefore he would state at

2,333,000

The whole of the Supply therefore for the year, as he had stated under the particular heads, would be

27,662,000

RECAPITULATION.

Navy—110,000 Seamen	£. 5,720,000		
Ordnance	£. 624,152 1 8		
Extraordinaries	708,400 0 0		
	<hr/>	1,332,552 1 8	£. s. d.
		<hr/>	7,072,552 1 8
Army—Guards, Garrisons, &c.	}		
Chelsea, &c. &c.			6,194,452 14 5
Extraordinaries	-	-	2,646,990 19 10
Foreign Corps	-	300,000	
Sardinian Subsidy	-	200,000	
Further Extraordinaries computed at	-	350,000	
		<hr/>	850,000 0 0
Ordnance	-	-	1,744,471 8 1
			Miscellaneous

Miscellaneous services	}	-	360,616	8	5
Plantation Estimates, &c. &c.					
Vote of Credit	-	-	2,500,000	0	0
Exchequer	-	-	3,500,000	0	0
Annual Addition to Sinking Fund	-	-	200,000	0	0
Deficiencies of Grants	-	-	2,533,000	0	0
Ditto Land and Malt	-	-	350,000	0	0
			<hr/>		
			£. 27,662,083	12	6
			<hr/>		

WAYS AND MEANS.

He had now, he said, to state the Ways and Means by which he was to meet this Supply.

The first article was that which was always taken at the same sum, Land and Malt,

Exchequer Bills,

£.
2,750,000
3,500,000

Of the permanent taxes, the produce he must say had been very good. The accounts had been laid upon the table, and gentlemen would see, that independent of the new taxes, the produce for the last year had been 13,598,000l. On the average of three years the produce was 12,933,271l. and this would be the fair amount at which they ought to be taken. The permanent charge upon the consolidated fund was 11,532,000l.

The sum to be expected from the imprest now in the hands of accountants, but upon which they might rationally calculate would be 200,000l.

The sum to be expected from Dutch prizes, on which his Majesty had been pleased to signify his royal pleasure, gentlemen would see, might be brought into the account with strict regard both to justice and liberality; the captures were made in a great degree before the two countries were in a state of hostility, by the order of ministers, without risque or hazard to the captors, and without that sort of labour and exertion which was the foundation of prize. Others, however, had certainly been made with great personal hazard, and with great exertion. His Majesty would in all the variety of cases, make just and liberal allowance to the satisfaction of the service; but with all this a considerable sum would accrue

applicable to the public service. He would take it at 1,000,000l. All these, therefore, he should take at, - - - 3,595,000
 Add to this the Loan of - - - 18,000,000

 Which would make the sum of - - - 27,845,000

RECAPITULATION.

Land Tax	-	-	£. 2,000,000
Malt	-	-	750,000
Growing Produce of Consolidated Fund on 5th Jan. 1796, computed at	}	2,395,000	.
Money arising from sale of Dutch Prizes			
Imports	-	-	200,000
			<hr/>
			3,595,000
Deduct from half year's Interest on new Stock	}	360,000	.
			<hr/>
Exchequer Bills	-	-	3,235,000
Loan	-	-	3,500,000
			18,000,000
			<hr/>
			£. 27,435,000

He might state that he had in reserve taxes for 1,000,000l. which had been laid on last year above the sum which he had borrowed; he would leave that, however, to meet any future expenses that were unforeseen, or to make up for any deficiency that there might be in the taxes generally. It was his duty then to state what further sums there would be to be provided for in the course of the present session.

The Navy Debt had largely increased. That was, however, a circumstance that was less to be regretted than any other branch of the public service, since the great exertions which had been made, had raised our navy to so proud a height. The debt had increased also on account of circumstances which were not likely to arise again, or at least not in the same degree. The transport service had been a heavy article of charge. The debt had increased to 5,000,000l. It was 3,500,000l. on the 31st December, 1794, so that the increase of Navy Debt was 1,500,000l. This was to be ascribed to the useful measure which had been adopted of
 the

the purchase of India ships, and to the employment of a great number of transports. He had perfect confidence that this service would be diminished in the ensuing year, and that they might hope for a saving in this branch of at least two millions and a half. On the Army Extraordinary he had also confidence that a considerable saving might be made, and that they would not exceed the sum of two millions and a half. He estimated therefore the sum which they would have to incur on these two heads in the course of this year beyond the estimates, at 4,000,000l.

Another important sum which they would have to look for in the course of this year, would be the bounties on the corn to be imported into this country. On that head he could not pretend to speak with any certainty: he wished it were possible to extend it to the widest sum, that gentlemen in their hopes for assistance from abroad might be disposed to look to. He owned, for his own part, that his expectations were not sanguine. It was a head of service to the amount of which he looked with hope rather than fear; and he should be extremely happy to find that he had a great sum to provide for upon that account. He did not think it probable, however, that any gentleman would disagree with him in thinking that the sum of 1,000,000l. was not as large and as wide a sum for bounties as was likely to be called for. These sums taken together, therefore, would make 5,000,000l. for which they would have to provide. On the other hand there was a fund to which they might look with confidence, if gentlemen were disposed to refer to it in aid of the public service. It had been a subject of great discussion in that House, and upon which there certainly was great contrariety of opinion. Upon an average of three years it had produced 300,000l. to the nation. The provision which the liberality of the public had made for the American Loyalists, and charge upon this fund, was almost made good: 250,000l. only would be due after this year; and therefore, as gentlemen thought that the produce of the Lottery was not more than counter-balanced by the pernicious effects which it had upon the community, they might undoubtedly look to it as to a fund applicable to the public exigency. Gentlemen would see that the permanent taxes, and the growing produce of the consolidated fund, were more than equal to the existing charge upon it: and he had the pleasure to find that, as far as could be yet ascertained, the produce of the taxes of last year bid fair to come up to the sums at which they were taken; they had already produced two-thirds of the whole. He had now, therefore, only to add taxes for the eighteen millions, which was the amount of the Loan, and for which he had contracted. He would

shortly state the terms, and would hereafter come to explain to the Committee the reasons upon which he had acted in the bargain that he had made. The interest on every hundred pounds which he had borrowed was 4l. 13s. 6d. to which was to be added the one per cent, wisely provided for by Parliament in aid of the fund for discharging the national debt, that its operation might keep pace with every increase of the capital. This made the total interest on every hundred pounds 5l. 2s. 6d. which interest on a loan of 18,000,000l. amounted to the annual sum of 1,111,500l. and for this sum he had to propose to the Committee taxes as a provision.

TAXES.

In doing this he should briefly enumerating shortly the several articles upon which he proposed to submit new duties, or increased duties, and which he thought were fair objects of taxation. The two first were material articles, to which he believed there would be no objection, since they attached to property, and would be felt only by the higher and richer orders of the community; and it was with peculiar propriety, that in a war which had for its basis the security of property, those persons who were happily possessed of wealth, should peculiarly contribute to its support.

The first tax which he had to propose, therefore, was upon that species of legacy, which, without taking in the lineal heir, extended to collateral branches and to strangers.

The second was an additional duty of ten per cent. on the assessed taxes.

The third was a tax upon horses. The Committee knew that there was at this time a duty upon horses kept for pleasure only, with an exception in favour of those which were employed in industry. It was his intention to double the duty upon all horses kept for pleasure, following the same advances in proportion to the number as were now observed; and upon all horses employed in trade and agriculture, he proposed to lay a very small and trifling duty.

The fourth was an article of very general and very large consumption, which by their late regulations had been freed from fraud, and which he was persuaded would bear a small additional tax without inconvenience, he meant tobacco.

The fifth was also an article of general use, upon which there was at present a duty, but which he was persuaded would bear an increase, he meant printed cottons and calicoes.

The sixth was a very small matter of regulation, and not a duty, upon salt, and.

The last would be a reduction of the bounty on the export of refined sugar, which, he was confident, might be done without any diminution of the trade.

He

He had thus hurried over the several articles upon which he proposed to submit to the Committee additional taxes; and that he might satisfy the impatience of gentlemen, he had avoided going into a detail upon them as he passed. It would be, however, his duty to enter more particularly into each.

LEGACIES.

It would be obviously extremely difficult to form any other than a wild conjecture on the probable amount of a tax of this description. He said, he had been disposed to recur to it upon mature reflection. It had been a tax which in the only country of Europe that in its prosperity bore any resemblance to England, had existed without harshness or complaint, he meant in Holland. It had been found by no means oppressive or inconvenient; nor had it in any degree taken from industry its stimulus in the acquisition of wealth. The principle of the tax was also recognized in England, where a duty upon certain kinds of legacies had existed for several years. That duty was at first one per cent, on all legacies beyond a certain sum; it was afterwards extended to two per cent, and was again extended by another act. The principle, therefore, was not new, and it was his intention to propose to reform it, and to make it on all legacies with an exception only of those to widows, and to the lineal descent. He proposed to lay

a tax of two per cent. on all legacies above a certain extent to persons in the first collateral degree of relationship, and also to extend to auxiliary legacies.

3 per cent. on the next degree of relationship.

4 per cent. on legacies to more distant degree of relations;

and

6 per cent. on all legacies to the still more distant branches of a family; and to strangers.

Again he must say, that in a war for the protection of property it was just and equitable that property should bear the burthen, and as it was in the nature of things that landed property was the most permanent, it was first fit that it should contribute accordingly. It was not, however, to be confined to any species of property, it was to include with landed and personal, it was not to have any operation on the actual possessors; nor would it affect the first degrees of consanguinity. In every case the widow, and the direct descent would be excepted; and the operation of the law would be as

2 per cent. on the first collateral branch;

3 per

3 per cent. on first cousins,
4 per cent. on second cousins; and
6 per cent. on more remote relations, and on strangers.

This tax would be on the capital bequeathed. It was difficult to say by what criterion they could judge of the probable income of such a tax. By the probates of wills it was found, that about 3 per cent. was the medium to be expected from such a tax, but it was not easy to calculate what would be the amount of its operation. It would be very difficult to distinguish between the quantity of property that went in the lineal descent and that which went to collateral branches. Nor would it be easy to ascertain what was the general amount of property. In the beginning of the present century, enquiry in the reign of Queen Anne, many enquiries had been made about the extent of landed and personal property in England. The estimates had widely differed, and it had not been possible to ascertain the exact quantity. The lowest calculation that had been made, however, was, that the annual rental of Great Britain was twenty-five millions. This was certainly greatly within the mark. But taking it at this rate, and estimating this rental at 25 years purchase,

The value of the landed property of the kingdom was	£700,000,000
Personal property was estimated at	600,000,000

So that the whole property of Gr. Britain was £1,300,000,000

To form some conjecture of the amount of the transfer of property by testament, the records of the ecclesiastical Courts of Canterbury and York had been searched, and it had been found, that about one third of the whole of the testaments that were made went to collateral branches. Of landed property the proportion was less--it was about one fifth; and therefore it might be advisable, in a conjectural calculation like this, to take the medium, which was one fourth, which to form a probable estimate. On the transfer by will, therefore, of 325,000l. divided again by 33, which, in calculations of this kind was thought a fair standard, the result would be, that this tax should produce 294,000l. a year. From this, however, he must deduct the present tax upon legacies, which amounted to 44,000l. a year. He should therefore have the new tax at 250,000l.

ASSESSED TAXES.

It would not be necessary to him to enter into detail upon this

this head. The amount of the assessed taxes was well ascertained, and it was only necessary to state that he meant to exempt horses from this additional assessment, as they were to make a separate tax. He estimated the new tax, of 10 per cent. on the assessed taxes, including, he said, the commutation tax, at 1,116,000l.

The duty on horses kept for pleasure, as gentlemen well knew, was at present ten shillings on one horse, and that it gradually rose till it came to be double, on persons keeping six horses. It was his intention to double the tax on all the gradations, so that it would hereafter be, 21. on a person who kept one horse, and 126. on those who had six. He had reason to believe that the smallness of this tax would not have such an operation as to diminish the number of horses kept for pleasure, he should, however, take it at a very moderate sum, he should estimate the produce at 1,116,000l.

He also intended to lay a small tax upon that description of horses which had been hitherto excepted; he meant on horses which were kept for industry only. This would fall on various classes of people, but he flattered himself that it would not be considered as any very heavy burden upon industry, and that no farmer would feel its weight, or be tempted to keep fewer horses upon account of it. The tax which he proposed was no more than 2s. per horse, and it was not to increase whatever might be the number kept by one individual. This Tax, therefore, was not more than one tenth of the lowest tax per horse on the smallest number kept for pleasure. A farmer, therefore, having four horses, would have only eight shillings to pay, a sum which he was persuaded would not be felt to be severe or unreasonable, the high price of provisions considered, he would not therefore hesitate to submit it to the committee as one of the fairest taxes ever proposed, and by no means a cause for discontent to those who were to pay it, when they reflected on the burthens borne by the other classes of the community. The produce of this tax was necessarily doubtful, as they had no means of ascertaining the number kept. It was supposed, however, that there were at least one million of such horses in the kingdom, and he should therefore take the tax at 100,000l.

TOBACCO.

The committee were aware that the regulations which had been made upon that article some time ago, had not only put an end to all the frauds which had been suffered, and a great

and most product revenue had accrued. The consumption had at the same time increased, and he had every reason to believe that tobacco, which was clearly an article of luxury would bear an additional tax of 4d per pound, without any apprehension of lessening the consumption, or of giving rise to new frauds. This tax would produce 170,000l.

PRINTED CALICOES.

This was also an article flourishing, and in such universal consumption, that he was persuaded no injury would be done to the trade, by laying a small additional duty. Printed goods at present bore a tax of three pence half-penny per yard; it was his intention to lay an additional two-pence half-penny, making the whole tax sixpence per yard. He estimated this tax at 135,000l.

SALT.

Upon this he did not mean to lay any additional duty; it was simply a matter of regulation. A discount of 10 per cent. upon prompt payment, was at present allowed and too long time was given for the payment of the duty. There was also an allowance for waste on salts being carried coast ways, whereas upon experience it was found to gain. The proposed regulations would produce 32,000l.

SUGAR.

This was also to be considered rather as a regulation than a tax. There was a bounty upon the exportation of refined sugars, which was not necessary to be continued to the present amount, for the encouragement of the trade. It operated as an injury in so far as it tended to encrease the price of the article for home consumption. Gentlemen would be astonished to hear that the amount of the drawback paid for the exportation of refined sugar last year, amounted to between 7 and 800,000l. though the whole duty on the import had been only 1,200,000l. He proposed to reduce one fourth of the present drawback, which would be a saving to the revenue of 180,000l.

These were the taxes which he meant to propose to the consideration, and which he had no doubt would be found to be productive, and to be fully equal to the annuity wanted. For the sake of perpetuity, he begged leave to recapitulate the 1.—

RECAPITULATION.

Collateral Succession of Landed and Personal Property	-	-	} £. 254,000
Increase of Assessed Taxes	-	-	
Horses for Pleasure	-	-	140,000
Ditto for Industry	-	-	116,000
Tobacco	-	-	100,000
Printed Cotton	-	-	170,000
Reduction of Discount and Waste on Salt	-	-	135,000
Diminution of the Drawback on Sugar	-	-	32,000
			180,000
		Total	£. 1,127,000

LOAN.

The whole amount of the sum for which he estimated the new taxes would be one million one hundred and twenty thousand pounds; and the sum for the payment of the interest of the sum borrowed was only one million one hundred and fifteen thousand pounds, which would have been all that might have been necessary for him to trouble the committee with upon the present occasion, perhaps, if nothing had been said against the terms on which he had bargained for the loan. A particular reference had however been made to the committee upon that business, by referring to it a petition which stated certain circumstances upon that subject. He should therefore call the attention of the committee to the manner in which he had concluded the bargain upon the loan, the interest for which made the occasion for the present additional burthens upon the public. He had already stated the amount of that interest, which was but little better than four and a half *per cent.*; it being nothing more than 4l. 13s. 6d. *per cent.* to which being added a provision for the reduction of the capital in the proportion of one *per cent.* on the sum borrowed, would then make the whole sum amount to about six *per cent.* The committee would recollect the situation of the country. We were in the fourth year of a war, which was represented by some to be the most disastrous, and allowed by all to be most odious, in which this country had ever been engaged. At the period of the fourth year of such a war, the public had a loan of eighteen millions of money, upon terms but a little more than four and an half *per cent.* He stated this for the purpose of shewing the state of our public credit, and the opinion which monied men entertained of our resources; it

was certainly *prima facie* evidence of our prosperity. He had discharged his duty in stating this to the house. He had discharged it also, he hoped, in obtaining, under the circumstances, the best terms that could be obtained; terms, as favourable, as he thought, ought to be obtained with due regard to the real interests of the public. He knew that a petition which had been referred to that committee, stated that he had departed from the mode which had usually been adopted; a mode, which of all others, when practicable, he should be most ready to adopt, and which he had himself declared to be preferable to any other; he meant that of making the bidding an open competition. He would state to the committee under what circumstances it was that he had entered into the present bargain. It was his wish that the present, like former loans, should have been conducted in the way of competition. He had some time ago heard it suggested, that the gentlemen concerned in the last loan had a right to a preference in any loan to be made, until all the dividends of the former loan were paid off. It was not until lately that the pretensions of the contractors for the last loan were notified in a formal and regular manner to him. These pretensions were rested on two grounds: one was, that there never had been an instance where a new loan was contracted for, until all the payments on the preceding loan had been discharged; and that great inconvenience would arise from such a loan being at market before the dividends on the scrip were completely paid up: the other pretension was, that when, in negotiating the last loan, they proposed to pay the last dividend on the 1st of February, 1796, he had objected to that, as it might be probable a new loan might be wanting before the last scrip was paid. On this objection of his, they had built the principles that he would not (in consideration of their paying the last dividend earlier) negotiate any other loan before the former was all paid off. He said, he had consulted with the Governor of the Bank, from whom he found that the facts stated by the contractors for the last loan were accurate; and he felt the reasoning so forcibly, that he could not, consistently with a due regard to the public faith, which was pledged, and consistent with what he owed to himself, without their consent, and against their representation, contract for a new loan; the more he had reflected on the matter since, the more he was convinced he would not be justified in doing so. Under these considerations, he felt himself bound either to wait until the time of the last payment should expire, or so to act with regard to the former contractors,

that

that they might not find themselves aggrieved. The delay he thought would be highly prejudicial to adopt, as much depended upon the immediate discussion in that house of the means for carrying on the war, on which all hopes of the establishment of an honourable peace depended. Taking the alternative, however, not to forego a general and fair competition, and that the loan should not be contracted for, but upon terms just, reasonable, and wise, the gentlemen who contracted for the last loan were willing to do either of two things: first to enter into a competition of offers, on condition that they should have an option reserved to them to take the loan at an half *per cent.* more advantageous to the public than the lowest terms offered by any other contractor; and, by the bye, one half *per cent.* on the loan amounted to a sum of 90,000*l.* Were then was the hardship that gentlemen should be reduced to the necessity of offering such terms, as would not leave it worth the while of any other contractor to take the loan at 90,000*l.* less than their terms? He was aware, however, that any such check might create a considerable degree of disinclination to bid; he was determined nevertheless to take a precaution which would prevent his being at the mercy of any set of bidders, and save the public from disadvantage, before he would consent to this qualified competition. Mr. Boyd was contented to take the loan on such terms as he (the Chancellor of the Exchequer) should award on the event of Mr. Morgan's refusal to offer governing the terms by the market price of stock; that is to say, that he should himself fix the terms. He made proposals in the presence of the Governor of the Bank, and on Mr. Morgan's refusal, he had fixed them as advantageously for the country as could be established, with a view to policy and to public credit. Nay, the terms were as good as, in his opinion, could be produced by any competition. He had thought it fair to state to the contractors, that an unfounded navy debt of five millions was likely to ensue in the next year, which parliament would, if necessary, pay off; at the same time reserving a free option and discretion, if such a measure should be determined on by parliament, of giving the aid of the credit of this country to enable the Emperor to raise a sum for carrying on the war. He was sure that he would have to encounter a considerable degree of reluctance on the part of gentlemen opposite to him, to any further guarantee of an Imperial loan, from the consideration that the Austrians had shewn great inactivity in the early parts of the campaign; but when he remembered the glorious operations and suc-

cesses of the last six weeks on the Rhine, which could not have taken place but for the pecuniary aid which this country had lent the Emperor, he was convinced that house and the country would feel a joy and a pride, such as he sincerely felt, that the resources of Great Britain had furnished the sinews of a continental war, and would be induced to a similar measure in the next year to accelerate a peace, consistent with the safety of Europe, and such as the justice of our cause, and the situation of the enemy, would entitle us to expect. It would hereafter be a point for that house to determine, how far it might be the policy of the country to enable the Emperor to continue the pressure on the common enemy, thereby to facilitate the terms of peace, and thereby to accelerate the return of that desirable object. How far it might be advisable for us to renew our assistance in that respect, was a question not then to be agitated. He had not however thought it proper to pass the subject over in silence, but to say, that he had not agreed to the present loan upon terms that would preclude parliament, if under all the circumstances, it should be desired by the Emperor, and it should be deemed advisable to guarantee the payment of a loan to him. He had thought proper to state this to Mr. Boyd, and to say expressly that it should be optional to grant such loans, not exceeding three millions sterling, which, added to the five millions Navy Debt, made the possibility of eight millions more to be raised in the course of the ensuing year. Under all these circumstances, the terms which Mr. Boyd accepted of were,

120 in the 3 *per Cent.* Consols.

25 in the 3 *per Cent.* Reduced.

And 6s. 6d. in the Long Annuities.

The whole amount, for 100l.—104l. 5s. 3d.

In the last loan the discount was 2l. 5s. in this loan it would be 5s. more, arising from the difference between the payment of the first dividend on the 3d and 30th of this month: this made it amount above the 100l. to 6l. 15s. The loan of last year underwent repeated criticism; it was criticised as being connected with the imperial loan; it was criticised with respect to the price of stocks; but there was no difference of opinion with regard to the amount of the terms; they were allowed to be as good as could be wished; and one honourable gentleman had said, he would not wish they were better, with a view to the permanent interests and credit of the country; the terms of the loan this year were above $\frac{1}{4}$ per cent. more favourable than the last; and if he
had

had arbitrated and named terms to the present contractor lower than gentlemen wished last year, he felt that he went by a more secure rule than his own opinion. When he had to recollect that he was proposing a loan, greater almost by one half than had taken place during the American war, and that the terms of every loan after 1779, during that war, was got at from 5 to 6 *per cent.* interest, he felt great satisfaction that he was able to dictate the terms of the present loan at little more than 4 and a half *per cent.* He had a considerable share of satisfaction also in thinking, that it would not suffer in competition with loans in time of peace. In the year 1783, the year after the last peace was made, the loan which was borrowed for winding up the expences of the preceding war, was got on terms, which, when compared with the present, there was only a fractional difference, and that fraction in favour of the present loan. He further felt a degree of pleasure in comparing these terms with the terms of last year's loan. The rate of interest last year, if allowance was made for the bonus of 4s. in the long annuity arising from the Austrian loan, would have amounted to 4l. 10s. which was more than $\frac{1}{4}$ *per cent.* more than the terms of the present year. If the relative price of stock was taken into consideration, it would be found that the present loan was, indeed, highly satisfactory. The loan of last year, so much inferior to the present, had received the recent sanction of parliament. He would then put it to the House, whether he ought not, under the circumstances which he had before stated to have exercised a private discretion, when that discretion was productive of such good consequences? He would also put it to their candour, whether he was still to pursue the plan of an open competition, under the risk of breaking in upon a principle of public faith, which was so materially connected with the permanent credit of the country; or whether he was to delay a measure, which, by being taken thus early, must give confidence to this country, and strike terror into the enemy, rather than comply with equitable and reasonable demands? He was aware that he had exposed himself to the misrepresentations of individuals, from which he could, however, find a resource and consolation in his own intentions; and there was another resource he had to protect him from misrepresentation and calumny; this resource he stated with confidence; it was in the candour, the fairness, and the public spirit of that House. Should we, he would ask, delay to strike terror into an enemy, already tottering on the very verge, or rather fallen into the midst of the gulph of national bankruptcy,

bankruptcy, and not exert our ordinary and gradual resources? Whatever he might think of the present petition against the terms of the loan, as far as it concerned himself, yet, in a public view, it was in itself a considerable source of satisfaction. They saw and heard an individual complaining that he had been ill treated, and, as it were, defrauded, by the Chancellor of the Exchequer's, acceding to a proposition which debarred them from running a race with competitors in making better terms for the public, than those which were in themselves so reasonable and moderate, that they were near $1\frac{1}{2}$ per cent. less expensive than the terms of loans in the last war: this was matter of triumph to a country, that was contending for its liberty, in a war by some declared to be the most disastrous that this country ever felt; by others just and necessary, and unavoidable; by all allowed to be arduous. Such a triumph to the country would not have happened, if the credit and resources of this country had not, in spite of the declamations of opposition, given vigour to the war, until a peace could be established on a solid and permanent foundation; and had not swelled the burdens of the people in proportion as it spread their credit, and, established their security. When it was considered also, that care was taken in every new debt, that our providence for the future should keep pace with the extent of our present exertions; if from that we took a view of the present revenues of the country, in the midst of all the embarrassments springing from a war, protracted to the termination of the third year, and that the deficiencies were only such as might arise by natural fluctuation in the moment of undisturbed prosperity; when it was considered also that in 1789 the loan for the Spanish armament was not obtained on terms so good as the present; when it was further considered, that in the years 1793, 1794, 1795, great sums had been voted; and that, in the conduct of the present war, ministers had been anxious to bring forward all parts of the subject, and not, as had been the practice in former wars, kept back the debts, to have enormous sums to provide for in time of peace; when all these things, the Chancellor of the Exchequer said, were considered, he felt his heart dilate with pride and satisfaction. When he considered also, that the new taxes had kept pace with the sums at which they were estimated; that in the year 1789, and from that year to the present day, the taxes, instead of eating out the yearly sinking fund, had been found fully adequate to the purposes for which they had been originally intended; that in the year 1789 they amounted to

20,000l.

20,000*l.* more than the estimate; that in the year 1793 there were only 26,000*l.* deficiency; that in 1794 they had exceeded by 54,000*l.* the whole sum calculated; that in the year 1795, where there was 1,600,000*l.* annual interest to be provided for, though only two quarters of that year were received into the Exchequer, yet more than two-thirds of that sum had been already actually collected: these were circumstances which incontestibly proved the rising credit of the country; these were the circumstances which had enabled us to stand the arduous contest; these were the circumstances which had created a confidence in the monied men of the country, and enabled us to convince the enemy of the necessity of terminating the war on such conditions as might be found consistent with the justice of our cause, the vigour of our efforts, the relative situation of the enemy, the general happiness of Europe, and the security, honour, and advantage of this country. The Chancellor of the Exchequer moved his first resolution.

Mr. *William Smith* said, he was perfectly conscious how much disadvantage he had to contend under in meeting the plain statement of the right honourable gentleman, as well as on account of the importance of the subject, and was aware also that he sunk below him so far in ability as hardly to expect that patient attention, even to which, in his own opinion, the nature of his argument entitled him. He thought it necessary to press this consideration more strongly upon the House because it did not augur well when so many gentlemen were leaving the House, and shewed themselves to be so indifferent about their duty and the pecuniary interest of their constituents, as not to stay and satisfy their curiosity by hearing whether the loan was or was not made upon the fairest terms. The reason why he rose that day at all was merely because he had been applied to to present the petition which lay upon the table, from some contractors, and not with any personal object in view, nor directed by any personal motives. He had many things to observe in his consideration of the speech which the right honourable gentleman had delivered in so much order, and with so much eloquence, that tended to strengthen the petition and the arguments upon it. Nothing was more clear than, that if the monied interest in this kingdom be such as the right honourable gentleman stated, so very abundant, it became the strongest and most cogent reason why bidders should be invited to a competition. Indeed no kind of argument had been urged to the contrary. Two questions then arose from the List, as it stood in the consideration

consideration of the House: first, whether the conduct of the right honourable gentleman, in the bargain for the loan, was the fairest in every point of view, that circumstances would allow? And secondly, if it were not wholly so made out, whether it would be wise and prudent in the House to sanction the loan that he had contracted? In these two questions, Mr. Smith found he had reduced his task to a shorter compass than, upon a general survey of it, he could have supposed himself able to do, but in this contraction he was assisted by other operations. Some things were laid out of his view altogether, which, upon his entrance, into the House, he had imagined must have been comprehended in it; one of which was the competence of the documents laid down in the petition, whose veracity he pre-supposed might, in some degree, have been contradicted; but of which he had not heard the right honourable gentleman express the smallest doubt: and another was the impropriety of a competition at all times, which he had also pre-supposed might have been urged, and was glad to find it given up. According to what he had understood of the statement of the right honourable gentleman, the original intention was to have made it an open loan. The point to be discussed, therefore, was, whether there were sufficient grounds for the existing contract, and whether the terms of that contract were such as the House ought to sanction? He might have forgotten some other relative arguments, but he believed these to be the points on which the discussion depended.

With respect to the first question, he must say, and he was instructed to say so by the petitioners, who consequently were accountable if the statements were untrue, that, on the night preceding the 26th of November, on which day the contract with Mr. Boyd was signed, that gentleman's memorial had not been presented. It appeared, therefore, if every thing had been liberally and fairly meant on all sides, not that he thereby insinuated any criminal intention to the right honourable gentleman, but, if the whole of the proceedings had been liberal and fair, the night before the signing of the contract would not have been the time for the first plea of the memorial, when notice had been given of an open competition ten days before; since it was upon the 16th of September, that the Governor of the Bank had informed Mr. Morgan of it. To this statement it was remarkable, there had not yet been any opposition made, or any exception taken, and he held a circular letter in his hand, written by an honourable Secretary to the

the contractors, wherein a general invitation was given without any mention of preference whatever.

The grounds for preference in Mr. Boyd's memorial were, that Mr. Boyd had a lease of the monied interest for one year, or at least to the last payment of the loan for 1795, which payment was computed to amount to 5,000,000*l.* and might be greatly injured by the intervention of a second contract. An assertion which he was prepared, in some measure, to deny; although the five millions were not paid up, he was credibly informed, and his informers were ready to prove it, that, instead of 5,000,000*l.* remaining in the market, there were only 477,000*l.* That was to say, in the language of the Alley, there was a sum of five millions, which had not been written upon the bank books, although it was as well known that four millions had been disposed of in the market, as if they had been written on the books. The memorial therefore was true in point of fact, though not in point of inference.

Mr. Smith said he would put it to every man, possessing any share of common sense, whether there was not nearly as much money lost by the present negotiation on one part, as the 477,000*l.* if it could have been wholly lost, would have been upon the other. Therefore the minister might have said to the contractors, "keep your money, let the loan be open, and we will run the risk of your losses by paying the deficit." If any preference were due, it was expressly due to Mr. Morgan, who, three years ago, had made a loan of 12,000,000*l.* at which time he objected to another loan till all the shares were disposed of, and the loan was made on that condition. This happened in February; and yet, in the May following, another negotiation was entered into for a loan of three millions to the Emperor, when the shares of 12,000,000*l.* were at discount. That loan was the best which was ever made for this country. Who then had the right of pre-emption but those persons who had suffered by a former loss? It was also notorious that the greater part of the last loan had been sold for a high premium. Nor did a pre-engagement with the present contractors hold good in all its connections; because, although the former contract was made ostensibly by Mr. Boyd, who was the ostensible person in the present contract? Mr. Boyd had it again, with a different list of individuals. Not one of the subscribers to the former condition had come forward in his own name to assert his claim to the present; and there was good reason for it, because that was worth from twelve to fourteen *per cent.* and consequently

they had been no losers by their bargain. Was it not then unreasonable, when such profits had been gained, that, because one thirty-sixth part was not paid up, they should be favoured with the pre-emption, to the exclusion of those who had actually lost by a former negotiation, and above all, to the great disadvantage of the publick? To come however to the right honourable gentleman's own statements of the subject, it appeared that, at the time of the negotiation in 1794, there was an express stipulation, reduced to writing, that there should be no other loan; but in the present case, the language had been so vague and loose, that the Chancellor of the Exchequer hardly recollected that there was any engagement of the kind. If that right honourable gentleman with such powers of recollection, as he was confessed to possess, could with difficulty recall such a provision having been made, and could so far have forgotten the stipulation as to have announced his intention of making an open loan, the engagement, if it had any actual existence, must have been of a slender nature indeed. It was evident, moreover, that no decisive stipulation did exist; because, when the authority was given to the Governor of the Bank of England to announce the competition, it was hardly understood that any preference existed. To what amount however was the stipulation?

He had been instructed, from two quarters, and they were ready to avouch it, but, at any rate he knew he should be corrected, that, when the petitioners conversed with the minister about the loan, he spoke of the inconveniencies which the other contractors complained it would subject them to, and said that they thought themselves entitled to a preference, and he thought so too. He thought they were entitled to some degree of attention. Surely this was a phrase which could hardly imply so considerable a bargain; and it was utterly impossible that there was an opinion at that time in the mind of the minister that it could go to that extent. The bargain rested then on this ground, that, after such a hint, all competition was withdrawn as expeditiously as possible. The only chance for competition was by bidding, two, three, or four *per cent.* above the contractors, and that was no competition. Gentlemen had heard, some years ago, a great deal said upon Irish reciprocity, and this would afford a counter-part; it was Irish competition. If, in the opinion of persons best acquainted with the influence and variations of the funds, and best known in continental politics, if, in their opinion, the loan had not been worth the 10s. *per cent.* more which the petitioners offered, and they had, in consequence, refused

to take it on the proposed condition, every one must know that the contractors for it afterwards, instead of getting a premium upon the shares, must have allowed discount. Such were Messrs. Boyd and Co. the contractors for this loan, who, from their continental connections, and acquaintance with the funds, were conscious of the worth of the loan to its full extent; and if they had rejected it, by that rejection they would have manifested that it was not worth the having. Would not any man prove himself an idiot to take it after their refusal, with the additional payment of ten shillings *per cent.*? It proved itself therefore to his reason, as he imagined it must do to the reason of every man, that the bargain was too partial; without meaning any thing invidious, he could call it nothing but a pretence of competition. It was an invitation to other persons to set the price; to say it was a competition was a mere abuse of words.

So much for the competition and the claim of Mr. Boyd. He did not wish to dwell on rumours, and therefore only mentioned them as such; he had however heard, for a considerable time previous to the contract for the loan, from gentlemen whose opinions usually went with the right honourable gentleman, that Messrs. Boyd were to have it, and that odds were publicly offered upon it. Whence could this confidence have arisen, but from some knowledge which they must have had of the means to secure it; and if that were really the case, he left it to the committee to decide whether it was fair to stop the competition on such grounds.

The next question necessary to be submitted, Mr. Smith said was, whether there was a fair ground for imputing fraud? When it came to the kind of competition that he had stated, Mr. Morgan was desired to consider of it. Mr. Morgan could not consider it; he very properly refused to bestow one moment's consideration on it, and flung himself out of the room. If other means could have been afterwards devised, they should have been resorted to. It was the uniform practice of Lord North's administration to have a meeting one day for discussing the particulars of the loan, to let the next day intervene to consider on the terms, and the third day was appointed for the contract. Mr. Morgan did not want to consider of it, but went away in the full and firm persuasion that nothing would be done at least till Friday. The next day he went upon the Stock Exchange, to state what had passed to the subscribers, and informed them of the little hope he entertained of their agreement, when, to his surprise, he was informed, that the bargain had been concluded the preceding

ceding afternoon by Mr. Boyd. It was extraordinary that the pressure of publick circumstances should have been so urgent as not to admit the intervention of a single day, nor to have made it occur to the right honourable gentleman how necessary it was to send an intimation of it. Mr. Smith did not know whether all that he had stated was correctly true, the parties however must answer for themselves, and he believed they were ready to affirm it at the bar, and establish it by evidence. The great difficulty would be, to prove whether the other bidders were ready to come forward with immediate payment; he had not yet heard any doubts upon that point, which he admitted was material, and if there were no doubts, the competitors must be called in.

The whole question then rested here, whether the loan was made upon good terms or not? The best mode to ascertain this would be by referring to former loans. If the present was at a low premium, it would have the appearance of argument in its favour. He compared it with the years 1775 and 1776, when it fell from one to two and a half *per cent.* discount. Had that been the case at present, it might have been said to be a bargain, although a close loan, with the appearance of competition. In 1780, indeed, the loan came out at 4½ *per cent.* premium, and rose to a seventh and eighth; and in 1782 it came out at 10 *per cent.* premium, and rose afterwards to 11; but it was not in comparison with the close of the American War; and he supposed the right honourable gentleman did not wish to risk his character, either of policy, finance, or constitution, upon a comparison with that period. There was not only a difficulty in raising sums at that time, but a considerable difficulty of keeping together a majority of the house, which was, in some way, connected with the enormous premium on the loans. Their loans were expressly and notoriously made to keep majorities. He did not say that such was the case at present, he did not however deny that such an idea might enter the heads of the people.

Mr. Smith declared that for the reasons he had assigned, he believed the ground and arguments of the right honourable gentleman to constitute no instance of the real goodness of the bargain, nor did it appear he had even followed his own principle. The year before last there was a competition for 12,000,000*l.* since which time the right honourable gentleman had deviated from his own plan, for the premium of last year was larger than had been known. In the present year, he should be ashamed not to say, that it had an adventitious effect, when a peace might be not far distant, and when it was

was laid down broadly that the means of the enemy were only sufficient for a small part of the next year. Under these circumstances, with a peace staring them in the face, and so much money in the market, it was impossible, in the nature of things, not to drive a good bargain, when the very next day after it was made, the contractor sold his loan at $5\frac{1}{2}$ premium; that was, for 18,000,000l. he gained one million profit.

Mr. Smith said he was aware that a loan had been at $6\frac{1}{2}$ premium, which, according to the present, would be at the rate of 1,100,000l. upon the whole capital; he observed however the comparison must then be between the two last years of the American war, and no other; for it could not be reckoned advantageous but in comparison with these, and the average premium then was nothing like what the loan at present bore. The arguments of the right honourable gentleman, therefore, were directly on his side, instead of on the side of the right honourable gentleman; if the premium were low, competitors were to be had; and if it were high at this time, it was a proof that the bargain was not a good one for the people.

He contended that in point of fact, the money might have been borrowed at two *per cent.* less. These very petitioners would have granted it at that rate. If no positive or actual proof could be offered, it might have been said, that men, in the bitterness of disappointment, and the heat of zeal, had merely come forward with assertions; but the gentlemen were ready to give their proof at the bar. He knew, however, that heads most ready to compute, and the most adroit in calculation, might sometimes be mistaken in their calculations:

The questions which he begged the House to keep in view were, whether a fair competition was likely to produce good to the publick; and if that principle had been acted upon, whether there might not have been a diminution of the burthens? If 400,000l. could have been saved, it was worth having. He would next ask the House, whether it was not fit and becoming in ministers, whether, indeed, it was not their bounden duty, to have procured better terms? the shadow of competition that had been set up had obviously produced no good, on the contrary had produced a great deal of mischief. The mischief was occasioned, he said, by the right hon. gentleman's arbitration, who did not wait for the proposal of Mr. Boyd, but made terms for him, and threw him in 6 *per cent.* when he might have had the money upon better terms for the public. Nothing could be more clear than this
assertion;

assertion ; for, after other competitors had withdrawn, he confessedly proposed his own terms to Mr. Boyd ; and, instead of allowing two days more to consider of it, the bargain was concluded in the afternoon of the same day, upon the minister's own suggestion. Having urged that point very strongly, Mr. Smith said, he wished to know if the right honourable gentleman had any means of getting rid of the difficulty ?

He knew that the right honourable gentleman had not proceeded in the affair of the loan, without communicating his proceedings to other persons, and he thought it justice to them to say that he had no reason to doubt of their integrity and ability ; he could not say, however, that those were the most proper persons to consult, who had an interest in making the terms to the public as high as possible. He knew not why the governor or deputy governor of the Bank of England, either from character or fortune, were more infallible than other men ; but he knew that, by the rules of that House, no person could retain a seat in it while he enjoyed a pension, nor could a placeman remain there till re-elected. On this principle he wished the governor and deputy governor of the Bank had not been consulted ; because they were officially entitled to a considerable part of the loan ; and because no person could contend that they were proper persons, as they could not be stated to be perfectly disinterested in the event of the bargain. The amount of the premium of the governor alone exceeded that sum which his Majesty was unable to grant from his civil list, namely, 1200*l*. He must say, therefore, that the persons consulted ought to have been as disinterested as possible.

He wished every gentleman present to separate the censure of an improvident bargain, and the necessity of the House to sanction the supply, as much as possible. He did not wish to push censure ; though he could not argue, if the House should refuse to sanction the engagement, that the refusal would imply censure ; but he was bound to discharge his duty, though it should lead to a vote of that extent.

In regard to future bargains, he denied that the refusal would have an embarrassing or dangerous effect. If the sanction of that House must be given to every measure which a minister chose to undertake, the sanction itself was reduced to a futile and nugatory proposition. He was very ready, therefore, to declare that circumstances might warrant any gentleman to say that he would not sanction the loan, although he would not withdraw his confidence. On the other hand, the sanction of this loan went directly to prevent all future competition

tition. On the present occasion it had been understood, that it would be an open loan, and that bidders would be received on equal terms. Hence a number of people made provision, either by selling out their stock, or raising sums for the purpose. Would any gentlemen do so in future, unless they had previous reason to suppose they should actually have the loan, when they did not know that a person might not come forward in twelve hours after their arrangements upon grounds however light and frivolous, to supersede them? [A call for the question.

Mr. Smith said, he had gone through every point. He was not surprised to hear the question called for, especially when he recollected that he had neither placed his arguments in such a lucid view as the right honourable gentleman, nor mixed them with general topics, such as the right honourable gentleman often found opportunity to introduce with so much satisfaction to a part of the House, and with so much entertainment to the whole. He must observe, however, that when gentlemen betrayed eagerness at such a time, it implied that they did not entertain a very correct regard to the interests of their constituents or their own duty; and there never was a moment when those considerations were pressed upon them more than at that moment. They were pressed to the consideration of the question by the plenty of money which was stated to be floating in the country among the higher orders, whereby the competition was more likely to have been rendered beneficial to the public. They never could be more pressed to the consideration, than when the taxes, already most enormous, were increased, when the country was coming to the situation when the lower classes of the payers of the taxes were worse off than their fellow creatures who obtain relief from the poor-rates, and when not only 400,000*l.* but even 40,000*l.* was a proper object of investigation. He begged pardon for detaining the House so long, and for the prolix and irregular manner in which he had expressed his sentiments; but as he had only received some answers upon the subject a quarter of an hour before he rose to speak, he hoped to receive some degree of indulgence; and concluded by moving, that, after the resolution for granting the 18,000,000*l.* to his Majesty was agreed to, the chairman of the committee should report progress, in order that, when the House was resumed, he might move for an enquiry into the manner in which the loan had been contracted for.

[This mode of proceeding he adopted at the suggestion of
the

264 WOODFALL'S PARLIAMENTARY REPORTS. [COMMONS,
*the Chancellor of the Exchequer and Mr. Fox, as being the most
regular.*]

The first resolution, for granting the Loan of 18,000,000*l.* was then read and passed. After which the question was put, that the chairman should report progress, which was carried. On the question being put, that Mr. *Hobart* should leave the chair,

Mr. *Fox* said, that, after the able manner in which the subject of the Loan had been treated by his honourable friend (Mr. *Smith*) it would not be necessary for him to enter into it at large. He would only premise the few observations he had to make, by declaring that his not entering upon the consideration of the taxes that were announced, which he would take another opportunity to examine, was not to be construed into an approbation of them. Some of them he disapproved in the strongest manner, as he could not perceive that they afforded any security for the interest of the money they were intended to provide. His honourable friend had pressed a question of great importance to the point under consideration, which he would again propose to the right honourable gentleman opposite. He would ask, What was the nature of the engagement with the subscribers to the last year's loan, which had induced him to act in so extraordinary a manner? He could not conceive it to be of a very explicit or precise nature, since the right honourable gentleman had forgot it entirely, till subsequent circumstances had recalled it to his recollection. He wished to know whether he was bound to those subscribers by any specific contract. If he was not, upon what principle could he justify the mode in which the bargain was concluded? If he was, why did he send notice to the persons, whose complaints were preferred against the transactions, that it was to be conducted by open competition? He had given out that it was to be open, and had not given intimation that it was to be qualified. In putting this question, he could not hesitate as to the answer. The right honourable gentleman must have been aware, that any obligation here incurred must have been very important, and yet it had escaped his memory. He perceived, from what had been said, that it had been inferred, from the stipulation of the payment of the loan before February, 1796, that no other loan was to take place previous to that period. That, however, could not be considered as a specific engagement, nor justify the line of conduct the minister had pursued. The men who had thus been disappointed, sustained a very severe loss as individuals, and the public would ultimately be affected by the principle which had been established. Future loans, should new ones unfortunately be required,
would

would experience the bad consequences of the manner in which the present had been settled. The last payment of the loan for the present year was, he understood, in December, 1792; the consequence of which would be, that if the war unfortunately continued throughout the year, if the expence unobtainably continued to exceed the calculation made for defraying it, if the country was unfortunately in a situation to require parliament to meet next October, or if, on the supposition that there were no financial reasons for contracting early for the loan, it might be found expedient, in a political view, in order to show the enemy the amplitude of our resources, and the energy of our exertions; would not the minister be under the same engagement then that he was at the present moment, and be equally debarred from all the advantages of an open loan? If this had been the word of the minister, his character might, indeed, be involved; but the consequences to the country were more important to be considered, and its operation upon future loans. If there were really an obligation of faith, even that he would contend, was violated. His obligation was not given to Messrs. Boyd and Company, but to the subscribers to the loan, none of whom stood upon the list of the present year. As the real subscribers of last year, therefore, were not consulted, to whom alone any pledge could be understood to be given, the very engagement on which the present extraordinary conduct of the minister was justified, had been substantially violated. The right honourable gentleman had departed from that principle of competition which he had formally extolled so highly. The very same circumstances which had occasioned a departure from it would be likely again to occur, and to cause a similar deviation. He declared he was ready to exculpate the right honourable gentleman from any imputation of fraud in this transaction but he could not exculpate him from a gross degree of inattention, in making the stipulations for the last year's loan, in having come under such an engagement in January last, as for ever to preclude him from his favourite plan of competition. He called upon the committee to reflect on the honourable gentleman's own language respecting competition on different occasions. In 1793 a loan was made on the worst and most extravagant terms; and the only defence which was set up for it was, that it was made by competition. He then contended, that, in a constitutional view, we were greater gainers by the mode in which the loan had been made, than we were losers in a financial view from the disadvantageous nature of the terms. At that time he had

agreed with the right honourable gentleman in the principle and differed with him only on the mode of competition. The next year he pursued his plan of competition. And what was the consequence? A loan of eleven millions was raised on more advantageous terms than was almost ever known.

The House would recollect the triumph of the right honourable gentleman upon that occasion, and his boast that he had combined constitutional with financial advantages. No sooner, however, was the system of competition approved by its success, than it was instantly abandoned; and though the right honourable gentleman had prepared the plan of competition, when it only answered constitutionally, he deserted it when it answered both constitutionally and financially. In the present instance all his confidence reposed in the goodness of the terms. For his own part, Mr. Fox said, he thought that the terms were extremely bad. It was with much concern he heard of a deviation from the good old custom of allowing twenty-four hours to intervene between the first meeting upon the subject and the conclusion of the bargain.

He also had occasion to repeat an observation which he had made last year, that if the stocks rose, then all the advantage was on the side of the individual; whereas, if they fell, there was no legal, or, at least, no practical mode of enforcing the bargain. The loan, therefore, ought to be contracted for upon a fair estimate of the average price of stocks, with a due regard both to the interests of the country, and the just profit of the individual. Mr. Fox entered into a comparison between the terms of last year's loan and of the present, and contended, that a loan on the three *per cents* was negotiable on much more advantageous terms than on any other stock, because it gave a greater capital to the lender. The price of stock was also higher than it was last year; a better bargain was therefore to have been expected upon that ground. Thus, in time of peace, a loan might be negotiated with a much smaller *bonus* than at any other time.

He next compared the present loan with that of 1783. That loan had been made in very unfavourable circumstances, and he allowed it to be a very bad one for the country. Would a bad loan in 1783 however justify the House in acceding to a bad one in 1795? Would it justify them in acquiescing in the terms of the loan then proposed, in the present circumstances? clearly not, for they were not obtained by competition. It might be said, that it was easy for individuals to circulate reports of what terms they would have offered. But it was not a secret confined to a few hands; it was notorious that

That a great number of persons had collected an immense sum of money for paying the first installments; and how were they disappointed? because the Chancellor of the Exchequer was under some obligation, which he did not recollect, and which made it necessary for him to reject a competition. And this rejection he made, not in the most manly way, by talking of a competition, and, at the same time, by proposing it on such terms that no man, in his senses, would ever have thought of entering into it. He first declared that there was to be a competition to the governor of the bank; and when, upon this information, Mr. Morgan, and his friends had waited upon him to give in their proposals, the terms were such that no man could acquiesce in them. One very extraordinary circumstance, which he had mentioned in his speech, he could not forbear to notice, namely, that he had made his own terms with Mr. Boyd. That any man, on an occasion of that nature, should venture to trust the Chancellor of the Exchequer to settle the terms of a loan between him and the public, showed that the gentleman must indeed have had very implicit confidence in him, to trust him in the official situation which he held as a referee and arbitrator. Such extreme generosity, such a boldness of confidence, seemed to him to prove rather too much. The transaction might be considered in a double point of view; as an injury to the petitioners, and as a loss to the country. To Mr. Morgan it was clearly a serious loss, his money being called in for the purpose of making this application of it; and to the public there was, first, a loss of 400,000*l.* That however was the least part of the public injury. By deserting the plan of competition, he had outraged a fundamental principle of the constitution, laid a precedent of which corrupt ministers might in future avail themselves, much to the detriment of the public, and checked for ever the spirit of adventure in the monied interest of the kingdom. Who, in future, would be inclined to follow Mr. Morgan's example? In vain the governor of the bank might give out that there was an open loan; he would not be believed. In vain might he assure the merchants that there would be a fair competition; a previous obligation would always be suspected. Mr. Morgan and his friends, for two months past, had boasted they would have the loan; because, from their particular ideas of the state of public affairs, they thought that they could offer terms more advantageous to the public than any other persons. The answer they received was, no; you will not; for whether it is determined by competition, or without competition, Mr. Boyd will get it. When these facts were known, would it not be the opi-

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nion of the public, that the plan of competition was for ever abandoned, because the principles on which it was pursued were abandoned? He wished to know if it was the intention of administration to propose a loan to the emperor; and if it was, whether the minister was under engagement to give it the contractors for the present loan: He had many objections to make to the statement contained in the budget, and particularly to some of the taxes; but he would not enter into any discussion upon these topics, till the present important question was disposed of.

The Chancellor of the Exchequer said, he knew of no agreement which had been entered into respecting a loan to the emperor. With regard to the general question, whether, by his conduct in the adjustment of the present loan, he was to be considered as departing from the principle of competition, he hesitated not to say, that such was by no means his intention: on the contrary, he retained as strong an attachment to that mode as ever. With regard to the present instance, it remained for the committee to judge of the peculiar circumstances under which he had departed from this principle; it could not however by any just inference follow, that, because there were exceptions to a rule in particular cases, that therefore he had abandoned the rule altogether. Were the maxims pressed upon him to be followed up, there must be an obstinate adherence to one particular system under all supposable cases that might occur, or otherwise he must be exposed to the charge of a fruitless departure from a given rule for some improper purposes: He could not admit the force of either of these suppositions. It had been objected that, by his agreement with Messrs. *Fry* and Co, he had prevented other offers; he knew not whether that was true or not; at any rate, the question which he was bound to consider was simply, whether the terms which had been offered were such as he ought to be satisfied with? He apprehended he had assigned satisfactory reasons on that point, and for shewing why, in the present instance, he ought not to encourage a competition.

It had been observed, that Messrs. *Morgan* and Co. had attended to receive, rather than to make proposals, and that they had withdrawn without any being made to them. He proceeded to relate, that at that interview he had sufficiently explained the terms of the loan; and likewise that, in addition to the eighteen millions to be borrowed, there was a possibility of funding five millions more of the navy debt, in addition to the advance of a loan of three millions to the Emperor

peror. The right honourable gentleman (Mr. Fox) had entered into a comparison of the terms of the present loan with that of last year. He had observed, that the price of stocks fell during the discussion. Upon that point, the Chancellor of the Exchequer said, he had fortunately by him, and would read to the committee, the component parts of that loan, and the price of stocks, when that bargain was made. From that statement (which he read) gentlemen would see, that the *bonus* of the present loan was somewhat less than the former, and not more than it was necessary to give under all existing circumstances. It had, indeed, been said, that it must be expected that the *bonus* should be less when the stocks are higher than they were last year, but he observed the rise of the funds was little more than 3 per cent. higher than they were at the time of the former loan. It had also been remarked, that the *bonus* should be considerably less since the capital had been principally made in the 3 per cents. Upon these points the authority of a noble lord, (Lord Stanhope) when a member of that house had been stated, but was any gentleman ready to profess himself willing to go to the same extent with that noble lord in his opinions and principles. He went over the leading principles which he had laid down on opening his speech, and produced a paper which stated the rates of interest of different loans. He particularly noticed the terms of the loan of 1794, when the system of competition had been stated to be carried to its utmost height; then the 3 per cents. were 67½, and the 4 per cents. 83 and odd; the rate of interest on the eleven millions then borrowed was 4l. 11s. per cent. in the present loan it was stated at about 4l. 13s. and though this loan had been branded as so enormously extravagant, it was evident that there was not the difference of 2s. 6d. of a loan of eighteen millions, compared with a loan of twelve millions, and that in the advanced period of the fourth year of the war in which we were engaged. Was this loan then, he asked, so bad, that the House of Commons were called upon to refuse to give it their sanction? This he could not believe; and he trusted that, considering all circumstances, the house would not stamp it with its disapprobation: sure he was that he had nothing to reflect upon himself for in the present transaction.

Mr. Fox remarked, that in the present loan there was only 6s. 6d. taken in Long Annuities, whereas the loan in 1794 was 12s. 6d. He observed also, that part of that loan was in the 4 per cents. whereas the present was in the 3 per cents. He thought it strange that the 4 per cents. then should be within

within one *per cent.* of what they were at present, whilst the $\frac{3}{4}$ *per cents.* should be above 3l. less in value than at this time. On the subject of competition, which the right honourable gentleman had professed to adopt, he could not help observing, that fifty-one millions and a half, which that gentleman had had occasion to borrow for the public in the course of the present war, fifteen millions had been raised by competition, and thirty-six millions by close contract; such had been the exception to the general rule, which the right honourable gentleman pretended so much to approve!

The Chancellor of the Exchequer explained the terms of the loan of 1794.

Sir Francis Baring remarked, that if the additional discount were reckoned, it would make the terms of the present loan above 7l. per cent. He also pointed out a material difference between the present loan and that of 1783, when the minister had not the benefit of the Sinking Fund, as at present.

Mr. W. Smith reverted to the transactions with Messrs. Morgan and Mellish, and observed, that though they could not be said to know exactly the terms which the minister was to offer, yet they could not be ignorant, that, in addition to the eighteen millions, a certain number of Navy Bills were to be funded; and that they, with their friends, who were ready to offer for the eighteen millions, were at the same time ready to offer for more.

Mr. Sheridan said, he rose to make one observation: the right honourable gentleman had admitted that he had been in an error with respect to what had passed in January with Mr. Boyd, that when he came to carry his project of competition into execution, he had, for the first time, discovered that he was entangled in an engagement, of which he was not before aware, and that had it not been for that he would have proceeded to make a loan by competition. He thought it extraordinary that, in transacting this loan, the right honourable gentleman should have forgot the circumstances that passed in conversation with Mr. Boyd. In a former conversation with Mr. Morgan, the right honourable gentleman was, he said, chargeable with the same forgetfulness as to the circumstance of the Imperial loan; that Mr. Morgan and his friends had taken fire at this, and had posted up a paper in the Stock Exchange, (which Mr. S. read) stating, that, other funding had taken place, of the 11 millions, and the Navy Bills of the two millions, and Exchequer Bills of two millions, signed Godschal, Morgan, and Angerstein: he thought it
some-

Somewhat extraordinary, that, after this rebuke which the right honourable gentleman had received, he should omit being explicit, whether or not there was to be another Austrian loan. He asserted, that the effect of this negligence would be a total loss of character, as to punctuality of business, a great pecuniary injury to Mr. Morgan and his friends, and a loss to the public of near 400,000*l.* sterling. How far such a loss was criminal, he should leave to the committee. The question he wished to ask was, whether the right honourable gentleman considered himself bound to contract no new loan till the last payment on the former one was made good?

The Chancellor of the Exchequer answered this question in the affirmative; and explained the nature of the negotiation which he had entered into respecting the Imperial loan.

Mr. *Sheridan* insisted that Mr. Morgan proceeded not upon rumour, but upon official documents, with respect to the Chancellor of the Exchequer's contracting for the Imperial loan.

Mr. *Huffey* reminded the Chancellor of the Exchequer how much the *bonus* increased the interest of the loan. He thought he was blameable for the manner in which he had disposed of the loan; and calculated the difference between 90,000*l.* which he had saved by giving the loan to Mr. Boyd, and the loss of 333,000*l.* which was ready to be given by Messrs. Morgan and others. He declared he had a commission to state this to the house; and then read a letter (dated that day) from Mr. Morgan to Mr. Pitt, stating the advantageous terms to the public on which he had offered to take the loan. And another letter, signed by Dimsdale and Co. and other Bankers, declaring, that, in case Mr. Morgan's offer to contract for the loan was accepted, they would engage to become the security for making the payments of 10*l.* per cent. on Thursday the 10th instant.

The Chancellor of the Exchequer declared, that until the honourable gentleman produced and read those letters, he had never seen, nor heard of them; and he asked whether a letter, produced under such circumstances, and after the bargain had been concluded, was a fair proceeding or would induce the committee to suspend coming to a determination on the subject? In answer to a remark which had been made, he declared, he had not said that a race for competition was a race for gain, whilst he considered it for the advantage of the public; that by the bargain he had concluded

cluded, he had deprived monied men from agreeing to the loan, on terms not much exceeding four and a half *per cent.*

Mr. *Huffey* explained respecting the contents of the paper which had been read by Mr. *Sheridan*, and stuck up at the Stock Exchange. The question was loudly called for.

Mr. *Jekyll* said, that the impatience of the house for the question could not add much to its credit or character, were they to think, for a moment, that in this discussion was involved the voting away a sum of not less than half a million of their constituents' money. He rose in consequence of what had fallen from the right honourable gentleman opposite, who had uniformly praised the system of public competition for loans, and now had deviated from it upon what he called *special grounds*. He wished that it should be known what these special grounds were, and recalled the attention of the house to what he had said early in the session relative to certain fictitious bills, purporting to be drawn from Hamburg by Mr. *Boyd*, though he believed they had been drawn in London, and accepted by Messrs. *Rose* and *Long* of the Treasury. They were sent into the market for discount: the Bank would not touch them; he understood however that some private individuals had discounted them; and an honourable friend of his having mentioned the 10th of December as the day when the first instalment of the loan was required, it became a curious fact that it was the precise day on which all those celebrated bills run to, although they were drawn at different dates when first issued. This, in his mind, carried with it a presumptive evidence of the cause why Mr. *Boyd* was to have the preference, and all open competition was shut out. The right honourable gentleman had desired him to name a day for an enquiry into this subject when he first stated it; he knew too well the fate of enquiries of that sort, and the manner in which they had been got rid of: still, however, he must insist that the circulation of these bills was a mean, shabby, disgraceful trick; so scandalous that it was beneath the character of a statesman, and more like the last resort of a swindling trader.

The Chancellor of the Exchequer said, that if the learned gentleman chose to name a day, he was ready to go into any enquiry respecting these Bills.

Mr. *Fox* considered that as a poor excuse, when the right honourable gentleman's credit and honour were concerned. He thought Mr. *Morgan* had been ill used, and deceived into a risk of a considerable sum of money; and that he had a right to come forward, and state to the public that he was still ready

ready to make them a more advantageous offer. Mr. Fox observed that the right honourable gentleman had never answered the question whether, when he gave Mr. Morgan reason to think that there would be a fair competition, he had at that time any circumstance in his mind which he knew would prevent him from giving Mr. Morgan and his friends that open competition which was held out? He complained of the mischievous effects both to Mr. Morgan and his friends, and the public at large, which had resulted from the want of this explicit information. He saw no reason why the committee of the House of Commons should adopt the most expensive plan, because of the improvident engagements of the minister. If they were forced to become a party, he thought it should be a party to the best bargain, which was the first engagement of the minister with Mr. Morgan.

The question was put on Mr. Smith's motion, when there were,

<i>Noes,</i>	-	-	237
<i>Ayes</i>	=	-	27
			<hr style="width: 50px; margin: 0 auto;"/>
<i>Majority,</i>	-	-	210

HOUSE OF LORDS.

TUESDAY, December 8.

The Bills on the table were read a second time.

A petition was presented from Liverpool, praying the legislature to adopt such measures as are necessary to restrain seditious meetings.

A message was delivered from his Majesty, by the Duke of Portland, stating that his Majesty would relinquish the amount arising from the sale of the prizes taken from the subjects of the United States of Holland, after deducting the claims of the captors, for the public service.

Lord Walsingham moved an address of thanks to his Majesty for his gracious communication; which was agreed to accordingly.

Ordered, that the House be summoned for Wednesday the 9th. Adjourned.

HOUSE OF COMMONS.

TUESDAY, Dec. 2.

After the names of the members were called over, pursuant to the Order of the Day, the Chancellor of the Exchequer brought up the following Message from the King, which was read by the Speaker, the Members standing and uncovered.

G. R.

" His Majesty, relying on the assurances which he has received from his faithful Commons, of their determination to support his Majesty in those exertions which are necessary under the present circumstances, recom^{ends} to this House to consider of making provision towards enabling his Majesty to defray any extraordinary expenses which may be incurred for the service of the ensuing year, and to take such measures as the exigencies of affairs may require. His Majesty, on this occasion, thinks proper to acquaint the House, that the crisis which was depending at the commencement of the present session, has led to such an order of things in France, as will induce his Majesty, conformably to the sentiments which he has already declared, to meet any disposition for negotiation on the part of the enemy, with the warmest desire to give it the fullest and speediest effect, and to conclude a treaty for a general peace, whenever it can be effected on just and suitable terms for himself and his Allies.

" It is his Majesty's earnest wish, that the spirit and determination manifested by Parliament, added to the recent and important successes of the Austrian arms, and to the continued and growing abatements of the enemy, may speedily conduce to the attainment of this object, on such grounds as the justice of the cause in which this country is engaged, and the situation of affairs, may entitle his Majesty to expect.

G. R.

The Chancellor of the Exchequer, after the message was read, regretted the absence of Mr. Grey, who had given notice of a motion respecting peace; as he wished to know whether, after the message which had been read, that gentleman would bring forward his motion. If he did, Mr. Pitt said, he would defer the consideration of the message till after a decision had taken place on the proposition of the honourable gentleman; but if he thought fit to postpone his motion respecting peace, then he would move that the King's message be taken into immediate consideration.

The following Message was then delivered:

G. R.

" His Majesty thinks proper to acquaint the House of Commons, that a considerable division of ships, having on board foreign troops in the service of Great Britain, having been dispersed and damaged, while on their passage from the rivers

Elbe

Elbe and Weter to Spithead, the place of rendezvous appointed for the convoy under which it was intended they should be sent on distant foreign service, his Majesty has found it expediently necessary to order the said troops to be disembarked, and to be stationed in barracks near Southampton, and in the Isle of Wight; and at the same time has given directions that they shall be re-embarked, and sent to the place of their destination, as soon as the transports appointed for their transportation and conveyance shall be in readiness to receive them, the necessary orders for that purpose having, by his Majesty's command, been already given.

G. R."

PETITIONS.

A petition was presented from the Magistrates and Common Council of the Borough of Kilmarnock, complaining of seditious meetings, and in favour of the Bill.

A conversation took place between Mr. Sheridan, Mr. Dundas, and the Lord Advocate, respecting the signatures to the petition, after which the petition was ordered to lie on the table.

REPORT OF THE BUDGET.

Mr. Hobbart brought up the report of the resolutions* of the Committee of Ways and Means, which was read a first time.

On the motion for its being read a second time,

Mr. Curwen admitted, that the taxes of the present year were, in general, as unexceptionable as any that could be expected to be proposed; but that which laid a new burthen on horses of a certain description, he conceived to be liable to very considerable objection. The description he alluded to, was the horses kept for agricultural purposes by the holders of small farms, and particularly such as were employed in turf farms, in the carriage of coals drawn in carts by single horses. The minister, by repealing the duties formerly imposed on carts of this description, shewed that, even in his opinion, farmers of this kind were not proper objects of taxation. He hoped, therefore, that this part of the tax would meet with some modification.

The Speaker said he was unwilling to interrupt the honourable gentleman while he was speaking, but he wished then to observe, that if gentlemen had any observations to make upon the report generally, this was the proper time; if their remarks only went to particular parts, it would be more orderly to advert to them, when the Clerk came to those resolutions, to which their animadversions might refer.

* For a correct copy of these resolutions vide appendix.

Mr. *Sheridan* said, he conceived that any matters of explanation or of suggestion might as well be made in the present stage, as it would give members an opportunity of remarking further when the particular question came to be voted; an opportunity for which they had the more occasion, from their being limited to speaking once to any particular question when the House was not in a committee. He should be extremely averse to opposing any taxes that might be brought forward in the present exigencies of the country; and what he had to offer was more with a view to draw the minister's attention to those objections that must occur, and to the necessity of their being obviated, than to come forward at present with any positive opposition.

He perfectly agreed with his hon. friend in the objections stated to the duty on cart horses for coals, turf, and other purposes of agriculture, and thought the intended tax a violation of those principles which the right hon. gentleman had professed; when he repealed those duties upon carts, wains, &c. which were formerly laid upon them. The proposed tax on horses was a departure from that rule, and was even a heavier duty than the sum then enacted; in the present instance innumerable difficulties might occur. According to the resolution then proposed, the duty would not only bear upon horses of the description alluded to, but also upon horses employed in ploughing; and as no particular age was specified, upon colts and fillies as well as any other. It was said to be but a small tax, but when the principle was established, how was the application to be limited? The very resolutions themselves proved the progressive rise which had taken place in the taxes imposed by the right hon. gentleman when the duty on horses kept for pleasure was doubled. In his mind it was a fallacious calculation to proceed upon, that the farmers, from the present high rate of corn, possessed advantages which would amply compensate for this new duty, as the tax bore with greatest severity upon the poorest farmers; and even those of more extensive concerns, found the increase of poor rates, and other additional expences, enough to balance what they might have gained in the increased price of wheat. He should therefore move, that all horses employed in farming, and connected with purposes of agriculture, should be exempted from this tax.

He also disapproved of the duty being doubled on those horses which were kept for pleasure, &c. and if the minister thought it would not affect the number of horses so used, he believed he would find himself to have acted upon a very rash calculation.

calculation: This consideration naturally led to the double expence of license, that was imposed upon the horse-dealer, which was an unjust imposition, at the time when the measures of the legislature must inevitably produce a diminution of the demand. On the whole, he was of opinion, that the revenue would be no greater by those regulations; and that, after much mischief was done, the minister would find it to be a tax that was not worth retaining.

As it might save the time of the House upon some future occasion, he would refer shortly to the tax upon the transmission of property by way of legacy, and by the will of testators, which was liable, upon the first blush, to such a crowd of objections, that he could not help thinking it would be found in the detail totally impracticable. If the duty was laid upon fee simple estates, it must reverse every law respecting that kind of property; and in operating upon personal property, the difficulties were insurmountable.

He wished the House to consider what would be the effect, if, on the death of every man concerned in business, revenue officers and government inspectors were inquisitorially set up to examine into his solvency, and the state of his affairs; and reflect on the consequences such an inquisition must produce in a nation subsisting by its credit and its trade. In the case of a mortgage left to any collateral branch, he asked, whether they were immediately to affix the value of such mortgage? Whether the mortgage on the death of the testator was to be immediately closed? And whether the residuary mortgagee was at once obliged to find and advance the money which should be claimed by government? He added, that if the tax was to affix fees simple, it must, in process of time, operate directly as a land-tax on every estate in the kingdom. He contended also, that the minister was very inaccurate in estimating the produce of this tax upon a calculation that the value of the land-revenue of the country might be taken at 28 years purchase. That such might be the value of some lands was certainly true; but that all the land of the kingdom was of that value, was a palpable mistake.

These, he said, were but a few of the innumerable objections which would occur in the progress of the Bill upon that tax, and only thrown out then that gentlemen might turn them in their minds, and induce them, if they could not be obviated, to consider of some substitutes, which might be equally productive, and subject to fewer difficulties.

The Chancellor of the Exchequer said, that although he thought a more proper opportunity would come for enquiry and

and discussion on the provisions of those Bills, it gave him satisfaction that gentlemen, who conceived strong objections to the measures, and great difficulty in their execution, should take the earliest opportunity of suggesting them. With regard to the tax proposed upon collateral succession, and property bequeathed by testators, which was expected to produce more than any other in the ways and means of the present year, he was also aware that, in the detail it was by far the most difficult to be carried into effect. The principle was, in his opinion, unexceptionable, and where that point was clear, he was anxious to remove any objection that might be urged against the mode of its application.

The regulations necessary to obviate the many difficulties which at first presented themselves, he said, had occupied, for a long time, the attention of some of his friends of the highest legal character, and he was far from being prepared to state that even at present they were sufficiently removed. He was more desirous that the business of the proposed tax on property bequeathed should be agitated when it came regularly before the House; though he could not, even in that premature stage, avoid rising to answer the general tendency of the honourable gentleman's arguments. He certainly misunderstood him, if he thought that he set the rental of the nation at 28 years purchase. He did not pretend to be precise in any such gross statement. All he meant to do, was to give some rough medium estimate; indeed it was impossible as yet to do more, therefore he had thought that the best way he could take at present. He was aware, that it was a question to be considered, whether the duty imposed was to be deducted from the capital, or be paid by instalments, proportionate to the annual income. Various provisions were necessary to make regulations for residuary legatees. In short, all the points ought to be considered in detail; and afterward it would still rest with the House to object to the measure or not. The honourable gentleman said, that it was nearly equal to a land tax; he put it, however, to the House, if one shilling land tax would not fall much heavier. The tax on collateral successions merely operated when a change of advantage to the party took place; and hence gentlemen would see, that a tax in that way, though considerable, could be borne. No duty of so heavy a nature could take place, without being subject to many difficulties; and no such measure could exclude exceptions.

He admitted, that, by descent of fortunes in collateral branches, this tax might, in process of time, operate as a general land

land tax; but then it would operate in a manner which could not affect the immediate possessors, and could not be found a very serious imposition by the residuary legatees.

The objections stated to the proposed duty upon horses, when they came regularly under discussion, would have such weight as the House should think they deserved: he professed, however, for one, that he did not wish to be understood as expressing any facility in admitting them; in all objects of taxation, if the exceptions were numerous, the duty would be so unproductive, as to be scarcely worth retaining. He could not admit it as a very cogent argument against the proposed tax, that, when something of that nature had formerly been proposed, it was afterwards judged proper that it should be repealed. When that repeal took place, there was a surplus of the revenue, and the legislature had to look round for those persons whom it conceived to be most worthy of relief. Under such circumstances, the encouragement of agriculture naturally presented itself as one of the foremost objects, and the tax upon carts of certain descriptions was repealed. The cause was, at present, completely the reverse. Government, instead of being able to remit the aid, was obliged to impose fresh burthens to supply the exigencies of the state; and it was not unreasonable that it should recur to that which in more prosperous circumstances it had consented to forego, as it could then be spared.

The Chancellor of the Exchequer said, he could not admit the conclusion of the honourable gentleman, that the increased duty upon horses, kept for pleasure, would by any means diminish the use of them. It would bear only in proportion to the ability of persons to sustain the burden, and could not be considered as oppressive upon any class of the community. The experience of the last additional duty evinced the direct contrary; and when the increased expence of keeping a horse at present was considered, it could scarcely be imagined that many would be induced to give it up for the additional duty of 10s. a year.

Sir Gregory Page Turner declared, he did not, generally speaking, disapprove of the new taxes, but he hoped that, when that upon horses came to be considered, a line would be drawn in order to exempt those which were employed in agricultural uses only. In the present scarcity of provisions of every kind, he suggested a tax upon dogs as a subject worthy of the consideration of the legislature; those animals, so useless to the majority of those who kept them, devoured no inconsiderable share of that food for want of which human beings

beings were famishing. Independent even of that, there was an additional motive for legislative remedy in the dreadful ravages inflicted by canine madness, which caused at one time so serious an alarm in a county with which he was connected, (Cambridge) that the Vice Chancellor was under the necessity of issuing an order for the dogs to be tied up.

Whatever might be the decision of the House, with respect to the exemption to farmers in the duty to be imposed on horses, he conceived a great addition might very properly be made to the duty on race horses and hunters. In this respect he could not be suspected of claiming any exemption for himself. He had originally considered the present war to be just and necessary; and he was extremely willing to furnish his full quota to its vigorous support. Nay, he would repeat a declaration which he had formerly made in the House, that, if other gentlemen would consent to do the same, he should cheerfully agree to lay the rent-roll of his fortune upon the table, in order that a just proportion should be applied to the exigencies of the state, anxiously wishing as he did, that the poor might be exempt from taxation. They were as necessary to gentlemen, as gentlemen were necessary to them. Thinking that every kind of property should bear its equal proportion to its supplies required by the nation, he recommended that funded as well as landed property should be taxed, and lamented that, on this occasion, he differed from the minister, who declared that he would not consent to tax the funded property, even if the parties should themselves propose it. He then concluded with declaring, that, as long as he had a seat in that House, he should continue to act on the same independent principles as those upon which he entered it.

Mr. Henniker Major said, that he had no objection to a tax on the funded property and collateral succession, he was fearful, however, that the proposed tax upon draft-horses would prove injurious to the interest of the farmers, whom he mentioned as an useful and respectable class of men in the community.

General Smith declared, that he had his doubts, whether the tax upon legacies could be properly introduced, and did not consider himself pledged to support it, when the resolutions should be brought forward.

Mr. Rolle thought the exemption claimed for horses employed by certain descriptions of small farmers was entitled to consideration, and proposed, by way of substitute, a tax which would not be much felt, and at the same time that it should

should be productive, would also operate as a beneficial regulation. He meant a cheap stamp in all agreements made with servants; and also a register for enrolling all parish settlements, which would have many other conveniences besides preventing litigations.

Mr. *East* declared himself not averse to the general propositions of the budget, which, with certain regulations, he thought might be rendered unexceptionable. With regard to the proposed duty on collateral succession, if it was confined to that object only, he was of opinion, that the difficulties might be easily removed. The way to render it effective, would be to impose upon the legatees the burden of proving the property, which, after all the accounts were settled, they might be entitled to; and if false accounts were given in, a provision should be made, that the property concealed should revert to the next heir at law, or the direct representative.

One of the new taxes which appeared to meet with the general concurrence of the House, struck him as a matter of great nicety and importance; namely, the reduction of one-fourth draw-back upon sugars. He had, he said, been astonished, when the Chancellor of the Exchequer stated this drawback to amount to the enormous sum of between 7 and 800,000*l.* in the last year. The House must recollect, the peculiar circumstances of the British Colonies, which were not allowed the privilege of proceeding with their sugars immediately to any other European market, but were compelled to send their produce to Great Britain, and in British bottoms. The consequent expence of landing those commodities, and afterwards of shipping them in other vessels, &c. was possibly more than gentlemen unacquainted with that trade could be aware of; he well knew such regulations had been adopted, more for the benefit of navigation, than from any consideration of the amount the revenue might derive from them.

The great amount of this drawback, however, was not to be attributed to the fair course of the trade, but to practices equally injurious to the quality of the article, and to the revenue. After a cargo of sugar imported into this country, it was mixed up with compositions and ingredients, which might increase it at least one-third in its bulk; and thus the public were obliged to pay, by way of drawback, infinitely more than if these frauds did not exist, they could possibly be liable to. He thought some regulations on this important

subject, would be infinitely more profitable to the revenue and the public, than the reduction proposed.

Mr. *Hawkins Browne* complimented the financier on his having produced such taxes as were likely to prove efficient, without being severely felt. He owned he entertained some doubt as to the propriety of the tax on horses for agriculture, lest it might prove a discouragement to the labours of the farmer, who did not, he apprehended, receive that extraordinary benefit from the price of corn which some gentleman supposed. With regard to the tax on landed property, he would suggest a stamp tax, when land was sold by a conveyance, proportioned to the sum.

Mr. *Jekyll* objected to the tax upon the collateral conveyance of property, as hostile to the commercial spirit of the country; it would lead, he said, in some instances, to a development of the concerns of private individuals, which ought never to take place on any ground whatever. He suggested however, that if it was to be imposed, it would be necessary to introduce a clause into the Bill, proving that the tax should attach upon any residuum which might remain in the hands of an administrator.

Mr. *Ryder* replied to the observation made by Mr. *Hawkins Browne*, on the tax upon labouring horses, that they were not invidiously selected as objects of taxation, but that merely they were not to be altogether exempted in future, as they had been formerly. He stated also, as no small recommendation to the tax, that it would serve to diminish the consumption of those articles by horses which were applicable to the food of man.

Sir Francis Baring thought, that the tax on tobacco might be political in time of war; on the return of peace, however, which was shortly to be expected, he feared it might afford a temptation to smuggling. The regulation of the drawbacks on sugar he also conceived to be matter of serious deliberation, as it might affect the respectable body of West-India merchants, who had suffered considerably from the war, and who had the most powerful claims on the protection, and, if possible, on the generosity and remuneration of the House. *Sir Francis* objected to the tax on printed calicoes, having always considered it as a general principle, that no particular manufactory should be subject to an exclusive tax.

Mr. *Robert Thornton* congratulated the country upon taxes which would be so little felt by every class of the community. With respect to the drawbacks on sugar, which were proposed

posed to be diminished, he assured the house, that the restrictions would operate very little to the disadvantage of the West India traders, as they were in possession of a complete monopoly of the foreign markets.

Sir W. Young rose, as a West-India Planter, not to remonstrate upon any tax, by which he would be personally affected, being at all times ready to contribute his share to carrying on a war, professedly undertaken for the protection of property, but to protest against the statement of Mr. Thornton, that diminishing the drawbacks upon the exportation would not operate to the disadvantage of the West-India Planter.

Mr. Grey remarked that two opposite modes of reasoning had been adopted, to shew the policy of the tax on horses, both of which could not be true. One gentleman had argued, with a view to shew the promissive nature of the tax, that the number of horses would not be diminished. Another had contended, that it would operate to diminish the quantity of food which was applicable to the maintenance of man, with a view to shew the expediency of the tax on the present conjuncture. He presumed the honourable gentleman had read a celebrated English dictionary*, in which the article of oats was explained by stating it to be a species of food for horses in England, and for men in Scotland. If however the consumption of food was lessened, the number of horses must Mr. Grey observed, necessarily be diminished; so that one or other of the inferences must be false. With respect to the tax upon collateral succession, the subject on the first blush of it appeared to be so complicated, that he trusted the Chancellor of the Exchequer would depart from the usual practice of not printing Tax Bills, and move that it should be printed. There were a few points upon which he wished for information. He wished to know what the right honourable gentleman meant by direct succession; whether it was only the succession of a son to his father, or of the heir at law. In his opinion it would be matter of infinite difficulty so to frame the Bill as to answer the intention, without infringing upon the established principles of policy. In commercial successions it would render an examination of the private affairs of individuals necessary, which ought never to be published; and as it would operate on landed property, which, by the bye, he observed, was least able to bear any tax of the kind, it would be impossible to disencumber, in the estimate, the real value of the incumbrance from the mortgage or bond debts which might attach upon it. If an estate was entailed upon a brother, and

* Dr. Johnson's.

failing him, on another brother, he wished also to know if the heir would be obliged to pay the whole proportion of the tax merely upon his own life interest on the estate? or, supposing that a man left his estate to a distant relation, subject to a considerable jointure to his widow, whether he would be amenable for the tax, as estimated upon the whole value of the estate, or only upon that value which he had absolutely received? These were questions which he put rather as considerations to be weighed by the framers of the Bill, than in the form of objections to its policy.

Mr. Grey said the chief object for which he rose, was to give notice that his motion, which he had formerly announced for the next day, on the subject of pacification, he meant to put off for some time, in consequence of the message which had that day been communicated to the house by his Majesty, purporting, that affairs in France had now arrived at that crisis to which he had alluded in his speech from the throne, at the opening of the session, at which it might be safe for this country to treat with that government. By this message, Mr. Grey understood, that with the present government of France, it being no longer in a state incapable of maintaining the accustomed relations of peace and amity with other countries, his Majesty at present entertained a disposition to enter into pacific negotiations. He therefore would defer his motion till he saw what was the nature of the address which should be moved, reserving to himself the privilege of delivering his sentiments upon the subject when the message came to be considered.

The Chancellor of the Exchequer said, that though he wished to maintain the usual forms of proceeding in that house, he hoped that some way might be adopted, in a case of the important nature of a tax on collateral succession, to enable gentlemen to consider it with as much accuracy as possible.

Mr. William Smith observed, that the Chancellor of the Exchequer, on a former night, had asserted, as a reason why the tax on legacies should be adopted, that in Holland it prevailed for years, and was by no means conceived a matter of oppression. Of this circumstance he could not speak, not having a knowledge of the fact; but he was against the principle, inasmuch as an individual, in a collateral line, might be left a residuary legatee; and it was well known, that persons in that situation, after administering to the property, often had not sufficient to pay the debts incurred by the deceased, though supposed to have left behind him considerable property. This was a case well known to have lately occurred in the city.

Besides,

Besides, government having the power to make a minute investigation of the affairs of a private individual was highly improper, and objectionable.

Alderman Lushington said, that he was ready to admit, conformably to the true principle of the colonial system, that there should be a reciprocal advantage between the colonies and the mother country. He would abstain from canvassing the subject with respect to the regulation proposed on the drawback of sugars for the present; but it was such as no West India Planter could reasonably object to. He could not avoid taking that opportunity of observing, that, with respect to the East Indies, the country derived infinite advantage from the navigation and commerce of that quarter of the globe; when the company, at a great expence of labour, and the proportion of land, had, besides, other difficulties to encounter in the cultivation of sugar, he thought it a confined policy not to admit the same beneficial regulations relative to sugar brought from the East Indies, as were applicable to sugars imported from the colonies in the West Indies. He disapproved of the tax on horses, as far as it interfered with agriculture; every step towards enhancing the price of the first articles of necessity should at all periods be most sedulously avoided.

Mr. *Fox* said, he disapproved of more of the taxes in this year's budget than that of the taxes of any budget before; without taking into view the objections to taxing breeding cattle, and young cattle, he would say, that the tax was a direct attack upon agriculture, as he could see no difference between taxing the plough and the animal that drew it. Of all the means of supply, the diminution of the drawback on sugar appeared to him to be the least exceptionable. He had particular pleasure in hearing what fell from the worthy magistrate, (*Alderman Lushington*) viz. that the East India sugar was likely to carry away the market from the West Indies, the advantages from the soil and labour being greater: he believed nothing was more true, and he believed so of any means of labour that were different from the detestable slave system. This opinion must have greater weight, coming, as it did, not from enthusiasts, as he and the enemies of the slave trade were called, but from a person concerned in the trade. He objected to the additional tax on tobacco. To lay taxes on luxuries was right, if it could be accomplished; that is, if they could be so framed as to fall on the luxuries of the rich alone; but that, he was persuaded, was impossible; the rich and the poor were so blended together as consumers of tobacco, that one could not be taxed without the other feeling it.

Above

Above all things, his mind revolted against taxing the innocent luxuries of the poor; the circle of their enjoyments was so narrow, that it was cruelty to break in upon them.

The motion was put, to read the resolutions a second time, and carried.

On reading the resolution for allowing 6s. 6d. long annuity to the subscribers to the loan.

Mr. *Hussey*, moved an amendment, that, instead of "six," be inserted the word "four."

Mr. *Fox* said, whatever impression might be made upon the house, he found it his duty to support the amendment then offered to their consideration. He did so, because he knew that the terms of the present loan, and which the house were called upon to sanction by this resolution, were much worse than might and ought to have been obtained for the publick. He should support the motion, if he had no better object in it, than that it should appear upon the journals of the house. He was fully warranted in doing it from another reason, which was, that it was clear to demonstration, and evidence might be called to the bar of that house to prove it, that the present bargain between the minister and the subscribers was not only an improvident one, and such as the minister ought not to have made, but that it was in direct contradiction to what he himself had formerly declared upon the subject. He wished this subject to be brought fairly before the face of the publick. He wished them to see that they had been, by this bargain, made to pay three hundred and thirty thousand pounds more than they ought to pay; because, by terms that had been proposed, that sum might have been saved to them. How far the house would think themselves bound to agree to the terms of the Chancellor of the Exchequer he would not then discuss. But this he would say, that, when a measure was proposed, that could not be assented to without injustice to the publick, and, still more, when that was a measure of the minister in direct defiance of his own repeated declarations, he could not see any reason why he should agree to such a measure, though he saw many reasons why he should not. That this was the case in the present loan was a fact, and he believed it would not be contradicted; if it should, he was ready to prove it at the bar of that house. He would prove that the minister did hold out that there should be a fair and free competition in bidding for the loan. That the minister did not chuse to explain for himself, and it was not his business to explain it for him. He had said, that an unqualified competition was what he wished. He had stated it so on the Wednesday to gentlemen

men who attended him for that purpose, and on the Friday following he concluded a bargain to the absolute exclusion of all competition. Consequently the first engagement of the minister had been entirely broken; so far from being an unqualified competition was this bargain, it was precisely the reverse. He should like to know upon what ground that house was to fulfil the last engagement of the minister in preference to the first. The right honourable gentleman had refused to form an open loan. He could have wished to have known precisely what were the terms of the last loan; he was perfectly persuaded it was not as stated the night before by the right honourable gentleman. He should like hereafter to know precisely also what were the terms of the loan for 1783; although he was quite sure that they were not such as had been stated by the minister; in confirmation of this he would refer to the votes of that house; and by that authority it would appear that the rate of interest was, literally speaking, higher in this than it was in that loan; much more so would it be manifest to the house, when they came to look at the articles of that loan, and compare them with the articles of this. Mr. Fox enumerated the different parts of stock that made up the loan of 1783, and compared them with those of the present loan, to illustrate his argument; and maintained that, comparing the present loan with that of 1783, the present was of the two much the worse for the publick. He would not therefore be a party to an agreement by which the publick had been so much imposed upon and defrauded as they were by the present bargain. He had heard of close loans. There were many that were called so made during the American war by Lord North. They were negotiated with the most wealthy bankers of the city, many of them attending together, and discussing the whole of the contract, and in that mode there was something of a competition, and a considerable degree of publicity attending them. From the transactions of this loan however, it was not only a close loan, but a loan so close, and in every respect of such a kind, as to favour every species of corruption to which a bargain with a minister could lead. It was first said to be a competition; and the moment after that competition was supposed to be opened, an opportunity was seized to make it a close loan, and then the whole bargain was concluded upon between two individuals, the Chancellor of the Exchequer and Mr. Boyd, or those interested with Mr. Boyd. He would ask whether it was possible for the wit of man to devise a mode, better fitted to introduce corruption than that which was adopted to make up this

this loan? Nobody, he would dare say, suspected the minister personally of corruption; he did not insinuate any thing against him to that effect, because he suspected the minister as little as any man in the country; but that was not the question. If the minister should have had a corrupt disposition, was not that an opportunity to carry it into effect? He would ask whether, when the minister and Mr. Boyd were alone transacting this loan, there ever was a better opportunity for corruption? If the minister had told Mr. Boyd he wished him to introduce certain persons into his list, was there a man who believed it was impossible for Mr. Boyd to have complied with that desire? This left room for suspicion on the part of the publick. The publick would see there was a possibility at least of corruption, when a mode was taken contrary to all the former usages of a loan, and contrary to all the express promises and declarations of the minister himself, repeatedly made upon this very subject. The publick were likely enough to suspect there had been a corrupt practice, where there had been such a facility for corruption, and an impossibility of detecting it. Therefore he would say, that if the present loan was as favourable to the publick, as he believed it to be the reverse, he should, as a member of that house, never agree to it, because he saw danger in every part of such a measure; for that reason he should vote for the amendment, for inserting the word *four* instead of the word *six*. He should vote against the whole of this transaction, because he thought it would be dishonourable to the house to agree to it; and he, for one, was determined not to have any share in the dishonour.

The Chancellor of the Exchequer said, that the real question in the Speaker's hands must turn upon two grounds. One, whether the loan should be concluded at all, as he had opened it? secondly, whether the mode in which he had acted was right or wrong? Upon the first he should not offer any argument, because the opening of the matter, after all that had happened, and proceeding to another, was so much against all idea of justice, against every idea of competition, even that it could not be argued. To think of opening the matter for competition, after all that had happened, after all the accounts that had been received, and so many complicated circumstances had occurred, was to the last degree absurd. If, on the other hand, the house were of opinion that the mode in which he had concluded the bargain was wrong, that would be another question. Then the house would consider whether he should be censured or not. He had over and over again stated the
reason

reason why he had adopted the mode which had taken place. He then maintained, as he had done before, that the bargain was as advantageous as, under all the circumstances, when he concluded it, the publick could reasonably expect. He said, it was difficult for any man, when it was left to himself, as it had been to him, to conclude between the contractor and the publick, to conduct himself so as not to incur the displeasure of some persons. He had conscientiously discharged his duty as well as he was able, when he was entrusted with the important charge of that arbitration. He felt the consolation that his conscience approved of what he had done, and he must rely again on the justice and the candour of the house. That it was a bargain made in secret between himself and Mr. Boyd he begged leave to deny; the transaction was witnessed by the governor and deputy governor of the Bank. He denied also that there was any corruption whatever in any part of the transaction. The right honourable gentleman (Mr. Fox) had said, he did not suspect him of personal corruption. That declaration he was not disposed to thank him for, since, if he knew of any thing to that effect, it was his duty (and which he had no doubt the right honourable gentleman was sufficiently inclined to execute) to bring forward such a charge in a regular manner as a member of parliament. The reason why he did not thank him was, there seemed to be in his speech something like an insinuation that the house would be dishonoured by agreeing to the terms of the present loan. To charge him with that species of corruption to influence, by the means of the loan, any of the members of that house, was as black and foul an imputation as a direct charge of corruption upon the bargain itself, and he disdained both. With regard to the terms of the present loan, he compared them with those of other loans, and differed entirely from the calculations of Mr. Fox upon that subject. The Chancellor of the Exchequer concluded with observing, that if the house thought he deserved censure for his conduct in the present loan, they would do well to say so at once. In forming a judgment upon that subject however, he trusted they would be guided by a consideration of all the circumstances at the time the bargain was made, and not make up their opinion from any thing that had been offered since.

Mr. *W. Smith* said that when the minister found he was precluded from having the advantage of an open competition in bidding for the loan, he should have come to Parliament for a vote of credit, and afterwards waited for the time in which he would have been fairly entitled to have that competition

tion before he negotiated for the loan. It was not consistent with the rules of the house, nor would it perhaps be liberal and fair, to state private conversation upon the subject, else he should like to have the whole of the question upon the present loan decided upon the opinion of the minister's own monied friends in the city of London.

Mr. *Dent* said, that it would be unfair to think for a moment of adopting the amendment, as the negotiation had been concluded, and the contractors had run the risk of the transaction. Surely it would be unreasonable, when the events had taken a turn in their favour, to recall the bargain. He asked, whether those gentlemen who had pressed in their claims at present would have made good the deficit, if the funds had taken a different turn?

Sir Francis Baring said, no person accused Lord North of personal corruption, and yet no person doubted that the American war was prosecuted under a system of corruption. With regard to the present loan, he observed that the stocks advanced last Monday morning, and it was most likely that they would advance again the next day, in consequence of his Majesty's message, which he suspected might be construed prejudicially to administration.

Mr. *Henniker Major* observed, that persons were liable to be called to account for any serious imputation on the administrations of former periods; and in the proceedings of the Parliament in the sister kingdom that had actually happened. If the house itself accused its members of corruption, what must be the opinion of the people. He could not believe that such things ever had happened, and he spoke particularly from his own knowledge that they never had.

Mr. *Lushington* said, the proposition for the house to consider and determine, was, whether it would refuse to sanction the loan which the minister had contracted after the bargain was concluded? This he conceived ought not to be done, and therefore he trusted that the house would agree to the resolutions of the committee of Ways and Means.

Mr. *Grey* observed, that if another offer had been made for the loan after the conclusion of the bargain, the question, whether the house should refuse its assent, might have stood upon the grounds stated by the honourable gentleman; it rested however upon the allegations of the competitors, that the bargain was concluded under circumstances so objectionable, and after a previous offer of better terms had been made, as to authorise enquiry. The right honourable gentleman himself admitted, that, till the time when Mr. Morgan came into

into competition, he proposed to have a competition; and therefore it was necessary to ask the right honourable gentleman, whether he expected Mr. Morgan would accept a qualified competition, or whether it was likely the other contractor would thereby be induced to offer larger conditions? He wished for a clear and explicit answer. It appeared that, by the management of the business, Mr. Morgan was denied competition, or he would have made an offer of 2 per cent. more in favour of the publick; if that were a true statement of the case, the question then would be, whether the house ought to sanction such a bargain?

He adverted to the mode of answer to his honourable friend upon such a negotiation opening a road to corruption. He perceived that the right honourable gentleman was indignant at the idea. No person was more ready than himself to acquit the right honourable gentleman of the charge of personal corruption; it was nevertheless the duty of the members of that house, if they apprehended there was room for it, to state it. That loans had been instruments of personal corruption in Lord North's time, was a constant topic of declamation. He had heard of various epithets which had been given to various Parliaments, such as *Parliamentum doctum* and *Parliamentum indoctum*, the present was, he thought to be called *Parliamentum incorruptum*, because it deserved peculiar confidence, since it had refused all enquiry into suspicious loans, or whatever else might be supposed an object of suspicion.

The Chancellor of the Exchequer stated explicitly, that it was his intention to have left the loan perfectly open when he made his communication to the governor of the Bank; but, in consequence of the representation of the contractors for the preceding loan, he was obliged, in some degree, to abandon that plan.

The motion for Mr. Hussy's amendment was then put, and negatived without a division; after which the original resolution passed.

Upon the resolution relative to a lottery for the ensuing year,

Mr. Fox observed, that the lottery was to be applied to pay the interest of the Navy debt of five millions; this he conceived to be a violation of the principle which was now universally adopted in France, viz. to apply annual taxes only to annual expences: but, by this plan, the lottery, which was an annual tax, would be applied to pay the interest of a permanent debt. So that, if at any time the Parliament should

be inclined to discontinue the lottery, there would exist no fund for the payment of the debt.

The Chancellor of the Exchequer vindicated himself, by stating, that the plan was given merely as an estimate, and suggesting to Parliament that a provision was to be made both for the capital and interest of this debt, but without prescribing the means. The appropriation of the lottery to this purpose, was no more than the appropriation of the land and malt tax, in 1786, in a similar way, which was also an annual provision for a permanent tax. It was at the option of Parliament to continue this from year to year, to diminish the establishment, or take a necessary sum from the consolidated fund.

This and the other resolutions were then put, and carried without any further observations, except that on the resolution for imposing an additional duty on printed goods, cottons, &c.

General Smith observed, that printed paper hangings and borders were included; and at the same time he wished that all cottons under two shillings per yard should be exempted with a view to assist the lower classes.

Mr. Fox stated him that such had been the wish of ministers from an experiment in 1785, when a similar exception had been made, it was found that the duties were thereby so much evaded as to render a repeal of that exception absolutely necessary.

Mr. Alderman Anderson, in consequence of a notice he had given in the course of the last and present session, moved for leave to bring in a Bill for the protection of merchants, bankers, and traders, from the depredations of their clerks, apprentices, and servants.—Ordered.

General Smith moved, That certain papers, relative to certain General Officers in India, be laid before the house.—Ordered.
Adjourned.

HOUSE OF LORDS.

WEDNESDAY, December 9.

PETITIONS.

A petition was presented from the nobility, gentlemen, clergy, and freeholders of the county of Lincoln, in favour of the Bills.

The Earl of Lauderdale called their Lordships attention to one of the most extraordinary proceedings, respecting the forms

forms of the house, which he believed had ever been adopted in that or any other House of Parliament. Their Lordships had a few days ago rejected the petition just presented for informality, because the sheriff had signed it in behalf of himself and others; and he had every reason to believe, that, instead of being sent back to be re-signed by the sheriff, it had been returned to that house without the sheriff having since seen it; by the dextrous application of a pair of scissors, the words, "on behalf of himself and others," had been taken away; and the sheriff's name exactly, as it appeared to him, the same as before in point of signature, remained where it was, only thus deprived of the company which he had before added to it. To that had been added six names, consisting, he had no doubt, of one of each of the description of persons mentioned in the style and title of the petition, who had signed it in town; and that was introduced to their lordships as the petition of the nobility, gentlemen, clergy, and freeholders of the county of Lincoln. Had a similar transaction taken place respecting a bill of exchange, it would have been deemed little less than a forgery. His lordship said, he thought he was therefore not only strictly justifiable in opposing this petition from lying on the table, but in moving also for a committee to inquire into the transaction of that petition, which he contended was against all the forms of the house.

The Lord Chancellor declared, he entertained a very different opinion on the subject; as the petition was then signed by the sheriff only in his own behalf and for himself, and by six others, who, amongst them, contained the several descriptions of persons mentioned as those from whom the petition came, it was certainly admissible to lie on the table.

The Earl of Lauderdale in reply said, he was somewhat surprised at seeing a noble and learned Lord leave the wool-sack to defend a proceeding that was irregular and disorderly. He conceived what had fallen from the noble and learned Lord was a misapplication of the fact. He had no objection to the petition being received as that of the sheriff, but not as the petition of the gentlemen, clergy, and freeholders of the county of Lincoln, which it professed itself to be. If their Lordships permitted such a fallacy to pass, and countenanced it by suffering the petition to lie on the table, they would open a door to disorderly and irregular proceedings, that might be the cause of much future abuse and inconvenience.

Lord Grenville declared, he did not see the force of the objection. There could be no objection to its lying on the table, as it was undoubtedly the petition of those who signed it;

it, and as such, if it contained no objectionable matter, was entitled to be received. The petition purported to be from the nobility, clergy, gentry, freeholders, tradesmen, and yeomanry of that county, and was regularly signed; and when he reflected upon the great respectability of the county, and the persons from whom it came, he could not but recommend it as highly deserving of their lordships' notice, and meriting some weight in the business they were about to take into consideration. His lordship said, he was glad to find the disposition the noble earl had shewn for order, since it gave him room to hope that the noble earl would adopt his own doctrine in future, and that the House would have the benefit of that order and regularity of which he had that day professed himself the advocate.

The Earl of Lauderdale said, he could not suffer the impression to be left, that he was in the habit of being disorderly. It did, indeed, so happen, that he was seldom so great a favourite with the majority of that House, but there were noble lords ready enough to call him to order whenever he was in the least irregular: it was, however, well known, that he had been constantly labouring for three years to prevent the noble Secretary of State from infringing upon the orders of that House, which was his invariable practice, as often as it suited his convenience.

Lord Sydney declared, he could not patiently hear such a charge made against his noble friend, by a noble earl who had been repeatedly called to order himself within the period he had stated. With regard to the petition, it had been, he insisted, objected to without any grounds whatever. It was true, that it had been informal when first presented; would any noble lord say, that, if a signature was improperly made, a person was not to be allowed to correct it? This had been done, with the addition of some respectable names; and whether it was by cutting out the informal words, or in any other manner, he saw no difference, provided it was the petition of those who signed it.

The Earl of Derby thought the last noble speaker had brought it to the right point, namely, whether the alteration had been really made by the gentleman who had originally signed, or by some other. For his part (but he would not presume to speak so confidently as that noble lord) he did not think the high sheriff of Lincoln had been in London since the petition had been first offered to be presented.

The Earl of Moira said, he thought the petition sufficiently orderly to be allowed to lie on the table; though he by no means

means considered it as agreeing with the title given it, or deserv- ing the weight which the noble Secretary of State wish- ed to attach to it. It purported to be the unanimous peti- tion of the nobility, clergy, gentry, &c. of the county of Lincoln; whereas, on looking into it, he found there were no more than seven names: one of them was that of a noble lord; another, he believed, was of the clergy; and the rest might fill up the other descriptions; but he did not see how they were to be taken as engrossing the classes which the title described. He did not doubt but they were all respectable persons, the petition, nevertheless, must be considered as the petition of those seven persons only.

The motion was negatived, and the petition ordered to lie on the table.

The Earl of Derby presented a petition from the merchants, traders, and other inhabitants of the town of Liverpool, which he moved might be read; after which, he said, before he moved that it should lie on the table, he wished to be in- dulg'd with their lordships attention while he gave a short history of that petition, and also the history of another peti- tion, which he understood was then on the table, and which had been presented by a noble lord in his Majesty's coun- cils. (*Lord Hawkesbury*) a few days ago, as a counter peti- tion to that which had just been read. His lordship said, that the petition which he had presented, contained as great a number of respectable names, both in point of property and character, as were to be found either in Liverpool or any other town in the kingdom; that, in point of numbers, it contained several thousands; that it had been drawn up by persons of the most established reputation, and left at a cer- tain place for signatures; that, in consequence of this, a hand bill, as false as it was scandalous, had been published, charg- ing those who favoured this petition with unfair and un- constitutional practices, on which several of the gentlemen, who were friends to this petition, and whose names stood as high as any in the town, signed a requisition to the deputy mayor (for it seem'd the mayor himself was in town about the other petition) to call a public meeting, for the purpose of having the matter fairly and openly discuss'd, in order to as- certain the unequivocal sense of the people; that requisition was, however, refused by the deputy; and the reason he assign'd for it was, that he had received a letter from the mayor, who was in London, by the preceding night's post, informing him, that no such meeting, if required, must be al- lowed to be called. The people, therefore, who were in
favour

favour of that petition, and against the two Bills, were compelled to pursue the only mode left; and it continued at the same place for the signature of those who were inclined to sign it. The story of the counter-petition was briefly this: it had been set on foot by the corporation, and other gentlemen of the town; and he had no doubt but there were a great number of most respectable names to it; at the same time, he knew, from undoubted authority, that every species of artifice, delusion, and influence, had been used to induce the people to sign it. It had been carried about from house to house; and every means taken, both by threats and promises, to induce all descriptions of persons belonging to the custom-house and excise, as well as all those in the remotest degree connected with the corporation, to put their names to it. He was sorry to take up so much of the time of the House in speaking about the opinions of other persons on the subject of these Bills, as he knew he should have occasion to trespass on it that evening in delivering what were his own upon them: he would, therefore, not detain them longer at present, than by moving that the petition do lie on the table—Ordered.

Lord Hawkebury said, that as the petition which he had presented a few days since had been alluded to by the noble lord who spoke last, he could not avoid saying, that, on his return to town from the country, he found a letter from the mayor of Liverpool, on his table, in which he requested leave to wait upon him; that he prepared to receive him as soon as possible; and when the mayor came, he delivered him the petition, assuring him that a great majority of the town was in favour of the Bills, and that the petition was signed by 8000 persons, who from the connection he held with the county palatine, had chosen him to present it. As to the circumstances of the petition being carried from house to house, it did not, in his consideration, impeach the authority or the consequence of the signatures in any way whatsoever; nor did he think that, because the question was discussed before 200,000 persons, many of whom could not hear a single argument adduced, that their approbation gave more weight to a petition, than when it proceeded from a meeting more select and less numerous.

The Earl of Derby denied that the petition presented by the noble lord expressed the sentiments of the inhabitants, as the petition presented that day against the Bills was signed by 4000 respectable persons.

The Duke of Bedford presented petitions from Plymouth Dock, and Stonehouse, from Frome, Durham, and Newcastle

castle-upon-Tyne; all against the Bills. Ordered to lie on the table.

The Duke of Norfolk presented a petition from Nottingham against the Bills. Ordered to lie on the table.

The Duke of Portland presented a petition from Leeds, in favour of the Bills. Ordered to lie on the table. His grace then presented a petition to the same purport, from the corporation of Edinburgh.

The Earl of Lauderdale said, that he could not give his consent to the petition from Edinburgh, lying on the table, till he had made a few remarks upon the subject, and shewed their lordships what an amazing degree of influence, hitherto unheard-of, had been used to obtain it. He had a petition of a direct contrary tendency, to present to their lordships on a future day, which had been adopted in the most open and undisguised manner, by calling a public meeting, submitting the nature of the two Bills to their consideration, and then leaving it at a certain place or places for the signatures of those who chose to put their names to it; and he prided himself highly in the reflection that the spirit and good sense of his countrymen was such that, notwithstanding the extraordinary and unexampled influence he had adverted to, upwards of eight thousand had come boldly forward and signed it. That influence, he observed, had been exerted against men of the highest and most honourable stations, and had extended itself through every rank and degree, even down to the chimney-sweeper. The meeting, to consider of the petition which he had to present against the Bills, had been called, he said, at the particular instance of a gentleman (among others) who was the brother of an eloquent, a learned, and a splendid luminary in the profession of the law in this country. [Here a cry from the ministerial bench, of *bear, bear*'] His lordship said, he did not well know what the meaning of that *bear, bear*, could be: he had said nothing but what all the world, who knew the distinguished character he was speaking of, would join with him in. [Another cry of *bear, bear*'] Was this vociferation intended, he asked, by way of denial of what he had said? Was it aimed, by this cry of *bear, bear*, to deny the pre-eminant abilities of the gentleman he had alluded to (Mr. Erskine)? Was it meant to call imputation upon the soundness of his understanding, the goodness of his heart, or the brilliancy of his head? If it was, he was bold to say, that if the opinions of the people were to be taken by poll through the country, he was sure the great majority, nay, almost all, would agree with him in the just and well-deserved

epithets he had applied to him: 'The brother of this gentleman, who possessed abilities equally shining, and whose fair fame, as an advocate at the Scotch bar, stood equally forward, and ranked in as high a line as those of his relation did here, had long held the highest and most honourable station at the Scotch bar, which was the dean of the faculty of advocates. This station he had filled for fifteen years past, with the highest honour and reputation to himself, and the universal satisfaction of the faculty; having, however, shewn himself active in promoting the meeting for the petition against those Bills, within a very few days, a requisition was drawn up, and signed by a set of men, every one of whom were in the confidence of, or held places under, the government, addressed to the faculty, desiring them to remove or dismiss Mr. Henry Erskine from that high and honourable station; and every means were at this moment exerting with the faculty of advocates, which influence and power could devise, to enforce this shameful act of injustice and tyranny, for daring to express his opinion against what he deemed Bills of oppression. When we see influence openly, and without ceremony, said he, exerted against such a character, their lordships, and the world at large, would easily draw the inference, how effectually it would be used against all those of inferior classes; and he had heard from authority, which he could not doubt, that it had been extended in every possible shape down to the very lowest orders of the people. Having stated this, the Earl apologized for having so long detained the House, said he would reserve what further he might have to say on the subject, till he should present the petition to which he had alluded.

The petition presented by the Duke of Portland was ordered to lie on the table.

The *Earl of Hopetoun* defended the present petition, as coming from the most respectable inhabitants of that city. He admitted that a counter-petition had been signed, but said he had heard with great concern, that an honourable relation of his had taken so leading a part in it. If the petition to be presented hereafter by the noble Earl, really contained so many signatures as he had mentioned, he was much surprised that the noble Earl should have kept it back. His lordship spoke in terms of panegyrick of the gentlemen of the faculty of advocates, describing them as a most respectable body, and declaring that he was convinced they were actuated by no motives but those of propriety, and that sense or what was due to themselves, which necessarily ought to govern the conduct

conduct of every description of men entitled to the good opinion of the publick.

The *Earl of Lauderdale* said, it was necessary to answer the insinuation by a *Fact*: he had kept the petition back merely because he meant to enter at length respecting it when he brought it forward, and was not inclined to take up the time of the house that night, when they had such an important business coming before them.

The petition was ordered to lie on the table.

MESSAGE FROM HIS MAJESTY.

Lord Grenville brought up a Message from his Majesty, of which the following is a copy:

G. R.

"His Majesty will be proper to acquaint the House of Lords, that a considerable division of ships, having on board foreign troops in the service of Great Britain, having been dispersed in various parts, while on their passage from the rivers Elbe and Weser to Spitzberg, the place of rendezvous appointed for the convoy under which it was intended they should be sent on distant foreign service, his Majesty has found it unavoidable, necessary to order the said troops to be disembarked, and to be billeted in barracks near Southampton, and in the Isle of Wight; and at the same time has given directions that they shall be re-embarked, and sent to the place of their destination, as soon as the transports necessary for their accommodation and conveyance shall be in readiness to receive them, the necessary orders for that purpose having, by his Majesty's command, been already given." G. R."

The Message being read by the Clerk.

Lord Grenville moved, "that it be taken into consideration on a future day," and at the suggestion of *Lord Lauderdale*, "that the house be summoned."

His lordship then presented another Message from his Majesty, relative to a disposition to listen to terms of negotiation with France, similar to that sent to the House of Commons the preceding day.

MEANS TO PREVENT UNLAWFUL MEETINGS.

The *Order of the Day* for the second reading of this Bill having been read.

Lord Grenville rose, and reminded the house, that he had, on a former day, introduced a Bill for the better security of his Majesty's person and government, which had met with their ready approbation. On that occasion, in candour and faithfulness, he had thought it incumbent on him to state, that it was one of the measures which his Majesty's govern-

ment intended to bring forward to guard the constitution, and protect the liberties of the country; but it would be imperfect if not followed up with another Bill, which was more immediately calculated to meet the evils they were intended to remedy. That other measure was the present Bill, which had been received from the other house, and was then brought forward for their lordships' discussion, namely, for the purpose of suppressing seditious meetings. The present Bill was therefore to provide for what the other Bill did not contain; viz. to secure the lives, the property, and the happiness of the people of England, for which important object it would be found, that existing laws did not sufficiently provide. The necessity of applying some effectual restraint to the existing evils must be obvious to their lordships; he would therefore refrain from impressing the truth of that sentiment again and again on their feelings. He considered the present Bill as part of a system to suppress a great and alarming evil, an evil that not only threatened the property of the subject, but menaced the very existence of the constitution; an evil of which no man was ignorant, because on that head their lordships had held repeated debates: its publicity was notorious, and its effect, if not restrained, must involve the country in distraction, by the subversion of the constitution. The system to overthrow all order had gradually been proceeding for three years, and during that time it had incessantly required the most serious and the most solemn deliberation of their lordships. Therefore, it was a subject on which he did not mean to enter much at large. It was unnecessary for their lordships to descant on what was heard and seen. The fact was notorious, and needed no comment. Their lordships, on a former occasion, had declared by their vote, the existence of a conspiracy; the parties were brought to trial. Since that period had they abandoned their errors? On the contrary, no sooner were the temporary checks removed, than the former business was resumed, and new designs put in motion. Meetings had repeatedly been held; the same abominable principles were propagated and diffused. Was any thing farther necessary to expose their mischievous tendency, than to say, that Majesty itself had been the object of their invective and abuse? Inflammatory writings were continually issuing from the press, and circulated with increasing activity. Incredible pains had been taken to poison the minds of the people, and to alienate them from the constitution, in the destruction of which alone, every species of wretchedness was consummated. An effect of these doctrines and attempts had lately

lately been exhibited in the attack made upon the sovereign, which had excited universal horror and indignation; and which, in the opinion of the country, was ascribed to these societies. The necessity of remedying these evils was already recognized. What had already been done, was only affixing a severer degree of punishment to particular offences; it was next necessary to employ legislative measures of prevention, and to strike at the root of the evil. These self-erected societies had spread themselves and their poison throughout the country; they had succeeded in availing themselves of the privileges of our free constitution to destroy its existence. Could their lordships forget that, through the machinations of similar societies in France, the sovereignty was reduced, the king taken captive, he was hurried to prison, and from that prison he was led to the scaffold? After all these enormities, the conduct of the French became the subject of approbation to the societies in this country. And addresses, in which the hopes expressed of a speedy revolution in this country, announced their wishes and their designs. He would not detain the house by stating the present views of these societies; he would only refer to their last declaration, in which they professed an adherence to their former designs. The house were therefore called upon to apply the remedy which this situation required.

It had been said on a former occasion, that the laws guarded against these principles; their lordships were however convinced that was not the case; he therefore found himself justified in saying, that new and adequate remedies must be used to destroy an evil of such magnitude. With such an evil it was, perhaps, impossible effectually to contend, without appearing to encroach upon the privileges of the people. Even were this true in a considerable degree, it was worthy of the wisdom of the legislature, worthy of the generosity of a great nation, to sacrifice a part of the constitution, to preserve the blessings of the whole. Before entering farther into the discussion, he would wish to know what the Bill really did. If this had been done at first, he believed none of that clamour and opposition to the Bill, which had been excited by misrepresentation and error, would have been heard of. He declared he had never assented, and valued the right of public discussion. He had thought it wise to have recourse to it before he was a member of that house; he had even exercised it on the present occasion. He did not condemn those who opposed, for rendering them the subject of public discussion, but he reprobated the means by which the opposition to them had

had been excited. On the occasion when he had joined in a public meeting on the subject of these Bills, he maintained, that they did not prevent the exercise of free discussion, however misrepresented by the enemies of the Bill. The object against which they guarded, was not the free discussions in meetings called to debate on public grievances; these could still be called in counties by the local magistrates, and in towns by the constituted authorities as at present. This, he mentioned, was the fact, in despite of the cloud of calumny circulated against the Bills. At these meetings the objects were known, and the freeholders were of that description as required no restraint on their proceedings; but the present measures, against whom the Bill was aimed, had only in view the subversion of the constitution. Those meetings were unknown to the constitution, which had of late taken place in the metropolis and its environs. Their objects, and their principles were such as required restraint; and these restraints could be provided for without in the least intruding the rights of those who met for the discussion of a public grievance. No man could say, that meetings of this description, ought not be restrained, who valued his liberty, or loved the constitution. The present Bill alone affected this class of men; and all meetings would escape, which were sanctioned by the provisions made in the act. The provisions did not restrain those who gave public notice to the magistrate, where more than fifty meant to assemble; and what rational man would deny, where people assembled for the purpose of subverting the constitution, and not to petition against a grievance, that in such case such meeting was dangerous and improper. The magistrates, by the Bill, their lordships would perceive, were empowered to arrest any person offending against the law, and in case of resistance, to dissolve the assembly; this, therefore, when people were not actuated by bad motives, could not be considered an hardship. There were evidently a number of desperate individuals associated, who were the just object of alarm, for the purpose of alienating the people from the respect due to the laws, to the government, and to their happy constitution.

Another part of the Bill, went to another species of sedition, and which, in his opinion, was more to be dreaded for its mischievous tendency than the other; that was to the regulation of political debates and lectures. The talents of the lecturer or orator were devoted to propagate sedition, and to calumniate government: who, therefore, would say that such were not just objects of restraint? Was it then a hardship

ship that such places of public resort should be obliged to take out a licence, when even publicans were subject to a similar restraint, to prevent the encouragement of licentious and wicked assemblies? The stage also was subject to regulation. If men exercised their talents for the laudable purpose of instructing the people in a due regard to the constitution, in such case the magistrate was not justified to interpose his authority. Indeed, it would be severe, where an individual derived a profit from the laudable exercise of his abilities, to refuse him the advantage resulting from the fair exertion of his talents. The magistrate was to judge of the purpose and object, and would only interfere where the doctrines taught were dangerous and improper.

Such was the whole effect this Bill was to have, which had been magnified, by misrepresentation, into a measure calculated to lay the foundation of British liberty. Was it possible, considering the pressure of the time: called for new measures, that Government could have adopted more lenient ones? In all periods of our history, instances were to be found of the evils arising from tumultuous assemblies; nay, the consequence of one in the vicinity of this metropolis, in 1780, must be in their Lordships' recollection; and that must shew, from the frequency with which they were now held, the absolute necessity for their suppression.

He would not then, he said, enter into a scrupulous investigation of the merits or demerits of the various petitions. He would assure the noble Earl, that nothing was further from his mind than to deny the merit or depreciate the talents of a learned gentleman (Mr. Erskine) to whom he had adverted in an early part of the evening; this much, however, he would say, that whatever his talents might be, the respectable body whom he represented did not suffer them to have any weight in their consideration, when they saw him disapprove of those measures which they conceived necessary for the protection, nay, the very salvation, of the property and constitution of the country. With respect to the restraint on public lectures, for the purpose of discussing sedition, that could not be called an hardship; particularly when dramatic representations were under the controul of a licenser; and a restraint existed with respect to every place of public amusement and public resort. The laws, he maintained, were not, as they stood at present, sufficient for the magnitude of the evil that existed; and the more he examined the Bills, the more he thought their Lordships were called upon to pass them into a law.

The Earl of Derby said, that had he considered the Bill in that harmless point of view in which the noble Secretary had represented it, he would not have offended himself upon the patience of their lordships; nor even would he have come forward, had he not considered the measure as subversive of every thing valuable and fundamental in the constitution, and in our liberty. In such a situation he could not be satisfied with a silent vote, but felt himself bound to oppose, in the most public and solemn manner, a Bill of such unexampled magnitude, and such eventful consequence. He had been educated in what were called whig principles; and, from the maturest consideration of these, ever since he had arrived at years of discretion, he found himself at that moment zealously disposed to vindicate, in his riper years, what he had imbibed in the more early periods of his life. These principles led him at that time, as they had always done, to look up to the revolution of 1688, as an event which fixed and established the principles of liberty in our constitution, and placed the foundation of the throne upon the rights of the people. At that period, the privilege of petitioning was demanded and received as a right essential to the people; and any attempt to take it away, or to diminish its value, Englishmen ought to withstand, as the dearest principle on which their freedom was founded.

Would the noble Lord state popular meetings, from which the public opinion was to be gathered, as unknown to the constitution? He would not be so solicitous to prove the antiquity as the advantage of the privilege. The American war, the most impolitic and disastrous in which this nation had been ever engaged, except that in the conduct of which the noble Lord was concerned, had been shortened and concluded by the petitions and remonstrances of such meetings as the noble Lord affected to hold so novel and unprecedented. Was not a Russian war also lately prevented by the same means? A resource which, after the passing of the Bill, the people would never be allowed to employ. But what arguments were given for a measure so formidable? The noble Lord talked of the necessity of the Bill, and that it did not trench upon the rights of the people. Upon these points let the arguments rest; he had no objection to join issue with him upon both. As to the necessity, where was the proof of it? He hoped he should not appear uncivil in saying, that the noble Lord's high-toned declamation upon the evils of the French revolution, with which the House had been so often entertained, and his statement of the inefficacy of the suspension of the

Habeas

Habeas Corpus Act, were not at all satisfactory. He was not willing to dispute the noble Lord's assertions, which elsewhere he was ready to respect; but, upon a matter of such importance as this, he was not ashamed to call for the proofs which the subject admitted. ~~What~~ had the House to do with notoriety? The notoriety of ~~these~~ in common life might, perhaps, be safely trusted; but ~~was it~~ decent, was it prudent, to act upon it in affairs of such infinite concernment and importance?

It was said that the societies held in this metropolis adhered to their original principles. He was not acquainted with any body belonging to these meetings; and he even disapproved highly of many publications in circulation; but he judged them from their own declarations. They complained bitterly, that their intentions were so much misrepresented, and their meaning so much misunderstood. It was maintained that they did not mean what they said; that, when they mentioned reform, they meant revolution; when they spoke of equal laws, they were accused of wishing to effect equality of ranks and of property. They desired to be judged by a comparison of their actions with their words, and challenged their enemies to point out an inconsistency. But were all the charges imputed to these societies proved, his opinion of the Bill would not be changed. He could not think of punishing the innocence of the many for the guilt of the few, nor give up the rights of the people because the general principle was abused. Where was the proof that the laws were inadequate? He disapproved of sedition; but were the laws for the prevention of it insufficient? Was sedition unknown to the history of this country? Was it a new crime? Was there not sedition and discontent in the days of King William and Queen Anne? Was not the principle of their Government arraigned, and their persons endangered? Were there not afterwards powerful factions, and open rebellions; but did they ever, in the moment of real danger, think of such measures as this? Did they ever attempt to impose a restraint upon public discussion? They placed the Government on a firmer basis, upon the love, not upon the fear, of the subjects. They sought not to introduce any new law; but were contented with the prudent and active exercise of the power placed in their hands, to check the evil and remove the danger. They respected the constitution, and preserved public privileges unimpaired. If the laws then were sufficient, was not the conduct of ministers chargeable with the utmost supineness of guilt in not employing them.

He was not, the Earl said, apt to state bold accusations; but when he saw men attack one part of the constitution, he was entitled to conclude that they would not spare the whole. He was entitled to conclude that they allowed sedition to increase, that they might find provisions for new laws, by which they might shackle the liberties of their country. He would not jumble the two Bills together, but he would say that their principle was the same. Still were there no laws? Was there not imprisonment? Were there not fines, examples of which might be mentioned, little to the praise of the lenience of the practice of the law? The person to whom the noble Lord had alluded that night (Lord George Gordon) had perished in jail, to the utter disgrace of the law of this country. Was not the case of Mr. Walker, of Manchester, a sufficient proof of its severity? Would it then be said that no adequate punishment existed for sedition? No magistrate, however, would act, no jury would convict, upon the present Bill. Look at severe laws, and say whether they conducted to the attainment of their object. No magistrate would even carry into force some part of the Riot Act, from which he perceived a great deal of the present Bill to be borrowed. It, however, it was necessary, why not produce the proof to justify the measure.

In the Riot Act, there was one clause in it, on which the magistrates had never dared to act, had never attempted to bring an offender to conviction; and he defied an instance to be brought of any conviction being ever had upon it. that was the clause where any one person should remain such a time after it was read. It was the nature of all such clauses to defeat the ends for which they were made.

With regard to the principle and clauses of the bill, he was supported by great authorities when he gave them his pointed disapprobation. He had conversed with many people on the subject, and the opinion he heard was unfavourable to the bill, but especially to the clause where such latitude of power was allowed to the magistrate. He stated the odious situation to which the justices were reduced by it, and said there were clauses in the Act, under which no magistrate of honour and respectability would agree to act. He himself had made enquiries on this head, among several most respectable gentlemen in the commission of the peace; and he declared, upon his honour, that every one of them had assured him they should dread the idea of being obliged to act under the present bills. He begged leave to read, as part of his speech, an extract of a letter from a person of the highest character and the first talents, a justice of the peace of acute discernment and un-

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impeached integrity, a man of no political party, but steadily and firmly attached to his King and country. The letter was most forcibly and ably written, and in the strongest and most eloquent language, deprecated the duty that the bill, if it passed into a law would impose upon magistrates. Other magistrates might be of a different opinion. But he did not think that the petitions that had been presented in their favour went specifically to approve of the present bills. The general purport of the letter was, "that he highly disapproved of the meetings at Chalk Farm and Copenhagen House, as well as the speeches of Thelwall and others which were delivered at them. But why on this account strike at the root of the liberties of Englishmen by these bills? Why not commence vigorous prosecutions against them, and let those who were guilty suffer, and not in this manner punish the innocence of the many because of the imputed crimes of the few? At all events, let not the justices be included in the bills; put not them upon so painful a task as that of being the abiter of the law; and the judging, by their own discretion, of the exact point of language in which shall commence criminality of intention. At least, if it must be so, let those who are now in the commission be turned out, and others substituted, who may have made up their minds to the politics of the present day; for it seemed to him that the business and duty of a magistrate would now be, instead of studying Burn's Justice, and Dornford's Reports, to apply themselves assiduously to the effusions of Edmund Burke, and the ravings of Thomas Paine; and the commissions should only be made to continue during the existence of that administration by which they were appointed." These were some of the leading features of one of the best and most energetic letters he ever read; with which his lordship said, he entirely coincided in every tittle, and which he assured their lordships he would not have read to them, if this gentleman, whom he was proud and happy to call his friend, had not expressed it far better than he could have done himself.

When the bill had been first introduced by a right honourable gentleman (the Chancellor of the Exchequer) in another place, in a speech of great fire and fury, the cloven foot had too soon appeared, and he had been since forced to admit of various qualifications. He wondered that a person of that right honourable gentleman's ingenuity and penetration did not reflect upon the change which had taken place in the opinions of the public since the time when he ruled in the height of his omnipotence. That right honourable gentleman

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man forgot the change produced by a war, he would not say brought on, for he did not wish to cavil with the noble lord opposite to him, (Lord Grenville,) but a war continued by the pride and arrogance, and conducted by the folly and incapacity of ministers; and that the people of this country were almost starving by the bungling system they had pursued. It was then found that it was necessary, by some concession, to restore the people to good humour, already revolting at the boldness of his designs; that it would be wiser to soften down what was disagreeable, and, by cajoling and artifice, to induce them to submit to an attack upon their liberties. He said he had never known men capable of resuming that part of their freedom which they had allowed to be abridged. The change in the duration of the bill to him was no great subject of consolation. The people, who would submit to be deprived of their rights for three years, might be easily reconciled to the utter deprivation. He that would be a slave even for an hour, had lost the proud distinction and ardent principle of freedom. When chains were once imposed, might not the minister come with some affected pretences and artful colouring, to prolong the period of servitude till the principle became familiar to the mind? Were not all attacks upon liberty gradual and guarded? Those who would not submit at this time to give up all their right, might be cajoled at some future period to a surrender of the remainder. The Riot Act according to Blackstone, had first been introduced in the reign of Edward VI. had been revived with limitations under the ferocious and bloody reign of Mary, from which time it had slept till the reign of George II. when it was adopted for the security of the family on the throne, after reciting many additions, and creating new crimes. Upon the Riot Act his lordships said, he would state the opinion of Mr. Pulteney, as reported in Chandler's Debates. The words there stated to have been used by Mr. Pulteney, were "That he repented of having given his voice for the passing of that law; but his zeal for that family, to which no one could doubt his attachment, had transported him beyond the bounds of propriety. Was passive obedience he would ask, to be established by law in that government, which had been founded by resistance? Englishmen could no longer be called a free people, if a serjeant, at the head of a number of hirelings, was entitled to disturb their assemblies, and expose them to military execution." Such was the opinion of Mr. Pulteney, which he had stated to shew the danger of precipitate zeal; in fact he had read the extract to them that the greatest men might err, and

and be afterwards unhappy for what they had done; what severe reflections would it excite. Should a period arrive when many of their lordships would repent that they had cast their voice for the present bill, and lament so late that they had lightly sanctioned a measure which overthrew the liberties of their country. He saw clearly that the Riot Act was the model on which they had framed the present bill, although the preamble was different; and the reason was, that if the preamble of this bill had been like that of the Riot Act they must have produced proof; the preamble of the Riot Act said, "that such and such dangers had been found to exist," which shewed they had received proofs of it; but in the preamble to this there were no such words to be found.

In the consideration of some of the clauses of this bill, this question presented itself, Was there no danger that even the exceptions of public meetings might become nugatory? Had we no instances of magistrates refusing to convoke such assemblies? which, if they refused to do, the people, in the exercise of the right of discussing public topics, and petitioning against grievances, might be subjected to the penalties of the bill. Any thing might be considered by a foolish or a corrupt magistrate, as tending to "create dislike;" and even the intemperate language of a hired spy might furnish a pretence for dispersing the meeting.

The people of this country had a right to free discussion. It was a principle that he had ever recognized, with regard to all persons and every subject; and God forbid the contrary should every be established. He conceived that the power which was vested in magistrates, of seizing and carrying to punishment those in what were called unlawful assemblies, would take the offence without the cognizance of a jury, and expose the culprit to arbitrary punishment. He trusted he had said enough to shew the bad effects of such a power in the various cases in which it might be exercised. On the whole, God only knew what would be the event of the present measures. He could hardly think it a less evil than those to be remedied by the bill, to see the people of this country sink into listless apathy. The essence of the government was then gone for ever, the principle of freedom would be extinguished. Ministers might take a horrid gratification in the contemplation of the effects which their measures might produce; they might triumph in their success, and it was the only triumph they had to boast; he would not, however, envy them. The Earl said he had delivered his sentiments freely on a subject that had weighed him to the ground. He had discharged

discharged his duty imperfectly and inadequately, he would confess, but he was sure he had discharged it conscientiously. Whatever was the consequence he would lay

Victoria *quæ* *est* *in* *re* *publica* *et* *in* *re* *privata*;

Ministers alone were the cause, however, to whom the victory would be ascribed. That being who had created man for freedom, could never be gratified in seeing the purposes of his wisdom and goodness counteracted; nor could he fail to regard those with complacence who had honestly engaged in the cause of liberty and truth. The Earl returned his thanks to the House for their patience and indulgence, and then sat down, declaring that he should vote against the bill in every stage of it.

The Earl of Westmorland said, he was willing to share in all the approbation which had been cast on the framers of these bills, the necessity of which he fully felt, and if he had not otherwise been convinced of it, the opposition made to them would have proved it sufficiently in that respect. The relation between the governors and governed was such, that what the latter gave in allegiance, the former repaid in protection; and protection was best insured by the preventive measures included in the present bills. There were ambitious men, holding nightly meetings, to inculcate invidious distinctions between the rich and the poor, for no other purpose than to gratify their own rapacity.

“*Ut jugulent homines subjugat de nocte latrones!*”

Against such men restrictive measures were necessary. No King, he was convinced, ever reigned more in the hearts of his subjects than his present Majesty. At a time like the present, however, the general affection of his subjects was not sufficient to guard him and the constitution against ambitious projects, their effects and their consequences. The society his lordship had, were the cause of the war, by the encouragement which they held forth to the enemy; and their efforts went also to prolong the war by the same means. He knew that apprehensions were strongly entertained by those who did not understand the fact. Many were ready to clamour for a peace, as the only mode of lowering the price of provisions. The high price of such was certainly owing to the war, at least not in a proportionate degree, the army and navy consumed more animal food than could be raised at home, and if they were at home, the men must be fed, and the women and children would be at least the same, perhaps greater than while they were abroad, the probability being, that while they were abroad, they de-

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rived the greatest part of their provisions from the countries immediately adjacent to their occasional situation. There was undoubtedly always some waste attendant on warlike operations, but that was not more peculiar to this war than any other. In France all the rich had been put to death; and the example was dangerous to England, where it would be better to fold the people to the loom and the anvil, to make them indispensable in the works of home industry, than to suffer them to waste their time and money by attendance on seditious meetings.

His lordship spoke at large on the Riot Act, and traced the different treason and sedition laws from the reign of Edward the Third to that of George the Second, displaying much knowledge of the parliamentary history of the laws in being upon those subjects. He entered into a discussion on the scarcity of corn, and the consequent high price of it, declaring that an aggravation in both particulars was to be expected about the end of summer, unless large supplies were obtained from abroad, and therefore every measure that could be devised to reduce the consumption was devoutly to be desired. The Earl concluded by expressing his wish that parliament and men of property should unite to defend their estates and liberties.

The Duke of Norfolk spoke shortly against the bill. It went in his opinion to forbid all popular meetings, unless convened by certain magistrates, and consequently to cramp and undermine the right of petitioning. How little reliance was to be placed on the assent of those magistrates appeared, he said, in the conduct of the Sheriffs of York and Northumberland. The remedy, in his opinion, was worse than the disease; and thence he concluded that the real object of the bill was to establish a state inquisition in the country.

Lord Berington said, that whatever party in the other House might have been the cause of the length of time which the bill had remained there, he equally rejoiced that its progress had been marked with that careful and becoming anxiety, which its importance so justly demanded. He did not think the delay which had taken place either useless or vexatious; and he was less apprehensive of its principle, than he rejoiced in its effect. Had the bill been brought up for their lordships' consideration at a much earlier period of its existence, he should have felt great doubt and embarrassment in addressing the house upon the occasion. Such doubt would not have proceeded from any such strong opinion upon the merits of the bill itself, but from the (he had almost said) national clamour
which

which misrepresentation had contrived to excite against it. If the members of the legislature were persuaded that the main body of the nation was decidedly hostile to any thing, he thought such a consideration ought in great measure to influence them. He stated the point to which misrepresentation had been successful; and specified several instances in which the grossest falsehoods had at first been thrust upon the public mind. The alterations which had taken place in the bill itself, the proceedings which had taken place at a late meeting at York, and the innumerable petitions which had recently been presented in favour of the bills, from the most respectable quarters, all tended to relieve him completely from any such embarrassment, as that which he had just mentioned. He believed misrepresentation to be entirely defeated, and the nation in general to be decidedly in favour of the measure. Much stress had been laid on the reality of the danger existing in the country, and the mischievous tendency of the societies had been a good deal called in question, since the societies themselves had taken some pains to disown much of the libellous trash which had been circulated about the country by citizen Lee and others. He said he did not wish to criminate any set of men whatever, by extracts from the speeches of individuals, by any unjust inferences, or by any vague and unwarranted assertions. With the permission of the House he would read to them not an extract from an individual speech, or from an anonymous pamphlet, but three or four distinct and solemn resolutions proposed and passed within the last six weeks, by the London Corresponding Society, in the open air, and (as they asserted) with the acclamation of one of 200,000 persons: These resolutions he said, bore the official signature of two secretaries, and were circulated with great industry in different parts of the country. One of them, which he read, declared the only hope of the people to be in themselves, and one of the others, which he read, notwithstanding the undoubted and unfortunate certainty of the contrary, declared the late harvest to have been very abundant. He asked, whether the legislature would not be guilty of a most criminal supineness, were it to take no measures for putting a stop to proceedings of such a nature. He asked, whether there ever was such a thing heard of in the world as any society whatever, assembling whenever it pleased of 200,000 people, and telling them that all government was a usurpation, that all law was tyranny, and in short proposing to them resolutions similar to those which he had just read to the House; resolutions, he said, containing assertions as ridiculous in theory,

as they were positively false in fact. He lamented that the noble lords who had spoken on the other side of the House, had so cautiously abstained from giving any opinion of their own on the subject of these societies. He should have been much gratified at hearing the fair and real opinion of those who opposed the bill, which he said had avowedly, and in fact for its object the suppression of these different societies. Those who thought the bill unnecessary, must, by the fairest inference be supposed to think that the societies were not dangerous to the liberties and to the tranquillity of the country. He contended that those who had paid the smallest attention to the formation, to the principles, and to the conduct of these bodies, those even who had not purposely shut their ears against what was matter of the greatest notoriety to the whole country, all such, he said, must feel and know that they combine within themselves as much art, activity, connection, and unity of design as ever threatened the existence of any government or constitution whatever. That these societies had been in being for two or three years, was no proof of weakness, or absence of danger at the present moment: the only conclusion which could be drawn from this circumstance was, that government had hitherto used very great forbearance, and that it must be with great reluctance that they now came forward with the present measure. He trusted that the Bill would prove efficacious; should it, however, turn out otherwise, as he thought the object the legislature had in view, was a wise, a just, and a necessary one; he hoped their lordships would not be deterred from the right and constant pursuit of it; he trusted that the country would feel confident under the exertions of its parliament, that they would give it credit for zeal and firmness, *et intelligent multo nos vigilare acrius ad salutem, quam illi in perniciem reipublicæ.*

The Marquis of Lansdown rose, and began with declaring that, generally speaking, he disapproved of commenting on events in other countries, of which it was not very likely we could have more than an imperfect account, yet if ever it was justifiable, perhaps the present was the crisis when circumstances did somewhat justify such a conduct. If he were to put himself in the situation of ministers, and ask whether affiliated societies, such as the Jacobin Club, corresponding all over the country, were not, to be considered as cause of apprehension, he would answer himself that they were, and were to be guarded against as highly dangerous. It would be necessary to examine the nature of the case under consideration. What,

in fact, was government? It was a thing founded completely and totally on public opinion; it could not be established without it; and it fell to the ground as soon as that, its indispensable supporter, had withdrawn its aid. The rank or condition of the persons opposing it was in his mind of little importance; nay, if the leader of any faction were the meagre banker's clerk in the city, if he had address enough to sway the popular will, the danger was equally imminent, and the call upon prevention equally urgent. And, indeed, when he contemplated the object which was presented by a central committee of this sort in the heart of a great country, affiliated with other societies in most of the principal towns of the kingdom, the subject could not but demand some attention from ministers, could not but exact some measure of precaution for the security of the constitution. When this declaration was heard, no one, he believed, would venture to style him a favourer of Jacobinism. Upon the subject of the petitions, the Marquis stated, that meetings in general were of two sorts: The first, of the innocent and well-meaning classes of the community, who, believing that they were aggrieved, made their remonstrances with warmth, though it might be with mistaken earnestness; and such petitions might be left safely to evaporate as the conviction that time would give, would sufficiently answer them.

The other sort of meeting was one where real grievances did actually exist; and whatever might be done with respect to the last, all remedies short of removing the matter complained of would prove ineffectual. He could not, his Lordship said, but recollect a case wherein he had once occasion to take the advice of a physician, on account of a violent pain in his shoulder, who, upon being told that a brother of the faculty said he could cure it in a certain way, replied, "and so can I: only it remains to be asked, if the local seat of the disorder be changed, in what part of the system will it next break out? It may disappear, but where will it go?" Where the disease was radical, the application of any such correctives only shifted the seat of it; as, by the use of goulard, or any other cooling medicine, the humour might be driven from the surface of the frame. In the present instance, however, no wise man could deny that a grievance did exist in the inadequate representation of the people: another question arose upon the subject, viz. whether this was a proper moment to agitate it with a view to its redress? Undoubtedly the theory of the British Constitution was a noble one; the great question was, whether, in the practice, this theory had not been so much departed

departed from as to be nearly given up? He had never been a party man; and therefore was to be understood in all he should say, as expressing merely the sentiments of an individual. He had two objections to party: one was, that if he attached himself to any set of men, it would necessarily follow, that, at times, he must submit his opinion to theirs, and this he disliked; the other was, that he thought there was a something in the idea of voting with party naturally and necessarily corrupt.

When he looked at the composition of the legislative powers, he saw them divided, generally speaking, into two bodies; one constantly voting on the side of the minister, and the other as uniformly voting with the party termed the opposition. From hence resulted a false inference, that the act of the minister was the wish of the sovereign, and that he who should oppose any measure of the former was in personal opposition to the latter. If this was an error on the side of the government, there was an error perfectly correspondent on that of the people; they not unfrequently attributed to the principles and designs of men what, in fact, were measures attributable only to the state of affairs. In the present criterion, therefore, what was to be done? When the assertion had been made, that this was no fit moment to bring forward any such question of grievance as he had described, he had agreed to it; but because, by the violence of persons cherishing French principles, the security of the constitution had been menaced, in their case for a particular part, it was not the less incumbent upon their Lordships to be watchful that no one branch invaded the rights and privileges of the other; and he could not but see of late many alarming strides of prerogative manifested in the measures submitted to that and the other House of Parliament.

Admitting, as he did, therefore, the expediency of some measure, the question naturally presented itself whether there might not be found a measure adapted to the occasion, and yet short of what was proposed? His lordship said, he had not heard one defender of the present Act, who did not feel himself obliged to confess that it was an invasion of those most invaluable ground-works of British liberty, Magna Charta and the Bill of Rights. By those were recognized and established the right of petition and the right of discussion. He confessed that many of the petitions and papers of the societies alluded to were below notice; and observed how much had been made of the assertion that the present measure was grounded upon precedents. Some of these precedents were

fetched from the reign of Elizabeth; and great and glorious as her reign confessedly was, yet, in the consideration that she inherited the arbitrary sentiments characteristic of her father and all the Princes of the Tudor line, that was a sufficient reason alone why precedents should not be drawn from the reign of Elizabeth. If ministers were fond of her reign, why not copy the conduct of that wise Princess *mutatis mutandis*, and not obnoxiously? Mr. Hume says of that Sovereign, that, by adapting all her measures to the spirit of the times, she succeeded in raising the country, to a state of unequalled glory and happiness. Why, therefore, do they not copy her economy, recollecting that she gave up her jewels, and was content to alienate even a part of the Crown Lands, rather than lay oppressive and additional burthens upon the people? there was another and a still stronger instance in her conduct touching the Reformation. We should look at the temper she displayed in the management of religious prejudices; and apply it as a rule for our conduct in the present emergency: the American and French revolutions evinced that men would go as far upon the impulse of a civil as a religious enthusiasm. Elizabeth never leaned too much to the Catholics nor to the Protestants, but gradually acquiesced in those reforms which she found the people wished for, and which she had wisdom sufficient to see were calculated to preserve the peace of the country, and to strengthen her government by making it more popular. It was by taking this judicious medium, that she preserved for us that moderate church, which it was our pride to possess; which he trusted would last as long as the constitution itself; and that both would descend honoured and revered together to the end of time. Still less would any precedent apply drawn from the miserable reign of Charles II. every year of which was marked with violations of the rights of the subject, and the liberties of the country.

Another matter much relied on in defence of the Bill, his Lordship observed was the plea of necessity, and in reply to that it had been asked whether the existing laws were not sufficient, without the innovation of the present branch of a new code? On that point, he had no hesitation in declaring it to be his belief that no lawyer would say that the existing law was not adequate to the punishment of any offences with which the Corresponding or any other Society, or any individual, were charged, or were likely to be charged. He wished that a noble and learned Lord (Lord Thurlow) would get up and deliver his opinion, which, though he had no longer a purse in his

his hand, and a black coat on, no one respected more than he did. He wished to hear him deliver his opinion whether any new mode of prevention or punishment were indispensibly necessary. A further authority to which he should resort was that of another ex-officer, and ex-lord-mayor, Mr. Alderman Skinner. That gentleman, whose conduct merited the highest praise of his fellow citizens, was continually teized by government to call in the military, but he as constantly had firmly refused; and he found by experience that the civil power, and the existing laws, were fully adequate to the preservation of tranquility, which was much better maintained during his mayoralty than during that of other persons who had pursued a different line of conduct. Another proof of the adequacy of the laws was to be found in the fate of Mr. Yorke, who had just been sent to Dorchester jail. The laws were sufficient to convict him of sedition, and to punish him. If his seditious words were thus easily come at, why not those of Mr. Thelwall, if he had really spoken them? He would do every man justice: he knew of nothing so peculiarly flagitious in the assertions of Mr. Thelwall, as to call for any peculiar punishment. He had heard that Mr. Thelwall had affirmed opposition to be just as bad as ministry, and that as little good was to be expected from them. This probably did not offend government. He had also been told, that he had said the minister was a notorious apostate; of the truth of that assertion the publick could judge: and he had affirmed, that the minister heaped salaries and pensions on himself and family, while the publick was overburthened with taxes and debts: this was mere matter of arithmetic, which he left to others to calculate. Were he Minister, the Marquis said, he should certainly wish to stop such a man's mouth; and if he could not do it otherwise, he should probably do it by force. Although he was by no means the advocate of such men, was Thelwall the only man who spoke unwelcome matters? He remembered reading a paper some time ago in a newspaper, to which was affixed the name of a most respectable gentleman. He said, he alluded to Mr. Law, a gentleman who had left England for America, who had been a member of the Association Club, at the head of which Mr. Reeves presided, but who was so disgusted at the arbitrary and partial proceedings of the president, that he thought it necessary to assign his reasons for quitting the club, in a letter which he published in the Morning Chronicle. [His Lordship read Mr. Law's letter, and animadverted upon it, accompanying his comments with much panegyrick on Mr. Law.] "This
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said his Lordship, is a perfect Jacobin Club, which even uses French phrases, and says it is the *germ* of other societies, and is a Committee of Correspondence, that is, a London Corresponding Society. This Committee still exists at the Crown and Anchor Tavern, and of course goes on in its old track: but I cannot bring myself to believe, that the man at the head of such an inquisition, still holds any place under government. Ministers will not, surely, dare to lavish the publick money on such an enemy to the constitution and liberties of Englishmen." He imagined the noble Secretary must have been abroad, and so never heard of this society of correspondents, which recommended its suggestions, through the Solicitor for the Treasury, to a gentleman on every account so estimable as the Attorney-General.

As to the King, no man could for a moment believe the existence of any plot against him: a government less vigilant than ours must inevitably have discovered it, if it had existed. He remembered, that when he was Secretary of State, in the year 1767, an Ambassador from Morocco, being about to return, waited upon him, and returned thanks in a set flouid speech for the civilities he had experienced in the country: but, said he, "if I had been treated otherwise, I should have thought it my duty to have concealed the circumstance from my royal master; for it is a maxim with me that Sovereign Princes should live well together." So, said the Marquis, I would have it with a prince and his people; I would endeavour as much as possible to keep them friends: I never would excite suspicions and jealousies between them.

When the maniac, who was at this time in confinement, assaulted the Sovereign, he remembered that the King mounted his horse the next day, and rode without attendants to Windsor. Such conduct he admired, as equally wise and magnanimous. And so well was he satisfied of the sentiments of magnanimity which influenced that august personage, that, after the late attack, which they all deplored, he would have had not the slightest objection to ride through the streets of London; even if he had met with any one person, who, from suffering by the war, or under a grievous famine, or from the enormous pressure of taxes, might have been led to shew an appearance of dissatisfaction, the countenance of the King would of itself have disarmed him by its benovolent expression; and he might have said, "None of these grievances are imputable to me; I grieve for your distress; but address yourselves to my ministers; they are responsible for every publick measure."

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The Marquis declared, that had he the opportunity as one of his Majesty's cabinet, or had he the still higher honour of being entitled to style himself the *friend* of that royal personage, he should think it equally his duty and his pride to advise him to come down to that house, and give his dissent to these Bills. If such a conduct were pursued, if the wishes of the people were rather humoured than spurned at, then his Majesty would be as popular as in 1782; when it might have been truly said, that he reigned in the hearts of his people.

If these Bills passed, and were not executed, it would infallibly subject government to contempt. If they were executed by the stipendiary magistrates, they must be bold men, to act upon the rights of *Burn's Justice*. God Almighty, in his donation of human faculties, usually accompanied great warmth and intemperance with a deplorable want of judgment. When this was considered, was the discretionary power to be safely reposed in hands so liable to be impure or wrongly directed? What he dreaded was the general gloom which these Bills would spread over the people; they would tend more than any thing to destroy that happy union of the lowest with the highest, and arm the different orders with animosity against each other. The Marquis added other arguments against the Bills, and concluded an ingenious and able speech with expressing a wish, that the people would consider the Bills in their proper light, and take every legal and constitutional means of obtaining their repeal, when a favorable opportunity offered.

Lord Mulgrave rose immediately to reply, and began by singling out such parts of the Marquis's speech, as did not in his mind apply to the question before the house, and disposed of them with a few arguments urged by way of refutation of each; he then proceeded to defend the Bills from the imputation of being unconstitutional, or an attack on the liberties of the people. He proved from an accurate historical detail of all the various precedents of measures of a similar nature and purport that had been proposed by government, adopted by each House of Parliament and sanctioned by the legislature, for many reigns past down to the 13th of Charles the Second, that the principle of the Bills was not new, but that our ancestors wisely adapting their laws to the circumstances of the times, had gone before us in the same track and set the example, which the cogent necessity of the times made it the duty of government to follow. The 13th of Charles the Second his Lordship observed among other clauses, contained one prohibiting

hibiting any petition with more than twenty names to it being presented. That was not altered or repealed by the Bill of Rights, and on the trial of Lord George Gordon it was held by the Judges that the clause was still in force.

His Lordship supported the present Bills by a variety of arguments, and contended, that although they gave additional strength and energy to government in respect to the peculiar and characteristic mischiefs of the times, they ran parallel in principle with the existing laws on sedition and treason.

The Earl of Moira rose next and said, that if the noble lord hoped to persuade the house into an opinion of the necessity of the Bill, he must think it very easy of persuasion, since he founded his hopes chiefly on the transactions of the societies. "I have no occasion to defend the London Corresponding Society, (said his lordship), as they devoted me to death for being an apostate from the cause of liberty. On the contrary, I agree with the noble Marquis, that they justly excited alarm by their conduct in imitating the proceedings in France. Let me ask however, whether their declarations were not openly made? And are not their publications openly circulated, with the names of Booksellers and Chairmen, whom it cannot be difficult to trace; why not therefore punish them if they have been guilty of any crime? Are informers wanting? I thought they were so plenty as to poison all free communication, all manly intercourse in society. Yes; they are so; and ministers are in no want of them; but they have other views. Their offences have perhaps been suffered to go unpunished, in order to furnish a pretext for saying the laws are inadequate, and to terrify the people into an approbation of the present Bill.

"The Secretary of State has said the jacobins killed the King of France; and if some such measure as the present is not adopted, similar consequences may follow in this country. This is a sort of language which had been too much used of late. The measures of ministers, and the safety of the king's person are always maintained to be inseparable; and they who do not agree in this opinion, are stigmatized as enemies of their sovereign. This is a most unworthy creed, and it has deprived the king of his best advisers. I think myself as zealous a friend of my king as any man within his dominions, and yet I think the greatest service I could do him, would be to entreat that he would pass this Bill. No man can think of the proud and imperious tone in which it was introduced, and contrast that with what has since happened, without seeing, that something more was, and is intended, than is at present

present avowed; the alterations that have been made in the plan are only the mean subterfuges of checked arrogance. There is no one object professed by this Bill, which cannot be obtained by an enforcement of the present laws; and considering how it is pressed forward, I must conclude, that the powers which it will give are intended to be abused; the more especially when I compare it with some late events and present circumstances. Ministers, seeing the growing unpopularity of the war, the dearth of provisions, and the general indignation which their conduct has excited, seek by these measures, to stifle their resentment; but the house should be cautious of placing itself, by passing these Bills, in the situation of opposing the general voice of the people. A strong government has been spoken of, and I approve of a strong government; I approve of it, however, only when it is really calculated to benefit the nation at large; and this Bill makes a strange thing of the constitution; it expressly says, that nine-tenths of the people do not feel the blessings that it showers down upon them, and therefore they must be deprived of its protection. If the Bill were to be well administered, it would not be quite so dreadful in its operation, as we perceive it is intended it should be; I say this, my lords, because the execution of it would be put into the hands of inferior magistrates, who will be easily influenced by administration; and to hope for any such thing as freedom of petitioning is vain, if we attend to one noble lord's speech, (Lord Westmoreland), who has said, that the great opposition made to the measure was a proof of its necessity. In this manner, any opposition to the measures of government will always be deemed seditious, and will be looked on as a proof that the people ought not to be allowed the privilege of meeting to consider of their grievances. If such language be now held, it is easy to perceive what will be the fate of petitioners hereafter. But I hope that it will be impossible to put the Bill fully into execution, as its unpopularity must increase every day. Modifications of it I disregard; it is the principle itself that is obnoxious. The case of ship-money, which has handed down to posterity the fame of Hampden, was not particularly oppressive at the moment; it was the principle which it established that was dangerous. The noble lord (Lord Westmoreland) has said, "Send the people to the loom and the anvil, and there let them earn bread, instead of wasting time at seditious meetings." I cannot believe the Almighty made any part of mankind merely to work and to eat like beasts. He has endowed all with reasoning faculties,

and given nothing that he did not intend to be used." His lordship concluded an eloquent speech with expressing his hope that the division against so odious a measure would be great in number.

Earl Spencer replied, and in answer to what he termed the ardour of the last speaker said, he was not amongst the number of those who wished to abuse the provisions of the pending Bills, nor did he partake of the arrogance which had been in such qualified terms attributed to their framers. These Bills went to enact, that every meeting should be public. How did that accord with the pen of a state inquisition? Ministers were at one time arraigned for not prosecuting offenders, and at another for prosecuting with too much rigour. He, for his part, was conscious of having done no more than his duty.

Lord Thurlow began a grave and weighty argument on the subject of the Bill, with noticing the variety of misconceptions that had taken place respecting it, and in no particular more than in the idea that it trenching upon that important principle of British liberty established by the Bill of Rights, the right of the subject to discuss publick grievances, to petition, complain, or remonstrate, or otherwise address the king, or either or both Houses of Parliament respecting them. So far from that being the case, the Bill set out with recognizing that principle in the plainest and broadest manner. Nothing could be more clear than that the Bill began by expressing that recognition in terms the most explicit; it was rather surprizing therefore, that any man who had read the Bill should have suffered himself to have fallen into such a palpable mistake. In the course of the debate much, his lordship observed, had been said with respect to the different modes practiced to obtain petitions for or against the Bill; long experience had taught him that on occasions great and important as the present, where considerable difference of opinion prevailed, and both sides were equally eager in strengthening and supporting their own opinion by every possible means, a good deal of misrepresentation would be resorted to. Perhaps, therefore, the fairest way of considering the degree of weight due to the petitions in general, was to hold that the petitions on one side of the question, were as much to be relied on as the petitions on the other. He was ready to acknowledge that he felt considerable respect for the opinion of the majority of the people, and thought it became the legislature to pay attention to it, but that opinion was not at all times easy to be got at; it must, however, necessarily occur that the people at large had not the same means, nor the same opportunity of obtaining information respecting questions agitating

in Parliament, that he had in his legislative capacity; and therefore, when he felt conviction on any particular publick measure under deliberation before their lordships, he should govern his conduct by his own judgment and opinion, and not surrender either on light or loose grounds. He could not by any means concur with those noble lords who argued that the consequences that had arisen from the propagation of jacobinical principles in France, afforded a sufficient justification for the legislature of this country to enact new laws with a view to the prevention of similar effects here. He must say, he entertained a very different opinion. He thought they had nothing to do with what had passed in France, as far as related to any influence it ought to have on their proceedings in Parliament. It was their duty to govern their conduct in legislation, with a view to such laws as were expedient and necessary to the good order, the well-being and the happiness of the subjects of the British crown. The contrary doctrine appeared to him to be not only unfair in principle but impracticable in itself, as the genius and character of the two nations were extremely dissimilar, and it was idle to suppose that the two countries were to be governed in the same way. The doctrine was besides somewhat insulting to Englishmen, whose loyalty was not more general than sincere and ardent, and who were more likely to be induced by the horrors experienced in France, to abstain from excesses that might lead to the same consequences, than to make the conduct of the French the model of their imitation. With regard to what had passed in the societies that had been so much alluded to, that was a matter of which he professed to know nothing; if they had distributed improper or seditious papers, the present law would reach them with a sufficient severity of punishment. The case, however, was in his opinion not precisely the same, in point of mischievous effect, with respect to speeches delivered at popular meetings; whenever he heard of a speech before 30,000 persons, the first thing that occurred to him was, that it was impossible that one thirtieth part of the audience could hear it; no great apprehension need therefore be entertained of the danger likely to result from such harangues; writings or printed papers might be conveyed and circulated throughout the kingdom, and read again and again deliberately till the poison worked and produced those consequences most to be dreaded. He would therefore have the laws in being enforced against libellous and seditious writings, and he had no doubt they would be put an end to. The speeches in question he could

suppose were insolent and impertinent, but were they so dangerous as to call for the present Bill. It was the glory of the English law, that there was no previous restraint on the people in the exercise of the important privilege of meeting to discuss grievances and petition Parliament respecting them. That privilege stood precisely on the same ground with the freedom of the press. Its use was free and unrestrained, but its abuse was open to punishment. Had it been otherwise, the freedom of the press instead of an advantage, would have been the most intolerable tyranny. Montesquieu, in his *Spirit of Laws*, said, that the existence of freedom in England depended on the freedom of petition, and the freedom of the press. If the people feel the pressure of particular laws, and are not at liberty to petition for their redress or remonstrate against them, they are slaves indeed. To declare, therefore, that the people have nothing to do with the laws but to obey them, was as odious as it was fallacious, and when he said that, he by no means intended any reflection on the right reverend prelate, who, in the course of a recent debate had made use of the expression; the handsome, manly, and liberal explanation, which the right reverend prelate had since given of his meaning, and under what restrictions he meant to apply the sentence, not only reflected the highest honour on his own good sense and candour, but cured the declaration of all possible exception.

The people had an undoubted right to interfere with the laws in the manner prescribed by the Bill of rights, and recognized by the present Bill; as far, therefore, as that went, the Bill was unobjectionable, but it was what followed that was to be deprecated. The restraints it threw around the exercise of that constitutional right which it broadly acknowledged were alarming and dreadful indeed. The Bill, therefore, was to be objected against as establishing a bad precedent, under countenance of which a variety of bad laws might creep into the state, and defile the pages of the statute book. He recollected that, some years ago, (1782) when a motion for a reform in parliamentary representation had been rejected in the House of Commons, and the previous question moved upon it, the people were immediately informed by men of celebrated characters, and popular weight in the country, that their petitions had been rejected by the mode held most obnoxious, as the means of getting rid of a question of importance, and were called upon to meet in districts, to discuss the best means of rendering their application to the House more successful; but it was not then contended that

that their intention was to overawe parliament, or to do more than to awaken in the people a due attention to a subject that involved their dearest and most invaluable rights. He recollected also, at the time when Mr. Wilkes was declared incapable of sitting in the House of Commons, though returned again for Middlesex, some people who were zealous in his cause went so far as to declare that no resolution of the House would be binding, and no Act would be in force whilst Mr. Wilkes remained excluded. At different times he had heard doctrines broached, and insisted on, that were equally extravagant, serious, and alarming, but he did not remember to have ever once heard that such Bills as the present were necessary to restrain them or fit to be introduced. The power and extent of the existing laws had always hitherto been deemed sufficient for the correction of abuse, the punishment of offences, and the prevention of danger.

That being only the second reading of the Bill, his lordship said he was aware that in point of strict order, he ought to confine himself solely to the consideration and discussion of its principle, but, perhaps, his then suggesting certain objections that he felt to particular provisions of the Bill, might facilitate their amendment in its next stage; he would therefore take that opportunity of mentioning them. He did not mean to charge ministers with ill intentions, he supposed that they were perfectly pure, the Bill, however, was, for a Bill of that importance liable to such objections in the wording of its clauses, and the latitude of their expressions, that it either betrayed great negligence in those who drew the Bill, or afforded suspicion of its originating in an awkward motive. The distinction taken between the different species of public meetings, was at least novel. It gave great powers to justices, and though it recognized the right of the people to meet in order to discuss grievances, and petition, it surrounded the exercise of that right with restrictions equally unprecedented and severe. It mentioned descriptions of magistrates and meetings which he could not comprehend the meaning of. What officer was the convener of a county in Scotland? he had not before heard of such a person, and what was meant by a county meeting? He observed that the phrase was to be found in many of the petitions on the table, but the law knew of no such meeting, and their lordships well knew that no petition purporting to be the petition of a county meeting would be received by either House of parliament. A meeting might, indeed, be held in a county, but it could not be styled the petition of this or that county; the House
always

always received it as the petition of those individuals who subscribed and annexed their signatures to it, and paid attention accordingly. The exceptions in favour of corporations went on a wrong principle; corporations were not constituted for the purposes of petitioning, and their petitions, like those of county meetings, would have no other recommendation, nor be entitled to weight and consideration further than as the petitions of those who signed them, which was, indeed, the only proper way of considering all petitions. The powers given to the justices under this Bill were great, novel, and liable to much and very serious abuse. It would be stupid and idle in the House to say that any body of men were immaculate, and it would be as fulsome, as it must necessarily be false, to pronounce an indiscriminate panegyrick on all the individuals of a large body. He was far from meaning to impute bad motives to any particular set of men, but they all knew that, from particular circumstances, there were men in the commission of the peace more peculiarly liable to influence than others; he therefore thought that a special clause should be introduced in the Bill, excepting the stipendiary magistrates, from exercising the extraordinary powers vested in justices, with respect to the dispersion of meetings. Those magistrates, to whom he had just alluded were constituted for express purposes of local police, and to that duty they had better confine themselves. Another material consideration, his lordship said, was, the Bill gave magistrates the power of taking all persons into custody, "who should hold any discourse for the purpose of inciting and stirring up the people to hatred and contempt of the person of his Majesty, &c. or the government and constitution of this realm, as by law established." If those words were allowed to stand in the Bill, there was an end at once of all discussion with a view to parliamentary reform. How was it possible in agitating the question of parliamentary reform to forbear mentioning the inequality in point of importance, inhabitants, &c. &c. between the county of Yorkshire and the Borough of Old Sarum, without derision and ridicule, which might by an ignorant magistrate be construed "to incite hatred and contempt of the government and constitution, as by law established," and acting upon that misconstruction he might take the party into custody and dissolve the meeting. It had been said, that if the magistrate exceeded or abused his authority, he was liable to punishment; but under what circumstances would a prosecution come into court upon such an occasion? The prosecutor would come into court with a halter about his neck, and no man surely would

would risk the carrying on such a suit, unless he had a mind to be hanged.

His lordship pointed out the distinction between the extent to which the provisions of the Bill went, and that of the provisions of the Act of Charles the second, and the Act of George the first, commonly called the Riot Act. By the latter, the persons assembled for an unlawful purpose, did not incur the penalty of felony unless they continued together riotously and tumultuously for one hour after the Act had been read; by the present Bill, if an assembly met for the mere discussion of public topics, continued together peaceably to the number of twelve or more for one hour after proclamation made, commanding them to disperse, they were guilty of felony, and the magistrate was ordered to put them to death, or at least saved harmless, if upon resistance any of the persons so continuing together lost their lives. This, therefore, was in his mind an insurmountable objection to the Bill, but exclusive of this grand objection, the authors of the Bill seemed to have paid no attention to the explicitness of its clauses; and, in the language of the special pleaders, they had failed to "hit the bird in the eye." A penal law should always be clear and explicit, whereas the language of the Bill was peculiarly vague and inconclusive. Therefore although the Bill recognized the right of petition, and affected to guarantee that liberty, it was at best a liberty in fetters. He sincerely wished that an essential abuse of liberty should be punished; but the offenders should be punished in their proper character, and not degraded to the description of felons, without any necessity sufficient to warrant so severe a change of situation.

The Lord Chancellor said, the greater part of the noble and learned lord's speech appeared to him to be a strong argument to prove the propriety of the Bill's going to a committee, when the clauses might be debated, and any alterations thought necessary might be made: at present, however, the principle of the Bill was the sole object of their consideration. The noble and learned lord had taken occasion to say that the legislature of this country ought not to make what passed in France a matter to influence their proceedings, nor to ground the laws they framed and enacted on it. He, on the contrary, maintained the necessity of observing it as a general rule. The noble and learned lord had also said, the genius and character of the two nations were dissimilar, and that it was absurd to suppose that the subjects of both could be governed by the same laws. Upon that principle he had refused

refused to take a salutary warning from what had passed in a neighbouring kingdom. Was man, he would ask, so different from man on the different sides of the Channel, that similar associations in each professing similar principles, assuming the same forms, and affecting the same style and terms, were not likely to be attended with similar effects? Would the Protestant divines of England declare that they apprehended nothing from the avowed Atheism and scandalous profaneness practised in France? Would prudent politicians see no danger in the general confusion, which would necessarily result from the propagation of doctrines and systems of government destructive of all order, all subordination, all property, all security, and all happiness? Would the noble and learned lord venture to assert that they ought to remain supine in the midst of the tribunes of the London Corresponding Society, in the midst of seditious and inflammatory harangues, and libellous pamphlets and papers? The most vigilant government could not keep pace with the actions of the society in this country, which called for notice; heap prosecutions on prosecutions, there would be no use in it. It had ever been the practice of all wise governments to anticipate and supersede, by preventive regulations, in order to render the evil impracticable. He declared he was no enemy to the liberty of the press, so truly described by the noble and learned lord; at the same time he must observe that the libels that had issued from it were beyond all bounds, and that it was lenity to introduce preventive laws. He was himself fully convinced, that it was wise to take a lesson from the dark pages of the French revolution, to consider it as an instructive volume, and by a prudent and timely exercise of caution to avoid furnishing materials for a similar history in this country. Be it ever remembered, by what means that revolution was brought about; that the minds of men were alienated from their government by the machinations of a few artful persons, at the very moment that they professed the most enthusiastic attachment to their Prince, and they were led on by degrees, first to the imprisonment, next to the overthrow of his throne, and lastly to the murder of their Sovereign. The same effects, and the same enormities might be produced in this country by the same means, if not timely prevented. We had affiliated societies in this country. What were the views and principles avowed by the London Corresponding Society, a society that had not denied their connection with the clubs in France. Can we trace the analogy between the conduct of the London Corresponding Society and the Jacobin club of France.

Let

Let them observe the use the London Corresponding Society had made of the liberty of the press, and would any dispassionate man say, as some noble lords had done, that the conduct of the London Corresponding Society was not at all similar, and that there was, not the least, nor the smallest analogy between that conduct and the conduct of the Jacobin Club. The London Corresponding Society called for a reform, when it was clear a revolution was their object. What had been the libellous and atrocious conduct of the hand-bills distributed by the society; they described the constitution and government as a monarchy, but not a monarchy limited and free. The House of Lords they pronounced useless; the Commons corrupt, the judges corrupt, and recommended to strike out of all the records the word monarchy, and insert commonwealth. According to them our laws were absurd: and all indictments drawn up in the King's name were infamous libels, and insults on the people. "When they come to state what they mean by reform, and bring forth their plans, (said his lordship,) they then tell us of universal suffrage; that is, the universal, indefeasible right of men, which cannot be bartered away. In order to reform they say, you must put an end to boroughs and corporations, and divide the kingdom into sections: every person, except a peer and a pauper, may vote at elections. Their language betrays them; when they can secure a majority, they will then have a Constitutional Assembly. Is not all this tending to involve us in the miserable state of France? Such are the notions which these societies are attempting to disseminate. By every method, they try to throw abuse and reproach upon the actual government, and all its component parts, upon the sovereign, the House of Lords, which with them goes for nothing, as well as upon the representative House of Commons. There is not an existing circumstance of the constitution, but what is treated as an usurpation, and bearing upon the rights of the people. If, indeed, it is fit that these societies should lift their hand with that boldness they have done, it will be unnecessary to think of this or any other bill, for the legislative functions will be taken out of your hands. The style of their petitions and remonstrances discover the same dangerous spirit, and the same principles that has characterized their whole conduct." He flattered himself that it was the wish of a great majority of the inhabitants of this country, to preserve the constitution; where a contrary spirit was manifested, he was persuaded it was chiefly to be ascribed to misrepresentation. He warned the House of the danger of being lulled into a fatal security, and of staying any longer at such proceedings;

ceedings; the danger was real, and it might, he said, come quicker than the apprehensions of the most timid might lead them to suppose, if not averted. In fact, under the existing circumstances, it would be unwise in any government to remain inactive, when it was so necessary to apply a preventive in time.

Experience had shewn that the existing laws were not sufficient to put a stop to the evil; and thence arose the necessity for the present measures, which he must contend did not exceed that necessity, nor would he agree that the bills would operate in the manner, which those who opposed them wished to have it understood. The noble and learned lord had himself admitted that the bill allowed the right of petitioning, provided meetings for such purposes confined themselves within the bounds of discretion, and proceeded in an orderly manner. His lordship adverted to the provisions of the bill; and observed that little was left to the discretion of a magistrate. The subject matter of a meeting must be reduced to writing, signed by seven householders, which the magistrate had to consider, and was not left to act from sudden impulse. If he acted rashly, and abused his trust, he was amenable to higher powers, and still a jury had to decide on the charge against the supposed culprit: the man might be bailed; and, if he could shew a just cause, the person seized had his recourse in law. The power of the magistrate was not uncontrollable: after five days that meeting might assemble again; or, should the magistrate act from caprice, injustice, or corruption, any other two justices might permit the assembly. It had been said, indeed, that, without the aid of the bill, it was the magistrate's duty to arrest a man speaking treason, but he could do so the more effectually, when armed with the provisions of the bill - he might at present, indeed, arrest a traitor; but how was he to be secured from a rescue? There was nothing in the bill by which the authority of the magistrates could be attended with any real danger to an individual, unless where it ought to prove dangerous; if it were improperly applied, it would prove an injury to the magistrate himself. His lordship asked, what was the situation of a magistrate at that time, and what magistrate had nerves and boldness enough to enforce the existing law without additional powers? "He goes to such a meeting, when there, if a person calls out "Spy and Informer," he and his constables get hustled and knocked down in the scuffle, not knowing or being able to ascertain who struck first. It cannot be expected that any magistrate will run his head at such a risk into a mob. But by the bill, when the magistrate declares

declares the purpose of the meeting to be within the restrictions of the bill, it becomes the people's duty to disperse; and at their peril if they do not, according to similar provisions in the Riot Act; an Act which was passed soon after the accession of the present family to the throne, and to which the preservation of order in this country has been greatly owing; and I defy any man to produce a single instance in which that act has been abused." It was no easy matter to convert an act of Parliament into an abuse, because the law was strong enough to reach any abuse committed under the sanction of its authority. His lordship added a variety of other pointed arguments in justification and support of the bill.

The Earl of Lauderdale began his speech with a direct attack on the argument of the noble and learned lord who had just sat down, which he imagined in most of its parts, as a feeble and insufficient answer to the able speech of his noble and learned friend (Lord Thurlow,) who had with such powerful reasoning exposed the deformity of the bill, and shewed incontrovertibly, that while it effected to recognize and secure the right of the subject, freely to discuss existing grievances, to petition, to complain, and to remonstrate respecting them, it put that right under such severe, harsh, and unprecedented restraints, that it might justly be said to have put that species of freedom in fetters. After recapitulating several of the most striking of the observations made by Lord Thurlow, his lordship adverted to the argument of the Secretary of State, and aimed it upon it without reserve. Complacent, he observed, had been made by the noble secretary of great misrepresentation having been industriously held out with respect to the two bills. That misrepresentation had, however, chiefly, he must contend, arisen from those who had brought them forward. One of the instances produced was, that no number of persons should be allowed to meet above the number of a family. That singular restriction had actually been an object in the contemplation of the mover of the bill, and had been stated by him when he first opened it, though afterwards it was relinquished. No man could be guilty of more gross misrepresentation, with respect to the present bill, than if he were to take a copy of the bill for the better security of his Majesty's person, and affirm that was the bill as amended in the committee. Either ministers were so rash in their attempts upon the rights of the people, as afterwards to be forced to desert from their enterprise, from a consciousness of their inability to carry it through, as they were so loose and indefinite in the description of their own acts, as to leave room for mistake and misapprehension. Except, therefore, he were

capable of diving into the minds of the noble lords, and exerting a prophetic power with respect to what might be their future determination, it was impossible to give a just character of their measures. They were always found to concede exactly in proportion to the pressure upon them from the people; and it was impossible to mark the point of the concession at which they meant to stop, until they had ascertained the degree of pressure. His lordship referred to the times of Charles II. from which the present bill was taken. Had that reign been less distinguished by riotous or tumultuous proceedings on account of the enactments of the bill from which the present one was copied? Had severity of punishment ever been found, in the contemplation of a wise legislature, the most effectual method to check the enormity, or diminish the frequency, of crimes? In subsequent periods, when the right of petitioning had been exercised with considerable boldness and freedom, no mischief or danger had been found to ensue.

A noble lord had, he observed, mentioned a theatrical licence, and stated it to be a restriction similar to that imposed by the present bill. Had he been in parliament when the bill was brought in for that licence, he should then have been found in the minority. He desired their lordships, however, to recollect the elegant and forcible speech of Lord Chesterfield upon that occasion: That noble Earl warned the House not to deprive men, who had nothing but their talents to depend on, of an opportunity of acquiring their bread: adding, "thank God, your lordships have something more substantial than your talents to subsist on."

He declared he considered this measure as chiefly dangerous, because it was connected with a system of encroachment, in which every step ought to be watched with the utmost jealousy. One encroachment it was obvious was only intended to pave the way for another. It was said that this bill was meant only to last for three years. Did the House, however, believe that ministers would stop there? At the expiration of the three years, it would be contended, that these measures had been attended with no danger to liberty; and some measure of a complexion still more arbitrary would in all probability be proposed. The bill was not, in his opinion, so formidable as some noble lords had imagined, and the reason why he thought so, was because its absurdity defeated its mischief. It was chiefly alarming, because it broke the grand line of demarcation and because it paved the way for measures still more dangerous to the liberty of the subject. For what purposes could it be supposed that a stab was aimed at the
vitals

vitals of the constitution, except with a view to its utter destruction? So much had the right of petitioning been respected in former times, that it had even been determined that petitions, containing libellous matter, and libellous hand-bills, distributed at the door of the House, should not be prosecuted. The noble and learned lord, who seemed better acquainted with the French history than with English law, seemed nevertheless to have formed his notions of petitioning upon the maxims of Robespierre, who passed a decree against petitioning, and restrained it under very severe penalties.

Another curious argument urged in favour of the Bill his Lordship said was, that it tended to protect the magistrate in the execution of his duty. So far from this being likely to be the case, his own idea was that it would tend to render the functions of the magistrate more odious, and his person more insecure. It had been also said that this Bill would give courage to the magistrates. He did not however suppose that there was any quality in the Bill which would communicate to the magistrate a fresh portion of valour, or supply the deficiency of his nerves. The true ground of the Bill was this, ministers having plunged the country into a situation of unexampled calamity, having wasted its blood and treasure in the prosecution of a fruitless and unprofitable war, in order to screen themselves from the consequences of their misconduct, had recourse to these measures in order to deprive the people of England of the right of remonstrance, and the privilege of complaint.

His Lordship adverted to the conduct of ministers with respect to the loan, which he contended afforded a proof of the most gross incapacity on their part, an incapacity which had been attended with consequences as pernicious to the publick as the most shameless corruption could have been. He mentioned the following anecdote: a Swedish minister had a son who was appointed to some diplomatic situation; the youth wished to decline the appointment, alledging his incapacity and want of experience: "Go, my son, (said the father,) you will find folly enough among statesmen to keep your errors in countenance; you will soon be convinced *quam parva sapientia mundus regitur*." Had he lived in the present times, and had the mission of his son been to a British Court, in order to remove all apprehensions with respect to his incapacity, Lord Lauderdale observed it would have been necessary for him to have said, "Go to England."

The Earl of Mansfield said, he would intrude upon their Lordships but for a few moments only. At that late hour he would

would not attempt to follow the noble Earl through the variety of topicks to which the noble Earl had called their Lordships attention, much less would he attempt to copy the invective and declamation, in which the noble Earl had so copiously indulged himself. Much, he observed, had been said in the course of the debate respecting the Riot Act, which their Lordships would recollect had been passed at a peculiar time and under peculiar circumstances. There was then a popish pretender to the throne, avowedly patronized by the French King and his ministers; he thanked God there was no popish pretender nor any other in existence at present. When the Bill was originally passed, it was adapted to meet the difficulties and dangers of the moment, but our ancestors had wisely made it permanent. The Bill had answered its proposed object so effectually, and been attended, with so many essential advantages to the country, that he owned it was with a considerable degree of surprise that he had heard it spoken of in the light of an arbitrary and oppressive measure. A noble Earl (Lord Derby) had seemed to have it in his view to cast a censure on it, though it had always been considered as a good Bill by the best friends of the constitution. What he had said respecting the Riot Act might he was aware be distorted into an argument against the present Bill. He might be told, that the same necessity did not at this time exist that called for the Riot Act, and if there was danger to be apprehended though of a different sort, the provisions of that Act might be put in force to prevent it. But such an argument would neither be a fair one, nor would it bear examination, because the moment it was investigated it would be found to be by no means apposite. There were not it was true a popish pretender to the throne so augustly filled by our virtuous and excellent sovereign, but there were societies, whose affiliations throughout the kingdom on the principles of the French jacobin clubs, threatened all those serious and alarming dangers to the government which had been described with such impressive eloquence by the noble Marquis. The Riot Act was not applicable to the much to be dreaded consequences of their proceedings, and most especially not applicable to the conduct which the affiliated societies at present thought it prudent to hold, and which had been urged as a merit by some noble Lords who chose to defend the London Corresponding Society for the evident alteration in the temper and language of the proceedings. It was true his Lordship said, that it was the present policy of that Society to preserve more orderly conduct, to work by sap rather than by storm, by

poison

poison rather than by the sword; but was the danger less because the society veiled its object and no longer braved the light of day, with an open and avowed disregard and contempt of government and of the various branches of the constitution? The Riot Act if it could be enforced to disperse a meeting of an affiliated society under the idea of its being an unlawful assembly might indeed punish the individual who administered the deleterious draught, but it could not work a cure, it could not apply an antidote to the unfortunate man who had swallowed the poison, the fatal effects of which he would never be able to get rid of. His Lordship said, that when a preventive measure of the nature of the Bill under consideration was discussing, it was highly necessary to hold in remembrance what had passed within these few years in France, and especially, the events, as one of their great men had called it, of that never to be forgotten day the 10th of August, when the populace of Paris had in one night changed the form of their government, nor those of the 5th of October 1790, when a mob of men, women and children, and men disguised in womens cloaths went to Versailles in the night, brought their captive King to Paris, and kept him a prisoner, till they led him to the scaffold and there inhumanly murdered their sovereign, a sovereign the most mild, beneficent and humane, who dreaded more to shed a single drop of the blood of his subjects, than the effusion of his own. His Lordship commented on the calamities that had since fallen upon that unhappy people, and thence inferred the strong necessity on our part to endeavour to avert the same. He justified the Bill by declaring that every country was competent to take measures for its own security, and that no free states had ever existed, in which some restraints upon liberty had not obtained, all of which had been governed by the circumstances of the times. By referring to history their Lordships would find it had been the case of Rome, of Athens, and of all the ancient Republicks. The practice had been followed by our ancestors, and the same reason for resorting to it which led them to adopt it, prevailed in the extraordinary circumstances of the present extraordinary times, and rendered it highly expedient that the present Bill should be entertained, he should therefore vote for its going to a Committee.

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Adjourned,

Majority 88

A List

A List of the Minority who Voted against the Bill to prevent Seditious Meetings and Assemblies.

Dukes of Norfolk	Earls of Beiborough
Northumberland	Moir
Bedford	Guildford
Grafton	Shaftsbury
Marqu's of Lansdown	Thanet
Earls of Derby	Lords Say and Sele
Lauderdale	Thurlow
Suffolk	Chedworth
Abingdon	St. John
Albermarle	Teynham.
Egmont.	

The Proxies were the Dukes of Northumberland and Grafton; Earls Guildford, Shaftsbury, Thanet, and Lord Teynham.

PROTESTS

Against the Bill to prevent Seditious Meetings.

Because, to present petitions to the Throne and the two Houses of Parliament has at all times been the undoubted right of the subjects of this realm; the free and unlimited enjoyment of which was one of the many blessings restored by the Revolution, and invariably continued in its fullest extent, as well during times of internal commotion as of external danger. We therefore cannot consent to a Bill which thus fetters the rights of the people, and imposes restraints on that freedom of speech, to the existence of which the preservation of all our liberties may be ascribed; and from the full, free and continued exercise of which is derived the manly character that distinguishes a free people.

Norfolk,	Albermarle,
Suffolk,	Lauderdale,
Lansdown,	Ponsonby,
Derby,	Bedford.
Chedworth,	

First, because, though we cordially agree in the above ground of protest, yet we think it further necessary to state, that although the Bill industriously displays the acknowledged right of Englishmen, a right essential to a free constitution, of deliberating on grievances in church or state, and of presenting to the King, and each House of Parliament, petitions, complaints, remonstrances and declarations thereupon, yet it proceeds to lay the whole exercise of that important and sacred privilege under a restraint and discouragement, which directly and absolutely annihilates the right.

Secondly, because the severe provisions of this Bill not only apply to all assemblies convened by the petitions of private subjects in the manner expressly claimed for Englishmen by the Bill of Rights, but to all the other assemblies mentioned in the

Act, as appears from a consideration of the following words, "Such meeting or assembly as is herein before-mentioned, to which every justice of peace is authorised and empowered to resort with any number of constables, or other officers of the peace, and to do, or order to be done, all such acts, matters, and things, as the case may require."

Now, although it be not expressly provided, that deliberating on any grievance, in church or state, shall be deemed a crime, except the assemblies convened by private subjects, yet the above-mentioned authority, to attack men holding discourse to such effect, to be dealt with according to law, does so flagrantly imply it, that the zeal of any justice of the peace, who should so understand the phrase, may regard this as affording ample countenance to his efforts. Happily, in the class of magistrates in this country are men whose worth and honour render them respectable; but we cannot deny that many are not only appointed by the minister during his pleasure, but are in a state of apparent subjection to his caprice; and some, even paid by him for the exercise of their office, have their dependence on that caprice for their daily bread. It is therefore but too easy to foresee how such an occasion will be applied.

The very proposition of any matter which shall tend to incite or stir up the people to hatred or contempt of the government and constitution of this realm, as by law established, makes the assembly liable to be dispersed by any one justice of the peace, under the pain of felony, without benefit of clergy, if any twelve remain together an hour after proclamation, even though they should not proceed on the prohibited business. Nay, if any one justice shall think fit to arrest any person holding any discourse to the above effect, to be dealt with according to law, and shall meet with obstruction, whether the orator and obstructor be suborned or not, the whole assembly is liable to be treated in this harsh and unprecedented manner.

Now the case to which these terrible consequences are attached, is unavoidable, being a necessary incident to the exercise of the right; for no grievance can be made the subject of deliberation, much less complaint and remonstrance, without drawing down upon it that odium, which its injured tendency, or that contempt which its absurd incongruity may seem to merit; that is, without representing it as a grievance. So that an occasion, even without the thing, can never be wanting to suppress the exercise of this franchise.

3dly, Because the provision in the conclusion of this Bill forms a worthy sequel to the foregoing measures, differing not in principle, but only in extent and application. The prohibition of unlicensed *discussing upon law, constitution, government, and policy*, at meetings not sanctioned by the sacred occasion of a free people applying to their legislature, interrupts private instruction, and the freedom of private discourse. The perusal of books, recommended by universal esteem, and the authority of names the most venerable, is an indulgence, however, that still remains. We are only forbidden to talk of what they contain.

We therefore think it our bounden duty, thus solemnly to mark the ignominious difference between this impaired state of English liberty, and that which was so

nobly demanded, and so honourably conceded, at the auspicious æra of our happy and glorious revolution. It is in vain that, by the rapidity with which this Bill has proceeded, the petitions, complaints, remonstrances, and other addresses of an irritated people, have been evaded. It is in vain to hope that the length of time for which it is to endure, will lay the public anxiety to sleep.

The people cannot cease to regard this invasion of their rights with grief and dismay. They feel with us, that even indifference would extinguish this fundamental franchise, this safeguard of our liberties for ever.

BEDFORD,
LAUDERDALE,
ALBEMARLE.

HOUSE OF COMMONS.

WEDNESDAY, *December 9.*

WAKEMAN'S DIVORCE BILL.¹

The House having resolved itself into a Committee upon this Bill, Mr. *Wigley* in the chair, evidence was heard to prove the ceremony of the marriage, the subsequent elopement of Mrs. Wakeman, and her since living in adultery with various persons. The Bill contained a clause for bastardizing the last of three children which the Lady had since her separation from her husband. The Bill passed the Committee, and was reported without any amendment.

CALL OF THE HOUSE.

Mr. *Coke*, of Norfolk, having observed, that the business upon which the call of the House was originally moved, was no longer pressing, proposed that the order, for calling the House over on Friday the 11th, be discharged.

The Chancellor of the Exchequer said, he did not understand distinctly what the honourable gentleman meant by stating that the business which produced the call was no longer pressing. The business was, the measure to be proposed on that day by the Corn Committee; of which notice had been given in order that the House might come into an association, to use a particular kind of bread, with the hope and expectation that their authority and example might be followed by the publick. To carry this useful plan into effect would require as full an attendance as could possibly be procured.

Mr. *Coke* objected to the proposal of calling the members to the table, in order to sign their names to any kind of agreement.

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The Chancellor of the Exchequer thought the propriety of any measure would always be best discussed when it was directly before the house; he professed his opinion however to be, that the best mode of proceeding would be to direct a paper to be deposited in some convenient place, where it might be signed by such members as thought proper.

General Smith declared he was averse to any measure, however beneficial in its consequences, which was intended to lay the members of that house under any kind of compulsion.

Mr. Sheridan concurred in the same opinion, and maintained it to be a direct mode of compulsion, founded on a bad precedent in the reign of William III. to put members in that situation, that they must either sign, or openly refuse to sign any association whatever. It was singular enough, that while ministers were so clamorous in decrying every thing of French institution or example, they were from day to day adopting French measures in their own practice. The example upon which this proposition was founded, might be seen in the "*appel nominal*"; one of the very worst abuses in the deliberations of the French Convention.

The Chancellor of the Exchequer repeated his opinion of the propriety of depositing an agreement of the nature alluded to in some convenient place. If *Mr. Sheridan* discovered any similarity in the Parliamentary proceedings of the reign of William III. and the *appel nominal* of the French Convention, it was no fault of his.

After some farther conversation, *Mr. Coke* consented to withdraw his motion.

GENERALS IN INDIA.

General Smith moved an Address to his Majesty, praying that there be laid before the house, a list of the officers on the late promotions now serving as Generals in India.

Mr. Secretary Dundas replied, that he had no objection to the production of the list of officers in India lately promoted to the rank of Generals; but he was unable to tell what officers might at present be serving under a letter of service in that capacity who might not be generals.

General Smith declared he was perfectly ready to modify and amend his motion so as to make it coincide with the right honourable gentleman's own ideas. He accordingly withdrew his motion for the present.

REGULATION OF LABOURERS WAGES.

Mr. Whitbread, jun. brought up a Bill to enable Justices at the Quarter Sessions to regulate the price of labour, which was read a first time.

On the motion for the second reading, the *Chancellor of the Exchequer* rose not to object to it, but merely to remark that it was impossible for any gentleman to be aware that some of the most important and most delicate points were involved in it; nor were they less important or less delicate on account of the temporary scarcity on which the Bill was introduced. He therefore requested, in the manner of many other gentlemen upon other important occasions, that if he agreed to the second reading of the Bill, he might be understood not to commit himself, in case he should see occasion to dispute some of the clauses or provisions of the Bill hereafter; and at the same time he supposed there could be no objection to the printing of the Bill.

Mr. *Whitbread*, jun. said, if the suggestion had not been made by the right honourable gentleman, his intention was to have moved some distant day for taking it into consideration; and, in the interval, that it be printed. He explained the nature of it to be grounded upon an Act of the 5th of Elizabeth, which already authorises magistrates to fix the *maximum* of labour, but not the *minimum*; and that Act was so far defective, that it did not sufficiently empower them to enforce it. He then said he should propose an early day after the holidays for the consideration.

Mr. *Foliffe* objected altogether to the principle of the Bill.

Mr. *Fox* said, that the Bill was undoubtedly a Bill of great delicacy and importance; with respect to which, he admitted, that to a considerable extent there might exist, a rational difference of opinion. The Act of Elizabeth, as his honourable friend had truly stated, empowered the justices to fix the highest price of labour, but it gave them no power to fix the lowest. It secured the master from a risk which could but seldom occur, of being charged exorbitantly for the quantity of service; but it did not authorise the magistrate to protect the poor from the injustice of a griping and avaricious employer, who might be disposed to take advantage of their necessities, and undervalue the rate of their service. If the price of labour was adequate to the support of the poor in ordinary times, though not equal to the accidental high price of provisions at the present moment, it might be contended, that there was less necessity for any new legislative regulation. Taking the average price of labour however for some years past, including that period during which the scarcity had operated, no man could deny that the price of labour was greatly disproportionate to the rate of provisions. That the general price of labour should be adequate to the support of the general

general mass of the community was indisputably a right principle. They all knew a very extensive tax was exacted from the country, under the denomination of poor rates, and that such a tax must be continued. It was understood that to this fund none could apply, but those few, to whom, from particular circumstances, their labour might not be sufficiently productive to secure an adequate support. He feared, however, that the reverse was the case; that the exception was with respect to the few who derived sufficient means of subsistence from their labour, and that the great mass of the labouring part of the community were under the necessity of applying to this fund for relief. If the house, as was proposed, were to form an association, in order to pledge themselves to use only a particular sort of bread, with a view to diminish the pressure of the scarcity, ought they not in justice, at the same time to form an association in order to raise the price of labour to a rate proportionate to the price of the articles of subsistence? With this view, he called upon the house to consider the principle of the Bill and its provisions. Let them consider it as it related to the farmer and the labourer, and as it affected the present exigency, or as it might operate in times to come: above all, he would call upon them to attend to the subject, in a constitutional view; though he could not hope, from the complexion of recent transactions, that this was a view of the subject which would have great weight. In a free country, the great body of the people ought not to depend on the charity of the rich. In the election of members of Parliament, all these were strictly excluded from exercising any franchise, with a very few exceptions, who had at any time received relief from the parish. Was it becoming, in a country like this, that the general mass of the labouring part of the community, excepting those who derived relief from the bounty and generosity of individuals, should be excluded from the exercise of their most important privilege as freemen? He admitted that many of the rich were humane and charitable; he could not however allow, that those who were the most useful and industrious members of society, should depend upon a fund so precarious and degrading, as the occasional supplies derived from the bounty of the affluent. If the price of provisions had for two years been such as to put every man under the necessity of applying for the aid of parochial charity, and if that circumstance constituted a positive disqualification with respect to the exercise of a constitutional right, what, he asked, was the state of a country which first compelled every poor man to dependance,

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and then reduced him to servitude? If they were to go into associations, pledging themselves to use a particular sort of bread, with a view to alleviate the scarcity, it was surely of more importance that they should associate in order to redress the more material grievance, and strike at the fundamental source of the evil. With that view he should be glad, as he had already suggested, to see an association in order to put the price of labour upon a footing adequate to the rate of provisions. If therefore the regulations of the present Bill should not be adopted, he should be happy to see some other legislative enactments brought forward, in order to afford relief and protection to the poor.

Mr. *Burdon* utterly denied that any labourer in his county had been reduced to such a situation as to be obliged to apply for relief to the parish on account of the disproportion of wages to his necessary expences; and gentlemen should recollect that various friendly societies existed throughout the kingdom, to which the lower classes subscribed a small portion of their earnings to defray the charge of their funerals, and enable them to leave a legacy to their widows.

Mr. *Fox* remarked, that it was so much the better for the poor of the honourable gentleman's county; he feared nevertheless that single instance would not apply throughout the kingdom. He admitted, however, that if the average of last year was taken, perhaps they would find, in consequence of the just and benevolent voluntary increase of wages on the part of a number of humane individuals, that the proportion of wages was equal to the labour.

Mr. *Jekyll* submitted, upon the recommendation of a pamphlet written on the scarcity and present condition of the poor, by a gentleman of some enquiry, (Mr. *Davis*) whether it would not be better that the regulation of wages should be made by the justices of peace in the quarter sessions immediately after harvest than at the Easter antecedent to it? One other observation he considered himself bound to make: in May last he called the attention of the house to the then existing scarcity, and received a candid answer from the right honourable Secretary opposite (Mr. *Dundas*), though not a very explicit one, viz. that it was all exaggeration, and that the less such subjects were agitated in Parliament the better. He believed the right honourable gentleman was at present convinced, that the scarcity at that time had not been exaggerated; and he believed that he was convinced likewise of the propriety of submitting such subjects to the consideration of Parliament. It would have been better for the country if the

the scarcity had been considered by the Parliament at that time instead of at this; and he desired to know how the right honourable gentleman could reconcile the propriety of making a question wise in October which was deemed the contrary in May?

Mr. Secretary Dundas recollected that he did say, any unnecessary discussion of such topics tended to encrease the scarcity it were designed to redress, and he had not altered that opinion. As to the wisdom of a question in October which was declared to be otherwise in May, he answered, that in May there was a great expectation, as well as a great probability, that the ensuing harvest would have been abundant enough to supply the deficiencies of the preceding; it unfortunately however happened that the dearth at present was caused by much bad weather, a harvest a month later than usual, and an insufficient crop.

Mr. Whitbread jun. then moved that the Bill be read a second time on Wednesday, the 3d of February; and that it be printed. Ordered.

POOR RELIEF BILL.

Sir William Young hoped, before the house passed to the consideration of his Majesty's Message, that they would read the Order of the Day for the house to resolve itself into a Committee upon the Bill for enabling overseers to extend relief to the poor at their own houses.

The Chancellor of the Exchequer objected, because the debate which was expected was a subject of greater consideration.

Sir William Young then expressed a wish, if the debate should not be very long, that it should be afterwards considered; if the debate should go into length, he hoped that an early commitment of the Bill would not be superseded.

HIS MAJESTY'S MESSAGE.

The Chancellor of the Exchequer moved, that the Order of the Day to take into consideration his Majesty's Message be read. Before he moved the Address, he said he would only trouble the house with a few words. He desired the house to observe, that the sentiments expressed in his Majesty's most gracious Message, were, in substance, conformable to those delivered in the Speech from the Throne at the commencement of the session, with a view to the formation of a system of government in France, with which a permanent, secure, and honourable peace might be negotiated and concluded. He renewed those sentiments, as applicable to the existing circumstances arising from the formation of that system of govern-

government which he had a view to, arising also from the recent successes of our allies, and the embarrassment of the enemy's finances. The sentiments formerly delivered from the Throne, with the view to this alarming change, were stated to be so much to the satisfaction of the house, that he hoped the house, on the present occasion, would be ready to express the same satisfaction at the renewal of those sentiments, and contribute its support under the actual situation of affairs so anxiously desired. He concluded by moving, "That an humble Address be presented to his Majesty, to return his Majesty the thanks of the house for his most gracious Message."

"To acknowledge, with the utmost gratitude and satisfaction, his Majesty's condescension and goodness, in having been graciously pleased to acquaint us, that the crisis which was depending at the commencement of the session, has led to such an order of things in France, as will induce his Majesty, conformably to the sentiments which he has already declared, to meet any disposition for a negotiation on the part of the enemy, with an earnest desire to give it the fullest and speediest effect, and to conclude a treaty of general peace, whenever it can be effected on just and suitable terms for himself and his allies.

"To assure his Majesty, that, until that desirable period shall arrive, it is our firm determination to continue to afford his Majesty that vigorous support which we are persuaded is essential to the most important interests of his kingdom; and that it will yield us the highest gratification, if his Majesty's powerful preparations and exertions, added to the recent and important successes of the Austrian armies, and to the continual and growing embarrassment of the enemy, should have the happy effect of speedily conducting to the restoration of a general peace on such grounds as the justice of the cause in which this country is engaged, and the situation of affairs, may entitle his Majesty to expect."

The Speaker was about to put the question, when

Mr. Sheridan rose and said, "I certainly rise with considerable astonishment at the conciseness with which the right honourable gentleman has thought proper to preface the Address which he has proposed to the house. As there does not appear a disposition in the house to notice either that conciseness, or the matter contained in the Address, it is impossible for me to remain silent. The right honourable gentleman has said, that he would trouble the house only with a few words, because that order of things in France which had been intimated in the Speech of his Majesty, affording a reasonable expectation of security and permanence in any treaty which might be formed, has at last arrived. Undoubtedly, we were told, in his Majesty's Speech, that such an order of things was expected.

"I should

“ I should have expected that the right honourable gentleman would not have said that peace was at all nearer, but only that the obstacle arising from the nature of the government in France was removed; I ask, therefore, why the right honourable gentleman comes to tell us now, for the first time, that the government of France is of a description with which we may safely negotiate, and is capable of maintaining the relations of peace and amity? Time and experience have no doubt enabled him to alter all his former opinions on that subject. All the advantages which he can have derived from time and experience, have occurred within a single week, or at the most within the last five weeks. This is the utmost space which he can possibly assign for the acquirement of those new means of information, which have produced so material an alteration in his sentiments. But, in fact, I contend, that he has had only one week, and that upon the experience of that single week, he now comes forward, not to propose a jealous, armed truce, but a peace affording a reasonable prospect of security and permanence. If he contends that he has had more time to make up his mind on the subject, I ask him, why he did not bring forward the result of his deliberation before he settled the terms of the Loan? This one week's experience of the right honourable gentleman has cost the country two millions of money! what excuse, what apology, can he possibly alledge to the nation in justification of his conduct? Will he say that on Wednesday last, when he arranged the terms of the Loan, he had not taken such a view of the subject; he did not possess such means of information; he had not such grounds of decision as he has since acquired? The effect of the message last night has been, that the Loan is this day at a premium of $12\frac{1}{2}$ per cent. and a sum of twenty-two hundred thousand pounds is lost to the country. I must confess, when I see the right honourable gentleman turning so short, when I see him suddenly altering his opinions, and reversing his former declarations, I think that he is not sincere in the object which he avows. If I conceived him sincere, so desirable is the conclusion of a peace to every friend of his country, however much I might think his policy deserving of censure, I should avoid every species of reproach on the present occasion; but when I see the right honourable gentleman bringing forward such a declaration, at the present moment, in order to anticipate and defeat the proposition of my honourable friend, I cannot help adverting to the grounds on which he may be supposed to have changed his opinion.

“ I must look to see how that government is composed which he now states to be capable of negotiation. I have only to refer to his own statement on a recent occasion, (the opening of the budget) This very government he then stated to be not only on the verge, but in the very gulph, of bankruptcy. And having stated that it was on the verge of what must inevitably overthrow it, and bring it to destruction, he submits a proposition to the House, that it was not only a form of government with which we may safely negotiate, but a form of government capable of maintaining peace on a footing of permanence and security. Will he say, that he is more reconciled to the men who exercise the functions of that government? Some time since it was said that men of a milder character had obtained the administration, and that a more moderate system of policy would be adopted. Of the five who compose the executive directory, four voted for the death of the king; the fifth happened to be absent at that period. These were the very men whose pernicious councils were said to have brought on the war with this country, and with respect to whom it has been affirmed, that no settled order of things could take place in France till they had fallen under the sword of justice. Has the right honourable gentleman then changed his opinion merely because the forms of the government are altered, because the old men set in one place, and the young men in another? Is it on the ground of such trifling distinctions that he now comes forward to contradict every opinion, to retract every profession which he has formerly uttered, and to pledge himself to a new declaration of sentiment, without any facts, or appearance of facts, by which it can be supported? There is something so contradictory in all this, that I think it impossible that the right honourable gentleman can be sincere. When I find him one day saying, that the French government is in the gulph of bankruptcy, and on another, that it is capable of maintaining a permanent peace. I cannot help thinking that he has still some subterfuge in store, and that he yet hopes to find a pretext to justify him in continuing the contest, for the purpose of restoring the old despotism of France. If we were to look to the subject seriously, we might perhaps find some other reason for this change of sentiment on the part of the right honourable gentleman.

“ If it be said that the French government has revoked its declaration of interfering with the governments of other countries, and on that account is better qualified for negotiation, that declaration, I must remark, that has long been revoked.

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The charge of wanton interference with other governments, as applied to the French, I can never to have been just. The declaration which they made on this subject, was a consequence of the coalition of Kings for the purpose of interfering with their government. When the confederated Princes expressed their determination not to permit them to effect their revolution, and establish a government for themselves, they thought themselves justified to retaliate, by declaring their enmity to all kingly governments, and their readiness to assist in their destruction. In whatever light, however, this declaration be considered, whether as a retort or retaliation, in no point of view am I prepared to justify it; it has long since been disclaimed. What then is the period at which the right honourable gentleman thinks proper to declare that the French government is capable of maintaining the accustomed relations of peace and amity? At the moment when the members seek to establish their power by the system of forced elections, when they avow the principle of not being responsible to their constituents, when they seek to establish their authority in the capital by force of arms, and have the place of their deliberations surrounded by large bodies of the military in order to overawe the people. At such a time, when the members of the French government adopt the system of self-election, of taking all power into their hands, and of treating with contempt, the rights, the opinions, and the interests of the people, the gentlemen on the other side say, "This is something like a regular government! This is a form of administration with which we may treat with safety; we have now got something resembling the worst parts of the British constitution;" and it is to be remarked, that the only way in which those gentlemen choose to express their attachment to the constitution, is by the eagerness which they shew to retain its abuses.

"There is one word in the address which ministers must know would have prevented it from obtaining an unanimous concurrence; the expression which relates to the justice of the war. We can never subscribe to the justice of the principle upon which the war was commenced. But this is not the only objection to the address in its present form; it expresses a principle which must ever remove to a distance, any hope of a secure and permanent peace, till the whole country shall join to disclaim and reprobate the system derived from such a source. It seems that the present state of things in France is such as ministers think may safely admit of negotiation. This principle has often been before intimated, but

has never been before so openly avowed. It now seems that we must carry on the war till a form of government takes place agreeable to the fancy and caprice of his Majesty's ministers. If it should happen that the government is not so shaped and framed, as exactly to coincide with their ideas, we must be immediately plunged in all the horrors of a war. If the present form of government, which happens to tally with the notions of ministers, should be changed during the progress of negotiation; if this government of which they have had only the experience of five weeks, should be thought to require some alteration, after peace is concluded, and the House sanction the principle which is now avowed, ministers may think themselves justified in entering into new hostilities, and involving the country in a new war. As long as that principle continues to be avowed, and to be acted upon, we may have an hollow and an armed truce, but we never can have any thing like a secure and permanent peace. The right honourable gentleman has been so very concise as not to afford me an opportunity of saying so much as I might otherwise have been called upon to bring forward. I must conclude with most decidedly reprobating the principle, that any objections on the part of ministers to a particular form of government, shall be in any instance deemed a just cause for commencing and continuing hostilities. On that ground I take the liberty of suggesting the following

AMENDMENT.

“ Your Majesty's faithful Commons, having thus manifested their determination to give your Majesty the most vigorous support in the further prosecution of the war, in case just and reasonable terms of peace should be refused on the part of the enemy, and having declared the cordial satisfaction they feel at your Majesty's gracious intention, to meet any disposition to negotiation, on the part of the enemy, with an earnest desire to give it the fullest and speediest effect, cannot at the same time avoid expressing the deep regret they feel, that your Majesty should ever have been advised to consider the internal order of things in France to have been such, as should not have induced your Majesty at any time to meet a disposition to negotiation on the part of the enemy.

“ And your faithful Commons feel themselves at this conjuncture the more forcibly called on to declare this opinion, because, if the present existing order of things in France be admitted as the motive and inducement to negotiation, a change in that order of things may be considered as a ground for discontinuing a negotiation begun, or even for abandoning a treaty concluded.

“ Wherefore, your Majesty's faithful Commons, duly reflecting on the calamitous waste of treasure and of blood, to which it is now manifest the acting on this principle has so unfortunately and so largely contributed, and greatly apprehensive

hensive of the grievous and ruinous consequences to which the persevering to act on such principles must inevitably tend, do humbly and earnestly implore your Majesty, that it may be altogether abandoned and disclaimed; and that the form of government, or internal order of things, in France, whatever they may be, or shall become, may be no bar to a negotiation for restoring to your Majesty's subjects the blessings of peace, whenever it can be effected on just and suitable terms for your Majesty and your allies.

"And as the principal bar to a negotiation for peace appears to have been your Majesty's having been hitherto advised to consider the order of things in France as precluding your Majesty from meeting a disposition to negotiation on the part of the enemy, your faithful Commons now humbly beseech your Majesty to give distinct direction that an immediate negotiation may be entered on the above salutary object."

Mr. *Hilberforce* began with observing that he could not but wonder at the strange construction of that mind on which the Address mov'd by the Chancellor of the Exchequer could produce the impression which it appear'd to have made on the mind of the honourable gentleman who had just set down. All parties had profess'd themselves desirous of restoring the blessing of peace, when it could be effected on fair and honourable terms: a message which gave some hope of this being accomplish'd, might justly therefore have been expected to be received with general satisfaction. The honourable gentleman opposite to him had concurred with himself in being more forward than others to express this disposition, and in giving it as their opinion that the obstacle stated by his Majesty's ministers arising from the unsettled state of the French government ought not to be a bar in the way of negotiation. It was on this principle that he had felt himself compell'd to come forward last year, and on which he had been supported by those with whom he had not been in the habit of agreeing. Yet now, when his Majesty declar'd that this lamented obstacle was at length remov'd, that the door of negotiation was open, and in language the most clear and emphatical, that he was ready to meet any disposition to treat on the part of the enemy, with an earnest desire to give it the speediest, and fullest effect, that was the moment in which the honourable gentleman thought it consistent and becoming to interrupt the unanimity of their thanks to his Majesty for his gracious communication. The feeling excited in his own mind was extremely different, and he hesitated not to say that he should vote for the Address propos'd by his right honourable friend with the highest and most cordial satisfaction.

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Though he should have felt it with difficulty in any case so far to repress his feelings, as to give a silent vote on this important occasion, he should not perhaps have taken up any more of the time of the House than he had already done, if it had not been rendered in some sort necessary by the speech and motion of the honourable gentleman (Mr. Sheridan.) In order to produce an impression unfavourable to administration, the honourable gentleman had agreed that their state of public affairs was much the same as it had been last year, when their conduct was so different, and in particular, he had treated with ridicule, the idea of there being any material difference in the nature of the government lately established in France.

Mr. Wilberforce said, he certainly retain'd his old opinion that there was nothing in the state of public affairs last year which precluded a negotiation; yet he would not be so unfair to his right honourable friend, as not to allow that this state was now materially alter'd in many particulars, nor could he suffer that difference which arose from the new order of things established in France to be pass'd over with so much levity, as if it were merely that the old men met in one place, and the younger in another. No one could speak of it in these terms who was ever so little acquainted with the first principles of government: could the honourable gentleman's mind suggest to him no medium between the opposite extremes of absolute monarchy and pure democracy? Had he taken the trouble of looking into the new French Constitution? Had he not observed that the two legislative assemblies were not only distinct in their place of meeting, but that they consisted of different descriptions of persons, that they had their separate rights and privileges? Was he so ignorant of human nature as not to know, or so heedless as to forget the consequential diversities in their habits of thinking and acting, which would gradually follow, each becoming by degrees possess'd of its own peculiar character and genius, and having an appropriate natural feeling? Did he notice that this as well as the forms of proceeding which had been settled, guarded against the inconstancy and precipitancy, so common in the democratic constitutions of antiquity, by which the French proceedings had been so characterized in the outset of their revolutionary government, which above all other things rendered them, and would render every state where they prevail'd, dangerous to all its neighbours? Had the honourable gentleman remarked the particular precautions which had been us'd to guard against tumult and violence,

lence, and prevent their being under the influence of the mob of Paris, as had been the case both of their convention and their constituent assembly. It was impossible to review these and other provisions without observing a great similarity to the American constitution; and considering throughout the situation and circumstances of France, it was hardly to be expected that they would pursue a better model, in which with many enormities and gross defects, one might yet discern somewhat of the elementary principles even of our own constitution. Mr. Wilberforce observed that he had been the more full on this topic, not only because he wish'd to expose the unfairness of the assertion, that the French government was as objectionable as it ever had been, but also because the House knew that this was no new opinion in his mind adopted for the convenience of the moment; they would recollect that he had last year express'd his wish that the French might adopt the American government, not as being that which in itself was best, but as that in which the French nation, in which were parties of various political sentiments would be most likely to acquiesce.

Mr. Wilberforce then proceeded to argue against the adoption of Mr. Sheridan's amendment. It was unnecessary, because his Majesty's ministers had declared themselves eager to embrace any opportunity of negotiating, and being unnecessary, it was also *unconstitutional*, for it was contrary to the first principles of our government, that parliament should interfere with the management of negotiations, except on the pressure of urgent necessity: but the interference in this case would not only be unnecessary, but *highly injurious* to the public interest. It was impossible not to have observ'd the bad effects which had been produced abroad by the belief of real or supposed discontents in this country, and every man's mind would naturally suggest to him how we might defeat our own object, by conveying such an idea to the enemy, that this country was in immediate want of peace, as would be produced by observing that even when administration had in the strongest terms declar'd its readiness to treat, Parliament yet came forward and push'd them on, or rather was determin'd to take into its own hands the time and conduct of negotiation. It was needless Mr. Wilberforce observed to be larger on this head.

For his part, he confided in the pacifick declarations of his right honourable friend, and he could not but think that they would be likely to be attended with the happier effects, because the expenditure of the year had been already provided for. This would shew, that however much

we wished to terminate the evils of war when no longer indispensably necessary, yet that this desire did not proceed from inability to bear its burthens, if the continuance of it should be forced on us by unreasonableness or obstinacy of our enemies. He therefore trusted that the decision of that night would confirm his expectations, and that the honourable gentleman's amendment being rejected, the Address moved by the Chancellor of the Exchequer would receive the general support of the house.

Mr. *Morris Robinson* declared, he perceived no peculiar improvement in the French government, nor was he solicitous to enquire whether it resembled, or ever should resemble, the American constitution, but if we were to wait till France had digested a regular and respectable government, he was afraid our hopes would be deferred to a very distant period. Peace on honourable terms was much to be wished for by this country if it could be obtained, which he thought there was ground for the expectation of from the present state and disposition of the enemy; he should therefore vote for the Address, which in his opinion tended to the accomplishment of that desirable object, and oppose the amendment, which he considered as necessarily impeding it. He condemned the minister for not having brought forward the great and important subject he had now laid before the house prior to his conclusion of the loan, by proceeding in a manner the reverse of that which his duty prescribed to him; he had sacrificed the interest of the publick to a monstrous amount, and established a precedent dangerous beyond measure to the constitution, if it should continue to exist by laying the foundation of providing for the dependents of the ruler of the day, in a manner extensive beyond what corruption had yet furnished the idea of. The blessings of peace, ardent as was his wish for them, was not the only motive for his joining in the Address, a motive even stronger than the inducement of that great object existed in his mind, the hope he entertained he by that means should prevent or at least suspend the destruction of the constitution. The cause for the necessity of passing those two bills, which had already excited terror beyond example in the feelings of the country, was now at an end, the only consequence of pushing them through Parliament, would, in its present circumstances, be throwing the country into a state of dissension with different parties, and disgust of the majority of the nation with its governors. He hoped that impediment and every other would be removed; to the accomplishment of that union of the national strength which

which could alone enable us to procure terms adequate to the dignity and welfare of this country, and establish the blessings of peace on a secure and lasting foundation.

Mr Grey began what was at once a reply to Mr. Wilberforce, and a speech upon the question in terms substantially as follows: "In rising to speak on this question, I cannot but premise, that, on the latter part of the observations which have fallen from the honourable gentleman who has sat down, there can be but one opinion. No man on this side of the house can be supposed to wish that peace, however desirable, should be procured, even at the risk of inglorious submission; or that such a relaxation should take place in the vigorous prosecution of the war, as to prevent us from demanding those terms which the King of England may justly be entitled to ask. If the amendment of my honourable friend recommended any thing unbecoming the dignity and honour of this country, or that tended to disable us from acting vigorously, I should have delivered the same opinion we have just heard stated by that honourable gentleman, (Mr. Wilberforce). Perhaps, indeed, I might have been inclined, upon the whole, to have watched the conduct of ministers, on this occasion, in silence, and thus placed the whole responsibility, where it ought to rest, upon them only; as the amendment is in fact, a compleat record of the sentiments of those who, as well as myself, have uniformly stood up the determined opposers of the principles on which this war was commenced, and the manner in which it has been conducted, I cannot but agree to give it my support. My honourable friend is blamed for his mode of argument; is it, indeed true, that opinions are so much changed, that we are become the accusers, and a administration the panegyrists of the French government? What is the wonderful difference in the order of things, which has given rise to such a change? I will not canvass the principles of the French government. It is enough to state that the government which the French have chosen, though somewhat different in appearance, is the same in principle with that with which we went to war, and which ministers formerly declared to be so odious and dangerous, that its total destruction only could be looked upon as the attainment of the object in view. It was in fact *bellum internecinum*. Recurring, however, to what I have formerly stated on this subject, the present government is worse than that we went to war with. We first engaged in war the Brissotines; they who are now in power are the successors of that party, more moderate indeed, but acting upon the same principles; the won-

derful difference is, that the form is varied; they have a council of ancients, instead of a committee, and a council of five hundred instead of a national convention. The argument with many might be "I wish not for the old monarchy; I want not the ancient government; but here is a notable government, one something like America." This, Sir is but a paltry excuse for doing now what ought to have been done long before. France is still declared to be a republic, one and indivisible in all its parts, founded on the same principles with which they set out. We have, indeed, achieved a mighty effect! Is it for this trifling difference that we engaged in war, have incurred an unparalleled expence, shed oceans of blood, and, in order to save our own constitution, have every year been obliged to sacrifice a part of it? Ministers, at the commencement of this war, were accustomed to state, that all success depended on being able to re-establish the old hereditary despotic government of France; and that in any manner to countenance the proceedings of the murderers of Louis XVI. was virtually to depose the King of England. This was attempted, but all their schemes have failed; the confederacy is dissolved; we have every where been baffled, except at sea; we have spent fifty millions sterling, and added above eighty millions to the capital of the national debt. There is little difference in the situation of affairs, and no additional security. I put it to those gentlemen, then how they can pretend to reconcile their sentiments and conduct; when at one time they declare that nothing but the total destruction and eradication of certain principles will be sufficient to pave the way for peace, and afterwards, taking advantage of a slight difference in circumstances, follow that line of conduct which has hitherto been recommended to them in vain? I am aware of the objection that may be stated to what I advance, and that I may appear to argue against myself; but while I sincerely say, that let a *bona fide* peace be made by whom it will, I shall rejoice, and now declare it to be the wish nearest my heart; yet I contend that it is proper that the matter be fairly stated to the country, and that ministers be not allowed surreptitiously to arrogate to themselves that merit and honour in the transaction which they are by no means entitled to. It may be said, that the present Message even goes farther than my motion, in which I wished to confine myself to a point of time; but the real difference between the sentiments of this side of the house and those of the other consists in this; we at all times asserted the propriety of negotiation; and although we may have used the expression, that the existing government of France,

France,

France, at the time such motion was made, should be no bar to entering into any treaty or negotiation; we meant not to deny that any other existing form of government would have been equally competent to maintain the accustomed relations of peace and amity. They, on the contrary, have, up to the present moment, objected to every idea of negotiation. To set this matter in its true light is, I conceive, the object of the present amendment. I certainly, above all things, wish the honour of the country to be saved; but by whatever circumstances these gentlemen may be influenced, I wish ministers to acknowledge the French Republic, and shall rejoice to think that they are determined to negotiate.

I wish to consider this message as an assurance to that purpose, and that his Majesty's minister is sincerely resolved to take the earliest opportunity of concluding a peace. Is this really so? He appears to give his dissent to this; then let him openly say so! I indeed distrust every thing which comes from him in the shape of words. Last year, in the amendment to my motion for entering into negotiation, the right honourable Gentleman stated that he would be ready to negotiate whenever such a government should be established in France as was likely to maintain the accustomed relations of peace and amity, leaving it entirely to conjecture what sort of government that might be, and not even saying whether the existing government at that time was such a government or not. At that time, we found that other governments, such as Denmark, Sweden, and America, thought they could; that Prussia afterwards thought so likewise, and that Spain had since manifested the same opinion; these honourable Gentlemen, however I suppose, thought they could not. There is one phrase in the message and address, extremely equivocal: We are to look for a disposition on the part of the French to negotiate thus; though the minister may acknowledge the competency of the French government for negotiation, he may take as much time as he pleases before he discovers a proper disposition manifesting itself. In short, looking upon it, until contradicted, as a sort of assurance on the part of ministers, I may for some time suspend my motion on this subject; and feeling as I do, and wishing to be perfectly explicit in my sentiments, leaving the right honourable gentleman to his responsibility, I shall vote for the amendment of my honourable friend.

The Chancellor of the Exchequer said he prefaced the address which he had the honour of proposing with very few words, because he conceived there could have been no difference of opinion upon the subject. He formed this opinion, both from adverting to the nature of his Majesty's gracious communica-

tion, from the situation of the contending parties, and from the existing circumstances of the war. What was most calculated to confirm that opinion was, the conduct of the honourable gentleman himself, who had just sat down, and who the preceding day, when he had introduced the present subject, after mature consideration, said he would not press the motion of which he had given notice. He declared he was at a loss to understand what was at this time the honourable Gentleman's object; it would seem that, had he followed his own inclination, there would and ought to have been no amendment, and yet he voted for that proposed. At the same time, too, he seems inclined to put the same construction on the meaning of the message and address that was intended to be conveyed by the amendment. It was really singular to observe the mode in which the question had been taken up; to attend to the arguments which had generally been used by gentlemen on the other side, and the conduct which they practically pursued.

The address went to pledge the House to co-operate with his Majesty on such measures as might tend to the obtainment of peace on honourable terms, and stated that the House was satisfied, that if a disposition to that effect was manifested on the part of the enemy, his Majesty was inclined to meet it, by which the House would entertain a hope that peace might be concluded on honourable terms, and that, whether we should succeed in the object by his Majesty's readiness to meet that disposition to negotiate, must depend altogether upon the terms. What said the amendment moved by an honourable Gentleman? It went a great deal further. It went to require his Majesty's ministers immediately to enter on that negotiation, whether they should see that disposition manifested or not; or rather, whether they should see that disposition affirmed or negatived by the enemy in the course of their conduct. Such was the nature of the amendment which had been supported by honourable gentlemen, who, upon various occasions, with so much zeal, eloquence, and address, frequently urged every topic to prove that ministers were responsible to the publick for not having opened a negotiation long ago, and that they should not wait until they saw the disposition to negotiate in the enemy; and now that ministers were coming forward, with a declared readiness on the part of his Majesty to meet that disposition, they charged them with having abandoned their former arguments upon this subject, to throw obstacles in the way of negotiation. This was the way in which they prayed to the house, and to the publick, the earnestness for a negotiation for peace. The theme of their eloquence formerly was, that peace was at all events desirable,

desirable, so desirable that they cared not by whom it was obtained. The theme of their eloquence at present was, that ministers had abandoned all their former arguments, and the whole of their consistency, by professing a readiness to meet the desire of the enemy, if any such desire should appear, to negotiate for peace upon just and honourable terms. The purity of such opposition was not a subject for them to discuss. Gentlemen seemed to triumph under the idea that they had discovered inconsistency in the conduct of his Majesty's ministers; and they seemed to triumph as if this inconsistency had been proved: they seemed indeed to triumph at the idea that they could impress upon the house topics which might restrain the object of negotiation. They seemed to rejoice that they had found means to impede that peace which they on so many occasions, in the animation of their eloquence, and the candour of their nature, declared to be the object which was nearest to their hearts. They seemed to triumph that, although the enemy might manifest a disposition to negotiate for a peace, yet by the present minister a peace could not be concluded. Whether such a triumph was founded upon publick principle and patriotic principle, or was a triumph of a less dignified nature, he should leave to others to determine, or, if they pleased, he would leave it to these gentlemen to determine for themselves.

What were the circumstances which had been strenuously insisted upon by the supporters of the amendment, and particularly the honourable gentleman who spoke last in favour of that amendment? He declared he had not heard one word to that effect by way of argument, as little had he heard against the address when he had the honour to move. He meant he had not heard any thing from these gentlemen against their agreeing to the address, for the drift of their arguments went against him self and the majority of the house, with whom he agreed in the whole course of the war, agreeing to the address. They endeavoured to prove that this address was perfectly consistent with their arguments upon all former occasions, when the subject of the war was debated, but perfectly inconsistent with the conduct of the majority of the house. This argument, thus singular in its nature, was founded upon neither more nor less than a total forgetfulness of every leading fact and every leading argument that had been brought forward since the commencement of this war, up to the moment in which he was speaking. These gentlemen applied all their objections, not to the conduct of the enemy, but to the conduct of the executive government of this country. They, in the first place, bring forward an observation which has again and again been con-

lated, that the war originated in the aggression of this country. They in the second place, wish to fix ministers with having stated it to be an absolute *sine qua non* to establish a certain form of government in France, and that too in the ancient form, that everlasting warfare was declared against every other system, and that unless that object was obtained; it was to be a *bellum internecinum*. Thirdly, that between the state of the present government of France and those that preceded it since the revolution, there was no practical distinction so as to give us any security for peace until the ancient form be established. Fourthly, that the present form of government in France, in establishing a Council of Ancients, &c. nothing had been gained to us. And lastly, that we had met, in the whole course of the war, nothing but defeats, disasters, and disgraces, with the exception of a few victories at sea. On each of these heads it would be necessary, before he sat down, to make some remarks. Upon the first point, he would not tread over the ground that had been already so fully occupied, nor imagine that it was in the power of any honourable gentleman present to reason over the majority of the house, to the persuasion that the war was not, in the most emphatical sense of the word, defensive on the part of this country, and, at the same time, the most important, in a general point of view, that ever was undertaken, involving the interests and well-being of Europe, nay, of all mankind. When that war was once commenced, it certainly became a most material question, when they could again look for peace? The answer could not but be, not until we have repelled unjust aggression, and procured reasonable hopes of future security.

On the first day of the present session he had stated to the house some reason for being satisfied with our efforts. He stated that he considered our efforts as an example to future times, as well as a satisfaction to our own feelings; as a source of comfort to every lover of justice, of good order, and of every thing that was respectable in society, that the efforts of a great and free people had done so much to stem the torrent with which all the civilised world was threatened to be overwhelmed. He stated further, that he should have been happy if the war had ended in a total dissolution of that system which had been adopted by our enemies. He stated also, that even dangerous as those principles were, the war might be terminated even under the present form of the government of France; and he observed that the evils with which civil society had been threatened by the principle on which this war had been carried on by our enemies, had been in a great degree

degree defeated. When he was asked, why we expended so much of our blood and treasure in the prosecution of this war, he would answer, it was because our enemies gave us no alternative but to hazard them. When he was asked, what we had gained by the war? he would answer, all that we must have lost without it. What did the supporters of the amendment desire the house to do? They asked Parliament to take away all discretion from the executive power, and give a bond to the enemy that all further efforts should be discontinued against them. These gentlemen were not content that the necessary inference of the principles of the enemy should follow in their course, but they must take away every means of making the negotiation an advantageous one to the country; as if the mischief of these principles could not otherwise be sufficiently certain; and yet these gentlemen, at the opening of the session, declaimed violently on the necessity of entering into a negotiation. They might bring forward, day after day, their different motions upon that subject, one after another, to record their principles that the war was unjust asking always in their turn, what we had got by the war? This, he believed, the house would think was not a very candid or just mode of proceeding. He would next call upon the house to mark the candour of the second part, to which he had adverted, of the argument of these gentlemen. He had said that the aggression of the enemy on us was violent, and unlike all former, even unjust wars, in which allies had been attacked or territories seized, or in which any of the usual causes of just war appeared; but that the war on the part of the enemy was intimately connected with principles which professed an intention to subvert all the established governments upon earth, which the efforts of the professors of these principles could reach. He said this principle would allow no rest to any established government upon earth while it had any force to resist with. He said so, and he felt it to be the cause of the present war, and that we had no resource but that of repelling with vigour the attack that was made upon us. He said also there were many in that unhappy country anxious for the destruction of that principle, and willing to co-operate with us for that destruction. He said it was the just exercise of the right of war to interfere in the internal concerns of an enemy, to endeavour to overthrow that government for the purpose of bringing the war to a conclusion. No man ever attempted to refute this principle upon the authority of the law of nations, or upon the principles of justice. He said he wished for peace on honourable grounds, and as favourable to us as possible. This

was all the interference that he ever intended with respect to the government of France. Instead of taking this on a fair ground, it was maintained by gentlemen on the other side that he wished at all events to overthrow the whole government of France, and to substitute the old in its place, and even that day was quoted the phrase of *bellum internum*, as applicable to the present war, a phrase which he believed was never pronounced by any gentleman on that side of the house but to repel a misrepresentation from the other side. He would say positively for himself, he never used it for any other purpose, and he believed it was never so used by any other. When he said that the government of France was bad in principle, he then said that even under that government there were circumstances that might compel us to treat for peace. He did not deny that he had admitted, nay contended, that monarchy was desirable for that country, and for the general interest of mankind; but to the idea that he had at any time made the restoration of monarchy a *sine qua non*, was to entirely beyond all he had ever uttered upon the subject, that he should not argue it.

He was come to another point which had been a good deal insisted upon; viz. that if the executive government should make peace, they were chargeable with a dereliction of their principle. How stood that point? He said on former occasions, that we could not make peace until there was a reasonable expectation of security for its continuance, and that if such a security would be reasonably expected, that then the question must depend upon the terms. No, the question was, did the enemy stand in such a situation as to make that expectation of security reasonable, and will they show a disposition to negotiate? It was on these points our conduct should be regulated.

In considering that part of the subject, the next question was, is there not a substantial difference between the former order of things in France, and the present order? upon this subject gentlemen had argued as if the former mode of government was as good for our security in negotiating as the present. That question, like every other, must depend upon all the circumstances which attend it. Gentlemen on the other side had said, if the terms were right, the former government was such as we might have treated with safely. He had said he did not think so, and of the former government he would say the same still. But he said we should treat now because the present government might be safe. These gentlemen turned round upon him, and said, "This is not the time in which we shall be safe in treating according to the minister's own principles."

principles. He is inconsistent with himself; he abandons his own ground. These gentlemen, in their anxiety for his consistency, lost sight of the interest of their country, which was committed to their charge. Whether there was a great difference between the situation of France at the present or at former times, when he had denied the policy of attempting to negotiate, was a question into the detail of which he should not at present enter; he would refer to what he had said on that point on the first day of the present session. He had said then that from the change which had taken place in the form of their government, from the change which had taken place with regard to its mode of calling forth its supplies, and, above all, with regard to the change which had vitally taken place in the disposition and temper of the people of that country, there was a reasonable hope that a peace might be concluded with them at this time: and this hope had not existed at any former period of the war. There were points in this argument which he knew gentlemen on the other side would be disposed to contest; but be the degree what it might, there certainly was a difference in the situation of France at this moment from any other period since the commencement of the war. Gentlemen should not mistake him—he was not going to pronounce a panegyric on the present form of the government of that country. He only said it was different from its former state. The gentlemen on the other side had talked of an attack on the principles of that country by some, and the defence of them by others that night; was it a mere slip of inadvertency or did they mean it should be understood that he was to invert the proposition, and say that he attacked the principles of the French, and that these honourable gentlemen were the defenders of them? He would leave that to the cooler reflection of these honourable gentlemen. Whether they defended the constitution of the French he knew not; he was not the defender of it, except on a comparison with the former one. There were others in this country who certainly were the defenders of the French; those who professed to be the friends of the French principles, who adopted and avowed them; who had attempted to introduce into this country jacobin names and sects; who had endeavoured to reduce them into practice; who had tried to subvert the constitution of England; who had treated with contempt the present form of government of France, because it bore too near a resemblance to some part of the constitution of England; who had expressed their abhorrence of it, because it was supposed to have some likeness of something that was English. This of

Itself proved to him the advantage the new constitution has over any which preceded it, because it has become the object of veneration to these people, instead of being the theme of praise. But does any man mean seriously to assert, that no difference has taken place? When the Rights of Man were fully acted upon, there was but one only representative body, containing in itself all powers legislative, executive and judicial, the only lawful center from which every thing was to proceed. The new constitution was a complete disclaimer of that wild and delusive theory. It was founded on experience as far as it went. They had admitted the doctrine, the falsehood of the doctrine, of perfect equality. They had admitted (for he was not afraid of the word) of artificial distinction, which fastened and kept together the mass of society. They had endeavored to repair the breaches of their former system, a system of pure democracy, a system which united in it all the horrors of other systems, without the advantage of either; instead of having one popular assembly, where the sudden and uncontrolled gusts of passion subdued the reason; and the French, dangerous in their determination to their neighbours, instead of that condition in which the wisest man was under the controul, and subject to the correction, fury and frenzy of a mob, instead of being subject to the violence and fury of a lawless rabble, they had arrived at one point that would be useful to them, they had laid hold of one of the elements which contribute to form a social state for man, a mixed form of government. They had separated the legislative from the executive part. They had formed two houses of legislature, and had so far imitated what contributed so much to the excellency of our constitution. Were these points to be got rid of by quaintly calling the two houses of legislature old and young gentlemen, as he had heard them called? The thing in plain English was this; they had now two houses of legislature instead of one popular assembly. They had now an executive government, separate from the legislative. These points constituted a difference between their present form of government and that of a pure democracy. Whether their present government was a machine that would last for a great length of time, he would not pretend to decide; he was not presumptuous enough even to guess. He only said they were so far wiser when they preferred experience to theory. Nothing that the most ingenious artist had designed at once, could in his mind be equal in utility, application and excellence to that frame of government arising from the adoption of gradual improvements naturally suggested from time to time

in the course of events, and which was the result of the experience of mankind in the course of ages.

But after all, he would ask, if he had relied all his security on the form of government lately adopted in France? Gentlemen had said that he had insisted that the former government of that country was not capable of maintaining the usual relations of peace and amity with other powers, and that now he evaded that question. How had he conducted himself upon that point? Had he ever denied that even the government of France then was totally incapable of being treated with? No such thing; he had thought that to compel the government of this country to treat with France was, under the circumstances, inexpedient on our part, and because the propositions brought forward by gentlemen on the other side, were more dry and abstract questions, leading to no particular good effect. We were not to conclude in the abstract, and without considering the situation of the enemy, without seeing what were their means and what their dispositions. What was likely to become the situation of both? While the system of terror prevailed in France, whether the disposition of the people nor their means could be judged of, both being covered with the homage which they were obliged to pay to tyranny. But he had been asked, what he thought of the views of the French with regard to their future operations? He must answer, he could not say; but he would say that France would consult its own happiness by not continuing further to disturb the tranquillity of Europe, and by agreeing to just and equitable terms at this time, and he maintained that the state of their finances was in such a situation as not to enable them to proceed much longer in the contest without utter ruin to themselves. This subject indeed has already been amply discussed. As an additional argument, he desired only to call their attention to what had passed within these few weeks; he appealed to the dying confession of the old government, and to the infant acts of the new. If such were their exhausted state, it could hardly be supposed that they would soon again be inclined to revive the contest. These circumstances, which he had just mentioned, were almost all new, and, as he had endeavoured to prove, very different from any that had hitherto occurred. Some might imagine that there was sufficient security before that period. They could not then deny that there was more at this time.

Another part of the speech of the honourable gentleman who spoke last was extremely material to be attended to. He had been pleased to say, that the war had been to us a scene of disasters

disasters and losses, except in the instances of sea engagements. That was the account which that honourable gentleman had pleased to give the effect of our exertions. He said we had met with nothing but disasters, with only the exception of a few instances; and then he brought out a cold parenthesis with respect to our sea engagements. That such an observation should come from that honourable gentleman was extraordinary indeed. Was it true? Was there ever a war in which this country could boast of so many successful candidates for the fame and glory? Was there ever a war in which the British character had been rendered more exalted, or in which the state of our land as well as our sea service had achieved more military fame, from the highest in command to the lowest attendant? Had the honourable gentleman forgotten what the British had done in Holland and in Germany, and was the laurel not their due as much as if their efforts, in conjunction with others, had been successful? Was nothing to be said in praise of disappointed valour? Had the son forgotten the service of his father? Had that honourable gentleman forgotten what was accomplished by Sir Charles Grey in the West Indies, or did he feel no pride or gratitude to that illustrious officer for his conduct upon that service? Nor did he agree with that honourable gentleman in considering the present war in other respects so disastrous to this country, even supposing it to end as it now was. Let him look at the three different points that we had gained in the present contest; Martinique, Cape Nicot, Mole, and the Cape of Good Hope; and then let him ask himself whether they were not the most important that could fall into our hands? These points would show whether the war was so very disastrous to us as the honourable gentleman had stated, and this would lead the House to reflect whether, as we had means in our hands, we had not reason to expect, if true to ourselves, to bring the war to a successful and honourable termination. As to the discretion which gentlemen seemed so unwilling to give executive government upon this occasion, he must desire that the House would not interfere with it in the course of the negotiation, if they chused to attach to government any responsibility for what they were about to do. But if his amendment and the advice of its promoters were adopted, the discretion of government would be entirely taken away, and the responsibility would be doubled. All that was to be done, must be done with a view to the relative situation of the enemy. The honourable gentleman said that ministers would have a loophole, and that they would creep out of it, and, after promising to negotiate, carry on the war. He would say then, that if his Majesty had reason to believe there was a disposition in

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the enemy to negotiate, his Majesty would meet that desire, and endeavour to render it effectual. This address neither precluded his Majesty from entering into a negotiation immediately, nor did it bind him to make it in any form. He would say again this must be left to the discretion of the executive government. It was said that they allowed only the present order of things to be such as they might treat with, and that they might suppose no other equally competent, consequently if another change were to take place, they should be just where they were. That however, was not altogether the case. The permanency of the present government of France does not now, as formerly, so much connect itself with the permanency of a treaty of peace. Formerly the succession of parties was so rapid and so violent, that an entry making peace with one, would have been sufficient reason for the other party to set it aside; but considering the situation to which France is reduced, no man could pretend to say it would be policy in any other set of men who might come into power, to reject a treaty of peace concluded with the present rulers. If it were asked, what he would do were the same miserable state to recur, which gave rise to the present contest, he should answer, that were he in possession of the means, he would again earnestly request the House and the country to repel the unjust attack, as they had done before.

The Chancellor of the Exchequer concluded with observing that neither the form of government of France, nor the circumstances which subsisted formerly, were any longer the cause of preventing a negotiation between France and this country, and that the whole question of peace must depend on the terms. For this reason he should vote, for the Address which he had proposed to the House as a proper measure in the present conjuncture of affairs, and of course against the amendment, as a measure intended to defeat the object of the Address.

Mr. Fox said, that, however he might differ from much of what fallen from the honourable gentlemen, however he might object to the terms of the address which had been moved, there was one thing which must give him pleasure, he must congratulate the House and the country on the complete change which had happily taken place in the language and in the system of government. The House would believe him when he said that he rejoiced, and when he congratulated them upon this change, since he had also to congratulate himself upon the occasion, as this change of language and system pronounced his pardon, as was and complete abolition of all his past sins.

Ministers had made a total retraction of all the charges they had brought against him for the motions he had made, and for the doctrines he had held from the commencement of the war to the present day; they had fully acquitted him, and had positively declared, that, in every sentiment he had uttered, he was right, and that the House should have acted upon his opinion; for all along he had maintained the doctrine delivered by his Majesty's message. Three years ago, viz. on the 15th of December 1792, he had made a motion for a negotiation for peace. In June, 1793, he had done the same thing; he had moved an amendment in the course of the same session, tending to the same purpose. In January, 1794, he had supported the motion of an honourable friend, and in the latter end of the same session he had maintained and supported in argument the same sentiment as that conveyed in his Majesty's message, namely, that it was fit and proper to negotiate with the existing government of France. It had been his uniform argument, that, at every moment from the first commencement of hostilities to the present, it was wise and political to make the declaration which had been then submitted to the House, that France was in a state to negotiate with this country. He had therefore at present that triumph, that ministers retracted by the message all the language they had held in answer to his motions, and all the imputations which they had thrown upon him. "What!" they said, "treat with men whose hands are bespattered with the blood of their sovereign! What! treat with men who would come here with principles that are destructive of all government? What! deliver up ministers bound hand and foot by a declaration of this kind?" Such were their arguments, and yet only mark their conduct; they on this day declared themselves ready to treat with the new directory of France, four members of which had actually participated in the judgment and death of their sovereign, and were directly implicated in that act. He was sorry to see that not all the ministers were present in that House, who had spoken in answer to his first motion; it would be recollected, however, by all what was the language of a noble secretary of state (Lord Grenville) upon that occasion. "What, would you have us to sanctify that murder? Would you have us to abet the regicides, by treating with them?" They must forego that charge; they must abandon that imputation, and acknowledge that it was a gross calumny; for at this time with the same identical men, and without any declaration made by the government of France, of the injustice of that act, or any acknowledgment tending to the most feeble expiation,

expiation, they declared their readiness to treat. It was alleged against him, and the gentlemen on his side of the House, that their motions and reasoning went to oblige ministers to treat. They did no such thing; neither his two amendments, nor the motions of his honourable friend (Mr. Grey) went so far as the present message from the Crown. His amendments did no more than declare that there were no embarrassments to treating in the form of the government of France; nothing that made it impossible or improper for this country to treat. The motion of his honourable friend was still more gentle. It was, that there was nothing in the government of France that tended to retard a negotiation. But the present message declared at once their readiness to treat under certain circumstances, and the House were called upon to do what had then been declared to be so improper, so degrading, and so ignominious. All these foul epithets, however, were now completely retracted, and justice was done to the good intentions, and to the sound policy of the gentlemen on that side of the House. It might be supposed, that, in supporting the amendment that day made by his honourable friend, that he was arguing against the address. No, he was arguing for the address: he was supporting the address by the best means by which it could be supported, by adding to it an amendment which would make it intelligible, and give it meaning and force. If it should be said that it was an opposition to the address, because there proposed an amendment, he must protest against such reasoning, which tended to deprive him of the freedom of speech. If he must agree to a proposition only in the terms in which it was put, he was deprived of deliberation, and was no longer permitted to be a free reasoner. That would not, however, he supposed, be seriously disputed: and it would not be ascribed to him that he was an enemy to peace because he agreed to an amendment to a message conveyed in terms extremely equivocal. An enemy to peace! The whole tenor of his reasoning, from the commencement of the war, was, that every moment was favourable to a negotiation for peace. Had he any objections to that peace being concluded by the honourable gentleman?—None; he should think it an addition to the blessings of peace, if the country could along with it procure the advantage of bringing his Majesty's ministers into disgrace; and he should conceive that they were completely disgraced by the retraction of every assertion they had made, and by the surrender of every objection which they had held out as the pretext of war. If that should be said to be an invidious mode of speaking, he had no objection.

tion to plead guilty to the charge; he most assuredly did think that, next to the blessings of peace, would be the disgrace of ministers, who had entered upon the war without reason, and rejected every opportunity of concluding a peace upon terms infinitely more favourable for the country than any that they were now likely to obtain. It might, however, be their consoling idea, that if they had rejected peace upon better terms than they were likely to obtain, that still they had brought the country to such a pitch of calamity, and so clamorous were the people, that peace upon any terms would be received from might be their feeling. If it were possible to believe that the them as a boon and an atonement for all their transgressions. Such members of that House could so far surrender their pride, their independence and their spirit, as to justify such a sentiment, he could only say that they surrendered their public principles to personal motives, but that such conduct was inconsistent with their duty as representatives of the people, and incompatible with their character as men of honour. No: though they should give peace to the country, he would not agree to forget their demerits. He would still think himself bound to accuse them as the authors of all the calamities that we had suffered; and that he would not think it was a sufficient atonement for their conduct, that they had departed from every doctrine by which they had prevailed on a majority of that House to support them in the system.

He next came to consider the question of the amendment. And first, it was necessary to enquire whether the Address wanted explanation? and secondly, whether it was necessary, in addition to the declaration which it contained, to come to some precise expression of the sense of the house as to the necessity and wisdom of a negotiation, whatever might be the form of the government of France? The right honourable gentleman said, that they should be left open to negotiate, but not be obliged to it. Upon that he would enquire, whether there did exist at this moment a form of government in France, that in the opinion of his Majesty's ministers made it wise, fit, and practicable for them to treat? That was the question. Was it not the intention of gentlemen, that with such a government they should treat? Last year, when his honourable friend made a motion for a pacification, the honourable gentleman objected to it as being a practical declaration for treating, and he moved an amendment, which he called a conditional declaration, that we were disposed to treat, whenever there was a form of government in France capable of maintaining the accustomed relations

lations of peace and amity with other countries. That time was come. His Majesty's Message expressly declared that they were come to such a form of government. Nay, a more precise term was used than in the amendment of last year, for, instead of other countries, the Message expressly stated Great Britain. Then if they were to come to that state, "why not declare, (said Mr. Fox,) that you will treat with them? Why not act upon your own declaration? why not be steady to the principle which you have pronounced, and declare that you will treat?" Since that declaration was made in the month of June last, there was not a statesman in Europe, except his Majesty's ministers, who did not believe that France was in a state capable of maintaining the relations of peace and amity with other countries. Their conduct to neutral powers had demonstrated the fact. Prussia had acted upon the demonstration, and had concluded a peace accordingly. It was evident to all the world then, except to the King's ministers; and if they had been sincere in the declaration that they made in the month of June last, it would have been manifest to them also, and they would have acted upon it. With this glaring fact before their eyes, would the house again leave it in their power to juggle with words, and to evade their own declarations? Would they not think it necessary in prudence to bind them down to a specific act upon their own words? If they did not, what possible confidence could they have in the present declaration more than in the past? They might say, it was true that at the time of making such declaration there appeared to be a disposition in France to treat; but circumstances had changed, and there was not the same disposition. They might affect to see circumstances unknown or totally disregarded by the rest of Europe, and might say that they were not bound by the present declaration, and that the house had come to no opinion which made it necessary for them to treat; such had been the result of their former conduct. The right honourable gentleman had persuaded the house to leave them open, and they had neglected the time upon which other statesmen, and other cabinets, had wisely seized, and happily improved. If the house desired, therefore, that the blessings of peace should be restored to this country, they must take care that the present address should be precise and articulate. If it was not clear and intelligible, it was fit that it should be amended, and the experience of last year should convince them that no loophole should be left, no latitude given, to that disposition to equivocate, which they had so much reason to lament.

Speaking of France, the right honourable gentleman had said, that the present was a fit government with which to treat; and he accused his honourable friend (Mr. Grey) of having made a slip of the tongue, when he said that by a singular state of things they might be said to be attacking the French constitution which ministers were defending. It was no slip of the tongue; nor was there any thing wrong in the reasoning. His honourable friend never otherways had defended the former constitutions of France as being good governments for the people of that country, but good in relation to others. He and every gentleman around him had contended, not that the constitutions of France were well framed for the happiness of the people of that country, but that they were sufficient for all the purposes of good neighbourhood, and of observing peace and amity with others. They never attempted to defend the government of Robespierre. The right honourable gentleman would not do him the injustice to impute to him an approbation of that detestable monster. He had always said that every one of the successive governments of France had shewn a disposition and capacity for maintaining their treaties with foreign nations. He was of the same opinion still; and if any one man should rise in his place, and assert that he saw good reason to believe that the present government of France was more capable than any of its predecessors to maintain those relations, he must only say that he should very much doubt either of his sincerity or his judgment. It had been a darling expression to call the state of France for three years past a state of anarchy. It would have been a more correct description to call it a state of tyranny, intolerable beyond that of any perhaps that ever was experienced in the history of man. To say that he rejoiced in the probability of its termination was, he hoped, unnecessary. He certainly rejoiced in it as much as he did in the fall of the tyranny of Bourbon. Was that tyranny, however, capable of maintaining terms with foreign powers? Most certainly it was. And if that assertion should be denied, he called upon gentlemen to produce a single instance in which they had departed from the strict performance of their engagements; a single instance in which any one of the adverse parties that tore one another in pieces, and in their despicable and horrid conflicts tore also the bosom of their country, ever violated the engagements they had made out of France. Did not the Brissotine party maintain the treaties of their predecessors? Did not the execrable tyrant Robespierre himself observe with equal fidelity the treaties made by Brissot?

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Were not his successors equally steady in their perseverance in the external system which had been adopted? It had been remarked with truth, that no one time in the French revolution had been marked by a more sacred regard to the neutrality of foreign powers, than the reign of that execrable tyrant Robespierre; and it would not be denied, but that treaties had been made with tyrants as execrable; and considering what sort of treaties ministers had made, with whom they had made them, and what acts of base and abandoned tyranny they had not discountenanced, it was not worthy the manly character of the British nation to abet them in their resistance to a treaty with France.

Having thus shewn, what in his mind, he felt to be the futility of all objection to treat on account of the insecurity of treaty, Mr. Fox came to their next argument, that France was at this time in the greatest possible distress. Granted. Was that a reason for treating at present? Was it because this very stable government was on the point of annihilation, that it was capable of maintaining the relations with foreign powers? The absurdity was too gross for argument. If their distress was reason for treating with them, had they not this distress a twelvemonth ago? Let them remember the speeches of the right honourable gentleman and his noble friend on the state of their assignats, when they said that their depreciation was at the rate of 80 *per cent.* Aye, but they had not come to sufficient distress to be solicitous of peace, and it seems they were by this time come to that disposition. And what was of more consequence, it seemed that they had at present a constitution, which was quite fit for all the purposes of negotiation. If ministers depended upon this slender thread, our security was slight indeed. He was not about to praise or to censure their new constitution; that he owned could be estimated only by experience. But whether it was good, bad, or indifferent, did not signify a farthing to the present argument. It was not their enquiry, whether it was calculated to give happiness to the people of France, it was none of their concern; it was not with the constitution, but with the government of France, that they had to do. That government they had before, and had, he would venture to say, in as perfect a shape as they had at present. Nay, if they could trust to an assertion that had been made in that house but very lately, had it more perfectly, since it was said, that some of their generals had violated the treaty that had been made with Prussia. What was the construction to be put upon that conduct? That the government, the only one

under which the slightest violation of treaty had been known since the revolution, was also the only one with which it was proper to treat. [*It was whispered across the house, that the violation alluded to happened before the establishment of the present government.*] Before! said Mr Fox: it was expressly stated as an argument by the other side of the house, that day sev'night; that it was totally without foundation he believed; he certainly never had heard it except in that house upon that occasion. But, oh, they were to have perfect confidence in these identical men, because France had two houses of legislature instead of one. Their nature was to be changed, their insincerity to be corrected, and every objection to be at an end, because France had at this time two houses instead of one! There was something so extremely whimsical, and so unworthy of statesmen, in that mode of reasoning, that he would not stop to reply to it. He did not mean to criticise the present French constitution; he certainly thought it better planned than any of the preceding; but he would not trust to it with greater confidence than to any of its forerunners.

The origin of the war was the topic that next presented itself, in which he would not cease to say, that ministers were the aggressors. It was their eternal answer to that charge, that France had declared the war. Their incessant recurrence to that feeble subterfuge proceeded from a conscious qualm that the accusation was well founded. In his opinion, even in a case of actual insult, it was the duty of statesmen to attempt to procure redress by negotiation before they recurred to the argument of war. Had ministers taken that course? The pretexts were, that the French had threatened to deprive our allies, the Dutch, of the free navigation of the Scheldt, and that they had made a declaration threatening all the world with the dangers of fraternity. Grant that these were legitimate grounds upon which it was the duty of this country to demand satisfaction, was it not the duty of ministers to negotiate for that satisfaction? The French had a minister at our court. Why did they not express to that minister the terms upon which they would continue their amity? In every correspondence of the sort it was incumbent on both parties to state explicitly what they desired to be done, and what they would do in return. Let gentlemen look at the correspondence which had been published, and they would see that there was no declaration on the part of ministers upon what terms they were disposed to continue their amity. Grant even to government their demand, that the French were the aggressors, and that the war was merely a defensive

war; then it was the nature of a defensive war that it should be pursued on the motives of defence, and that every moment should be seized upon when it might be possible to obtain the security for which it was undertaken. He appealed to the house and to the country if this had been their conduct? He demanded whether, after the defeat of Dumourier, when Belgium was recovered, and when French Flanders was overrun, a peace upon the terms of security, and upon such terms as we had not at this time either reason or right to expect, might not have been obtained? If the war had been really defensive, if it had been undertaken only to resist encroachments, terms ought then to have been offered upon which we might have procured reparation, security and indemnity. Terms were offered by the French: Marat was sent here commissioned to offer terms. But they were denied. Upon what principle? Not because we were fighting about a limit, about a boundary: but for that security which could only be obtained by the destruction of their government. He would not say that it was expressly stated that the ancient monarchy should be reinstated, though, by the bye, lord Hood, in his declaration at Toulon, had impressed that opinion upon every part of France; but both then, and at every period since, it had been the avowed object of ministers in the war, to destroy the Jacobin government. Was the Jacobin government destroyed? Was the government founded on the Rights of Man at an end? Had the declaration of the 19th of November, 1792, been any otherways abandoned than it had been two years ago? Why had they not then treated before? Because they had objected to treat expressly with any government founded on the Rights of Man. He would not say that the right honourable gentleman had gone the length of asserting that it would be a *bellum ad internecionem*; he had said there might be a case of extremity, but he introduced a quotation which had this use, that it left an impression of his meaning on the memory, and the words were not liable to misconstruction. His quotation was——

——— "Potuit omne plurima virtus
 "Eile, fuit. Toto certatum est corpore regni."

Such was the right honourable gentleman's declaration. But we were at length come to a government, when we might surrender all our former assertions, and safely treat for peace. Had we then obtained the objects of the war? The first was our obligation to defend our ally, the States General.

neral. He had always lamented the fate of that unhappy people. They were entangled in a situation, from which, whoever were conquerors, they could not escape; whoever gained, their ruin was inevitable. Had we saved our ally? It was the boast that we had taken the Cape of Good Hope. Good God, was this safety for Holland! We had abandoned their possessions in Europe to France, while we had marked out their dependencies in the East for our share of the plunder. Our protection was like that of our allies toward Poland; we divided it for its safety; and it was an argument for having abandoned all its European possessions to France, that we had seized, or were about to seize, on all its Asiatic territories for ourselves. He could not help again digressing to one of the attacks which had been made upon himself. What (it had been said) would you be so dastardly as to negotiate for a peace with France, and leave Holland in their hands?" Even from this attack he was delivered, ministers had agreed to become the dastards, and to treat with France, possessed of Holland. This they must acknowledge, or agree with him that there was nothing dastardly in the proposition last year. He wished to God it were as probable now as it was then, that it might be recovered by negotiation. He still trusted it would be so. There were other reasons that, at this time, indeed them to negotiate for peace. The domestic state of this country was changed. He could not avoid remarking how the arguments varied. If they were speaking upon the seditious Bills, and he should assert that there were no excesses in the country, that called for such unconstitutional restraints, he should instantly have a set of pamphlets and hand-bills produced, and hear them read to prove that Great Britain was shrouded in a state of rebellion; but if he should demand why the present was a more fit time than any other to negotiate for peace, he should be instantly answered, because we were happily safe at home against all danger of Jacobin principles. If he should say that by the increase of our debt, by the daily growing load of national burthens, there was much discontent in the country, it would be answered, no such thing, the example of France has checked every symptom of discontent with the present order of things. Then why pass the abominable Bills? Why? it would on the other side be answered, because there was something so perverse and obstinate in the seditious multitude, that nothing but depriving us of our constitution could make us safe. In this way did they reason.

Each

Each measure had its own style of amendment; and it was thought necessary to insult the understanding, as well as to impose chains upon the person. We had failed then in Holland; and we had failed at home. What had we done for the rest of Europe? What for Prussia, Spain, and Austria? What had been the fate of the war in general? His honourable friend had spoken generally of our disasters, with the exception of our naval exploits. The right honourable gentleman, with that peculiar cast of candour which belonged to himself alone, had thrown out an insinuation that his honourable friend had forgot the achievements of his illustrious father. What fortunate impression his candid sneer had made upon the House, he would not enquire; his honourable friend had spoken generally of the disasters of the war, without thinking it necessary to enumerate the particular instances in which, under the conduct of great and gallant officers, even the incapacity of ministers had not deprived the British arms of glory. What great advantages, however, had we obtained in the West-Indies, except the glory of Sir Charles Grey's achievements? Would any man say that the manner of the loss of Guadaloupe and St. Lucie did not make us lament their previous conquest? Again therefore he asserted that the war had been disastrous, inasmuch as we had failed in every object. We had lost Holland, which was one object of the war: and we had settled and imprinted discontent on the minds of the people of England, not merely by the calamities arising from the war, but from the measures we had taken, and were yet taking, to stifle that discontent. Peace however was said to be near; perhaps he thought it was near, but he did not think so on account of the message from the throne. He thought so because ministers felt the sense of the country to be declared against the war; because, however they might affect to misrepresent the feeling of the country in their speeches, they felt in their hearts, and there was not one man in the kingdom, the race of money-jobbers, contractors and interested persons only excepted, who was not sick of the war, as well as of the miserable pretences for carrying it on. He thought, therefore, that to fix ministers to the point, they should adopt the amendment. It was a vulgar opinion, and the most vulgar of opinions, that it was constantly disadvantageous for a power at war to be the first to offer terms of peace. Nothing could be more untrue; the experience of history proved the reverse. It was frequently an advantage to the offerer; and he would venture to say, that if they were to offer peace upon just and reasonable terms, it would

would not be in the power of the Directory, nor the House of Ancients, nor the two Houses joined, to refuse those terms. The people would force them to agree to them.

The honourable gentlemen had not thought it necessary to open his motion for the Address with any exposition of the reasons why the message had been brought down at this very remarkable conjuncture. The speech from the Throne was made on the 29th of October, and then no such intimation was given; but the right honourable gentleman had said, that a declaration tantamount to the present was made in the King's Speech, and that the people from that speech would have been justified in expecting the present message. They must judge of the impression by the effects. The speech from the Throne had produced no sensation on the funds. What had the message produced? A rise in the funds that day of 5 or 6 per cent! He came therefore now to a material part of the present enquiry. Why had not the right honourable gentleman made known the substance of this message before, or at least why not state his reasons in justification of doing it at this most suspicious moment? It had been the good practice till his time of closing the Loan only the day before it was opened to Parliament. If the right honourable gentleman had made his Loan in that way, he must acknowledge that, with the terms of this message in his pocket, he ought to have made terms materially different. If he had this message in his mind, and felt himself bound not to make an open Loan, in what predicament did he stand? Messrs. Boyd and Co. very handsomely left it to him to propose the terms; then, with the knowledge of this intention, ought he not to have made a bargain upon the ground of the impression which this message was calculated to make? Were the circumstances of the country such, that he was bound to make the bargain a week before he opened it? Perhaps the suspicion was well founded, that his secret contract with the gentleman, on account of bills coming due on the 10th of December, was that the bargain should be made before that day? He called upon every gentlemen, however, who heard him to say, if he could believe it possible that any change could have happened so material as to justify the concealment of this intimation until after he had made his bargain, and then to bring it forth to swell the *bonus* to such a height; or, that, if any circumstance had arisen to justify the concealment then, and the intimation at this time, to say why the honourable gentleman should not be called upon to state them. A loss had been suffered by the public of not less, on the meanest computation, than 150,000*l.* This had been put into the pockets

of persons who talked loudly of their independence, and of the disinterested support that they gave to ministers. It was not his practice to impute any thing personally corrupt to the right honourable gentleman, and he did not impute to him any thing of the kind then; he did however think that, in decency and in duty, in regard to himself as well as to the country, he was called upon to explain this extraordinary transaction. It was a direct robbery upon the public of 5 or 6 per cent. upon the whole Loan, if with the knowledge of his intentions he made his bargain without a public declaration of the change that had taken place; and he must prove that he did not know of this change but a week before he declared it. The change, however, was now announced. He trusted the declaration would not have the fate of former declarations. He should rejoice in the day of peace, come when it would. When it did come, he should certainly be thankful; but he should not forget the origin of the war, nor its conduct. He trusted that with the return of peace we should also have a return of the constitution. He should truly rejoice, if, with the blessings of peace, we were also to have the next desirable blessing, that of freedom, of which we were about to be deprived. With regard to some persons in the cabinet, with whom he had long been in the habits of agreement and friendship, he knew not what effect peace was to produce upon them. They had differed upon the principles of the present war. If peace should put an end to the differences between them, and more particularly to their former habits of thinking and acting, he should undoubtedly see the day with peculiar sensibility. He owned, however, that he had very little expectation of such an event. He was not so sanguine as to look for such a return. However that might be, he should ill discharge his duty to his country, if he did not steadily resolve to do his utmost to bring ministers to a strict account for all the calamities that this war had engendered.

Mr. *Secretary Dundas* began with observing that, the right hon. gentleman (Mr. Fox) had, with much warmth, asserted, his right of giving his opinion freely upon the conduct of administration through the whole course of the war. He was very far from desiring to question the right of that gentleman, or of any other member in the House, to investigate the measures of ministers, and to censure them, if they appeared deserving of blame; on the other hand, however, ministers had an equal right to reply to those attacks, to point out any mistatement of facts, or any fallacy of reasoning which their opponents might adopt. It was with that view that he rose to make

a few observations upon the speech of the right hon. gentleman who had just sat down. He could not avoid remarking, that the gentlemen on the other side, who appeared such strenuous advocates for peace at every part of the war, without any regard to the circumstances, should all of a sudden, when, from his Majesty's message, there appeared strong grounds to hope for the attainment of that blessing, turn short round, and throw every obstacle in their power in the way of it. Did gentlemen suppose that any human being could give them credit for their professions of anxiety for a peace, when they proposed an amendment to the address, which they were aware must be against the sense of the majority of the House, because they contrived to introduce into their amendment, principles which they knew had been repeatedly and solemnly disavowed by that majority? Was then that amendment calculated to accelerate the blessings of peace? Or was it intended to serve the purposes of a party? In that point of view he, and he believed every impartial man in the country, must consider it. It was very far from his intention to go over the same line of arguments which had been so ably enforced by his right hon. friend (Mr. Pitt,) because, in so doing, he should only disgust the House, and injure the cause he meant to support. He should only, therefore, proceed to observe upon some points in which he conceived his right hon. friend had been unfairly misrepresented. The right hon. gentleman who spoke last (Mr. Fox) had entered into a long argument, to prove that there was no disgrace or impropriety in being the first to propose terms of peace, and had shaped it so as to make it appear as an answer to something that had fallen from the Chancellor of the Exchequer. He appealed to the recollection of the House whether any thing had fallen from his right hon. friend at all tending to prove, that it was contrary to the interest or the honour of a country to make the first advances towards a peace. Indeed, there were so many indirect and collateral means of sounding each other's intention, that it was frequently difficult to discover which party first made the offer; that was not however, the object of his hon. friend's argument; he had only contended against the injustice of putting the executive power to the necessity of making a peace, and at the same time making ministers responsible for the terms. If ministers were sed down by the authoritative injunction of parliament to make a peace, with what success could they treat? They must say to grant the enemy, We wish to negotiate, and we hope you will us favourable terms; but whether you do or not, we must make some peace or other. What terms the enemy would grant,

grant, in a treaty commenced under such circumstances, he would leave to the House to determine. All that he contended for, was that as ministers were responsible to parliament, and to their country, for the advice they gave his majesty, their judgment and their actions ought to be left unfettered. If that argument were just, and he thought it impossible to controvert it, did it not apply strongly against the present amendment, the necessary effect of which would be to bind up the hands of the executive power, and to lay the country at the mercy of France ?

There was one mode of debating, which the gentlemen on the other side uniformly made use of, which he had often complained of, and against which he now desired most seriously to protest ; it was this ; in the course of a debate they brought forward some misrepresentation, either of the arguments or of the intentions of administration, and having once introduced the misrepresentation, they never gave it up. It was of no use to deny their assertions ; it was of no use to refute their arguments ; in every succeeding debate, the charge was renewed with as much boldness as if it had never been contradicted. One of these misrepresentations, he said, was the charge which had been so uniformly advanced against ministers, that they commenced the war, and carried it on for the purpose of restoring the ancient despotism of France. In vain had ministers denied the charge, it was still pressed upon them ; and even at this time, when ministers thought the government of France were in a situation safely to be treated with, they were accused of having given up the grounds upon which they commenced the war, and of having totally changed their system. As far as related to himself, he had no objection to declare it as his opinion, that it would be happier for France, and for Europe, if we had at present to treat with a monarchy instead of the present form of government : but did any one expression ever fall from Ministers, which conveyed an intention of continuing the war until the monarchy of France was restored ? There was no change of opinion, therefore ; no disreliction of their system to be imputed to government.

Another charge advanced with equal truth, and maintained with equal pertinacity, was, that ministers, in objecting to treat with France, had been governed, in that determination, merely by the form of government, which, at the time, prevailed in France, without taking into consideration the general posture of affairs. Of the injustice of this accusation he hoped to be able to convince the House in a few words. When the

sight honourable gentleman made his motion for peace last

year, were not the then existing state of circumstances a stronger reason against commencing a negotiation than the form of government which then existed? What was the state we were in at that period? The French were successful on the Continent, and they became immediately possessed of all the coast. Whether that unhappy people might have done more in defence of their country, it was not then his intention to enquire; at least, we had the satisfaction of being conscious of having made every possible exertion to check the progress of the enemy, and to save our allies. In answer to part of the honourable gentleman's speech, that the instant the French became possessed of Holland, he begged leave to say, the idea occurred to him of getting possession of the Cape of Good Hope. Whether government would, under any circumstances, give up that valuable acquisition, was a point upon which he should not then give an opinion, except merely to say, that it would not be given up without an ample compensation.

To recur, however, to his argument, he appealed to the recollection of every gentleman, whether, at the time of which he was speaking, the whole country was not in a state of alarm, because the circumstances which were expected to result from the French becoming possessed of the wealth, the resources, the navy, and the ports of Holland, were serious indeed? They were not at that time debating, as they were then, whether it would not be expedient to decrease the number of our forces? No, all was apprehension; the whole eastern coast of the kingdom was in a state of panic. He thanked God most solemnly, that there did exist such a panic, because the result of it was, that increase of our navy, which had placed us above the reach of danger. When he used the word panic, he did not mean a cowardly panic, the result of which was despair and abject submission, but that alarm which a great nation might feel, and which produced great and powerful exertions, and was totally the reverse of that panic which unfortunately prevailed throughout Holland. But was that the time, were these the circumstances, under which it would have been prudent or politic to have negotiated for peace? Or was there any kind of comparison between our situation then and at present? At that time, from the great success of the French arms, their republic seemed not only to be indivisible, but invincible. Had we made peace then even if we had obtained tolerable terms, at all events France would have retained her power; and, what was perhaps still worse, they would have retained the pride, with which their successes inspired

inspired them. Were the Austrians at that time as successful as they have since been in repelling the enemy? Had Manheim surrendered, with a garrison of ten thousand men? The object of Great Britain was not entirely to effect any particular form of government in France, but so to reduce their power, as to give, at least, a fair probability that any peace we might make should be permanent. And had they not succeeded in their attempt, would it be contended that the power of France was, in any degree, in the same state as it was at the period to which he alluded?

The word disgrace had been applied to our operations. That we had failed in some of our objects, and been unfortunate in some few instances, he was ready to admit; but that the individuals employed, or the nation had suffered any thing like disgrace, was a proposition which he utterly denied. And he would venture to assert, without the hazard of contradiction, that, taking into consideration the objects for which we had contended, and the nature of the enemy with whom we had to contend, upon the whole, this had been a most successful war. The three objects which any statesman, at the commencement of a war, would wish us to attain, viz. Martinique, Cape Nicholas Mele, and the Cape of Good Hope, were every one in our possession. Added to this, we had accomplished what we had never been able to effect in any former war: we had succeeded in destroying the commerce of our rival, and in ruining their marine.

The right honourable gentleman had contended, that, from the distressed state in which the French were last year, they must have been anxious for peace. So far from that assertion being true, he would maintain, that this was the very first moment, during the whole course of the war, in which the enemy had shewn any symptoms of a desire for peace. As a proof of this, he referred to the uniform language held by the Convention. He desired the House to remember the declarations of the government of France, when they made peace with Prussia. The principal motive they assigned for making peace with that monarch was, that they might turn their whole force towards England, and with better effect endeavour its destruction. The House must remember their declaration, that the New Carthage on the Banks of the Thames must be overturned. This was not the language of the Convention alone; it was heard with transport by a majority of the French nation. Nay, so general was the persuasion that the object would be accomplished, that their
soldiers

soldiers and sailors had filled their pockets, in imagination, with the wealth of London.

Another argument advanced by the right honourable gentleman was the circumstance of France having declared war against us, which he had maintained was no proof that they were the aggressors, and that, on the contrary, we had provoked the war. He was ready to admit, that it might happen that the party who first declared war were not the aggressors; but was that true with respect to the present war? Had they not, for some months previous to the declaration of war, been guilty of the most unprovoked aggression, from the time of the retreat of the Duke of Brunswick, and the embassies from this country? They hardly attempted to conceal their hostile views against the constitution of England. It was said, we might negotiate. We did negotiate. And what was the result? How did they explain this famous decree of the 19th of November? They would not interfere in the internal concern of any other country, unless the general sense of the people was against their government, and they were invited, by the majority, to give their assistance. Who were to be the judges of this general will? The French! This was all that could be obtained by negotiation.

There were but two points more upon which he should trouble the House. Gentlemen appeared to him to talk of a peace with too much certainty of its being at hand. The message did not hold out an immediate promise of peace; it only said, that we were ready to negotiate upon fair and honourable terms. He thought it necessary to say thus much, in order that he might not be accused of an attempt to delude the House and the country, if unfortunately they should not be able to attain the object they all wished.

The only other point of the right honourable gentleman's speech, upon which he wished to observe, was, an assertion that ministers represented the danger arising from seditious societies here, to be greater or less, just as it suited their argument. He had no objection to contents, that he thought the danger less at present than at the latter end of the year 1792. And why? Not because they had renounced their principles; not because they had decreased in numbers; but because the people had recovered from the insatiation under which they laboured with respect to French doctrines; because the people were at this time more upon their guard against the machinations of the disaffected; and because government had opposed bulwarks against any further attempts they might make.

But

But to conclude: (Mr. Dundas said;) if hon. gentlemen do not think his Majesty's ministers sincere in the declaration contained in the messages, I give a flat contradiction to such an idea. I hope they will be able to bring the country happily out of the war, and extricate it from its foreign as well as domestic foes but the negotiation for a peace must be left to the executive government to choose the when, the where, and the how; they must not be told they have a double responsibility placed on them, and yet be shackled, according to the terms of the amendment. The country must not rely too much on its being brought to a speedy issue; that depends much on the enemy. If the funds have risen this day in the proportion stated, I know nothing of it, nor am I the operator to influence them. If the country was now more secure against sedition and actual danger, it was not from a more temperate spirit in the seditionists, but because they had been better guarded against; and that the different volunteer corps had checked their views. I have only one more observation to make. His Majesty's message could not have come at so proper a period as after the supplies had been granted for carrying on the war another year." We have now proved to our enemies we were prepared for either alternative. With regard to any knowledge which his Majesty's ministers had of the proposed message, he could assure the House, it was not in their contemplation when the loan was agreed on.

General Smith remarked, that ministers had no reason to plume themselves upon the present situation of the Austrians; because, compared with that in which they were at the time the last motion for peace was made, it was infinitely worse. They then had possession of Luxembourg; at present they had no one fortress on the left of the Rhine. He had originally supported the war; but, when ministers discovered their total want of capacity to conduct it, and also that they were equally ignorant of their own objects, he thought it necessary to vote for a speedy negotiation for peace.

Mr. Sheridan explained a part of his speech, which had he said, been misrepresented by the Chancellor of the Exchequer. The object of his amendment was to prevent ministers, of whose sincerity he had many doubts, from making any possible change in the internal situation of France an excuse for breaking off a negotiation. In answer to the invidious reflection of the Chancellor of the Exchequer, addressed to his honourable friend (Mr. Grey), "That the son had appeared to forget the services of the father, (Sir C. Grey)" he remarked, that ministers had completely forgotten them, as that

intri-

meritorious officer was literally the only one entrusted with an important command, who had received no mark of favour from his Majesty's government.

Mr. Sheridan's amendment was negatived without a division.

The original Address was then carried.--Adjourned.

HOUSE OF LORDS.

Thursday, December 10,

PETITION.

The Duke of Bedford presented a petition from the nobility, clergy, freeholders, and inhabitants of the county of Bedford, against the bill for the better security of his Majesty's person, and for the preventing of seditious assemblies; which being read, he moved that it might lie on the table.

The Earl of Offory thought it necessary to say a few words with respect to the petition, it being very different from the one which he said he should have the honour of presenting to the house the next day, and which would really be what that purported to be, the sense of the meeting of the county of Bedford. To shew that he was warranted in this assertion, he read the advertisement, signed by the high sheriff, which called a meeting expressly of the nobility, gentry, clergy, and freeholders of the county. When they met in the hall, the Earl said, a great number of persons of another description intruded, on which a difference of opinion arose upon the question, whether they ought to be admitted; and, as they certainly formed a majority of the assembly, he the high sheriff, and a number of freeholders, withdrew from it, when the address, just presented, was proposed by the noble duke, and signed by the persons present; they might be inhabitants, but certainly inhabitants were not the description of persons called together by the high sheriff.

The Duke of Bedford said, he found it necessary to enter into some little detail respecting the meeting and petition. About the 20th of November, a requisition, signed by several gentlemen of the county of Bedford, to which he said, he added his name, was sent to the high sheriff, desiring him to call a meeting of the nobility, gentry, freeholders, and inhabitants of that county, to address his Majesty on the late outrage on his person, to pray him to restore the blessings of peace, and

to take into consideration the two Bills pending in parliament. To this the high sheriff returned him an answer, that he should alter some words in the requisition, and then he would call a meeting on the 4th of December; delaying it until that time that there might be full attendance. Could any man have supposed, that, by way of having full attendance, the high sheriff intended to exclude that description of persons who resided near the spot, and were likely to be numerous? yet such omission was certainly in his advertisement, and such, according to the noble Earl's explanation, was his intention. This advertisement appeared but a day or two before the meeting, when it was too late for him to make any remonstrance. He attended the meeting as well as the noble Earl. The high sheriff opened the meeting with the ministerial argument of misrepresentation by those who were against the Bills. After the high sheriff had concluded, he would have yielded the proposing the address to his Majesty to the noble Earl, if he would have confined it to that subject alone; but he rather chose to withdraw with his friends to an inn in the town, and their lordships were to understand a petition there drawn up, in a private room, spoke the sense of the county more fully than the petition he had just presented, which was procured at a public meeting; and which, in so short a space of time, had been signed by upwards of two thousand three hundred persons!

The Earl of Ossory defended the character of the high sheriff, and wondered, from the industry that had been used, there had not been a much larger number of signatures than that which the noble Duke had stated it to contain. That the charge of misrepresentation was not ill founded, he begged leave to read a hand-bill, which, within eight and forty hours of the meeting, had been circulated with the utmost industry. [This bill, in the most forcible terms stated, the objections to the Bills which opposition have constantly used.] The Earl declared he could not say the noble Duke had any concern in this bill, although it bore his name; and some gentlemen, with whom he was connected, among them his grace's agent, were very active in its circulation.

The Duke of Bedford said, he knew nothing of the hand-bill produced by the noble Earl; but, so far was he from thinking it a gross misrepresentation, that, with the exception of one part, which related to the power of magistrates, he would subscribe his name to it. The production of the hand-bill, however, led him to notice an advertisement which had since appeared, signed by the noble Earl, among others,

wherein the above meeting was termed a *promiscuous* multitude. He might as well have followed the example of the grand champion of their cause, and called it a *swinish* multitude at once. He did not mean to pretend that the petition he had presented was not signed by the inhabitants; and he saw no reason why, because none but freholders could vote for representatives, all other persons were to be supposed to have no rights whatever. So far was he from being of that opinion, that he would rather have the sentiments of an honest man, capable of judging, than of the richest merchant or contractor the kingdom could boast of. On some of their lordships calling out *Hear! hear!* his grace said, he would repeat it with the word *rather*, because the one would speak the honest dictates of his heart, while the other would be influenced by his interested connexions.

Lord Grenville rose, with much warmth, to defend the gentleman alluded to (Mr. Burke), and was surprised that such an allusion should be made by the noble Duke to the words *swinish* multitude, which, he said, was as infamous a misrepresentation as ever was made, and which the noble Duke would see, if he perused the book: it might very well suit the purposes of *Citizens Lee and Eaton*, but it was beneath his grace. His lordship then insisted that great misrepresentations had been circulated with regard to these Bills, and doubted not but a majority, and a very large majority of the people, who were capable of judging, were in favour of them.

The Duke of Bedford insisted that the greatest misrepresentation had been on the part of ministers.

The Duke of Leeds declared, that, to his knowledge, a great alarm had been spread on the introduction of these Bills, and that many persons in the country, who were averse to them, had withdrawn their opposition, fearful of the consequences that might ensue.

Earl Spencer thought the fair interpretation of the petition would be, that it was from part of the nobility, &c. of the county, and the inhabitants of the town of Bedford, in fact, that it was the petition of those who had signed it.

The Earl of Ossory explained, that it had been sent to other parts of the country for signatures.

The petition was then ordered to lie on the table.

MESSAGE RESPECTING FOREIGN TROOPS.

Lord Grenville moved the order of the day for taking his Majesty's Message into consideration, respecting the landing of

of foreign troops, which being read, he moved an address of thanks.

The Earl of Lauderdale said, he did not rise to oppose the address. He rose merely to require some explanation on what occasioned the delay of those troops, who should have sailed weeks before for the place of their destination. The expedition, which was fitted out at an immense expence, should have sailed in September, but, from the unpardonable delay, those shocking calamities had arisen, which every noble lord must reflect on with horror. He had not probably as good information on the subject as the noble Secretary of State, but what he had to alledge was grounded on the information of gentlemen of integrity and veracity. The men, recruited as they were, could not promise much hopes to the enterprise of ministers, as a dysentery raged amongst them, many were swept away with disease; and those who survived were weak and sickly. The considerable space of time which the troops were kept encamped at Spike Island, near the harbour of Cork, rendered the men so extremely unhealthy, as to be unfit for service; and he thought blame was imputable in some quarter, in not having the expedition ready for sea at an earlier season.

Earl Spencer said, that, before noble lords ventured to come forward with such unqualified assertions, from which they thought proper to deduce inferences of censure on ministers, they ought to be more truly, and accurately informed of the state of facts. With regard to the troops mentioned in the Message and Address, he should not so far forget his duty as to say any thing as to the place of their destination. He allowed that the troops on Spike Island had been in a bad state of health, but were not so at present, they had, he said, been some time since embarked on board the ships again, and had actually sailed, and he had received letters from the captains of those ships, assuring him they were better, and recovering fast to a state of perfect health. As to the grand part of the expedition, it was intended to have sailed by the middle of September, but it could not be got ready. It was however ready by the beginning of October, since that time the wind had been uniformly adverse, and his Majesty's ministers certainly could not be accountable for the elements over which they no had controul. The eagerness of the naval commanders of this expedition had lately induced them to seize the first change of wind, without waiting to see how far the weather would settle, and unfortunately they had in a few hours after leaving port met with a dreadful storm, in which

they had received considerable damage, though not to the extent which had been given out to the public. He was happy however to assure the house from his own knowledge, that all those damages had been repaired, and that the fleet sailed the preceding day from Portsmouth to proceed on the expedition. His lordship repeated what he had more than once declared, that from the moment of his entrance upon office, that he felt and acknowledged himself to be responsible for his conduct as a member of the cabinet.

The Earl of Lauderdale said, he was glad to learn from the authority of the first lord of the admiralty, that the damages nevertheless had been repaired, and that the fleet had sailed: he did not see any reason why the fleet could not have been ready by the middle of September. It was well known when the expedition was planned, that it ought to sail by that time, and as such it ought to have been ready. When the father of the present minister held the same station, he planned an expedition, and sent word to the first lord of the admiralty, that it must be ready, by such a time; and, on an answer coming that it could not be ready, he sent word, that if it was not ready he would go down to the house and impeach the minister in whose department it lay. Certain it was that by the delays which had taken place, the expedition might as well not have been planned at all.

The question was put on the address which was agreed to unanimously.

HIS MAJESTY'S MESSAGE RESPECTING PEACE.

The order of the day having been read for taking into consideration the message received the preceding day from his majesty.

Lord Grenville said he should content himself with moving,

“ That an humble address be presented to his Majesty, to return his Majesty the thanks of the house for his most gracious message—

“ To acknowledge, with the utmost gratitude and satisfaction, his Majesty's condescension and goodness in having been graciously pleased to a quaint us, that the crisis which was depending at the commencement of the session, had led to such an order of things in France, as will induce his Majesty, conformably to the sentiments he has already declared, to meet any disposition for negotiation on the part of the enemy, with an earnest desire to give it the fullest and speediest effect, and to conclude a treaty of general peace whenever it can be effected on just and suitable terms for himself and his allies.—

“ To assure his Majesty, that until that desirable period shall arrive, it is our firm determination to continue to afford his Majesty that vigorous support which we are persuaded is essential to the most important interests of his kingdom, and

that

that it will yield us the highest gratification if his Majesty's powerful preparations and exertions, added to the recent and important successes of the Austrian armies, and to the continued and growing embarrassments of the enemy, should have the happy effect of speedily conducing to the restoration of general peace on such grounds as the justice of the cause in which this country is engaged, and the situation of affairs, may entitle his Majesty to expect."

The Marquis of Lansdown declared it would have given him extreme pleasure could he have brought his mind to give the most unqualified assent to the present address, which, as far as he could judge from a cursory reading, he could not do consistent with his duty. He did not mean to quibble on the mode of expression used by his Majesty's ministers, but if they meant right, they would have avoided the loose and equivocal manner in which, particularly towards the conclusion of it, the address was worded. He confessed his doubts of the sincerity of ministers, but taking it for granted, that they were sincere, there was a time he must observe when that house required proof, and if their journals were read they would find it, but the energy of parliament had been lessening, war after war, and was now become almost extinct. The great measure of peace had been long completely uppermost in his mind, but he would at present refrain from any extraneous topic that did not apply to the question before them. It was his firm belief, and it was an opinion that he should maintain to his latest days, that in the present war the enemy were not the aggressors. Since the days of Cardinal Alberoni, a more romantic plan had not entered the mind of man, than that which actuated ministers, with respect to the subjugation of France. The subsequent conduct of ministers he reprobated as operating to withdraw confidence from the people. They had been repeatedly called upon to institute a Committee of Inquiry on various occasions, but the solicitation was as often refused. If their lordships had recourse to their journals, they would there find, that from the Revolution, down to the period of the American war, such inquiries were never refused. To denying these, he was firmly persuaded, was to be attributed that total want of energy in Parliament, which rendered the operations of government so completely inert. Peace was the object nearest his heart, as necessary to the happiness of the people, and the safety of the country. With respect to peace, it was a jewel which by all means he would have ministers possess. If he was asked how, and in what manner he would obtain it?—he would explain, by saying, if he had a servant who robbed him of a diamond, and if he caught him after the fact, if he was dis-

posed

posed to get back his jewel, he would not enter into a previous discussion, but say, "give me my diamond, and I will afterwards make terms."—Peace was the diamond he was anxious to recover, it was a diamond of inestimable value, and having once regained it, he should be satisfied and contented. Whatever dislike he might be supposed to have for ministers, he wished to form a good opinion of their intentions, and to treat them with candour and fairness. In the present instance, he was at a loss to know what confidence to give them from the equivocal terms of the message, and the sentiments contained in the address.

He owned he had his apprehensions that ministers meant to follow the example of Lord North in 1778, when, finding the war unpopular, and wishing to carry certain measures, that noble Lord conceded a little to opposition at first—he then came a step nearer—afterwards he sent out Lord Carlisle and Governor Johnstone, who stood well with the Americans; and, on a doubt being expressed that they were in earnest, "Oh! (said he) I have given them powers to treat with the Congress by name." Peace then was looked upon as certain but, alas! the powers, whatever they were, dictated such terms as the Americans could not agree to; and the war was continued for four years afterwards.

The Marquis said he was of that age, and had the experience, which did not induce him to give implicit confidence to ministers in the proportion that they required, and which in his opinion, their Lordships were too forward to grant. With respect to the late successes of the Austrians, on which ministers laid so much stress, it proved nothing, he had as their Lordships would recollect long since stated, that whenever the French crossed the Rhine on the one hand, or the Austrians crossed it on the other, not much good could be expected to arise from the future operations of the invading party. The reason was obvious.—that all armies, at a great distance from their own country, were dispirited, and as they fought under great difficulties arising from the being in the enemy's territory, frequently defeated; whereas when they were near home, their confidence was restored, and they became victorious in their turn. Hence it was that the bounty of providence seemed to have marked out the boundaries of every nation to protect it from the ambition of men. The alarming state of the country, and the exhausted state of its finances, should induce ministers unequivocally to shew a disposition for peace. If they would ask what sort of a peace, he would say a good peace, without mentioning the word glorious. If they

they required indemnity and security, thank God we had enough to give up, without serious injury to the country. Had they not indemnity in the Cape of Good Hope, Demerary, and he supposed Ceylon? If ministers were not actually in possession of the latter at present, he must suppose that they considered such a circumstance as certain. If even these were to be surrendered, if such a measure procured peace, so far from his embarrassing ministers, they should not want his support. If Holland was restored by the French, he did not see that it would be repugnant to the interests or the honour of the nation to give up the Cape of Good Hope. The object of the country was tranquillity; and, when that arrives, he should not only deem it a happy, but a good peace. As to indemnity, it consisted in our industry, and he had no hesitation to say, that a few years of industry would be far beyond all the indemnification we could require for our acquisitions. Give him but peace, and his Lordship declared, he cared not for the possessions of other countries; have recourse to industry, for our individual wants, and the nation must prosper. He hoped that the sentiments contained in the message were sincere, and that it was not a mere tub thrown out to the whale, to appease the clamours of the kingdom, and conciliate the people, previous to a dissolution of Parliament; if so, the folly and absurdity of the act would be its punishment, as the consequences would sooner or later evince. He concluded by assuring ministers, that he was ready to do them justice, and afford them every fair assistance, if their objects were sincere.

Lord Sydney denied that the war had been a war of aggression on our part and maintained that the war was both just and necessary. His Lordship quoted *Brissot* as an authority: and spoke strongly in favour of the address.

Lord Grenville said, he should not have risen, had it not been asserted by the noble Marquis that we were aggressors, in the present war: whenever that was asserted in his hearing, he should conceive it his duty peremptorily to deny it. The contrary was notoriously the fact; this could be proved from the confession of *Brissot* and the parties who had engaged France in a war with England, and who had boasted of their having done so. As to the noble Marquis's doubt, whether the message and the address were sincere, he declared upon his honour, and he would risk his character and life upon it, that ministers were so; at least for his part he was, and he believed the crisis was arrived when we might treat if proposals were made.

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With regard to what the noble Marquis had said respecting a noble Lord who was no more, (the late Earl of Guildford) he should only say, that from the time of his coming into publick life to the time of the decease of that nobleman, he had himself always supported the contrary side; but that opposition, in his mind, being at an end, it ought to be no longer remembered. He had little thought that he should ever have come forward as the defender of that nobleman, but he should not do him justice if he did not say that he possessed considerable talents and many virtues.

It had been asserted that the language of the message and the address were doubtful; till the parts however were pointed out, he could not reply. It had also been urged, that the reasons why ministers wished to make peace, were the exhausted situation of the country, and the low state of their finances; so far from this being the case he knew that the country was scarcely ever in a more flourishing situation. That ministers wished to conclude a peace, there could be no doubt; since no war can be carried on without laying burdens on the people, which must render the war itself and the ministers who conducted it of conspicious, popular.

With respect to our ability to continue the present war, let noble Lords look to our situation, our resources, and our energy, and they would see that we need not be under any concern. The noble Marquis had made light of the Austrians crossing the Rhine; but refer to the language made use of at the opening of the session: then, it was made of the greatest importance that the French had crossed the Rhine; but now, that the Germans have crossed the Rhine, it was spoke of as a circumstance of no consequence.

The Marquis of Lansdown explained that when he spoke of he want of confidence in an army at a great distance from its own country, he did not refer to this or that campaign, but to military affairs in general, and mentioned it as a general maxim agreed in by all conversant with tactics and who spoke from experience; if the noble Lord would read any military treatise, he would find it invariably the case.

The Earl of Lauderdale began with declaring that he congratulated ministers on their having laid aside their prejudices against the present rulers in France, he congratulated the country also on the same change of sentiments in the King's servants. Most of the persons in power in France were persons whom ministers had formerly devoted to destruction, he wondered therefore that they should have so far forgotten their former arguments, as to rest on the stability of a government

ment of five weeks continuance. He was happy that at length ministers had come to that point to which he and some of his friends had so often laboured in vain to bring them.

He supported the observations of his noble friend (the Marquis of Lansdown.) He was not he said sure that this concession was not made merely to answer the purpose of evading the propositions which an honourable friend of his in the other house, and it was probable others with whom he had the honour to act were about to bring forward. If the right honourable gentleman at the head of the finances had the smallest knowledge that the order of things mentioned in the message was arrived, or that such was the opinion of the cabinet, in his mind he deserved to be impeached. He could not conceive how that right honourable gentleman could pretend to have been ignorant of it, as it was not a matter communicated by any sudden information, but if really known and felt must have been known by gradual observation. If it had been his intention to move an Amendment to the Address, he should have proposed to omit all that part of it that related to what it termed "the justice of our cause," he would also have wished to insert the word "speedy" before Peace." At present, he would satisfy himself with giving a negative on that part of the Address.

Lord Mulgrave rose to declare his unreserved approbation of the Address as it was moved. Some noble lords, he observed, had thought that there had been periods of time long before the present juncture, when ministers might have brought down a similar message on the subject of peace. In his mind there never had yet been a time which promised and held out so fair a prospect of approaching peace, both from the situation of this country, and the embarrassments of the enemy. When he talked of peace, he always wished it to be understood that he meant a peace that promised to be secure, and suitable to the honour and interests of the country. He conceived, that on such important subjects as the present, personal feelings, and all party differences, ought to give way to considerations of much greater consequence; the welfare and the dignity of the country. This war, he said, had always, in his opinion, been a just, necessary, and truly defensive war; nor originating from any improper motive or conduct on the part of this country, but, on the contrary, from the grossest, most dishonourable and unprovoked aggression on the part of France. The conduct of the war or the terms upon which peace could be made, he would equally abstain from entering upon. They were subjects clearly foreign to the present

question, and it would be wrong in him or any other noble lord to attempt to mix them with the pending discussion. This seemed to be the general opinion, and he wished that other noble lords had acted up to it, and not made allusions to points that could not tend to promote that sort of unanimity so much desired; he could not help remarking with some degree of surprise that, if appearances were to be judged from, noble lords in opposition seemed not to entertain the same fondness and avidity for peace just at present, when the approach of it seemed to be at hand, as they did when the prospect of it was much more remote.

The Duke of Leeds said upon the present occasion there was not in his opinion the smallest necessity to go into the consideration of the terms that might or ought to be obtained, nor was there any reason to discuss the conduct of the war. It was agreed on all hands that peace was a most desirable object, and any thing either in discussion or conduct that could impede its being brought about, he conceived to be highly injudicious. With regard to the words of the address, he might possibly differ from some of his noble friends, because those who looked back to the line of conduct he had pursued since the commencement of the war and in different periods of it, must know that he thought it was a war of aggression on the part of France, and which it was absolutely impossible for this country to keep out of. The assertion therefore that the aggression, which brought on the war, came from us, he must always controvert. The direct contrary was the fact. There were many circumstances on which he held opinions which were not agreed to by either side of the house, and some that perhaps he was singular in holding. When our ambassador was recalled from France, although he could not wish that his noble friend had been continued there, he would not have had the French given to believe that all mission was retarded and that all communication between that country and this was stopped. On the contrary, after the 10th of August, and when the King was dethroned, that was, in his mind, of all others the time when we ought to have had some person at Paris as a *Chargé des Affaires*, to watch the conduct and the motions of the persons then exercising power, and the spirit of the times, as they influenced the various parties and factions that existed. He did not subscribe to the opinion that it was a fitter moment for peace to be negotiated, when the British armies were conquering on the French frontiers and we were masters of the French and Austrian Netherlands. At that time there was a prospect of most brilliant

brilliant success, but when the armies of the allies were driven, not only out of French Flanders but out of the Austrian Netherlands, and even out of Holland, he thought it then a fit moment for peace, and he had recommended it in his place, persuaded that let who would have been the ruling powers in France we could have made a peace that would have been found durable, and France would have settled her differences soon though in a manner perhaps not very pleasing to humanity to reflect on; under that impression he had given his feeble support to two motions which the noble duke had brought forward. He was not surprised that many noble lords, and many out of doors, would wish to see, and to treat with some more fixed and established government in France; but, be it what it might, he was fully convinced of the necessity of peace, for the prosperity of both countries, and of Europe, upon such terms as, in the words of the message, might be suitable to the interests and honour of the country. There was no occasion however to enter in discussion; it was rather, he conceived, proper that nothing should be said on the subject; he would therefore conclude with declaring that the address had his hearty assent.

The Earl of Abingdon, gave his opinion decidedly, his lordship read some extracts from Sir Richard Steele in support of his arguments against peace, upon any terms with France; because Englishmen must always have some object in view: so that, if they had not a foreign enemy, he was sure they would have a civil war.

The Duke of Bedford said, he had no inclination to enter into the debate, nor would he have interfered in it, but for some words that fell from a noble baron on the cross-bench. He had charged noble lords in opposition with wishing to protract the happy period of peace, when it seemed to be approaching; ascribing to them motives which he could never hear without flatly contradicting them; and, to convince the noble lord and the house how far he was mistaken, he would read the address which he and his friends meant to have moved if the present address was negatived. [The Duke then read the address which corresponded with the amendment moved by Mr. Sheridan in the house of commons on Wednesday the ninth.

Lord Mulgrave said he never wished to impute improper motives, nor any particular motives, to any noble lord. The words he had used he repeated and was responsible for them; they occurred to him to be proper, from what had arisen in the course of the debate.

The Duke of Bedford said, he had precisely understood the words as the noble lord had repeated them; and whoever heard them, must know that it was his duty, and that of those who acted with him, to deny the motives implied in the words of the noble lord.

The Earl of Lauderdale held the same opinion with the noble Duke, and did not know what sort of appearances the noble Lord could mean, as expressive of a greater or less degree of avidity and fondness of peace, which noble lords internally possessed in their minds at different times. The noble Duke's reply, however, was fully sufficient on that subject.

The Earl of Hopetoun rose to support the address, and stated his reasons for agreeing to it.

The address was, on the question being put, agreed to.

HOUSE OF COMMONS.

THURSDAY, December 10.

PETITIONS.

Mr. Milbank presented a petition from the gentlemen, clergy, and freeholders of the county of Durham, against the two bills.

Mr. Burden wished to state some circumstances relative to the petition. The meeting was, he said, advertised on Saturday, and met on Monday, when the present petition was voted. The interval was so short, that gentlemen had not time to attend, and yet this petition was stated to contain the sense of the gentlemen and freeholders of that respectable county. It was stated to be signed by the clergy also: several respectable clergymen residing in that county, and he believed as many of that reverend profession signed the present petition, as there had been of bankers who signed that which was agreed to at the Paul's Head, Cateaton-street. He then pulled out a factious and inflammatory hand-bill which was disseminated for the purpose of calling the meeting, which he read to the House.

Mr. Milbank said the petition would speak for itself. The language was respectable, firm and moderate: the prayer was such as that House was accustomed to receive on such occasions, and the signatures were numerous and respectable. The meeting was publicly made known, and if those that wished to oppose the petition did not attend, it was not the fault of the petitioners. If those that were in favour of the Bills did not choose to attend at the meeting, what was the

the meaning that they did not call one of their own? They did not, and the old proverb was good, "Silence gives consent." The honourable gentleman had told him of the hand-bill, which he had just read, and said he should entertain the House with it: the House had heard it read, and he observed that they derived much entertainment from it: the honourable gentleman did not comment on that hand-bill, and of course silence gave consent in that too. He thought the House might be much better employed than in listening to hand-bills, or any thing of the kind.

The petition was read, and ordered to lie on the table.

Mr. *Secretary Dundas* presented a petition in favour of the Bills from the magistrates of Paisley, in Scotland.

General Macleod wished the house to observe, that all the petitions from that country were sent by the corporations, not by the inhabitants of the town.

Mr. *Secretary Dundas* presented a petition from the principal inhabitants of the town of Paisley, in favour of the Bill. That he conceived, was a sufficient answer to the honourable General's assertion. As to the petition which had been before presented, against the Bill, from the inhabitants of that place, he only thought it necessary to read the letter of a gentleman there, (Mr. Foulton) with whose respectability of character almost every gentleman of that house was acquainted; which stated, that the most unjustifiable means were used to obtain signatures, and that children under twelve years of age had signed it; while the property of those who signed the present petition was so great, that they paid taxes in the proportion of seven to one, to those whose names were to the former one.

General Macleod said he was ready to bear testimony to Mr. Foulton as a very respectable manufacturer, he knew, however, that the same person was connected with those who were connected with ministers, and that if it were to serve the views of those ministers, those persons he believed, would surrender up the liberties of his country.

Mr. *Dundas* defended the respectability of Mr. Foulton's character.

Mr. *Huffey* said he knew of no man of a more respectable character.

General Macleod said, in the very outset of his speech, he had acknowledged the respectability of Mr. Foulton's character, but he conceived, from the active part which he seemed to have taken in promoting the petition against the Bills, that he was authorized to say what he had said.

Mr.

Mr. *Courtney* observed that Mr. Foulton might be a very respectable character, but he did not see that his honourable friend (General Macleod) had advanced any thing to derogate from it. The members of that House were very respectable characters. And yet the majority had voted for two Bills that, in his opinion, went to subvert the constitution. It had, he observed, been stated in the letter read by the right honourable gentleman (Mr. Dundas) that boys of ten or eleven years of age were invited to write their names to the petition. He was glad to hear it: it was a proof of the advancement of learning in that quarter.

Mr. Foulton probably conceived that he could not give a better proof of the respectability of the petitioners on his side of the question, than by stating that they paid seven times more poor rates than the rest. That was a new mode of calculating respectability in proportion to taxation; and if the rule should be adopted, and the present war continued for some time, the people of this country must be the most respectable in the universe. The petition was read, and ordered to lie on the table.

Mr. *Secretary Dundas* presented petitions from the Royal Burgh of Perth, and from the merchants and inhabitants of the town and port of Leith; also from the mayor and aldermen of Chesterfield, in favour of the Bills. Another to the same purport, from the magistrates and town council of Queensferry. The last of these petitions gave rise to a desultory conversation, in consequence of its being signed only by the chief Magistrate, without having the common seal of the corporation affixed. It was questioned whether such a petition could be received. By the answers, it appeared, that sometimes such petitions were signed in one way, and sometimes in another.

Mr. *Erskine* said, this was like the answer of a young student at the university, who, when asked whether the sun revolved round the earth, or the earth round the sun, replied, sometimes one way and sometimes another. Mr. Erskine, upon looking at the petition, observed, that this chief magistrate of Queensferry signed himself "*Chife* Magistrate."

Mr. *Courtney*, upon this, said he suspected the signature to be a forgery, unless the right honourable Secretary would say, that *chife* was the Scotch orthography for *chief*.

Mr. *Dent* declared he was not a little surprised at the arts which were employed to procure petitions, and signatures to those petitions, against the Bills. As a proof of this, he said, he had received a letter from the mayor of Lancaster, stating that he had read, in the London Packet, that Mr. Sheridan

dan had presented a petition to that House against the Bills, signed by twelve hundred of the freemen and other inhabitants of that town, of which meeting the mayor said he knew nothing. He himself, it was true, had presented a petition to that House against the Bills, signed by eighty-eight of the Freemen of that Borough resident in London, which number was by no means the majority of the burgesses.

Mr. *Sheridan* just entered as the honourable member sat down. He said he was much surprised when he was informed of what the honourable member had said in his absence. The honourable member well knew that he (Mr. *Sheridan*) had presented no such petition, and that the mistake in a newspaper gave birth to the letter, which had been just read from the mayor of Lancaster.

Mr. *Dent* said he had informed the House, that what the honourable gentleman had just stated, was precisely the case.

Mr. *Sheridan* said, that if he was rightly informed, and he had no right to doubt the information, the honourable gentleman (Mr. *Dent*) had prefaced his speech with an observation on the many arts that had been used to seduce persons to sign petitions against the Bills; and, in support of this assertion, he had read a letter from the mayor of Lancaster, which was founded on a mistake in a newspaper; a new kind of proof indeed! but if the honourable gentleman had observed that candour which one gentleman was entitled to expect from another, especially in his absence, he should have added, that he had a conversation with Mr. *Sheridan* on the subject, and that he had acknowledged, in that conversation, that he well knew Mr. *Sheridan* had presented no such petition, and that he (Mr. *Dent*) knew of no petition presented to that House, but the one he had himself presented, signed by eighty-eight of the freemen of that borough. When he had the honour of presenting a petition, signed by four thousand of the inhabitants of Birmingham, Mr. *Sheridan* reminded the House that he had stated, that the proprietors of two public prints, in that town, refused to publish the advertisement in those newspapers for calling the meeting. He had since been informed, on the best authority, that this was not precisely the case, as the meeting was called in the interval of the publication of those prints. He mentioned this circumstance, as he wished to do justice to the character of every man, he could, nevertheless add, in addition to the obstruction which the petition had experienced on that occasion, that personal violence had been offered to the petitioners. Those persons who had so offended were known, and perhaps, he should say, more of that hereafter.

Mr.

Mr. Sheridan presented a petition from several villages in the vicinity of Dumbarton, in Scotland; and another from the inhabitants of Wigton, against the Bills.

Mr. Erskine said, he held in his hand a petition from some of the most respectable inhabitants of the city of Edinburgh; he had listened to what was stated by gentlemen who were friendly to the bills, with respect to the various arts and misrepresentations, that had been employed in order to obtain signatures to petitions against the bills. Of this, at present, it was not his intention to say much, because the dispute would be endless; the time was however approaching, when the unequivocal voice of the public would be heard in that House. He could not present the petition in his hand, without saying a few words, in order to give the House an idea of the obstruction which the petitioners had experienced. A committee of the most respectable gentlemen in that city had been appointed to conduct the petition. It was deemed proper by that Committee to publish hand-bills to give notice of the place where the petition would be left for signatures. The man who was employed to post up those bills, was apprehended before he had even posted up one of them, and detained as a prisoner. The committee wrote to the provost, stating the fact. The man, it was true, was discharged, but this was trivial in comparison to what followed. He did not wish to speak of another circumstance, because the person involved in it was too near to him in relationship, (his brother). The conduct of that gentleman would, however, speak for itself. The petition was signed by eight thousand persons, and upwards.

Gen. Macleod begged leave to say that from motives of delicacy he had no thought to call the attention of the House to some circumstances, which the learned gentleman thought proper to repeat. A learned gentleman in the city of Edinburgh, acting up to those principles which he had ever professed, (the Hon. Henry Erskine) had in taking a zealous part in promoting the petition, experienced what his public and his private character ought to have secured him from. That learned gentleman had been, and was at present, his affectionate friend. His private life was the most amiable; his wit the happiest, and the most inoffensive; and his convivial talents such as to engage the esteem of all that had the happiness of his acquaintance: in short, his talents were so brilliant and so well acknowledged, that the only dispute amongst the literari of that country was, whether, if put in a balance with his brother, his talents of those of his learned friend who had
just

just sat down would turn the scale. Yet this gentleman, with all the acknowledged qualities he had just described, was treated in a manner little to be expected; and from whom did he receive this treatment;—from one of the most learned and enlightened bodies in Scotland; a body that was always considered as such—the faculty of advocates. That body had chosen his honourable friend their Dean, a situation merely honorary: he had filled that situation with increasing lustre for ten years:—yet they wished to get rid of him, because he came forward to promote a petition in the most legal way against the enactment of a law, which he considered to be incompatible with the liberties of the country, and the principles of the constitution. He lamented that so learned and able a body should have departed from their original resolutions, as to suffer political opinions to interfere in their proceedings, but to distinguish men by their talents and general esteem. Their letter on that occasion did them no great credit, either as to style or liberality. He was glad, however, that they published it, as if possible, it placed his friend in a more exalted point of view than ever. One thing, which gave him no small degree of uneasiness, was, that the judges were chosen out of this body of advocates. Notwithstanding their sentiments, he hoped that none would be found to tread in the steps of a certain judge in that country, who said, that a man found guilty of a misdemeanour, ought to suffer to the sentence of—*Inter bestias feras projiciatur*:—in other words, to be thrown among wild beasts. Gentlemen talked of the arts which had been employed to gain signatures to petitions in favour of the bills, whilst, at the same time, those who charged them with these arts, passed over the means used to gain profelytes to petitions on their own side, and to swell the list of signatures; it was a fact well known, that the counter-petition to his honourable friend's (Mr. Erskine) was placed in every way to engage signatures; nay, school boys were invited to write their names to it, at the expence of a glass of wine, a smearing clap on the back, and a good boy into the bargain.

Mr. Secretary Dundas stated, that in 1792, incendiary hand-bills were circulated at a late hour, when the police wisely ordered the watch to apprehend every person detected in the circulation of bills after a certain time of day; and, under this order, the bill-sticker was committed. With regard to the practice of encouraging school-boys to sign the counter-petitions, the fact could be easily ascertained, for there was not a name subscribed without a designation. He men-

tioned a case, to shew that names had been unduly applied to this petition. A young surgeon in Edinburgh informed Dr. Munro, the professor of anatomy, and a very worthy man, that he had seen his name affixed to the circus petition, whereupon Dr. Munro made an affidavit to the contrary. The motive for putting Dr. Munro's name to the petition, Mr. Dundas ascribed to the influence it would have upon many people, as he was one of the most popular professors in the university, and his lectures were generally attended by four or five hundred persons from every part of Europe. He read the affidavit of Doctor Munro, [Mr. Fox remarked that the affidavit did not say that the Doctor had himself seen his name subscribed to the petition in question.] Mr. Dundas explained, by stating that there could not well be any mistake, since the name of Alexander Munro, M. D. was the only name which had a designation. He appealed to the House whether they had ever heard a disrespectful word from him, relative to the honourable Henry Erskine? Differing as they did in political opinions, no man was more willing to acknowledge his powerful wit, his pleasing talents, and his strict integrity; by taking an active part at the meeting, where he excited his eloquence, he might possibly not act consistently with the opinions of the faculty of advocates; and if so, they surely were at liberty to decide as they pleased. Mr. Dundas, in early life, been placed at the head of that faculty, for which honour it was not only entitled to his general respect, but gratitude; and above all other qualities, he contended that the faculty of advocates was remarkable for independence. In answer to the remark, that the future judges were to be chosen from his faculty, and that their opinions were therefore to be feared, he affirmed that no judge could give his opinion contrary to the law and the verdict, and when the Lord Justice Clerk used the words, "that a man guilty of sedition should be thrown among wild beasts," he did not give it as his opinion that such should be the punishment for the crime in Scotland, but he quoted that as the sentence of the Roman law. Mr. Dundas concluded, by asking whether that way of talking of a grave and reverend character was polite or decent?

Ans. Erskine said, it was a supposition that Dr. Munro's name was subscribed to the petition that he had, which, though it had not the weight of his name, had 7 or 800 names of great respectability. He was sorry, however, that another celebrated Doctor of the same name was not at this time living in England, to cure the ministers of their madness,

Madnets, in passing these Bills into a law. The petition was read, and ordered to lie on the table.

Mr. Dickinson then presented petitions from Dundee, and East Monkton, in the county of Lanark, against the Bills, and Mr. Dundas one from Edinburgh, and Mr. Wilberforce one from the county of York, in their support.

DESTILLERIES.

Colonel Stanley presented a petition from a town in Lancashire, praying that the distillation of spirits from British molasses might be prohibited.

Mr. Hussey moved that the Bill should be read a third time.

The Chancellor of the Exchequer desired the third reading might be postponed till Monday, to give time for inquiry respecting a matter that had been suggested.

Lord Sheffield said, that the prohibition of the distillery of molasses should be limited to that made in Great Britain, not a fifth part of which was consumed as food. It was perfectly easy to distinguish between them and the West India molasses, the latter was drained from the Muscavado sugar, the former from the refined sugar, but if it should be found difficult, the West India molasses might be followed by a permit, as in the case of spirits, 30,000 puncheons of molasses might easily be had in the return transports from the West Indies, which would yield upwards of three millions of gallons of spirits, and produce an excise duty of upwards of 800,000 l. We might thus save our distilleries, our revenue, and a large sum which would otherwise be paid to foreigners for spirits.

Mr. Hussey, General Tarleton, and Colonel Stanley, contended, that the distillation should be prohibited from all molasses; and General Tarleton and Alderman Newnham declared, that no West India molasses were ever imported into this island.

Lord Sheffield answered, that he was very sorry the gentlemen had not informed themselves better, that a quantity not inconsiderable was imported, however it never was used as the food of man, being acid and of a very different nature from British molasses, or as we call them treacle, that a large quantity would be imported as soon as the distillation of other articles was prohibited; and he observed, that the petitions which the gentlemen referred to, only prayed that the distillery from British and not West India molasses should be prevented.

It was then agreed that the prohibition should only extend to British molasses, and that the Bill should be forwarded as quick as possible.

The Chancellor said that there was a species of molasses worse than that used for food, he therefore thought it would be inexpedient to make the prohibition general.

Mr. Rose suggested, that it would be nearly impossible for an EXCISE officer to distinguish whether the molasses using for the purpose of distillation were foreign or British.

TREASON BILL.

The Chancellor of the Exchequer moved the order of the day for the third reading of the Bill for the safety and preservation of his Majesty's person and government.

Mr. Harrison opposed the third reading on two grounds: first, whether the act of Edward III. was sufficiently strong to prevent the necessity of any new law for the safety of his Majesty's person? Secondly, whether the laws existing were sufficient to provide against and punish any language or publications that went to the subversion of the government? He argued that the present should rather be a declaratory act, stating that doubts had arisen concerning the construction of the High Treason Statute of Edward III. than a new permanent Act. In his own mind he declared he was fully persuaded that they were sufficient. The present Bill was a satire on the crown, and a libel on the loyalty of the people of England, because it placed his Majesty in an unfavourable point of view; in as much as it stated, that it was necessary to make additional laws to secure the life of an amiable sovereign in which were not thought necessary to be made in the worst of times, when sovereigns of a very different character swayed the sceptre of this country; and, in order if possible to place this in a still more conspicuous point of view, it was limited to the life of the sovereign. The Sovereign of a free people ought most undoubtedly to live in the affections of his subjects, and Mr. Harrison said he was persuaded that his Majesty did so live. The law therefore was calculated to secure ministers in their places, and to smother that popular odium which they were well aware must attach to their characters in consequence of the ruinous and calamitous war in which they had wantonly involved this country. If gentlemen would only reflect on the prosperous situation of this country at the commencement of hostilities, and compare it with the present, how must their feelings be affected! If we had continued in peace, wealth would have flowed in from every quarter, so that by this time, with even a small share of economy, the national debt would have been considerably reduced. The burdens of the people would also have been lightened in proportion and instead of a repetition of grievances, we should hear only the voice of congratulation and cheerfulness.

cheerfulness. Only let gentlemen look at the reverse of this conduct! The national debt was increased, the burdens of the subject were daily accumulating! Under all these circumstances, what was the conduct of his Majesty's ministers? Instead of conciliating the affections of the subjects, they were adding place to place, pension to pension, grievance to grievance, and instead of redress, offering insult. The Honourable gentleman also reprobated the conduct of his Majesty's ministers with respect to the time which they had chosen to bring down his Majesty's most gracious communication to that house, with respect to the pleasing prospect of peace. Had they brought it down before the terms of the loan were closed, it would have saved upwards of two millions to the public. These were real grievances, and in order to smother them, those obnoxious bills were brought into the house. Those grievances might however be smothered, but it would be impossible to extinguish them: they would break out into a flame, perhaps, when least expected.

He next examined how far the laws were sufficient to restrain the licentiousness of the press, and hoped that an honourable baronet (Sir William Pakeney) would allow the danger of this Bill, since it tended to deprive the people of the liberty of the press, the abuses of which had already been punished by the existing laws with great severity. As for trifling abuses, no privilege he remarked could be expected to exist without them. He said he looked with horror to the consequences of the passing of this Bill. A private letter dropped out of the pocket, the malice of a servant, the repetition of a conversation at table, with a thousand other circumstances, frivolous and innocent in their natures, might be magnified to dangerous portents. No man would be safe for a moment; if a Bacon or a Locke were living, they would incur the penalties, and be doomed to live in exile among a desparate band of outcasts. Let gentlemen consult the history and annals of the world, and they would see the impolicy of such rigorous restrictions on freedom. In governments which had recourse to such oppressive measures, the most violent convulsions had happened, attended with circumstances too shocking to repeat, and by the addition of such new constructions of treason, the same violences might be provoked. Mr. Harrison concluded by voting against the third reading.

Alderman Newnham said, that after all the discussion which had taken place on the former night, he would merely detain the house with a few words. Lest he should be condemned for want of firmness, he would not give a silent support

support to the bill. He declared he had always thought there was great danger from the existence of sedition and treason—he always thought that this sedition and treason were increased and circulated in the societies and libels of the societies. He supported administration in the war; and he did so, because, in his honour and conscience, he believed the war necessary, and unavoidable. The best reason for supporting the bill before the house was, the late base outrage and sacrilegious attempt on his Majesty. Was not such a measure necessary, when a King, the most distinguished for amiable and mild virtues, was attacked by a King, who, he would say with the Poet—

“———Hath borne his fault as to meek,
Hath been to clear in 's great office,
That his virtues will plead like Angels trumpet tongue'd
Against the deep damnation of his taking off”

All the publications of the societies he contended went to do away the monarchy, and both houses of parliament; if annual parliaments and universal suffrage took place, the destruction of the three branches of the constitution would soon follow. They might as well say they would turn out all the members of that house. Such was his public opinion; and he had long entertained it in private. In his honour and conscience, he believed to be strong measure necessary to stem the torrent of licentiousness and anarchy; and he was as free to say as to think, that the present measure was not stronger than necessary. The laws respecting treason were neither clear nor defined; and the bill went to define and explain them. Thus, protection would be given to the sovereign; and this gentlemen ought to give with hand and heart. The learned gentleman (Mr. Harrison) was shocked at the distresses of the poor, as if occasioned merely by the war. That some of those distresses might be owing to the war, was indisputable; but that most of them were the effects of other unforeseen and unavoidable causes, could not be denied. The honourable gentleman laid the whole blame of this on government. The government had done every thing possible for the melioration of things: besides, never were such great contributions to alleviate the distresses of the lower ranks. He condemned this mode of declaration, because it irritated the lower classes of people, who, from their habits and necessary avocations of life, were not enlightened enough to examine into all the causes of their own complaints; and who were as likely to break out upon the instigation of a few men, into acts of outrage against his Majesty, as any other person. The bill went to secure

Secures the laws, liberty, religion and property of the country from violation, and he was determined to give it his warmest support.

Sir William Pultney rose to say a few words in reply to what had fallen from Sir Harrison, respecting the support he gave the other bill. He said, he then had maintained, that no evil could arise from the passing of the bill, while the liberty of the press existed. He was sure to say the same of the present. What did the bill do? It merely punished the same offences, differently; that was before punishable, in the second instance was by the bill rendered in a greater degree punishable. Was this changing modes or punishments, otherwise than by attaching the latter more immediately and more effectually to innovators and reformers, who wished to overturn the constitution and government? He thought the laws of the country would not be in the least altered, but that the laws in force would be better defined, and hence better entered. The honourable gentleman Sir William observed, had lamented that persons would be endangered by such a law — that false witnesses might put their lives and characters in peril. Was not that the case with the laws in being? People often suffered by false witnesses. Such arguments applied equally in cases of murder. Were not those, like all other laws, to be left to the decision of juries? There was nothing new introduced by the bill, that was not in force for three hundred years, except one material provision. The bill merely defined the law of Edward III. and all that could be called new, was making a conspiracy to levy war, treason. This regulation was necessary in the present day, to restrain the sedition afloat in the country. No one, he was sure, would argue that an attempt to destroy the parliament would not have as great a tendency to overthrow the constitution as a conspiracy to take the life of the King.

General Torleson opposed the third reading. He remarked, that when the laws had hitherto been found sufficient for the happiness, prosperity, and freedom of the people, it was their duty to enquire what were the grounds for the introduction of these bills. The reasons, in his mind, which induced ministers to bring in the present bill, and the one which lately passed, were the acquittals at the Old Bailey and the present subornation. If the case of the persons charged at the Old Bailey had been such as to have come under the treason laws of Edward the Third, it would have saved a learned and ingenious gentleman (the Attorney General) a nine hour speech. If the present laws had then been passed, it would

would not have cost him all that flow of eloquence, or length of time. He traced the conduct of the minister in a variety of instances, observable in the progress and encouragement of the war. The present Bill, he said, would prevent the people from canvassing the conduct of the minister with respect to the war, and other domestic circumstances of a distressing nature. The security of the monarch, the General said, lay in the heart of his subjects; and no monarch was ever deeper rooted in the affections of his people than the Prince who filled the throne at present: a sufficient evidence of this appeared when his Majesty went to St. Paul's, shortly after his recovery. The country having flourished these three hundred years, it became a matter of inquiry why these new laws should be introduced? A worthy alderman had said that the scarcity of bread, and high price of provisions, were not owing to the war. To what else then could they be owing, when bread was double the price that it had been at when this disastrous war commenced? Soap had increased, candles had increased in price, and, in short, all the necessaries of life had increased enormously. One of the principal reasons of the attack on his Majesty was the war most undoubtedly. The lord chief justice had said, that those men who had thus associated, were not powerful in numbers, nor was their exchequer very rich, as it contained no more than forty pounds at most; yet the war and these trials had afforded ministers pretexts for these importunate measures. We had, he contended, attacked France wantonly and unprovokedly, because we did not chuse that twenty-five millions of people should settle their internal government without our interference. To the attacks alone of foreign powers on them, were owing all the cruelties had been practiced by Danton, Marat, and Robespierre. The general having expatiated on a variety of topics and discussed them at considerable length, from the French revolution to the present period, quoted from an author of some authority, "That the end of a pilot is a prosperous voyage; the end of a general is victory; the health of his patient at the end of a physician; and the end of a statesman to promote the happiness, prosperity, and freedom of his country."

Mr. Western declared he felt horror and indignation against the Bill, and was fully satisfied of the truth of the observation of a noble lord, that the extension of the penal laws afforded the least protection to the sovereign, government, and subject. The nation being approached to despotism, the more was his personal danger increased. He hoped, however, that in the present case it would be otherwise.

The Bill

Bill, he was convinced, was subversive of the fundamental principles of the Constitution, and therefore he should not be sorry to see the King give his negative to it. It had ever been his opinion, Mr. Western said, that the sovereign's best security was in the affections of his subjects, he wondered how that security could last, when, in addition to their hard burdens and distresses, they were deprived of every privilege by false statements, or mistaken policy. The Bill would put an end to mutual confidence and general freedom, while it would render the crime of high treason vague and indefinite, and the person of his Majesty unsafe. As a stronger argument in support of this objection than any of his own, he would read an extract from a writer of great weight and authority, he meant Dean Swift, who in his political creed, forcibly argues against the suspension of any of the liberties of the people, points out the consequences to which such suspension must lead, and the encouragement which it give to fors and infamers: "the most accursed race that God ever sent us to exist." This applied to the politics of the present day. No laws, he said, ought to be introduced, on which depended the life of the most significant subject. It was remarked by both Montesquieu and Blackstone, that any laws that went to restrain the liberty of the subject, were dangerous. Under all these considerations, he would vote against the third reading of the Bill, which tended to break down every barrier of the Constitution, that had been erected since the reign of Edward III.

Mr. Hawkins Browne differed from the honourable gentleman as to the constructions of treason. He thought the Bill would have a contrary effect from that which the honourable gentleman had stated, it would determine clearly what was treason, and give a legislative sanction to the King's power. No king he was persuaded, ever had the affections of his people in a greater degree than his Majesty; and he was equally certain, that so far from gaining attention by giving his negative to the Bills, it would contribute to his popularity. The honourable gentleman had quoted Swift as a person whose political principles sanctioned the opinion he supported. He certainly was a very great man and a masterly writer, but he was a disappointed man, and a most factious, spiteful, and seditious person. Mr. Browne said, he thought the Bill calculated to calm the agitation of the public mind, by giving the magistrates power to apprehend people for acting against the laws of the country. The mere enactment of the Bills, VOL. II. 1795. 347. would

would, he conceived, have such an effect, that there would be little occasion for the interference of the magistrate.

Mr. *Morris Robinson* hoped the negative of the sovereign might be gained, and blamed the honourable gentleman for endeavouring to degrade the character of the author of the *Drapier's Letters*. He acknowledged that the honourable gentleman was a worthy man, but observed that there was a great deal of private worth in the country, and very little public spirit; he suspected the honourable gentleman would go as far as any man in support of the measures of administration; and that, as times went, was saying a great deal. Such was his opinion of the two Bills before parliament, that, if the guillotine had been erected in this country, it could not be more terrific; and if the minister imagined that it would produce the effect he desired, and suppress the voice of the people, he must say that he knew very little of the temper of the people, or the constitution of the country.

Mr. *Bouverie* declared he had been friendly to the Bill, because he thought it at this time necessary; but he could not subscribe to the opinion of his honourable friend, that it was not an extension of the laws of treason, it certainly was, and had been for that very reason intruded, though he was very glad to say but for a short time.

Mr. *Sheridan* said, after what had fallen from the honourable gentleman (Mr. *Hawkins Browne*) with respect to the author, from whose writings the passage, read by another honourable gentleman (Mr. *Western*) was taken, he could not remain silent. For that author, he acknowledged, he entertained an hereditary respect, as there never was a man who possessed a truer spirit of liberty than he did: a fact of which his whole life and conduct afforded an incontestible proof. Upon looking at the passage, since read by the honourable gentleman (Mr. *Western*) it struck him that there never was one better adapted to the present times. Dean *Swift* had been no flatterer of the time in which he lived. Never was there a man who, in his writing and conduct, more shewed himself the friend and advocate of the rights of man and mankind. He was satirical and severe, but his severity was aimed at real abuses; he shewed his abhorrence of the very system which obtained at the present day; he meant, governing by a systematic principle of corruption; he detailed abuses, such as those of prodigal loans for the convenience (not to give it a harsher term) of gentlemen in the House of Commons, which tended to make a parliament governed by ministerial influence. He recollected, though perhaps imperfectly, some
line

lines either of a poem called the Legion Club (or in a libel on the Rev. Dr. Delancy, and his Excellency Lord John Carteret) where Dean Swift supposes in Ireland, for no such thing could happen here, that a minister comes with a budget full of rewards for those who support him, which, though of course not applicable now, might shew what the corruption of loans and budgets were in Dean Swift's time

He says, after supposing that a gentleman who pays his court to a minister, must perform actions contrary to his disposition, like the avenging angel in Mr. Addison's admired simile,

“ So d’stroy a guilty land,
 “ An Angel’s sent by heaven’s command;
 “ While he obeys Almighty will,
 “ Perhaps man’s feel compassion still;
 “ And with the task had been assign’d
 “ To spirits of less gen’le kind.”

But I, in politics grown old,
 Whose thoughts are of a different mold,
 Who from my soul sincerely hate,
 Both K—— and ministers of state;
 Who look on court with stricter eyes
 To see the seeds of vice arise.
 Can send you an allegation siter,
 Though *strewing knowe* may call it bitter;
 Which, if you durst but give it place,
 Would shew you man) a statesman’s face.

• • • * * * * *

So to effect his *M nar b’s* ends,
 From *bell a r ice* by devil ascends:
 His *budget* with *corruptions* cram’d,
 The contributions of the *damn’d*;
 Which with unsparing hand he *strews*
 Through *courts* and *senates* * he goes;
 And then as *Balaqub’s Black-bell*,
 Complains his budget was too small.”

Mr. Sheridan suspected that there had been a similar strewing of favours here, and that the honourable gentleman opposite had come in for his share, though he certainly would not presume to say

From budgets with *corruptions* cram’d,
 The contributions of the *damn’d*.

* Vide Addison’s Campaign, a Poem.

With regard to the subject immediately before the House, he said he did not mean to enter into it, because it did not need comment; there were statutes enough in existence against the crimes the Bill went to punish. The first clause met his disapprobation, as tending to express a new treason in the attempt of persons overawing parliament. The second clause, which went to prevent the printing and publishing, &c. of seditious matters, he was equally repugnant to. According to that clause, if any person should be guilty of a misdemeanor a second time, he was to be transported; so that by the clause, as it stood, the punishment for the second offence was more severe than before. With respect, however, to the operations of this Act, he would assert, that had it existed ten years back, and indeed for that reason he was sorry it did not, some of his Majesty's present Ministers would have been sent to Botany Bay, as they themselves, within that period, had excited the people to those movements which the Bill professedly endeavoured to prevent. Could the right honourable gentleman himself forget the meetings of the Thatched House tavern, at which he had been present and agitated the question of parliamentary reform in conjunction with the Duke of Richmond, Mr. Horne Tooke, and other well known characters, and the agitation of the people in consequence of such meetings? If he did not, he must see, that they had a tendency to promote crimes which he now wished to punish. According to the present Bill, should any person even attempt to state the necessity of a parliamentary reform, it would come under the denomination of a crime, as having a tendency to overawe and influence the parliament; and for this crime, so constituted, the rigorous punishment of seven years transportation was enacted, should it be a second time committed.

He would ask the learned gentleman (the Attorney General) whether Mr. Reeves would not have been guilty of a first offence, by the publication of the pamphlet that had lately met with the animadversion of the House, according to the operation of this Act? He was certain he would acknowledge that he would, and then he would shew him many others of which that gentleman was the author; so that had the Act had existence, but a short time before, Mr. Reeves would have merited transportation; certainly no production ever tended more than his to stir up hatred and contempt against the constitution of Great Britain than Mr. Reeves's pamphlet. The clause was artfully calculated to prevent the reform of any of the abuses of government. The outrage committed on

on the person of his Majesty, which met with equal disapprobation from all, was, in reality, nothing but a pretext for the introduction of the Bills, which, if acted upon, he was apprehensive would tend rather to convulse than to pacify the country. It was, therefore, his opinion, that the King would do right to give those Bills his negative when he came down to the House. The excess of homage and admiration that must arise in the breast of a grateful people from such a magnanimous act, would render his Majesty's crown doubly secure. Then he might say, "Dismiss my guards, the affections of my subjects are my best defence."

Mr. Sheridan had proposed an amendment in the second clause, which he supposed the right honourable gentleman (Mr. Dundas) opposite to him, as he so strongly vindicated the loyalty of his constituents, would not have any objection to. The amendment went to take away the discretionary power of the judge in Scotland, in respect to the punishment for sedition, and to confine the punishment to seven years, in like manner as the Bill provided for this kingdom.

Mr. Jenkinson rose to express his approbation of the Bills that had given rise to so much warmth of debate, and so much asperity of animadversion. In whatever light other gentlemen might view them, he could not but regard them as wise, prudent, and salutary measures, and such as were loudly and urgently called for by the necessity of the times. That inflammatory and seditious doctrines were daily preached up and induitriously disseminated, every one must be convinced, who trusted to the testimony of his ears or eyes; and between the propagators of these doctrines and the nefarious outrage offered to the sacred person of his Majesty, it was hard to say that no connexion existed; in his judgment all the circumstances which accompanied that foul attempt went evidently to prove that it was previously planned and pre-concerted.

The evidence adduced before the House of Lords relative to the outrage on the first day of the session, shewed that the crowd that pursued his Majesty's coach to the House of Lords were observed to act in concert, and the very same persons were also observed to follow his Majesty from the House, and repeatedly to cry out—*Down with George! No King!* while they threw not one, but several stones at the carriage. The source of this outrageous and criminal behaviour he would not pretend to trace back immediately to Copenhagen House, or to clubs and debating societies; but he thought himself warranted to say; that the inflammatory language held at these meetings, was at least the remote cause of the insult which

which every good subject must lament and execrate; and of which no example had been witnessed in this country since the revolution, except by the hands of a lunatic.

That the measures under discussion were austere in their aspect, and threatened to be rigorous in their operations, he would not deny; but when crimes peculiar to the times arose, both wisdom and policy suggested the necessity of enacting some severer laws than were usually and in ordinary times to be resorted to. Sedition was unquestionably the reigning crime of these days, as was evident from the lord's report; to check sedition and the doctrines that provoked it, some additional punishment should be held out *in terrorem*. The bill was not however of that very rigorous and relentless severity which it was in the report to be: it enacted no punishment on the first offence, nor was the offender liable to its provisions, unless he be convicted by a jury of the second offence. Whoever therefore is twice convicted of the same crime, may justly be deemed and pronounced a hardened offender in the sin of sedition, and would deservedly be delivered over to the fate which his incorrigible obstinacy called for and justified.

Mr. Jenkinson saw no reason why the provisions of the bill should be extended to Scotland, as required by an honourable gentleman (Mr. Sheridan). To discuss the nature of the penal code that existed in that country, was not at present the subject before the house; it must occur to every gentleman, however, that the bill could not be introduced into Scotland, without altering the whole principle of the Scotch law. With regard to the difference in the magnitude of danger that existed in 1792, and at present, he agreed with his right honourable friend (Mr. Dundas), it was not to be forgotten, however, that there had existed a subsequent period still more dangerous. He meant that which succeeded the trials for high treason. A question thence arose, why had not these severe measures been proposed when the danger seemed so imminent? Because the danger was abrupt and sudden, and was not, as at present, regularly and systematically kept up and increased. More lenient measures were then tried, but to no purpose: the evil still existed, was daily increasing, and consequently must be checked and extinguished by severer and more effectual remedies. Mr. Jenkinson, in the course of his speech, more than once alluded to the evidence before the House of Lords, touching the outrages committed on his Majesty, on the eighth of October last.

Mr. Jenkinson, that the right honourable gentleman's endeavour to detract from the evidence of the House of Lords in support of the present violent and almost unprecedented

cedented measure, had forced him to offer some animadversion to the patience of the House, though they had already been ably, copiously, and eloquently discussed, that the chief effort incumbent upon him at that moment, was an avoidance of tautology.—The right honourable gentleman ought to have been replied to by his honourable friend near him, his Majesty's Attorney General, who should not have remained silent, as a constitutional lawyer, when he heard such deductions attempted from such sources of testimony, which except the individual miscreant, who raised his sacrilegious hand against the person of the Monarch, implicated no one else, and far less any body of men in any indictable offence. As to that offence no man doubted, and still his honourable and learned serjeant (Mr. Adair,) who he lamented had left the House, that it was high treason, and for the punishment of which, no such bill as the present was necessary.

To shew the severity of the laws already in force, he would only advert to a late trial, (that of the Rev. Mr. Winterbotham) at which he had been present. There the defendant was charged with sedition, and it was even a question of doubt with the jury whether they should find him guilty. He asked if the cumulative sentence of Mr. Winterbotham for the two offences, (a five years bitter imprisonment,) was not adequate, without superadding the honor of transportation, almost too the only solitary instance of repetition of offences of that species,—the only one he believed; yet now a general law was thought necessary on the subject. His sentence was, for the two separate offences, five years imprisonment in Newgate. He reprobated the increasing of the sanguinary catalogue of laws, which the judges had exercised in his case, in inflicting two years imprisonment, would now be done away, as the judges would be obliged to decide in the terms of the act. He begged leave to appeal to the experience of the Roman times, and the page of their history, in proof of the consequence and effect of several laws; he reminded the House of the sanguinary laws of the Roman kings, and asked how long the regal form of government subsisted? During the period of the republic the Porcian law repealed the penalty of death and the republic flourished.—Under the emperors the bloody enactments revived, and the empire crumbled into dust. In reply to what had fallen from an honourable bart. (Sir W. Pulteney,) he would say, that even on the hon. member's admission, this bill went to multiply without stint and number that villainous horde of spies, informers, and perjured witnesses, who had already so often endangered the life, property,

property, and reputation of innocent individuals—who under a bill like the present, might have sent Rousseau during a temporary residence in this country, and after a second edition of his *Social Contract*, to all the miseries of exile in the most inhospitable quarter of the globe. Who might have driven Mr. Hume to the *Idea of a perfect Commonwealth*, to languish with Mur and Palmer, on the desert shores of South America, amidst solons and outcasts of the most execrable class of infamy.

Thus the bill was levelled at the palladium of all freedom in a free country, and the liberty of opinion and the liberty of the press.

An honourable friend of his (Mr. Harrison,) had put a question he would repeat to every honourable and learned member of his own profession in that House, “Was there any lawyer there that would get up in his place, and aver that for the various crimes of treason, conspiracy and sedition: even if the two latter could be charged, as the right honourable gentleman, (Mr. Jenkinson,) had contended from the Lords report, that there were not statutes on the table to punish them? Why then (his harsh and cruel bill)?

According as he did, with the opinion of his honourable friend, (Mr. Sheridan) he was confident it would increase the affections of His Majesty towards him if he should come down to the House and give his vote to the bills. His ministers had for a series of years practised delusions on the people, and now they attempted to delude the Parliament, and the sovereign himself, by making him believe there were men in the country who wished to dethrone him, and subvert the constitution. Feeling it therefore his duty to make this last effort against a bill which appeared to him to be so abominable, scandalous and infernal, and intended by ministers as a bulwark to shelter them from the just indignation of the people, he deprecated its ever passing into a law.

The *Attorney Gen.* said he had heard of language resembling that of the last hon. Speaker having been used out of doors, but he did not expect to have heard any thing so intemperate in the house. One of the Bills to which the honourable gentleman had applied such extraordinary epithets had already received the sanction of Parliament, and the other was that day brought forward to be read a third time. The Bill, thus sanctioned, the honourable gentleman had thought proper to call abominable, scandalous and infernal. With respect to the Bill then before the house, which had been thus characterised, if gentlemen would examine it fairly and impartially they find it to be nothing more than a legislative exposition of the statutes of Edward III. Nor could any lawyer say

say that these acts went farther than that statute; for by them the statute of Edward III. was only made more explicit and defined; and this parliamentary declaration, to shew what the law is, was wise and necessary, as the subjects of the kingdom ought to know, and perfectly understand, that the law of treason, and all the sound and wholesome laws of the country were impartially dealt out to them, especially those on which their lives depend. With regard to the first clause of the Bill, no doubt arose upon that; in respect to the provision which applied to the overawing of parliament, it was fit to tell the subject whether bills were to be formed on certain circumstances amounting to offence; and it was also necessary that judges and juries should know the same. It was the duty of parliament to make so interesting a subject evident to every capacity. In fact there was nothing new in the Bill, except the clause which he had just alluded to, the clause respected the overawing of parliament. That part was a measure of legislative prudence which fell now to be considered, and the house would determine whether it ought to be adopted for three years, or rejected. Were gentlemen not convinced of its necessity? That question he decided for himself; he did not pretend to decide it for any other. He owned he was not a little surpris'd to see gentlemen affect to know nothing of the societies that had caused such just alarms, or of the pernicious doctrines they had propagated and taught; especially after such convincing evidence had so repeatedly been given that such was the tendency of their principles and proceedings. Could their innocence be proved, and that the present measures were not necessary, he would be one of the first to resist those very measures which he at present felt it his duty earnestly to recommend and steadily to support.

Mr. Attorney took a view of the different political societies, and of the source from whence they sprung. France and French principles he looked upon as their fruitful parent. Hence the mother societies; hence the affiliated ones that spread themselves over the whole surface of the country. The engines they employed to diffuse their principles, were libels, seditious meetings, and industriously disseminating an idea that their numbers were immense; at one time they boasted that they amounted to three hundred thousand; at another they had flated themselves as forming the majority of the nation.

Their progress had since been somewhat checked by the late trials for high treason, and the suspension of the *Habeas Corpus* Act; but scarcely were these restraints and intimidations

removed, but they had reared anew their heads with renovated hardihood. If he did not know these things, he could not defend the Bills. It was necessary at this time to give up a part of the valuable privileges of the Constitution, that we might not lose their enjoyment for ever. It had been urged that this Bill was all a pretence to introduce a new law respecting misdemeanor, for the purpose of preventing all meetings for the discussion of the important subject of parliamentary reform. Did gentlemen mean to say that which was formerly legal with respect to that object would now be illegal? He was confident no such assertion could be maintained. He had heard over and over again of the cruelty of the prosecutions, and the severity of the punishments for sedition. He could with confidence declare that there never had been a case of the kind, in which he had been called upon to prosecute, that he did not state to the jury that he would rather have the gown stripped from his back than ask them to give a verdict contrary to their consciences. In the case of misdemeanor, there was no alteration of the law, until the second offence, and even then the mercy of the sovereign could be interposed, if it should be found that the case either merited or required it. This was a proper and constitutional qualification to the laws, and no rational and reflecting man would deny that what ought to be an object of general prevention, ought certainly to have a specific punishment legally attached to it.

Mr. Fox entirely agreed with his honourable and learned friend (Mr. Jekyll) in thinking that there were no terms of reprobation and contempt too severe for the two important bills which ministers had brought on the sudden into parliament. After hearing several speeches of the learned gentleman (the Attorney General) with all the attention of which he was capable, and after examining minutely the amendments which the bill had undergone in the committee, he confessed that at that moment, as much as ever he was disposed to object to every tittle and clause of it. He still retained the same objections against the clauses relative both to sedition and misdemeanor that he had ever entertained. He was prejudiced against the bill from its very preamble. An outrage had been committed upon the person of the sovereign, and a new enactment was made, not for the better security of the life of the King, for that was impossible, but to constitute an attempt to overawe the houses of parliament into a substantive treason. He was told that the present bill was merely declaratory; and he was told, at the same time, that it was merely temporary,

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a temporary declaratory bill, he had no hesitation to pronounce an absurdity, and a contradiction in terms.

That the bill went to create new treasons had been confidently denied; he must however affirm the direct contrary and assert that it did create new treasons, if it was admitted that there was any difference between an act being high treason, and an act being only evidence of high treason. At present an overt act was an evidence of high treason; but by the provisions of this bill, those acts which were before only evidence of treason, became in themselves substantive treasons. And if new substantive treasons were created, new constructions would be made upon these treasons, so that not only all the constructions of the present statute would be confuted into substantive treasons, but new constructions would arise upon these new created treasons, which would perplex the statute to a degree that would render it impossible to be fairly understood. He had no objection to a declaratory bill, explanatory of the statute of Edward the third, by which it might be reduced to its plain, simple and original meaning. The present bill, however, he did not consider to be by any means calculated for that purpose. It was, indeed, the fashion to say, that it was necessary to give some additional security to the person of the sovereign. He would nevertheless contend and maintain that it was not the natural effect of the extension of penal laws to confer security; and he appealed to the history of the world for the truth of his opinion. Was there ever an instance in any country in which the sovereign, whether he was individual, or whether that power was deputed to an assembly, was indebted for security to the severity of a penal code. He called upon the house to look into the history of the bad times of the world and to compare his observation with facts; and, if they were not satisfied with that comparison, he desired that they would judge of it upon the experience of more modern times. If they looked at the fall of the late unfortunate King of France; they would find that his fate was not owing to the laws against treason being too mild and moderate: the laws of France upon that subject were sanguinary enough to suit the palate of any gentleman in that house. When Robespierre fell, the laws against treason were certainly sanguinary enough. When the King of Sweden fell, the laws there against treason were sanguinary enough. So, in the times of Charles the first and second; and so in all the history of our country, in which plots real or imaginary had ever been talked of. What lesson therefore did those historical records hold out? That the severity of the laws of treason rather tended to create than

destroy and put an end to plots against government and the person of the supreme governor. All those outrages had not arisen from an imperfection in the treason laws, but from a fanaticism or enthusiasm of the people, when seeing and feeling their liberties invaded. The present bill might occasion the evils it aimed to prevent, or which object in his opinion the provisions were not adapted. From what time were the regulations of the present bill borrowed? Were they not copied from the reign of Charles the second, a prince against whom, certainly, not the fewest personal attacks had been directed. As far then as the bill respected the law of treason, in his opinion, it created new substantive treasons, by constituting an attempt to overawe the parliament, an overt act of treason. He would not suppose that the framers of the bill intended that an attempt to overawe the parliament, by the violence of prayer and of petition, should be considered as an overt act of treason. If however they meant to attach the penalty to hostilities directed against parliament, the provision, he considered, as superfluous, as it would be impossible to wage hostilities against either house of parliament, without, in the first place, making an attack upon the person of the sovereign. It had been stated, that a convention had met for the express purpose of overawing the legislature, but of this he had never heard any thing that could be considered as proof, assertions he had heard in abundance. He had some material objections to another clause respecting treason, which had been somewhat altered in the committee, but which in some respects had not been altered for the better. The clause to which he referred was that in which the words "writing or overt act or deed" occurred. The word *other* was put out, but he could not understand what was meant by the words that were suffered to remain. If there was either sense or grammar in the expression, something else than an overt act was meant. And if writing was contra-distinguished from an overt act to be considered as a substantive treason, he demanded with what propriety, or upon what grounds, it was declared, that the present bill was merely explanatory of the statute of Edward the third?

Having said thus much upon the treason part of the bill, which he thought the least objectionable, he proceeded to remark upon the clause respecting misdemeanor. And here also it was contended, that the bill did not go to create any new misdemeanor, which he positively denied, because under the bill the judge would have it in his power to say to the jury, "Do you find that these words and sentences were spoken with a design

design to excite the hatred and contempt of the people against the house of commons as at present constituted ;” and if the jury should find such a design to be proved, the court would have nothing to do but to claim the right of explaining the law, and, under the legal construction of the act, to enforce its penalties. Upon this principle a meeting could not be held with a view to petition for a reform in parliament, without incurring the penalties denounced in the provisions of the act. With regard to the penalty of transportation for the second offence, he did not think that the arguments which he had urged, on a former night, had ever been answered. He had asserted what he was not disposed then to retract ; that the same offence ought never to be punished with different penalties, particularly when there were different shades and degrees in the offence. The learned gentleman had pleaded the power of his Majesty to pardon, as an extenuation of the severities of the act. This privilege Mr. Fox considered as absolutely necessary in a government similar to that of England ; but there was a wide difference between this privilege when applied to general and political crimes. It was notorious, that this privilege of the King was controlled in its exercise by his ministers. In cases of felony he would trust the compassion of almost every minister, but in state prosecutions he would be backward in trusting any minister ; because these were circumstances in which ministers were particularly interested. It was said that sedition was the reigning crime of the day : if it was, it looked ill for administration ; because popular discontent was the usual and indeed the natural consequence of ministerial misconduct, and he ventured to predict, that if the present system was obstinately pursued, still more alarming consequences would ensue. Such laws as the present bills would constitute proposed against sedition, were to him objects of abhorrence, because they were novelties unknown to the English constitution. He was more and more convinced of the rectitude of his opinion, when he reflected on the detestable system of criminal law practised in Scotland, the iniquitous and cruel sentence of the court of justiciary in which part of the kingdom, his Majesty’s ministers had not only sanctioned but elaborately defended. The trial of Mr. Muir, and the other unfortunate gentlemen who suffered a similar fate, Mr. Fox could never think of without expressing his utmost abhorrence. The sentence was an eternal disgrace to the court ; and the Scotch judge who had affirmed, that no punishment was too severe for the man who was guilty of sedition, that the wretch ought to be exposed to wild beasts :

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that judge, Mr. Fox said, merited the universal execration of mankind, and it would entail lasting disgrace on the present times, as nothing more harsh, brutal, and unfeeling was to be found in the arbitrary and oppressive reigns of Charles the second, and Queen Mary.

In the bill before the House, the abominable and intolerant spirit of the Scotch court was attempted to be established. The proceedings were a national disgrace, and were not excelled in the barbarous code of the most barbarous ages. Had Mr. Muir's case been submitted to an English jury, he would, undoubtedly, have been acquitted: but, whether totally acquitted or not, he was fully persuaded that he never would have been consigned to the sufferings which he had experienced. The noble and generous spirit of England would have revolted at such excessive and overstrained punishments. And, it ought never to be forgotten, that, notwithstanding the grand jury found the bills against the persons tried at the Old Bailey, the petty jury acquitted them. He condemned the unlimited power which the bill was about to repose in the executive government.

By the infamy of spies and intrigues, both he and his countrymen were exposed to the indignation of the court party for the time being. He deprecated such an unconstitutional power, and bestowed unbounded praise on our ancestors for their wisdom in refusing any appearance of such abominable encroachments upon the liberties of the people. If the detestable spirit of the Scotch law respecting sedition were established in this country, then farewell to all liberty of speech: then farewell to the familiarities of conversation. The servant who stood behind his chair, if wicked enough, might betray him; and, seduced by those in power, might give information which would endanger both his life and liberty. The maid-servant of Mr. Muir had acted in a similar manner: violating the confidence reposed in every servant by a master, she communicated to the friends of government the honest, undisguised expressions of Mr. Muir's mind. All that he had frequently expressed was, a wish for reform of the abuses which he daily saw; and no good man could lay his hand upon his heart, and deny the rectitude of his mind, when provoked by such a system as sullied the country which gave it birth.

Mr. Fox said, that if Mr. Reeves should be found guilty of the libel on that house, which had lately engaged their notice; if he should be found to have recommended and circulated another infamous libel against the constitution, written by Arthur Young; and if he should also be found to have published

published at different times libels against the protestant dissenters, marking them out as a description of people who ought to be exterminated, he would even go upon his knees to beseech his Majesty, not to enforce against Mr. Reeves a sentence of transportation. A good deal had been said respecting his Majesty's refusing his assent to those bills. His own wish was for that prerogative of the crown to remain dormant and quiescent. It was a prerogative which he believed, would only be a favourite, while it was not attempted to be exercised. He trusted, that if the bills should pass, they would meet with a speedy repeal. He rather trusted that the people would petition his Majesty to dissolve parliament, which was their undoubted right, if ever parliament had acted in such a way as to require an interference of that kind. He rejoiced that on the present occasion, the spirit of the people had shewn itself to be alive; and he trusted, that the display which had been made of the energy of the public mind, would be attended with the happiest effects. The bills formed a crisis in the history of the country; inasmuch as they were a departure from the whole system of the principles of the constitution. The present bill was modelled upon an Act of Charles II. The people of England had, in his opinion, committed a worse offence, by the unconstitutional restoration of that Monarch, than even by the death of Charles I. It was a measure which originated in a period when the parliament gave up to the king the disposal of the military force, and surrendered the liberties of the people, at the foot of the throne. There was one clause in the act of Charles the second, which shewed the spirit of those times. By this clause it was made penal to say the king was a papist. And why? Because such was the precise fact. It was rather inauspicious in the present moment, that it should be thought necessary that a bill should be adopted to prevent people from telling the truth. No man would however say that George III. was a papist. What however was the object of the present bill? By this bill men were forbidden to speak of the defects of government, and of those abuses which were growing up from day to day, to destroy the spirit of the constitution. If ministers had not been conscious of the existence of those defects, they would not have forbidden men to discuss them. He had somewhere read, that after the defeat of Brutus and Cassius, a decree had been passed that Augustus, who was then raised to the highest dignities of the state, should not be called a boy, *puer ne majestati populi Romani detractaret*. Augustus passed no such decree at the latter end of his reign; nor did Tiberius, at
any

any period, feel such a decree to be necessary. The present bill was a law against proclaiming the defects of the constitution, at a period when the government was every day bringing on fresh abuses. The bill was itself an intolerable grievance. "This is the last opportunity, said Mr. Fox, that I may have to state my sentiments with respect to these bills. I feel it therefore incumbent upon me to declare, that my objections still remain unimpaired. The one is calculated to prevent the liberty of speech; the other the liberty of writing and publishing. If these bills be carried into effect, and if their influence extend to the national character, other nations will be enabled to say, they who were once renowned for conquering others, had made a shameful conquest of themselves.

The Chancellor of the Exchequer said, he was led by a sense of publick duty to answer some of the observations of the right honourable gentleman who had just set down, and to state free from obscurity, or disguise the true nature of the will, its objects and provisions. He would however at that late hour trouble the House with as few observations as possible. He agreed with the right honourable gentleman that the time when these bills were to be enacted, formed a crisis in the political history of the country, no doubt an important crisis, when a set of dangerous and designing men with unprecedented attacks were seeking to destroy the old and venerable constitution of the country.

The question then was, whether the king, lords, and commons of this country, resorting to the wisdom of their ancestors, from whom they derived the inheritance of their government, should, with wholesome enactments, meet the dangers which threatened it; or whether they should prevent a subtle and designing enemy from destroying it; whether, when their enemies assumed a mask and now carry on those designs secretly, which no long time had elapsed since they carried on openly, the king, lords and commons of Great Britain should snatch the constitution from their grasp, or surrender it to be mangled and torn by these detested spoliators. One gentleman (Mr. Jekyll) in a speech apparently studied, with a great deal of prepared and elaborate attack, had declared the bills to be infernal, and used terms which, if meant to characterise those bills, were too hyperbolic for the effusions of practical exaggeration. Another honourable gentleman (Mr. Sheridan) who had always been the champion exclusively of the democratic part of the British constitution, had said, that if he was by rank entitled to

to demand an audience, he would beseech the King to exert that power vested in him by the constitution, of putting his negative on these bills. What! did the honourable gentleman think it would be decorous in a grave hereditary counsellor of the crown, to go to his Majesty with his advice to reject these bills, which were to be offered to him by the other two branches of the legislature, as a testimony of their concern for the safety of his royal person, and which comprehended a salutary enactment in support of their own constitutional rights? That honourable gentleman had gone so far as to say that such a counsellor would receive immortal honour by such advice. The right honourable gentleman who spoke last, would advise his Majesty not to put his negative on the bills, but immediately to dissolve his parliament, which he said was his constitutional right. It certainly was part of the powers and prerogative of the crown, to dissolve the parliament; but there had been a time when that right honourable gentleman was not quite so well convinced that such dissolution was an unquestionable exercise of a just prerogative; on the contrary, when the loud voice of the people was heard from all quarters, about twelve years ago, against a particular public measure, that honourable gentleman not only questioned the constitutional right to dissolve in such circumstances, but branded the dissolution which took place, as perfectly unconstitutional. If his Majesty should have advisers that would give such counsel, he would only say, that they would not be those who were in the habit of giving his Majesty advice, and were responsible for the advice they gave.

The Chancellor of the Exchequer proceeded in substance as follows: "A strong proof to me that the crisis to which I have referred is determined, is the different language which I now find to be held by the right honourable gentleman, (Mr. Fox.) He has no longer any hopes to prevent the bills from being enacted, but he trusts to the people in order to have them speedily repealed. I am glad to find that the right honourable gentleman is become so far a convert to the system of moderation, that he looks to see how many he can bring to concur with him in endeavouring to procure the repeal of the bills, if they should pass into laws, and not with how many he may think it prudent to resist their operation. I am glad to find that this doctrine of resistance, on which so much stress was laid in an earlier stage of the business, is not at this time uppermost in the mind of the right honourable gentleman. I trust that the avowal and justification of this doctrine will not sink deeper in the minds of any part of the

community, and produce that impression which such a principle is calculated to make on violent and unenlightened minds. Should their ignorance be misled and their passions enflamed, should their passions indeed may be the consequences on their future conduct. I trust that the danger which was incurred to the peace, will operate as a warning to prevent gentlemen from rashly and hastily broaching doctrines in the heat of debate, which might produce the most pernicious effects on the minds of others, long after their better judgment and the more mature deliberation had eradicated them from their own. Having noticed these general topics, I proceed now more particularly to consider the nature of the present bill. The subject resolves itself into two points. I shall first advert to that part of the bill which affects the existing law of treason; and secondly, to the particular species of misdemeanor to which the Bill is calculated to apply. First, the Bill makes a conspiracy to do any thing that may tend to the King's death, to maim or to do him any species of bodily injury, to restrain and imprison his person, or to seek to make him alter, by force, the measures of his government a substantive treason. These by the statute of the 15th of Edward III. were only made overt acts, of compassing and imagining the King's death. By the present Bill they are made direct and substantive treasons. By the other part of the Bill it was made treason to levy war, to overawe the legislature. The right honourable gentleman had asked, might not the people attempt to influence the decision of the legislature by the force of opinion, by the violence of prayer? He forgets that the Bill does not preclude the people from any peaceable and legal mode of bringing forward their opinion, in order to influence the sentiments of the legislature, that it does not interfere with their right, or prevent them from carrying to their representatives, in decent and orderly language, their sense of public measures. The treason described by the Bill attaches only to those who levy war in order to overawe the legislature. Will the honourable gentleman contend, that levying war has any connexion with that mode of expressing opinion, which is intended to influence the proceedings of a legislative body? The right honourable gentleman objects to the preamble, which, by the bye, he seems not to have read.—(Mr. Fox expressed some indignation at this charge) I did not mean continued the Chancellor of the Exchequer, that the right honourable gentleman ought to have read the preamble as part of his speech; but undoubtedly he seems not to have attended to the latter part of that preamble. He said, that he need not
preamble

preamble that did not state truth. He affirmed, that the preamble made the attack on his Majesty the foundation of the Bill, and contended, that though the Bill purported to be for the security of his Majesty's person, and the preservation of his government, it did not, in fact, tend to give to either any additional security. If the right honourable gentleman had gone farther, and read the latter part of the preamble, he would have found, that it was not so narrowed and confined as he had described; that it stated not only the attack on his Majesty, as the ground of the Bill, but also the seditious speeches and publications of evil-disposed persons. In opposition to the right honourable gentleman, I maintain, that the provisions of the Bill are calculated to give greater security to his Majesty's person and government, and that the grounds stated in the preamble are commensurate to all the objects which the Bill has in view. In all times, when the person of the Sovereign has been supposed to be endangered, a law in those terms has been passed. We are not now, for the first time, bringing forward a speculative Act, of the probable consequences of which we cannot pretend to judge; but we are copying the wisdom of our ancestors; we are adopting the salutary precautions of former times. Acts, of which this is a transcript, were passed in the reigns of Queen Elizabeth, and Charles the second. Elizabeth has been reproached as an arbitrary Princess. It is certain that her life was threatened from many quarters. But how far is the charge that this Act is a weak and inefficient measure, consistent with the description which has been given of her character? If she was an arbitrary Princess, it surely is not likely that, where her own preservation was concerned, she should adopt measures inadequate to the purpose. The parliament of Charles the second has been accused with making many sacrifices to the throne. It is not, therefore, probable that, in the excess of their loyalty, and the superabundance of their zeal, they should have neglected to put a sufficient guard around the King's person. Thus does the reasoning of those gentlemen, so far at least as concerns the efficacy of the measure, retort upon themselves. Such laws having passed in different periods of our history, and having in no instance been found insufficient, we have a strong and well-grounded presumption that they are well calculated to afford security to the person of the Sovereign. They apply directly the penalties of treason to that species of offence against the person of the Sovereign, to which before they could only have circuitously been brought to attach. They constitute those acts substantive treasons, which be-

fore could only have been brought to prove the criminal intention. But an instance yet fresh in our memories, and which made too deep an impression on the House to be easily forgotten, will best illustrate the proposition. Supposing the person who threw the stone at his Majesty, on his way to parliament, to have been discovered and brought to trial, he would not have wanted an able and eloquent advocate to have pleaded, "that by throwing the stone he had no intention of seriously injuring the person of the Sovereign; that he was actuated by no deliberate, malicious purpose; that he was carried away by the impulse of the moment; that he meant by throwing the stone only to mark more strongly that sentiment of indignity to his Majesty, which excited the clamours of disapprobation among the surrounding multitude, and to express his own feelings of resentment from the continuance of the war." It is possible (I do not say that it would be justified by the sound construction of the law) even that such a defence, dressed up with ingenuity, and enforced with the eloquence with which it would not fail to be supported, might induce an honest jury to pronounce a verdict of acquittal. The intention of this Bill was to cut off the possibility of such a defence being made in extenuation of such an Act, to remove from the offender all hopes of escape by subterfuge and evasion, and by making the remedy more simple, to diminish the danger. But it was said, why not make a new declaratory law? It was necessary that the present should be an enacting and not a declaratory law, because it only made that which was already. Treason by the statute of the 25th of Edward III. Treason under another branch, and to be laid in a different manner in the indictment. As to the present Bill making new treasons, which were not before known to the law of England, in contradiction to so injurious an assertion, he referred to the writings of Lord Hale, and Sir Matthew Foster. These learned and venerable judges had given a history of the different statutes of treason, accompanied with their own comments. The object of the present Bill was clearly to define the true meaning of the old law, which was now only to be drawn out of a long series of judicial expositions. It was in order to guard against all ambiguous and doubtful interpretation, at a time when it was necessary to provide against a positive and immediate danger. Must not such be felt to be the case, when a daring attack has so recently been made on the person of his Majesty, and when the instance of the precise danger against which the Bill is directed, happened under our own eyes,

eyes, and at the door of parliament. The Bill also made an attempt to overawe the legislature, high treason. Was it necessary, by any long deduction of argument, to prove the necessity of such a precaution at a moment when their existed societies hostile to the authority and existence of parliament? Those societies, meeting under the species pretexts of parliamentary reform, and the right of petitioning, employed a language which sufficiently shewed how far those were their real objects. They declared that the five hundred and eighty-eight gentleman of St. Stephen's Chapel might go about their business. They took every opportunity to villify the character of the legislative body, to express their contempt of its authority, and to shew how much they were disposed to usurp its functions, and, if possible, annihilate its existence. The right honourable gentleman has dealt much in general topics of declaration. He said that he had never found that the lives of Princes had been safe in proportion to the sanguinary laws and the severe punishments which had been instituted for their protection. Thus, I must remark, that the present is no new sanguinary law, that it creates no extraordinary severity of punishment. If the right honourable gentleman thinks that the person of the Sovereign, is not rendered safer by the punishments which the law has devised for his protection, this argument goes to repeal all the existing laws of treason. He chuses, however, to appeal to the testimony of experience, and to the example of former periods of the history of this country. He asks whether, notwithstanding the excessive loyalty of the parliament, and the extreme vigour of the laws, there were not some real plots in the reign of Charles II. besides the sham plots that were brought forward to serve a particular purpose. That to the courie of that reign the parliament made many shameful concessions, I am ready to admit; but I can by no means allow that it was a blind indiscriminating spirit of devotion to the Monarch which gave rise to the Act, of which the Bill is the counter-part. Neither can I allow that the persons, who were concerned in effecting the restoration, left principles altogether out of their view, though, perhaps, they neglected to employ some precautions which it would have been wise and proper to have adopted. In order to prove that some regard was had to principles in the Act of the restoration, it is only necessary to refer to the history of the times, and to the persons concerned in that event. Hyde, Earl of Clarendon, and those who were connected with him, were not men entirely indifferent about the English constitution, or likely to be

be parties in a transaction, where its principles were entirely left out of contemplation. But with respect to this particular Act, he had the sanction of the venerable name of Serjeant Maynard, who was one of the persons then employed in framing the Bill for the security of his Majesty's person. Immediately after the restoration, this truly constitutional lawyer had said, "That except for that event he had been on the eve not only of surviving lawyers, but the laws." (The Chancellor of the Exchequer was reminded that these words were spoken not after the restoration, but after the revolution.) I admit my error—these words were spoken after the revolution; and is it likely that the venerable person, who, during the course of a long and honourable life, had preserved his attachment to the constitution, should have so entirely forgotten its spirit, or departed from its principles, in framing that Bill which had so frequently been referred to in the discussion? But I will ask the right honourable gentleman, does he attribute the plots in the time of Charles II. to the adoption of new laws, and the unusual severity of punishment? or does he not rather attribute them to the repeated breaches of law committed by that Monarch, and to the attempts which he made, at different periods of his reign, to govern without a parliament? Among his other allusions to history, the right honourable gentleman refers to the reign of Robespierre. He asks, whether that tyrant derived any security from that system of terror which he employed as the engine of his government, and which he supported by a large military force? I appeal to the House, how far this allusion can, with any propriety, apply to the present discussion? I appeal to the house, how far the question, whether a lawless, wanton, and barbarous system of proscription and carnage, is calculated to afford security to the tyranny from which it originates—can possibly bear a comparison with the effect of those regulations which we are now employed in enacting for the security of his Majesty's person, who is the object of the affections of his people, and for the preservation of that government, which is the best pledge for their happiness. I shall now very shortly advert to the second part of the bill, which relates to misdemeanors. The first question is, whether, in any possible case of misdemeanor, transportation is a punishment which ought to be left to the discretion of the court. Misdemeanors are undoubtedly of very different sorts, and unless they can be marked out and graduated by some scale of legislative regulation, it is necessary that, in adjusting the punishment, something should be left to discretion. The misdemeanors against which the present bill is directed, are of the

the most serious description. They are those offences which are productive of the worst consequences, which militate against the welfare of the whole community, which are calculated to disturb the order, and interrupt the tranquillity of society. If we look to the ordinary operation of law, and compare the species of misdemeanors described in this bill, with other offences which are at present punishable with transportation, I appeal to the house whether those offences, either in point of moral guilt, or of public danger, are to be compared to the acts against which this bill is calculated to guard. The right honourable gentleman has descanted on the hardship of the sentence, and talked of the compassion due to individuals, who, from having been placed in a better situation of life, had been doomed to experience its rigours. That it is a sentence at all times severe in its operation I cannot but admit; that it becomes more particularly so when the person who is its object has been placed in a respectable and comfortable situation; that such a person should be compelled to abandon the society to which he had been accustomed, for companions of a very different description; that he should be doomed to relinquish his native land, the comforts of his situation, and condemned to associate with the rudest and vilest of mankind, is a consideration which must naturally impress every mind with compassion. But while we feel compassion for the individual, we must recollect, that, as legislators, there is a duty which we owe to the public paramount to every other consideration. We must recollect, that if the punishment rises in proportion to the situation which the individual held in society, and that if our pity is more strongly excited from the consideration of these advantages he has forfeited, so also is the enormity of the crime aggravated by the same consideration; and he, who, being placed in a respectable and comfortable situation, subjects himself to the penalties of law, wanting the temptation to err, wants also the apology for offence. If the ignorant and unenlightened individual, the blind and deluded instrument, is doomed to punishment for the crime, which, from the instruction or the example of others, he has learned to regard as a virtue, with what sentiments must we look to the master work-man, who perverts the advantages of education, abuses the talents of nature, and employs the very distinctions which he derives from the present order of society, as means of attack against the existence of society itself? I have only to call upon the house, to consider what is the description of offence against which the punishment is directed. It is not to apply twice to the offence that may

may have previously been committed, but to the second instance of offence after conviction. An objection was started that the species of crimes comprehended under the present bill, was of a description of the nature of which it was not within the province of a jury to judge. His honourable friend (the Attorney General) has stated to the house what is his own practice. He has always left to the jury to decide whether the innocent cause assigned was the real motive of the action; but in stating this, he had stated not only that mode of practice which is conformable to the liberality of his own sentiments, but which is sanctioned by the liberal spirit of the laws of England. There is no legal privilege which may not be made the pretext to cover the most illegal actions. I must particularly remark, in order to obviate misrepresentation, that nothing is made a crime by the present bill which was not before criminal, and subjected to a severe punishment by the common law of England. After what I have already said, I have nothing further to add, as I conceive the present bill to be supported on the plainest and simplest grounds on which any legislative provision was ever offered to this house."

Mr. Fox rose to explain. He said, that the minister had taken the liberty to say that he had that night rather considered what means to take for the repeal of those bills, than to see how many agree with him to resist: "Now," said Mr. Fox, "this is one of the most gross misrepresentations that even *he* ever made against me; so gross that I hardly know how to behave to him upon it. I do not know how to believe that any man, who has the feelings or the candour of a gentleman, could state this. Is there another man in this house, who will say, that this is a real statement of what I said? Did I say so, or even any thing like it? I wish gentlemen would do me justice. Did I say any thing like what has been tonight imputed to me? Did I not state the direct contrary, as to the doctrine of resistance at least? I ask this, because I will not repeat all that I said upon that subject. But lest some persons may affect to say that I have changed my opinion upon that subject, I will state again---that it acts pass, of the description of this which is now before, and that which has passed this house, which are manifestly to subvert the constitution of this country, by a majority of parliament, against the decided will of the people; and they have no regular means of recovering their liberties, my opinion is, that then resistance is a matter of prudence and not of morality. I certainly stated *his* opinion generally."

* *The Chancellor of the Exchequer* felt himself called upon by what

what had fallen from Mr. Fox, and he said, he was glad the right honourable gentleman had explained himself. He understood him, in consequence of his explanation, to subscribe to an explicit declaration, that he thought resistance, on the part of the people, was imprudent, even when the majority of them were against the law. He had conceived the original declaration to bear the construction which he had put upon it. That if the majority of the people were against the law, the people ought to resist.—[*No! No! No! was resounded from the other side.*] “I did not hear the right honourable gentleman qualify the expression as he does now,” said the Chancellor of the Exchequer, “if he says he did, I shall not dispute it. What I understood him to say was, that if the majority of the people were against the law, then resistance would be, not a question of morality, but of prudence. Whether in the context of his speeches, either within the house, or without this house, he has been most successful to procure a majority against these bills, I shall not determine. Whether he has omitted in the house any thing that he has said out of it, I know not. He puts the question to be a question not of morality, but of prudence; whether this opinion now agrees to the temper of his mind I shall not determine, but I must say that it was at least imprudent in him.”

Mr. Fox. “If my expressions are to be made thus formal, I insist that they be stated fairly; I will repeat them. What I said was—if these bills be, as I think them to be, passed against the decided majority of the country, and executed to the extent of their provisions. [*There being a loud cry of hear! hear!*]—He proceeded—“I desire that my words may be taken down:—Good God Sir! This is the second time I have been misrepresented this very night, and I insist upon being heard now. I appeal to every man of honour in this house. I ask if I did not say, to the extent of their provisions, and by which all Englishmen would be prevented from enjoying their rights?—Whether I did not then say, I think it will be a question, not of morality, but of prudence, to resist? and when that was taken notice of, I made use of a quotation—

Iniquissimam pacem justissimo bello antefero.

“I own there was something of a stratagem in this; I made use of it, because I was determined not to be misrepresented; as I have found there are some persons who wish to misrepresent me. I wish it again to be understood that I did not recommend any resistance, as that quotation clearly proves. But I think I should behave dastardly indeed if I failed

again to say, that King, Lords, and Commons, united, may agree in a law, which it is the right of the people to resist— which resistance they may exercise at their discretion. This, Sir, is a real right in the people of this country, and I think this doctrine applicable to these bills.”

The house divided---

<i>Ayes</i> , (for the third reading)	.	226
<i>Noes</i> , (against it)	-	45

<i>Majority</i>	181
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The bill was then read a third time, and strangers were excluded, but Mr. Sheridan proposed a clause by way of rider, the purport of which was, to take away the arbitrary power of the judges in Scotland, and to declare that they should not be able to transport persons for sedition for more than seven years. The house divided.

<i>Ayes</i> , (for the clause)	-	27
<i>Noes</i> , (against it)	-	184

<i>Majority</i>	157
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The bill * was then passed.—Adjourned.

HOUSE.

* The following is the Bill, as sent to the House of Lords, by whom it passed without amendment.

A BILL, intituled an Act for the more effectually preventing Seditious Meetings and Assemblies.

WHEREAS assemblies of divers persons, collected for the purpose or under the pretext of deliberating on public grievances, and of agreeing on petitions, complaints, remonstrances, declarations, or other addresses, to the King, or to both Houses, or either House of Parliament, have of late been made use of to serve the ends of factious and seditious persons, to the great danger of the public peace, and may become the means of producing confusion and calamities in the nation:

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that no meeting, of any description of persons, exceeding the number of fifty persons, (other than and except any meeting of any county, riding, or division, called by the lord lieutenant, custos rotulorum, or sheriff, of such county; or a meeting called by the convener of any county or stewartry in that part of Great Britain called Scotland; or any meeting called by two or more justices of the peace of the county or place where such meeting shall be holden; or any meeting of any county, having different ridings or divisions, called by any two justices of any one or more of such ridings or divisions; or any meeting called by the major part of the grand jury of the county,

HOUSE OF LORDS.

Friday, December 11.

PETITIONS.

The Earl of Lauderdale rose to present a petition for Edinburgh, signed by eight thousand inhabitants, which he had mentioned on a former day; before he desired that it might be read, he wished however to say a few words, because
much

county, or of the division of the county, where such meeting shall be holden, at their general assizes or general quarter sessions of the peace; or any meeting of any city, or borough, or town corporate, called by the mayor or other head officer of such city, or borough, or town corporate; or any meeting of any ward or division of any city or town corporate, called by the alderman or other head officer of such ward or division; or any meeting of any corporate body), shall be holden, for the purpose or on pretext of considering of or preparing any petition, complaint, remonstrance, or declaration, or other address, to the King, or to both Houses, or either House of Parliament, for alteration of matters established in church or state, or for the purpose or on the pretext of deliberating upon any grievance in church or state, unless notice of the intimation to hold such meeting, and of the time and place when and where the same shall be proposed to be holden, and of the purpose for which the same shall be proposed to be holden, shall be given, in the names of seven persons at the least, being householders resident within the county, city, or place where such meeting shall be proposed to be holden, whose places of abode and descriptions shall be inserted in such notice, and which notice shall be given by public advertisement in some public newspaper usually circulated in the county and division where such meeting shall be holden five days at the least before such meeting shall be holden, or shall be delivered in manner herein-after mentioned; and that such notice shall not be inserted in any such newspaper unless the authority to insert such notice shall be signed by seven persons at the least, being householders resident within the county, city, or place where such meeting shall be proposed to be holden, and named in such notice, and unless such authority, so signed, shall be written at the foot of a true copy of such notice, and shall be delivered to the person required to insert the same in any such newspaper as aforesaid; which person shall cause such notice and authority to be carefully preserved; and shall also, at any time after such notice shall have been inserted in such paper, and within fourteen days after the day on which such meeting shall be had, produce such notice and authority, and cause a true copy thereof (if required) to be delivered to any justice of the peace for the county, city, town, or place, where such person shall reside, or where such newspaper shall be printed, and who shall require the same; and in case any person shall insert any such notice in any newspaper, without such authority as aforesaid, or in

case

much more than common arts had been used to prevent people from signing it, and inducing them to sign the other petition presented by a noble duke a few days since (the Duke of Portland). To convince the house that no unfair means had

case any person to whom any such notice and authority shall have been delivered for the purpose of inserting such notice in any such newspaper as aforesaid, shall refuse to produce such notice and authority, or to deliver a true copy thereof, being thereunto required as aforesaid, within three days after such production and copy, or either of them, shall have been so required, every such person, for every such offence, shall forfeit the sum of fifty pounds to any person who shall sue for the same.

Provided always, nevertheless, and be it further enacted by the authority aforesaid, that it shall be lawful to deliver any such notice as aforesaid, signed by the seven persons in whose names such notice shall be given, with their places of abode, and descriptions, five days at the least before the day on which such meeting shall be holden, to the clerk of the peace of the county, riding, or division, within which such meeting shall be proposed to be holden; and such clerk of the peace shall forthwith, and without delay, send a true copy of such notice, with such signatures and additions as aforesaid, to three justices of the peace at the least, of such county, riding, or division, then resident within such county, riding, or division; or in case the justices of the peace of the city, borough, or town, where such meeting shall be proposed to be holden, shall have exclusive jurisdiction, then to two of such justices, if so many shall then be resident within such jurisdiction, and if not, then to so many of such justices as shall be resident within such exclusive jurisdiction; and in such case, such notice so given by such means as aforesaid, shall be as effectual, to all intents and purposes, as if the same had been given by public advertisement, inserted in any such newspaper as aforesaid.

And be it further enacted by the authority aforesaid, that all meetings of any description of persons, exceeding the number of fifty persons, (other than and except as aforesaid), which shall be holden without such previous notice as aforesaid, for the purpose or on the pretext of considering or preparing any petition, complaint, remonstrance, declaration, or other address, to the King, or both Houses, or either House of Parliament, for alteration of matters established in church or state, or for the purpose or on the pretext of deliberating on any grievance in church or state, shall be deemed and taken to be unlawful assemblies.

And be it enacted by the authority aforesaid, that if any persons, exceeding the number of fifty, being assembled contrary to the provisions hereinbefore contained, and being required or commanded by any one or more justice or justices of the peace, or by the sheriff of the county or his under sheriff, or by the mayor or other head officer or justice of the peace of any city or town corporate, where such assembly shall be, by proclamation to be made in the King's

had been used to get signatures to this petition, and that no improper persons, or any under age, had been allowed to sign it, he would read a certificate to that effect, subscribed by the committee appointed to inspect the signing of it, and when he read

name, in the form herein-after directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of twelve or more, notwithstanding such proclamation made, remain or continue together by the space of one hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more, after such command or request made by proclamation, shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death, as in case of felony without benefit of clergy.

And be it further enacted by the authority aforesaid, that the order and form of the proclamation to be made as aforesaid shall be as hereafter followeth; (that is to say), the justice of the peace, or other person authorized by this act to make the said proclamation, shall, among the said persons assembled, or as near to them as he can safely come, with a loud voice command, or cause to be commanded, silence to be, while proclamation is making, and after that shall openly and with a loud voice make, or cause to be made, proclamation in these words, or like in effect.

‘ OUR Sovereign Lord the King chargeth and commandeth all persons being assembled immediately to disperse themselves, and peaceably to depart to their habitations or to their lawful business, upon the pains contained in the act, made in the thirty-sixth year of King George the third, for the more effectually preventing seditious meetings and assemblies.

‘ GOD save the KING.’

And be it further enacted by the authority aforesaid, that in case any meeting shall be holden, in pursuance of any such notice as aforesaid, and the purpose for which the same shall in such notice have been declared to be holden, or any matter which shall be in such notice proposed to be propounded or deliberated upon at such meeting, shall purport that any matter or thing by law established may be altered otherwise than by the authority of the King, Lords, and Commons, in Parliament assembled, or shall tend to incite or stir up the people to hatred or contempt of the person of his Majesty, his heirs or successors, or of the government and constitution of this realm, as by law established, it shall be lawful for one or more justice or justices, or the sheriff of the county where such meeting shall be, or for the mayor or other head officer, or any justice of the peace of any city or town corporate, where any such meeting shall be, by proclamation, to require or command the persons there assembled to disperse themselves; and if any persons, to the number of twelve or more, being so required or commanded, by proclamation to be made in the King's name, in the form hereinbefore

read their names, he was sure there were many noble lords who must know that they were as respectable as any that could be mentioned. They were James Mansfield, Henry Martineau, Charles Hay, Robert Ferguson, and a few more equally

before directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of twelve or more, notwithstanding such proclamation made, remain or continue together by the space of one hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more, after such command or request made by proclamation, shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death, as in case of felony without benefit of clergy.

And be it further enacted by the authority aforesaid, that if any one or more justice or justices of the peace, present at any meeting requiring such notice as aforesaid, shall think fit to order any person or persons who shall at such meeting proceed to propound or maintain any proposition for altering any thing by law established, otherwise than by the authority of the King, Lords, and Commons, in Parliament assembled, or shall wilfully and advisedly make any proposition, or hold any discourse, for the purpose of inciting and stirring up the people to hatred and contempt of the person of his Majesty, his heir, or successors, or the government and constitution of this realm, as by law established, to be taken into custody, to be dealt with according to law; and in case the said justice or justices, or any of them, or any peace officer acting under their or any of their orders, shall be obstructed in taking into custody any person or persons so ordered to be taken into custody, then and in such case it shall be lawful for any such justice or justices thereupon to make, or cause to be made, such proclamation as aforesaid, in manner aforesaid; and if any persons, to the number of twelve or more, being required or commanded by such proclamation to disperse themselves, and peaceably to depart as aforesaid, shall, to the number of twelve or more, notwithstanding such proclamation made, remain or continue together by the space of one hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more, after such command or request made by proclamation, shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death, as in case of felony without benefit of clergy.

And be it further enacted by the authority aforesaid, that every justice and justices of the peace, sheriff, under sheriff, mayor, and other head officer aforesaid, is and are hereby authorised and empowered, on notice or knowledge of any such meeting or assembly as is herein-before mentioned, to resort to the place where such meeting or assembly shall be, or shall be intended to be holden, or to any part thereof, and there to do, or order or cause to be done, all such acts, matters, and things, as the case may require, which they are hereby enabled to do, or order.

equally well-known and respected. When he said that nobody had signed it that was not of sufficient age, it was because some very young gentlemen, who thought it would be a manly thing to have their names there, had wished to sign it, but were

ordered to be done, or which they are otherwise by law enabled to do, or ordered to be done; and it shall be lawful for all and every justice of the peace, sheriff, under sheriff, mayor, and other head officer as aforesaid, to take and require the assistance of any number of constables or other officers of the peace, within their respective districts, or within the district or place wherein every such meeting as herein-before mentioned shall be holden; which constables and other officers of the peace are hereby required to attend accordingly such justices, sheriff, under sheriff, mayor, or other head officer respectively, and to give such assistance as shall be necessary for the due execution of this act.

And be it further enacted by the authority aforesaid, that if such persons so assembled as aforesaid, or twelve or more of them, after any proclamation made in manner aforesaid, shall continue together, and not disperse themselves within one hour, that then it shall and may be lawful to and for every justice of the peace, sheriff, or under sheriff of the county where such assembly shall be, and also to and for every high or petty constable, and other peace officer within such county, and also to and for every mayor, justice of the peace, sheriff, and other head officer, high or petty constable and other peace officer, of any city or town corporate where such assembly shall be, and to and for such other person and persons as shall be commanded to be assisting unto any such justice of the peace, sheriff or under sheriff, mayor, or other head officer aforesaid, who are hereby authorized and empowered to command all His Majesty's subjects, of age and ability, to be assisting to them therein, to seize and apprehend, and they are hereby required to seize and apprehend, such persons so assembled and continuing together after proclamation made as aforesaid, and forthwith to carry the persons so apprehended before one or more of his Majesty's justices of the peace for the county or place where such persons shall be so apprehended, in order to their being proceeded against for such offences according to law; and that if the persons so assembled, or any of them, shall happen to be killed, maimed, or hurt in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that then every such justice of the peace, sheriff, under sheriff, mayor, head officer, high or petty constable, or other peace officer, and all and singular persons, being aiding and assisting to them or any of them, shall be free, discharged, and indemnified, as well against the King's Majesty, his heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, or hurting, of any such person or persons so assembled, that shall happen to be killed, maimed, or hurt as aforesaid.

Provided always, and be it further enacted by the authority aforesaid, that if

any

being told that, from their youth, they could not be ad-
 versely affected, and afterwards gone and signed the other petition: His
 Majesty took occasion to advert to the late transactions in Edin-
 burgh between the faculty of advocates, and their late dean;
 Mr.

any person or persons do or shall, with force and arms, wilfully and knowingly
 oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt,
 any justice of the peace, or other person authorized as aforesaid, who shall attend
 any such meeting as aforesaid, or who shall be going to attend any such meeting,
 or any person or persons who shall begin to proclaim, or go to proclaim, according
 to any proclamation hereby directed to be made, whereby such proclamation shall
 not be made, that then every such opposing, obstructing, letting, hindering, or
 hurting, any such justice or other persons so authorized as aforesaid, and so attend-
 ing, or going to attend any such meeting, or any such person or persons so begin-
 ning or going to make any such proclamation as aforesaid, shall be adjudged felony
 without benefit of clergy, and the offenders therein shall be adjudged felons, and
 shall suffer death as in case of felony without benefit of clergy; and that also
 every such person or persons so being assembled as aforesaid, to the number of
 fifty or more as aforesaid, to whom any such proclamation as aforesaid should or
 ought to have been made, if the same had not been hindered as aforesaid, shall
 likewise, in case they or any of them, to the number of twelve or more, shall
 continue together, and not disperse themselves within one hour after such let or
 hindrance so made, having knowledge of such let or hindrance so made, shall be
 adjudged felons, and shall suffer death as in case of felony without benefit of cler-
 gy; and that also, if any person or persons, so being at any such assembly as
 aforesaid, shall with force and arms wilfully and knowingly oppose, obstruct, or
 in any manner wilfully and knowingly let, hinder, or hurt, any justice of the
 peace, or other magistrate, or any peace officer, in apprehending or taking into
 custody, in execution of any of the provisions of this act herein-before contained,
 any person or persons, or endeavouring so to do, that then every such opposing,
 obstructing, letting, hindering, or hurting, shall be adjudged felony without
 benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer
 death as in case of felony without benefit of clergy.

And be it further enacted by the authority aforesaid, that the sheriffs depute and
 their substitutes, stewards depute and their substitutes, justices of the peace, magistrates,
 of royal boroughs, and all other inferior judges and magistrates, and also all high and
 petty constables or other peace officers, of any county, stewartry, city, or town, within
 that part of Great Britain called Scotland, shall have such and the same powers and
 authorities, for putting this present act in execution within Scotland; as the justices of
 the peace and other magistrates aforesaid respectively have, by virtue of this act,
 within and for the other parts of this kingdom; and that all and every person and
 persons who shall at any time be convicted of any of the offences afore-mentioned

within

Mr. Henry Erskine, to whose talents and character he bore testimony in terms of the warmest eulogy. He declared he sincerely lamented that any political opinions or ministerial cabals should have interrupted the independence that so long pre-

within that part of Great Britain called Scotland, shall for every such offence incur and suffer the pain of death, and confiscation of moveables.

And whereas certain houses, rooms or places, within the cities of London and Westminster, and in the neighbourhood thereof, and in other places, have of late been frequently used for the purpose of delivering lectures and discourses on and concerning supposed publick grievances, and matters relating to the laws, constitution, and government and policy of these kingdoms, and treating and debating on and concerning the same; and under pretence thereof lectures or discourses have been delivered, and debates held, tending to stir up hatred and contempt of his Majesty's royal person, and of the government and constitution of this realm as by law established: Be it therefore enacted by the authority aforesaid, that every house, room, or field, or other place where lectures or discourses shall be delivered, or publick debate shall be had on or concerning any supposed publick grievance, or any matters relating to the laws, constitution, government, or policy of these kingdoms, for the purpose of raising or collecting money, or any other valuable thing, from the persons admitted, whether such house, room, field, or place, shall be open or used, for any such purpose alone, or for any such purpose together with any other purpose, or under whatever pretence the same shall be opened or used, to which any person shall be admitted by the payment of money, or by tickets sold for money, or in consequence of his paying or giving, or having paid or given, or agreeing hereafter to pay or give, in any manner, any money or other thing for or in respect of his admission into such house, room, field, or place, unless the opening or using of such house, room, field, or place, shall have been previously licensed in manner herein-after mentioned, shall be deemed a disorderly house or place, and the person by whom such house, room, field, or place, shall be opened or used, shall forfeit the sum of one hundred pounds for every day or time that such house, room, field, or place, shall be opened or used as aforesaid, to such person as will sue for the same, and be otherwise punished as the law directs in cases of disorderly houses; and every person managing or conducting the proceedings, or acting as moderator, president, or chairman, at such house, room, field, or place, or therein debating, or delivering any discourse or lecture for the purpose aforesaid, and also every person who shall pay, give, collect, or receive, or agree to pay, give, collect, or receive, any money or other thing, for or in respect of the admission of any person into any such house, room, field, or place, or shall deliver out, distribute, or receive, any such ticket or tickets as aforesaid, knowing such house, room, field, or place, to be opened or used for such purpose, shall for every such offence forfeit the sum of one hundred pounds to such person as will sue for the same.

prevailed in that society, of which he was a member, and had always held the highest opinion: but their principles and character were so much changed, that no man of common sense could think it any pride to belong to them. He reminded the

And be it further enacted by the authority aforesaid, that any person who shall at any time hereafter appear, act, or behave him or herself as master or mistress, or as the person having the command, government, or management, of any such house, room, field, or place as aforesaid, shall be deemed and taken to be a person by whom the same is opened or used as aforesaid, and shall be liable to be sued or prosecuted, and punished as such, notwithstanding he or she be not, in fact the real owner or occupier thereof.

And be it further enacted by the authority aforesaid, that it shall be lawful for any justice or justices of the peace, or chief magistrate respectively, of any county, city, borough, or place, who shall by information upon oath, have reason to suspect that any house, room, field, or place, or any parts or part thereof, are or is opened or used for the purpose of delivering lectures or discourses, or for public debate, contrary to the provisions of this act, to go to such house, room, or place, and demand to be admitted therein; and in case such justice or justices, or other magistrate, shall be refused admittance to such house, room, field, or place, or any part thereof, the same shall be deemed a disorderly house or place, within the intent and meaning of this act; and all and every the provisions herein-before contained respecting any house, room, field, or place, herein-before declared to be a disorderly house, or place, shall be applied to such house, room, field, or place, where such admittance shall have been refused as aforesaid, and every person refusing such admittance shall forfeit the sum of one hundred pounds to any person who shall sue for the same.

Provided always, and be it enacted by the authority aforesaid, that it shall be lawful for any justice or justices of the peace, or chief magistrate respectively, for any county, city, borough, or place, where any such house, room, or other building shall be licensed as aforesaid, to go to such house, room or building so licensed, at the time of delivering any such lecture or discourse therein as aforesaid, or at the time appointed for delivering any such lecture or discourse, and demand to be admitted therein; and in such case such justice or justices, or other magistrate, shall be refused admittance to such house, room, or building, the same shall be deemed, notwithstanding any such license as aforesaid, a disorderly house or place, within the meaning of this act; and all and every the provisions herein-before contained respecting any house, room, field, or place, herein-before declared to be a disorderly house or place, shall be applied to such house, room, or building, so licensed as aforesaid, where such admittance shall have been refused as aforesaid; and every person refusing such admittance shall forfeit the sum of one hundred pounds to any person who will sue for the same.

Provided

the noble duke (of Portland) of the intimacy that had always subsisted between the learned gentleman and his grace, and was not very anxious to share his feelings on the occasion. He remarked that the opposition to his learned friend had arisen,

Provided nevertheless, and be it enacted by the authority aforesaid, that it shall be lawful for two or more justices of the peace of the county, city, town, or place, where any house, room, or other building shall be desirous to open for any of the purposes aforesaid, by writing under their hands and seals, at their general quarter session of the peace, or at any special session to be held for the particular purpose, to grant a licence to any person or persons desiring the same, to open such house, room, or other building, for the purpose of delivering for money any such lecture or discourse as aforesaid, on any of the subjects aforesaid, the same being clearly expressed in such licence, for which licence a fee of one shilling, and no more, shall be paid, and the same shall be in force for the space of one year, and no longer, or for any less space of time, therein to be specified; and which licence it shall be lawful for the justices of the same county, city, town, or place, at any general quarter session of the peace, to revoke and declare void and no longer in force, by any order of such justices, a copy whereof shall be delivered to or served upon the person to whom the said licence so revoked shall have been granted, or shall be left at the house, room, or building, for which such licence shall have been granted, and thereupon such licence shall cease and determine, and be thenceforth utterly void and of no effect.

And be it further enacted by the authority aforesaid, that any person entitled to any of the forfeitures aforesaid may sue by action of debt in any of his Majesty's courts of record at Westminster, or in the courts of judicary or exchequer in Scotland, when the cause of action shall arise in Scotland, in which action it shall be sufficient to declare that the defendant is indebted to the plaintiff in the sum of (being the sum demanded by the said action) being forfeited by an Act, made in the thirty-sixth year of the reign of his Majesty King George the third, "intituled, an Act for the more effectually preventing seditious meetings and assemblies;" and the plaintiff if he shall recover in any such action, shall have his full costs; provided also, that if any action or suit shall be brought against any person for any thing done in pursuance and in execution of this act, the defendant may plead the general issue; and if a verdict pass for the defendant, or the plaintiff discontinue his or her action, or be nonsuited, or judgment be given against the plaintiff, then such defendant shall have treble costs.

Provided also that nothing in this Act contained shall be construed to extend to any lectures or discourses to be delivered in any of the universities of these Kingdoms, by any members thereof, or any person authorized by the Chancellor, Vice Chancellor, or other proper officers of such Universities respectively.

arise, and that the letter was written and signed by eight men, who were either under the immediate influence of government, or had been under obligations to the present ministers.

The Lord Chancellor wished to avoid personality, and admitted the wit, the humour, the talents and abilities of the learned gentlemen alluded to their utmost extent; he did not, however, think there was enough of the relative facts, before the house to decide upon the propriety, or otherwise, of the learned gentleman's conduct upon a late occasion; blame ought not to be laid to those gentlemen who had disapproved of his conduct. He knew only one of the eight gentlemen who had signed the letters to Mr. Erskine, and he was sure he had nothing under government, or to expect from Ministers; he could not suppose the noble lord had any allusion to Mr. Hume.

The Earl of Lauderdale said, that his personal regard for Mr. Hume was such that nobody could suspect, nor would he be allowed to say, that he meant any disrespect to that gentleman,

Provided also, and be it enacted, that no payment made to any schoolmaster or other person by law allowed to teach and instruct youth, in respect of any lecture or discourse delivered by such schoolmaster, or other person, for the instruction only of such youth as shall be committed to his instruction, shall be deemed a payment of money for admission to such lectures or discourses within the intent and meaning of this Act.

Provided also, that nothing in this act contained shall be deemed to take away or abridge any provisions already made by the law of this realm, or of any part thereof, for the suppression or punishment of any offence whatsoever described in this act.

And be it further enacted by the authority aforesaid, that this act shall be openly read at every Epiphany quarter sessions of the peace, and at every leet or law court.

Provided always, that no person shall be prosecuted by virtue of this act, unless such prosecution shall be commenced within six calendar months after the offence committed; and no action shall be brought, for any of the penalties by this act imposed, unless the same shall be brought within three calendar months next after the offence committed.

Provided also, that this act shall commence and have effect within the city of London, and within twenty miles thereof, from the day next after the day of passing this act, and shall commence and have effect within all other parts of the kingdom, from the expiration of seven days next after the day of passing this act, and shall be and continue in force for three years from the day of passing this act, and until the end of the then next session of parliament,

however

however much they might have differed upon particular questions.

The Earl of Hopetoun strenuously defended the faculty of advocates, and lamented that any difference of opinion should have taken place between them and his honourable relation, of whom he spoke with great affection and respect. His lordship complained that *Dr. Monro's* name was used as a signature to the petition, and read an affidavit stating that he had never seen it.

The petition was read, and ordered to lie on the table.

Lord Grey de Wilton presented a petition from the gentlemen, merchants, manufacturers, and inhabitants of the town of Manchester, in favour of the bills. Ordered to lie on the table.

The Earl of Derby said, that he had no objection whatever to make to the petition just presented by the noble lord lying on the table. He believed it to be signed by many gentlemen of the first character and respectability in Manchester, and he had no doubt but the number mentioned by the noble lord was actually signed to it. He should only beg leave to inform the House, that he held a petition in his hand, which purported also to be the petition of the same description of persons in the town of Manchester, as the other petition did, and was signed by seventeen thousand eight hundred and twenty six. Before he moved, that the petition should be read, he begged to say a few words, as to the history of it, which was briefly this: when the inhabitants first determined to petition against the bills, several very respectable characters signed a requisition to the *Borough-reeve* and constables (who are the principal officers there) to call a public meeting. They refused to do it; on which a request was made to *Sir John Moseley*, the Lord of the manor, for the use of the market-house for that purpose. This was refused also; but the reason assigned was, that he was determined not to let it be used for any public meeting whatever. In a few days however his steward, it seems, had actually let it to the persons who signed the petition brought up by *Lord Grey*, who held a public meeting in it, where the matter of that petition was publicly discussed and determined upon. Those, therefore, who were desirous of promoting the other petition were then under a necessity of calling a meeting by hand-bills, which was held in the open air, in an adjoining field, on account of the vast numbers who attended, and at that place, the petition which he had to present was agreed upon. It was also necessary to inform the House, that in the hand-bills circulated for the calling this meeting, every admonition

opinion was given to the people to act and demean themselves peaceably: that they did so; and the greatest order and regularity prevailed, till just before the meeting separated, when they were assailed by a great mob of women, headed by a clergyman, who insulted them with the grossest language for some time, and afterwards pelted them with stones;—that the magistrates were applied to, and very properly interfered, and some of these persons were apprehended, and afterwards discharged; yet the business, on inquiry, bore so black a complexion, that the magistrates had thought proper to summon several of these persons to attend before them on a future day, to answer for their conduct. Another thing his lordship stated, and by way of accounting for the petition he presented not being signed by a great number, was, that a person who had in his possession one skin of parchment, on which was subscribed four hundred names and upwards, was way-laid, seized, and pulled into a house, his petition forcibly taken from him, torn in pieces, and burnt before his face. His lordship said, he should possibly on a future day have occasion to trouble their lordships, and appeal to them upon so flagrant a breach of the privileges of that house.

His lordship stated, that the petition, after having been agreed to, was left for signatures at two houses, which were publicly advertised as the places for persons to resort to who chose to go voluntarily to sign their names, that, on account of the great extent of the town of Manchester, several houses were mentioned where it was to lie for signatures. These houses were all threatened, that if they permitted a petition to lie for signatures, all who did so should lose their licence on the next licence-day, and only two could be found who had virtue enough to resist such illegal and scandalous menaces. Having stated and pointedly argued upon these facts, he moved that it might be read, and afterwards that it might lie on the table.

Lord Grey de Wilton admitted what Lord Derby had mentioned as to the riot by a mob of women. He did not deny that there were many very respectable names to the petition presented by his lordship; but he contended that the petition which he had himself presented contained more signatures of that description. He read a letter, which was anonymous, in which it was asserted, that those who were in favour of petitions against the bill were enemies to the government. This his lordship afterwards explained to mean enemies to ministers.

Lord Grenville denied that these measures had any such object, and there were those of whom he was one, that were convinced

convinced that the Bills were absolutely necessary for the preservation of our constitution: not only our constitution, but for the very safety of all government, and of social order itself. In that view, those who supported them might be called the enemies of the constitution.

The Earl of Derby said, that if those who opposed the unconstitutional and oppressive measures of the present administration, who were striking at the root of every right and privilege that was dear to Englishmen, were to be deemed enemies of government, he was proud to be ranked amongst that number; and while he lived, and ministers continued to act in the arbitrary manner they did, he would never cease to make his voice heard against them, both in that House and to the world at large.

The Earl of Lauderdale said, that what the noble lord (Lord Grey) had said of the people of Lancashire, considering those who were inimical to, and opposers of the measures of ministers, as the enemies of government, shewed what he did not know before, viz. that the Lancashire dialect and that of his own country was, in that respect, much upon a par as in Scotland, he knew it was a settled and fixed point, that all who opposed the measures of ministers, were to be deemed the enemies of government: a scandalous perversion of expression and language, which he reprobated in strong terms.

The petition was ordered to lie on the table.

The Duke of Bedford stated, that he had a petition from 17,000 persons, the Guardians of Constitutional Liberty, signed in their petition, which was received. The first signature to this petition was J. Thelwall.

A petition was presented from the town of Bolton, in favour of the Bills.

Lord Grenville read a letter from a noble Duke who was himself absent, from the town, which stated that the meeting had been called by the magistrates.

SEDITIONS BILL.

Lord Grenville moved the order of the day for going into a committee of the whole House on the Bill to prevent seditious meetings and assemblies.—In a committee of the whole House,

Lord Walsingham in the Chair.

Lord Thurlow suggested some amendments on the first clause, for the better understanding the manner in which meetings were to be convened. These were explained by the Lord

Lord Chancellor and Lord Grenville, and the first clause remained unaltered.

In the clause which gives to the sheriffs, &c. of Scotland, the same powers as those in England, the *Earl of Lauderdale* pointed out the concluding words of the clause, viz. "And that all and every person and persons who shall at any time be convicted of any of the offences afore-mentioned within that part of Great Britain called Scotland, shall for every such offence incur and suffer the pain of death, and confiscation of moveables." The Earl shewed that by this clause the people of Scotland were to suffer death for offences which by the same Bill were in England to subject persons to a fine of fifty pounds. Distinctions of offences were made for England. Some were to incur fines; some the penalty of death, but by this clause, a general undistinguishing doom of death was pronounced on the Scots for all the offences of the Bill; he moved therefore to amend it.

The Earl of Mansfield and the *Lord Chancellor* contended, that the noble lord was not justified in this interpretation.

Lord Thurlow declared, that in his mind it could bear no other construction, and he was surprised to hear noble lords resist what was so obvious. Clearly it could not be the dreadful intension of the authors of the Bill, and therefore it was their duty to correct a clause, which by being so loosely worded, might produce consequences so shocking and so dreadful. The Scotch judges had shewn themselves disposed to construe Acts of parliament with sufficient latitude, and their lordships could not be too precise in the wording of an Act of this importance.

The Bishop of Rochester supported the amendment. He said, that in all cases where the penalty of death was inflicted, the law ought to be as explicit as possible, and that the life of a fellow creature should never be at the mercy of the folly, the ignorance, or the iniquity of a judge. It was a matter of conscience to him; if he gave his vote for a law, from the uncertain wording of which one innocent man should lose his life by the misconstruction of the meaning of the legislature, he should think he, for one, had dipt his hand in that innocent man's blood. He should, therefore, give his consent to the amendment.

The Lord Chancellor said, that if in the last stage of the business a single doubt on this point should remain, he would wish some amendment to take place which might remove it. On which *Lord Lauderdale* withdrew his amendment.

The

On coming to the clause which limits the continuance of the Act to three years,

The Duke of Norfolk said, he was one of those who did not see any necessity whatever for this Act, but as there seemed to be a majority of the House who did think there was a necessity, he would address that majority to pass the Act as conformable to the spirit of constitution as possible. This was a great restriction on the liberties of the people, and therefore should only be made to hold for as short a time as had been the practice on former occasions. The *habeas corpus* act had only been suspended for a short time. He would therefore move that instead of the words "three years," the words "one year," should be inserted.

Lord Mulgrave opposed the amendment, and contended, that one year would be ineffectual, and that he would rather give up the Bill altogether. He said the enacting it for one year, if it was necessary to renew it, would create irritation in the minds of the people, and would have the worst consequences.

Lords Darnley, Radnor, Romney, and Scarborough, spoke in favour of the amendment, and said, if it was not adopted, though they had voted for the second reading, they would vote against the third.

Lord Grenville opposed the amendment.

The Duke of Norfolk answered all the arguments, the chief of which was the irritation a renewal of the Bill would occasion, by observing that the same coercive power would still remain with government to counteract such irritation. The question being put, a division took place.

For the amendment,

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The Committee then went through the Bill; the House was resumed; the report read and received, and the Bill ordered to be read a third time on Monday the fourteenth.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, December 12.

After the discharge of the call of the House, which stood for that day, Mr. Rider brought up the report of the Select Committee appointed to take into consideration the present high price of corn, and moved, "That the House do agree to the following resolutions:"

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"To

“ To reduce the consumption of wheat in the families of the persons subscribing such engagement, by at least one third of the usual quantity consumed in ordinary times.

“ In order to effect this purpose, either to limit to that extent the quantity of fine wheaten bread, consumed by each individual in such families ;

“ Or, to consume only mixed bread, of which not more than two-thirds shall be made of wheat ;

“ Or, only a proportional quantity of mixed bread, of which more than two-thirds is made of wheat ;

“ Or, a proportional quantity of bread made of wheat alone, from which no more than five pounds of bran is excluded.

“ If it should be necessary, in order to effect the purpose of this engagement, to prohibit the use of wheaten flour in pastry, and to diminish, as much as possible, the use thereof, in other articles than bread.

“ By one or more of these measures, or by any other which may be found equally effectual, and more expedient and practicable, in the respective situations of persons subscribing, to ensure to the utmost of their power the reduction above-mentioned.

“ This engagement to continue in force until fourteen days after the next session of parliament, unless the average price of wheat shall, before that time, be reduced to an amount to be specified.”

Mr. *Banks* delivered his sentiments on the report. He said, he regarded the labours of the committee with great respect, and he hoped the House would endeavour to carry into execution the proposition which the report contained, being himself perfectly ready to do every thing in his power for that purpose. He wished the House, however, to recollect seriously whether the proposition would be in any considerable degree effectual, or adequate to the removal of the evil of which they had so much reason to complain. He believed that the gentlemen who would sign the proposed agreement would comply, as far as they were able, with the provisions of it ; he, nevertheless, feared that would not be of an extent sufficient to meet the evil. An agreement to something of this nature had been entered into some time ago by many persons of the first distinction ; it had not, however, removed the evil ; and he was afraid that this measure would also be inadequate, and that in a few months the House would be obliged to go much further. He should therefore suggest to the House the propriety of prohibiting at once the making of bread of wheat alone, and leaving the different compositions of bread to be
of

of a mixture of wheat, rye, barley, potatoes, or Indian corn, as the case might require, and in certain proportions. If the House did not adopt it then, he was afraid they would soon be obliged to adopt it.

He wished also, the House to consider whether millers should be allowed to refine wheat flour beyond a certain standard. He apprehended that the danger of these regulations, in consequence of the hardships which they would introduce, were in a great degree chimerical; for he believed that the great mass of the people would not take it to be an injury if the higher classes set them the example of eating this bread. The higher classes could at present eat what bread they pleased, but the lower classes were so far from it that they could not subsist upon the wages for their labour, and a vast number of them were obliged to subsist upon charity. Therefore it appeared to him that the better way would be to come at once to a regulation by law, with regard to bread, that the rich might be compelled to eat the same bread as the poor. He did not say this in contradiction to the opinion of the committee who recommended the agreement now proposed; on the contrary, he approved of it as far as it went; but he was afraid it would not go far enough to remove the evil.

Mr. *Secretary Dundas* contended that the principle of the measure was a good one: it was, that while the rich were enjoying other luxuries, they should diminish their consumption of bread in order that more of that necessary article of food should be left for the use of the poor, who were not able to procure other articles of food. The honourable gentleman who had spoken last seemed to think that the association would be ineffectual, and one of his reasons was, that it was an unusual thing. That, in his opinion, was the principal recommendation of the measure. It was no question upon which there could be a majority and a minority, as in other questions: it was a question upon which the whole House would, he was convinced, be unanimous. Whether other measures might be necessary, he was not prepared to decide, but he certainly thought, that even if other measures should be necessary, the House ought to adopt the present proposition, and not to have recourse to compulsory measures in the first instance. It would also be recollected that a prejudice prevailed in the minds of the people against compulsory measures. A strong dislike had existed against any other than the usual bread: that dislike he was happy to state, was in many places removed, and the people in those places ate and relished bread not made wholly of wheat. Did gentlemen

members recollect that a compulsory measure would render an Act of parliament necessary? that that Act could not be passed in less than four or five weeks, and that the delay of one week was the delay of a fifty-second part of the question? As soon as this association became known in the country, it would, Mr. Dundas said, be universal; and he was decidedly of opinion, that the legislative example would be more efficacious than the legislative authority of parliament.

Mr. Curwen said, he thought that the resolutions would fall short of the end proposed. He wished the people to be earnestly exhorted to use bread made of mixed materials; and use strict economy in the usage of flour.

Alderman Newnham declared he wished something might be done to prevent the combinations of millers, which tended to raise the price of grain.

Mr. C. Dundas thought that weights and measures ought to be properly regulated in the sale of corn.

Mr. East strongly recommended members to be unanimous in supporting the present engagement.

Mr. Rider agreed with Mr. East, that unanimity was exceedingly necessary. He hoped it would not be difficult to carry the resolutions into effect.

Mr. Sheridan said, there was one point which would give him much satisfaction to hear, viz. that the proposed substitutes for the bread at present in use, would prove equally nutritive: he was afraid that it was not the case: he had been informed that in many instances, in which they had attempted to make up bread of different mixtures, it had been found not only unpalatable, but unwholesome. If the fact were so, it appeared to him, to be a most material object; because, from the very high price of all the other articles of life, many of the labouring poor were forced to live chiefly on bread. The only remedy he saw, was to adopt the Bill which had been brought in to increase the wages of labourers. Persons who were in more affluent situations would be enabled to use other articles, which would diminish the unwholesome effects of mixed bread, and bread of inferior quality; but men in that low state to which he had alluded, would not have it in their power to have recourse to any such means, unless the Bill were passed for encreasing their wages. With respect to the association proposed, he should object to it in its present form, not that he did not wish the object for which it was proposed, to be obtained, but because he was afraid to set a bad precedent. If members were once called upon in that kind of way to subscribe to a particular association, it might be extended

to others of a different nature. He had no objection to the House coming to a resolution to recommend such association, and that every member in his individual capacity should recommend and enforce them by example, in the place where he lived; and he certainly would do it in the parish of St. George's Hanover Square, where he lived; he could not, however, for one moment consent to sign the association, as at present proposed.

Mr. *Wilberforce* said, he had no doubt but that there might be a species of bread, composed of certain mixtures, which would be equally nutritive with that at present in use, because it was proved by experience; it was well known, that in many parts of the country, the poorer sort of people used bread composed in a great degree, if not entirely, of rye, which was not considered as unwholesome. With respect to the honourable gentleman's observation upon the propriety of raising the wages of labourers, he did not think it applied; because, if the present measure was adopted, they would have bread cheap in proportion to their means. Besides, the Bill only proposed to raise the wages of labourers in husbandry, who were the people among whom mixed bread was most in use. As to what had fallen from the honourable gentleman, relative to the proposed association, he could not agree with him upon that point. The present solemn occasion, in his opinion, called for some effectual measure, and the one proposed appeared to him more likely to effect the object, because it was an unusual one; and it would also have the good effect of shewing the people at large, that the parliament lost no time in doing every thing in its power to relieve the distresses of the people.

Mr. *Hussey* acquiesced in it also, and declared that he should introduce some regulations in his own family with regard to the consumption of bread. He would, he said, take an account of the consumption of bread, and he would endeavour to lessen it by a third. He would recommend that potatoes might be used instead of bread, but he thought that potatoes should be used as potatoes, not by mixing them with flour to make bread. He thought also that rice should be made use of instead of pastry. If compulsion was at all to be used, he would submit the propriety of using stale bread instead of fresh, for which purpose baking might be allowed only three days in the week, and then every person who eat bread, would be compelled to make use of some that was stale, and this was the highest species of compulsion he could bring himself to consent to with regard to bread.

Mr.

Mr. *Martin* agreed to the proposition before the House, and declared his readiness to come to any measure that might relieve the poor by any law that could be devised, because he said, he thought that it was hard, indeed, that a labouring man could not live by the fruits of his labour alone, nor without being compelled to apply to the charity of the rich.

The resolution was then put and carried.

Mr. *Ryder* moved, that the persons subscribing such engagement, do recommend it in their respective neighbourhoods—Agreed to. He also moved, that a committee should be immediately appointed to draw up the form of an engagement, which should be left in the office of the clerk of the journals for signature.—Agreed to.

A committee was accordingly appointed, and the members of the committee immediately withdrew to prepare an engagement.

CULTIVATION OF WASTE LANDS.

Sir *John Sinclair* rose to make his promised motion. He began with stating, that the House, in consequence of the present scarcity and high price of provisions, had two objects entitled to its particular attention. The first was, how to palliate the present evil? For that purpose, a select committee had been already appointed; from whose zeal and abilities much benefit was to be expected. In consequence of their suggestions, high bounties had been granted for the importation of foreign grain; and that night, the House had come to an agreement, which marked the peculiar distress to which the country was reduced. The object of his motion was of a different nature. The intention of it was, to prevent calamity and distress in future; to cut up famine by the roots; to prevent its ever again coming within the boundaries of this island; to render it in future unnecessary either to grant bounties on the importation of foreign grain, or to come to such an agreement as had been voted that night. All that could best be effected, by resolving to cultivate the waste, uninclosed, and unproductive lands of the kingdom. With a motion to appoint a select committee to take that subject into consideration, he should conclude what he had to offer.

He then stated, that the matter of consideration was a subject which naturally came under the cognizance of the board of agriculture; who had it frequently under discussion, and who at last came to certain resolutions, in consequence of which he was directed to make the present motion in parliament. As the motion was merely for the appointment of a select committee, he should not think it necessary to detain the

the House longer at present, especially after the long and desultory conversation which had already taken place. He could not, however, avoid stating the satisfaction he experienced from finding that the motion was likely to meet with the general, and he trusted, the unanimous concurrence and approbation of the House. He then moved, "that a select committee be appointed, to take into consideration the means of promoting the cultivation and improvement of the waste, uninclosed and unproductive lands of the kingdom, and to report the same as it shall appear to them, together with the opinion thereon to the House.

The following are the resolutions of the Board of Agriculture, on the subject of the waste lands and commons, on the 20th of November, 1795, on which Sir John Sinclair's motion was founded :

Resolved,

- I. That it appears to this board, from the returns made of the state of agriculture in the different counties, that a very considerable proportion of the territory of the united kingdom still remains waste and unproductive, though capable of great improvement; and it is the opinion of the board, that the present scarcity and high price of provisions call most forcibly for every possible encouragement, that can be the means of bringing such extensive tracts of valuable land into a state of cultivation.
- II. That the improvement of these lands would be greatly facilitated, by a general law, to render the division and drainage thereof less troublesome and expensive; the necessity of applying for private acts being the chief obstacle, and amounting in many instances, to a prohibition, of so essential an improvement.
- III. That it is expedient, that application be made to parliament, to take under its consideration the best mode of encouraging the improvement of such lands, as one of the most effectual means of providing for an increased population, giving employment to the industrious and labouring poor, and preventing future scarcity.
- IV. That in the opinion of this board, such an application has become peculiarly necessary at this time, as the lands now in cultivation, have been found, on the average of several years past, inadequate to the consumption of the kingdom; and that such an encouragement of agriculture as is here recommended, might not only be the means of raising a sufficient quantity of bread corn for the home consumption, but also of providing a surplus, and preventing the precarious situation, of depending on foreign countries, for the national subsistence.
- V. That the president be requested to move in the House of Commons, for the appointment of a committee, to take the above subject into consideration; and that the board do lay before the committee, that may be appointed for the purpose, all the information that it has been able to collect, in regard to the waste and unproductive lands of the kingdom.

Mr.

Mr. Joddrell observed, that the motion of the honourable baronet proposed for its object the improvement of the waste lands. He wished to know, whether it was his intention to introduce a system of general inclosure: the general words of the motion left him at a loss to conceive what was precisely meant to be included, because the waste lands, in their present state, were certainly not entirely unproductive. He said, it seemed a solecism in national policy, that such a sum as one million should be allowed as a bounty on the importation of corn, whilst at the same time a fourth or fifth part of the lands of these kingdoms lies waste.

Sir F. Sinclair explained, that a general enclosing bill was within the object and views of the board. A committee was appointed.

DISTILLERY BILL.

The debate thereon was resumed; and it was agreed that on the 18th day of the present month, the distilleries shall cease to work.

A clause was added to the bill, placing the *onus probandi* on the distiller, in the event of any doubt arising in the mind of the officer, whether molasses is or not British.

A clause was also added, providing that potatoes raised by distillers for domestic use, should not be considered as included under that clause which prohibits more than a certain quantity to be kept in their possession.

TAXES.

The several tax bills were read a first time.

Lord Sheffield moved for an account of the quantity of molasses imported into Great Britain for the last ten years, distinguishing each year.—Adjourned.

HOUSE OF LORDS.

FRIDAY, December 14.

CONFERENCE OF THE TWO HOUSES.

A message was brought from the commons, requesting a conference with their Lordships, which was agreed to, and the painted chamber appointed for the purpose.

The house then nominated the Lord President of the Council (Earl of Mansfield), the Duke of Leeds, the Earl of Derby, the Earl of Scarborough, the Earl of Hopetoun, Lord Viscount Sydney, Lord Hawkebury, and Lord Grenville, to be of the conference

conference on the part of the Peers, who met the Commons accordingly in the painted chamber.

On the return of their lordships, the *Lord President* informed the house, that he had received from the Commons a resolution and agreement entered into by them relative to the high price of corn. He then read the resolution and agreement, which were as follows:

RESOLUTION.

Resolved, *Nemine Contradicente*,—That, in consequence of the high price and deficient supply of wheat, it is expedient to adopt such measures as may be practicable for diminishing the consumption thereof, during the continuance of the present pressure, and for introducing the use of such articles as may conveniently be substituted in the place thereof.

AGREEMENT.

We, the undersigned, impressed with a sense of the evils which may be experienced by his Majesty's subjects, in consequence of the deficient supply of wheat, unless timely and effectual measures are taken to reduce the consumption thereof, within such limits as may prevent the pressure of actual scarcity previous to the next harvest, and may secure, as far as possible, the necessary subsistence of the people of this kingdom, until it shall please Divine Providence to restore the blessing general plenty; DO hereby, jointly and severally, pledge ourselves, in the most solemn manner, to execute and maintain, to the utmost of our power, the following RESOLUTIONS; and also most earnestly to recommend the same to be adopted in our respective neighbourhoods.

We will reduce the consumption of wheat in our families, by at least one-third of the usual quantity consumed in ordinary times.

In order to effect this reduction, either we will limit to that extent the quantity of fine wheaten bread used by each individual in our families; or we will consume therein only mixed bread, of which not more than two-thirds shall be made of wheat; or we will consume only a proportional quantity of mixed bread, of which more than two-thirds is made of wheat; or a proportional quantity of bread made of wheat alone, from which no more than five pounds weight of bran *per* bushel is excluded: and we will also (if it shall be necessary for the purpose of this engagement) prohibit in our

families the use of wheaten flour in pastry, and diminish, as much as possible, the use thereof in other articles than bread.

By some one or more of these measures, or by any other which may be found equally effectual, and more expedient and practicable, in our respective situations, we will, to the utmost of our power, ensure the reduction above-mentioned, of at least one-third of the quantity of wheat usually consumed in our families in ordinary times.

This engagement shall remain in force until fourteen days after the commencement of the next session of parliament, unless the average price of wheat in the whole kingdom shall be reduced, before that time, to eight shillings *per* Winchester bushel: and we do earnestly recommend to our fellow subjects to adopt and strictly to adhere to the same.

The above copy of the resolution and agreement was moved that they might lie on the table for the consideration of their lordships.

The Earl of Lauderdale admitted that the subject was of the highest importance; he contended nevertheless that the mode in which it had been submitted to their lordships was equally unjustifiable to the importance of the subject, and derogatory from the dignity of the house. He said, he could consider it in no other light than as nugatory and ridiculous, and as a paltry attempt to catch at popular favour, by publishing a list of names, subscribing to a purpose of great apparent benevolence, but which in fact was of no real utility. He declared he was ready to concur in every object that could be proved efficiently to tend to the relief of the poor. He was willing to make as many sacrifices, and go as great lengths, as any man, to remedy the extreme pressure under which they laboured. Such a palpable catch at popularity however, as was aimed at by the present measure, he utterly disclaimed: he would not have his name trumpeted forth by the public ear, while he was conscious that he was affording no real mitigation to the pressure of public calamity. He cautioned the House against hastily giving into the measure held out that day for their sanction; and recommended them to act, not with a tame subserviency to the authority of the other branch of the legislature, but with a proper regard to their own dignity.

Lord Grenville said, that the remarks of the noble Earl must at least be considered as premature. What was the proper line of conduct for that House to adopt, was not then the sub-
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ject of discussion. It would come to be debated when the papers were printed, and were before their lordships in a regular form. He could not, however, help observing the singularity of the opposition which the noble Earl displayed to an object on which the House of Commons had been unanimous.

Lord Hawkesbury agreed as to the magnitude of the question, but gave his dissent to the character given by the noble Earl to the measure. It was not to be regarded as a ridiculous and nugatory measure in any way whatsoever, his lordship said; he thought it, at least he hoped so; when he considered the prejudices of the people of the country with respect to certain kinds of food, as wise not to shock those prejudices, but to allow them any measure deemed expedient by example; and when they saw members of parliament setting the example, they would probably follow it without murmuring.

Lord Thurlow gave it as his opinion that even in this stage of the matter, it was right to take notice of the nature of the papers which had been just laid on the table. For his own part, he confessed, he did not know what to call the proceeding which appeared to him to be equally novel and irregular. A resolution and an agreement had been read, but what was the tendency of both? He could see no possible good that could arise from either. Was it meant to be made the foundation of any legislative act? He did not understand that it was; and if not, of what service could it be? It was no more than an agreement of certain individuals, as he understood it, to diffuse the article of wheat in a certain degree; and intended to operate on the people by way of example; to that agreement they desired the concurrence of their lordships: this he thought would be of no avail, and therefore desired their lordships to consider, whether they ought not to turn their minds to something which would be more effectual in regard to the mischief that was apprehended. The only regular way, in which a proceeding of the other house could come forward for the concurrence of their lordships, that he was aware of, was in the shape of a legislative act attended with the usual formalities.

Lord Mulgrave said it had been usual for the commons to make communications to their lordships of resolutions into which they had entered, without requiring them to take any positive step in consequence of such communication. In the present instance, he thought it became their lordships seriously to deliberate how far it might not, on a subject of such national importance, become their wisdom to adopt that resolution, which

which had been the result of the collective wisdom of the House of Commons.

Lord Grenville said, in one part of the resolution, of the House of Commons, the expediency of saving flour was stated, and their subsequent resolution, desired that house would adopt similar resolutions.

Lord Hawkebury thought that the present measure was both wise and salutary; that the force of example might do a great deal; and would certainly be preferable to using any mode of coercion upon the great body of the people, to force upon them a material alteration in an article to which they were all so long and so naturally attached as that of food.

Lord Thurlow desired that the clerk might read the agreement again; which being done, he said, that still he could not tell what to make of it, nor in what point of view to consider it, as any thing essential to the object it was intended to promote. It was an agreement signed by a number of members of the house of commons, to refrain from the use of wheat in a certain degree in their several houses and families; but how was it intended to operate? He wished to be informed, as at present he saw in it little more than a resolution and agreement in the members of the House of Commons not to eat tarts.

Lord Grenville said, that he should not have again risen on the present occasion, but he could not bear that it should go forth to the public, that a subject of such extreme importance, and in which the country at large were so greatly interested, had been treated in that house as futile and ludicrous. He would not have it understood that such a feeling prevailed among their lordships, with respect to a measure on which the other house of parliament had expressed an unanimous concurrence, or that they should be disposed to treat so lightly an object of the most serious concern, and the most pressing urgency.

Lord Thurlow replied, that he might feel all the importance of the subject, and yet be disposed to treat the mode in which it had been brought forward exactly in the way he had done. He would again repeat, that the measure at present brought forward was silly, futile, and even ludicrous. But these epithets applied not to the subject; he was aware of its serious nature, and of the urgency of providing a remedy. If the epithets applied any where, they must fall upon the persons who brought forward a measure so contemptible in itself, so inadequate to its object, and so unfit for the consideration of their

their lordships in any shape consistent with the gravity of their proceedings.

The Marquis of Lansdown spoke to order. He said that if their lordships meant to adopt any remedy commensurate to the evil of the scarcity, it ought to be a bold, manly, and efficient remedy. On such a ground he should have been disposed to have concurred with them, to have set his face to the worst of their situation, and to have encountered the evil in the only way in which it could fairly have been encountered, by a strong and compulsory legislative proceeding. Why did not they, for instance, prohibit the consumption of any other but barley bread? That would have been something. What was recommended in this agreement of the house of commons at all commensurate to the evil? It proposed nothing which had not before been very generally adopted, and which every man of common humanity must have been disposed to carry into effect without the formality of a written agreement. In his own family all the regulations intended to be enforced by this agreement had been practised for the last five or six months. With regard to the agreement itself. It commenced, "We, the undersigned;" and in the copy which had been sent to them, no signatures were to be found; so that it was no act of the House of Commons, either collectively or in their individual capacity; it carried with it no force whatever, and did not come before their lordships in a shape upon which they could possibly ground any proceeding. He recommended to them, therefore, to proceed in the business with due and mature deliberation, and not by any hasty or unadvised resolution to commit the dignity of their character, and infringe the regularity of their proceedings, by suffering the people to be humbugged into the notion, that they were relieved, when in reality, they felt no benefit; and when, in fact, the proceeding was not likely to afford the smallest chance of benefit to the public.

Lord Viscount Sydney said a few words in favour of the communication.

The Duke of Bedford defended the manner in which the proceeding had been treated, and deemed it inadequate to it, and likely to prove wholly inefficacious.

The papers were ordered to be printed, and taken into consideration on Wednesday, the 16th.

HIS MAJESTY'S MESSAGE,

Earl Fitzwilliam said, that before the house proceeded to the order of the day, he felt himself compelled to trouble their lordships

lordships with a few words on a subject of the utmost public importance. It was a subject in which the cabinet were particularly implicated, but which also deeply affected the honour and consistency of their lordships' proceedings. He ought, he was aware, to apologize to the house for not having been present when the subject to which he was desirous to call their attention had come regularly before them, on the consideration of his Majesty's message. He was then at a distance in the country; but immediately on hearing its contents had come to fulfil what he felt to be an urgent and indispensable call of public duty, in delivering his sentiments on the nature of that message. The message stated, that such a crisis had arrived as would induce his Majesty to meet any disposition for negotiation on the part of the enemy, with an earnest desire to give it the fullest and speediest effect. The present war, his lordship remarked, was of a nature different from all former wars. It was commenced, not from any of the ordinary motives of policy and ambition, in which wars generally originate; it was expressly undertaken, though, in his opinion, too tardily, to restore order to France, and effect the destruction of the abominable system that prevailed in that country. Upon that understanding it was that he had separated from some of those with whom he had long acted in politics, and, with other noble friends, lent his aid and assistance to his Majesty's ministers. Upon that understanding he had filled the situation which he some time since had the honour to hold in his Majesty's cabinet. Knowing, then, on such authority, the object of the war to have been to restore order in France, the precise object from which he and his noble friends had been induced to give it their support, he must confess that he was somewhat surpris'd at the declaration in the message, "that his Majesty was now ready to treat with France." When he looked to the actual situation of France, he saw no change of circumstances which could justify such a declaration, consistently with that object for which the war was undertaken. He could regard it in no other light than as an entire departure from the principle on which the war had been commenced, and had hitherto been continued.

His lordship proceeded to examine what other motives might be assigned for the war, besides that which he had mentioned. If it had been a war for any common object, it could not have been protracted to such a length; and even at an earlier period it might, he said, have been concluded upon terms much more advantageous than at present. If it had been a war merely for the protection of our allies, all interest in carrying

carrying it on must have ceased, when Flanders and Holland had fallen into the hands of the enemy, and the latter had concluded a treaty of alliance with France. If it had been a war for aggrandisement, or extension of territory, we might have treated with much more advantage at the period when the Austrians had made such progress in the French territories, or at the period when we ourselves had got such large acquisitions in the West Indies. We might then have made much more brilliant terms, than we could possibly expect in the present moment. It was alleged, that the present government in France was the only one which had sufficient power to make a negotiation. Of the present government, he remarked, ministers, as yet, had but a short experience; and former governments, while they lasted, had not shewn any want of the necessary authority for the objects of executive administration. If ministers had been disposed to treat with a government of any sort, that possessed authority at the time, there had formerly been an executive council invested with responsibility for the purpose. Robespierre had held the supreme power, vested in his own person, for fifteen months; why did not ministers then apply to him, if all they wanted from the government, with whom they should negotiate, was merely sufficient force to give effect to the treaty?

The earl said, he had, he trusted, shewn that ministers might both have treated much earlier, and with infinitely greater advantage, if their objections to negotiate had not immediately referred to the nature of the government established in France; if their object had not been, as he had already stated, to restore order in France. He would ask, therefore, was the present government in France so materially altered in its nature and construction, as all at once to do away their former objections, and produce that crisis which the message described? Of the probable stability of that government, no experience that they had yet had could allow them to pronounce an opinion; in its principle, he affirmed, the present government of France to be precisely the same as those which had preceded it. It was still a pure unqualified democracy, containing the seeds of dissention and anarchy, and affording no security for religion, property, or order. It provided no adequate guard for property: religion it expressly excluded from its system, and it introduced no distinctions which could give effect to the observance. Was it to be accounted a regular government, because it exacted a tax equal to the rate of three days labour, or required a qualification of property to the amount of ten days labour, in order to be an elector? They surely

surely would reason upon slight grounds, who could give any weight to circumstances so trivial

What, he would ask, was the character of the men of whom that government was composed? Let their lordships look to the persons composing the executive directory. Were they not the very men who had been instrumental in producing those scenes of anarchy and blood which originally had occasioned the war? Would his friends so far forget their former principles, so entirely divest themselves of those feelings which induced them to lend their support to the war, as to be ready to go into an alliance with the men against whose power they had united to make a stand? He appealed to ministers; he reminded them of their former professions with respect to the object of the war, which they said involved the honour of the country, and the salvation of Europe. Would that noble lord, so high in his Majesty's councils, and so particularly connected in any transaction that might be had with foreign powers, who had made so pathetic and forcible an address to the house on the murder of the French Monarch, now join hands with his assassins, when they had aggravated their guilt, by embreuing their hands in the blood of his unhappy queen and his innocent sister? Upon these considerations Earl Fitzwilliam said, he entirely disapproved the message and the address that had followed it, and thought no peace could be made safely with the present government of France.

PETITIONS.

The Earl of Scarborough presented a petition from the county of York against the bills now pending. Ordered to lie on the table.

The Duke of Bedford presented a petition from the merchants, ship-owners, traders, and inhabitants of the town of Kingston upon Hull, against the bills. Ordered to lie on the table.

Earl Fitzwilliam presented a petition from Sheffield in favour of the bills. Ordered to lie on the table.

SEDITION'S MEETING BILL.

The order of the day being moved for the third reading of the bill for preventing seditious assemblies,

Lord Greyville moved an amendment, that in one of the clauses, respecting printers in Scotland, instead of the word offences, there should be inserted felony. After a few remarks the amendment was agreed to, and the bill read a third time. On the question, "that the bill do now pass."

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The Duke of Bedford rose and in substance spoke as follows: The bill my lords now stands before you exactly as it is to pass into a law. In the course of the discussion which it has undergone, it has been divested of several obnoxious clauses, which, if retained, might have been attended with the most horrid and fatal consequences. The exceptionable principle, however, still remains; that principle, in the contemplation of which I do not scruple to pronounce it an infringement and violation of the constitution. There is no noble lord so strenuous an advocate for the bill, as to deny that it imposes some restrictions on the right of petitioning. He may say, indeed, that these restrictions are essential and salutary. I, on the contrary, affirm them to be unnecessary and pernicious. The bill gives a power, which is liable to abuse; it is in vain to tell me that it will not be abused. I never will confide such a power, while I am ignorant for what purposes it may be applied, or to what extent it may be carried. I may possibly be asked, why I did not attend the committee, there to suggest such alterations as I deemed necessary? I could propose no amendments consistently with my own sentiments, that would not have struck at the principle of the bill; and I should have been ashamed to have suggested such minute verbal alterations, as would have left all the evil of the principle. I so much wished that the bill should go abroad naked to the public in all its original deformity, that I almost regret that any amendments have been made in the committee. At the same time, when I looked to the great and horrid evils which might have followed from the operation of the bill, if it had passed as it was first introduced, at the danger even of a civil war, which possibly has been averted, I cannot help rejoicing that the voice of the people, which I, in common with others, exerted myself to bring forward, has produced so salutary and beneficial an effect. The ground urged for adopting this bill has been the outrage against his Majesty's person. It has been boldly asserted, that, previous to that event, the propagation of sedition was notorious, and that it may be immediately traced to doctrines which were openly preached. I as boldly contradict the assertion. Upon that point we are therefore at issue. How then is it to be established? By proof, by examination, by investigation. These have been refused; and ministers did well to refuse them: for they were well aware that their measures were not calculated to stand such a test. Had they been in possession of those materials of proof which we required, would they have refused them? If the circumstances of the times imposed upon them the necessity of bring-

ing forward new acts of restriction, and of making fresh additions to the penal code of the country, (a necessity at all times painful,) would they not, if possible, have employed the means to secure our concurrence, as their measures would thereby have gone forth to the public with much greater effect, and have been followed by a chearful and unforced assent? The present measure is liable to be abused grossly, shamefully, and, I am afraid, with impunity. I do not wish to enter into any invectives against the characters of magistrates; it is not however to be concealed, that many of those to whom so large a power is to be given by the present bill, are known to be corrupt men or at least men liable to corruption: and to persons of this description, you give the power to arrest an Englishman while he is speaking, while he is in the middle of his argument; though you recognise the principle that no speech or publication ought to be judged from a detached passage, or partial view of the contents, but from a fair comparison of the context, and a deliberate examination of the tendency of the whole. In case of any resistance or obstruction, what is the power you give to the magistrate? to disperse the meeting, to enforce military execution; and remark how many kinds of obstruction may take place in a large assembly short of actual violence; it is not your lordships all know to be expected that Englishmen will all at once become accustomed to servitude, and, on the first mandate of a corrupt and worthless magistrate, disperse like a troop of slaves. Yet, in every such instance, you put it in the power of a magistrate of this description to enforce the most severe penalties, wherever the British spirit shall either undauntedly step forward in the arduous task of asserting its outraged rights, or tempering its energies with prudence; shall calmly remain on the defensive, and assume the inflexible, but unoffending, attitude of opposition, to caprice or tyranny. Such a power I would not trust even to the man whom I most loved, revered, and esteemed. To such a man I might trust my own life, my own liberty, and my own property; but I would not trust those of my countrymen. I feel that though I am not delegated from them, I am delegated for them.

With respect to the fact of the outrage on his Majesty, on which so much stress has been laid, what was the drift of the questions on the examination of the persons who attended his Majesty, and what did the evidence then brought forward go to prove? That the persons any way implicated in that outrage were but few in number; at first it was said only about thirty, and afterwards not above two hundred. It seemed to be

be the wish of ministers to prove that the outrage was entirely the act of a band of ruffians. Even supposing that to be the fact, was it fitting to enslave the whole people of England for the offence of a few desperate individuals? Was their guilt a justification of those new and cruel punishments which were enacted by this bill? There is however another ground on which this bill is defended as a measure of prevention. This argument for encreasing the penal code, in order to prevent crimes, is, I must remark, founded on a most despotic principle, and is an innovation of the most dangerous nature. It is contrary to that spirit which guided the legislative proceedings of our ancestors, contrary to the whole tenour of our laws. It is to be recollected, that laws, in order to be just, ought to fall equally upon all ranks of the community, the great as well as the small. The present bill is chiefly calculated to restrain the lower orders; and it will become this house to recollect the relative situation in which they stand to that class of society. We may be well said to fatten by the sweat of their brows. To them we are indebted, not immediately indeed for the situation we hold here, but for all those appendages which render that situation desirable; riches, honours, and power. They can do without us; we cannot do without them. I have heard with pain, and with surprize, a comparison between the French and the English frequently introduced in the course of these debates; a comparison that defies all sober reasoning. Wherever an apology has been wanted for the bills, it has been said, "look to the example of France." The case of the French and of the English is materially different. I do not say that there is any difference in the nature of the animal man in either country; but I look, where common sense teaches me to look, to the effects of principles and education, operating upon them in their respective situations. The French have for centuries been doomed to bend beneath the yoke of oppression; they have been accustomed to witness the profligacy and extravagancy of the court, and to consider depravity of morals as a necessary qualification for honours and preferment. Englishmen, on the contrary, have at different periods struggled boldly and gallantly for liberty; and if occasionally they have been forced to submit, they have again burst their chains, and loaded them upon their oppressors. Such has been, such, I trust, ever will be the independence of the English spirit, and the energy of the English character. From this operation, such, I may venture to foretell, must be the fate of all attempts to deprive them of the blessings of their free constitution. What has the

example of France held out; but a solemn warning of the fatal consequences that a revolution, stimulated and brought on by tyranny and oppression, was certain to produce. The French, under their revolution, have committed every species of horror and excess; what does this prove? only that in proportion as the people are the more enslaved and oppressed, the less will they be qualified to enjoy, and the more strongly will they be tempted to abuse, the advantages of newly recovered freedom. What on the other hand has been the treatment of the people of this country? They have submitted to a disastrous and calamitous war with patience and resignation: disastrous and calamitous it must be admitted to be by every man, from the waste of blood and treasure with which it has been attended. How were they induced to submit in patience, and bear its evils without repining? They were told that it was a war carried on for the sake of liberty, for the preservation of their free constitution. That one thing most dear to them, for which they had made so many sacrifices, and which reconciled them to all their sufferings, you are now about to assassinate. The present measure I most decidedly regard as a violation of the rights of the constitution, established at the revolution.

There is one other topic, my lords, on which I wish to say a few words. The topic to which I am desirous to advert is the right to resistance; with respect to which so much has lately been said, and so many gross calumnies have been circulated. There is no man who now stands up to defend the doctrine of passive obedience and non-resistance. It is universally admitted that there is a certain degree of oppression which men may justifiably resist, and when oppression arrives at a certain point to submit is no longer a question of moral duty. If it had fallen to my share to have debated this bill at the commencement, and as it was originally brought forward, I should not have hesitated to have declared, as was avowed by some respectable friends of mine, that if the bill should be carried into a law, and executed to its extent, resistance would then only be declined from motives of prudence, and not of duty. I would have done so, because I think it the duty of every public man, on occasions like the present, to speak out, to lay his breast open to the public, to expose his sentiments clear as day, to state to the people the extent of the danger, and to declare the genuine dictates of his own feelings. I oppose this bill from principle; I oppose it from the precedent which it affords for future acts of innovation; from the example which it establishes, that parliament have a right to violate those laws which were settled at the

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the revolution, and on which the parliament then declared that they did demand and insist. In support of those principles my ancestors shed their blood; rather than desert or betray them, I will sooner submit to perish. It is with pleasure I perceive, from recent instances, that the energy which has on many and great occasions marked the conduct of the English nation, is not yet subdued, and that there is a spirit rising in the people, which must finally defeat the mad and futile attempts of those who seek to curtail or abrogate the privileges of their free constitution.

The Duke of Leeds professed to look always to measures, and not to men, and to be ready to receive truth wherever it could be met with. The latter was equally welcome, whether he found it in Sir Robert Filmer, or in the writings of Mr. Locke; so, he said, he should approve equally of a measure that appeared to him wise and salutary, whether it came from the attic shades of Beaconsfield, or the low rural obscurity of Beaufort Buildings. He had heard ministers complain of the pains taken to misrepresent the bills; there had certainly been much misrepresentation, and he was certain that the industry used to raise opposition to the bills had deterred many, who disapproved them, from testifying their dislike, from a fear of inflaming the public mind to a dangerous degree. He did not, his Grace said, expect that any attempt would ever have been made to weaken the right of petitioning; yet he was surprised to find that this right was allowed as to pending measures, which would afford so easy an opportunity of eluding the law; in fact, he saw not that 500,000 persons might not assemble, while a law was in progress, and till it received the Royal assent. The task laid on magistrates was, he thought, more than they were equal to. The generality and obscurity of the bill, he also thought, would introduce confusion and danger in the application of it. He had therefore been surprised and sorry to see the committee obstinate in refusing all amendments. In its present state the bill ought not, he conceived, to pass, and so thinking he would oppose it. He was convinced that it would not remove the evils it was meant to redress. It would induce people to divide into small bodies, and elude the law by meeting below the number of 50; and induce lectures to be given gratis. Instead of open attack, it would encourage secret undermining, and in the event prove detrimental to every branch of the constitution. He would therefore vote against the bill.

Lord Hawkebury contended, that the bill was in strict conformity to the principles of the constitution, which at all times had

had shewed itself adequate and ready to meet the dangers that threatened it. The real principle of the bill was, that it made a sacrifice of a part for the safety of the whole. At different periods of our history, measures had been adopted, as the emergency rendered them expedient and necessary. Long before the revolution, in the reign of Richard II. similar principles with those of the societies so much alluded to, were afloat; sedition had been preached to the people from this text:—

“ When Adam delv'd, and Eve span,
“ Where was then the gentleman ?”

And, it is curious, that history tells us, that the doctrine of that day also was imported into this country from France.

In later times, his lordship observed, various species of treason had been set on foot, which had always met with a competent counter-action, suggested and applied by the vigilance and interference of the legislature. With regard to the facts on which the present bill was founded, he referred for proof of their existence to an alarming extent, to the report of their lordships secret committee last year, to the public notoriety of the conduct and objects of the societies in question, and also to legal convictions in one or two instances. It was professed, that there was no intention of interfering with public meetings for any object that was openly avowed, and had been hitherto; and to investigate measures pending in parliament, no restriction was made of any sort whatsoever. When the regulations of the bill were examined, they would be found to amount to the slightest restriction possible, by which such objects as it professed were likely to be obtained. What public meeting, of any respectability, could be formed, which did not contain seven inhabitant housekeepers to sign a notice as the bill rendered requisite? If there were such, it must be composed of the very lowest orders of the people; and no meetings could be useful which did not contain a due proportion of men of property and understanding. It had been objected that this was an infringement on the bill of rights; an objection the truth of which he utterly denied; at the very moment that the bill of rights passed, there was a law of Car. II. which regulated the mode of petitioning: and Mr. Somers and Serjeant Maynard, who drew that bill, and who were men of known ability, and well knew what they were about, would not have failed noticing the former act, if they had thought it clashed with their draught of a declaration of rights. If such a law had existed in the year 1780, it would, his lordship said, he had no doubt, have prevented much of the mischief then committed,

mitted, and precluded the necessity of having recourse to a military force, in the first instance, and a rigorous exercise and enforcement of the penal statutes afterwards. The bill was not to be reasoned upon as to what was its original form, and extent, of which their lordships could have no proper parliamentary information whatsoever, but as it at present stood. Considering it in that point of view, it appeared to him to be, by no means, objectionable, on account of the fanciful imperfections imputed to it, and therefore he should give it his support.

The Marquis of Lansdown said he had thought it his duty to attend to every stage of the bill, to give it his decided and most marked opposition. With this view he had come down to that House, consistent with what he owed his country; for however he might have occasion to think his opposition fruitless, when he considered the majority of the minister, still he should not be deterred from attending it to the last gasp. The noble secretary of state had stated that the two bills were part of a system. The first bill related to the protection of his Majesty's person; the other was supported by arguments deduced from the situation of affairs at home and abroad. Their lordships had heard strong, and in his mind, invincible arguments against the constitutionality of the system; and for his part, he would not hesitate to assert, if the doctrines which run through the whole were carried into execution to the full extent, it was high time for every man of property to transfer it to a land of freedom, since freedom would be no more to be found or felt in this country.

He would not abuse the patience of the House, to advert to those stale topics which had been so often debated. There was one observation which pressed particularly on his mind, and would no doubt have great and serious weight on the minds of their lordships. The bill not only struck at the foundation of civil liberty, but it involved in its operation, if it unfortunately passed into a law, the right of trial by jury. He spoke with diffidence on this subject, for he had consulted no professional man. According to the practice of the law in cases of misdemeanour, the crown had the power of challenging the jury, while that power was denied to the prisoner. This was a privilege that partook of so much injustice and abuse, that it was too gross and inhuman to require further observation. But he trusted that a right granted to a felon would not be denied to persons tried for a misdemeanour under the operation of this bill. In cases of a political nature it was obvious to their lordships that every indulgence should be granted to the

the prisoner. If ministers were wrong in this particular, they should acknowledge their error; but if such an abuse had crept into the bill, they should expunge the poison.

An observation had escaped him on the former night, which he wished to impress particularly on the House. The bill was to be in force during the natural life of the king. What could induce ministers to restrict it to the life of the Sovereign? What could be their meaning to place his Majesty in such an awkward predicament? Or what principle of policy could make them guilty of such an insult? During the reign of Anne, a similar bill, for the protection of her Majesty, had been passed, conformable to the opinion of Judge Forster, during the life of the pretender; but he was at a loss to know what affinity there was between the present case, and that of a pretender to the crown? It was an act of injustice towards the king; for a king should be beloved, and king of all his subjects, and not rendered an object of jealousy to those against whom the bill was levelled.

Before he came down to the House, he had read an Address in a paper called the Times, from the non-commissioned officers and privates of a regiment to the king. When he had cursorily perused it, he conceived, for the moment, that he had been in Russia, and not in England. He knew the colonel, a man for whom he had the greatest esteem, and he did not conceive that such an Address had received his approbation. This indecent Address did not mention a syllable respecting either House of parliament, but expressly stated, that the Addressers were ready to support his Majesty.

With regard to the construction of the bill, it was necessary to examine how far it was adapted and competent to meet the present occasion. When ministers enlarged on the necessity of the measure, they should have stated from whence arose the cause of the events that induced them to bring it forward. Much of the disturbance in the country arose from a scarcity of corn, and famine they should know would excite the most barbarous and the most civilized states to turbulence and commotion; and here it was curious to observe the conduct of ministers. Last year they prevented the merchants from attempting to preserve a supply of grain; and now they say, in the humbug paper, delivered at the conference this day, they shew the absurdity of their former policy, and call on the exertions of commercial men to aid in preventing in a certain degree the famine with which this country is threatened.

He held in his hand a letter from a commercial gentleman of as great business and fortune, and as respectable a character,

as any in Europe, which he would read for the instruction of their lordships. The letter was as follows:

“ I love England sincerely.—It was, and may be still, the happiest spot upon the globe. I see that the minister will make the loan only of sixteen millions. Am I mistaken in thinking that he wants twice that sum? Sorry I am to find that you are lending a new 1,400,000l. sterling to the Emperor for making him fight in his own, and only cause. Can it escape a true politician, that these amazing exportations of metals enrich Germany, and *actually diminish the property of every Englishman?* Your pound sterling is, even at the nominal exchange, now worth twelve per cent. less *through all Europe* than it was; and would be seventeen per cent. less, (that is, lower than it was during the American war,) were it not for the high price of gold through Europe. Is it not taking away from every Englishman 1-sixteenth of his property? Is it not increasing seven-teen per cent. every bushel of corn and any commodity you buy from abroad? Is it not charging your industry with the increased price of all your wants? Is it not partial bankruptcy, or paying 17s. in the pound to all foreigners who have their fortunes in your stocks? Numberless are the consequences of war to an industrious nation, but I am afraid famine is the only one so immediately felt, that it forces to a peace. The French republic is loudly acknowledged by Sweden, Denmark, and Prussia; tacitly by many others. The late successes of the imperial army give a glimpse of success, and may afford a short triumph to the minister. I am afraid the Emperor is not well advised enough to use his more favourable situation for getting a more honourable peace. The numbers will at last get the superiority, and approaching danger gives firm stability to the new system of the French government. Their finances are very low; it is the house of a bankrupt, where they are selling the remainder of their furniture at very low prices; but is not an enemy the more dangerous by being poor and warlike, hardened to want, and desirous of plunder, provided they have iron, powder, and bread? and I apprehend that of all these things they have at least as much as you. They have above you the advantage of possessing every thing in a certain manner in common, and of being able to put in requisition wherever it is wanted. I know that giving bonds (*hypothèques spéciales*) for assignats, is but an exchange of paper; but in a country which has no other object but to defend its existence, where the taxes are payable in kind, they can even do without all money, and substitute any arbitrary sign for comparing the value of things. In one word, the total annihilation of assignats does not, in my opinion, decide your contest. If ministers expect it, it is but another of these unhappy delusions, the consequence of judging new events by old maxims. Enough of war.”

Such were the sentiments of a man who was attached to no party, but who was a friend to this country.

The noble marquis next took particular notice of the following very interesting information: 680,000l. has been

drawn on some French merchants, in a particular quarter of Europe, to pay which, silver in bars are on the road, *and on arrival will be converted into corn.* Thus the French government must have acted in the beginning of October, for the purpose of providing their country with corn; whilst we are only deliberating about the manner in which it shall be done in the middle of December. But another important remark occurs, namely, that whilst our ministers are representing France to be in so compleat a state of bankruptcy, as to be without resource, they have sent so large a sum in silver to one place only for the purchase of corn, exclusive of what they may have sent to America, and other parts of Europe. The effort of individuals is totally inadequate to remedy the evil; it is from the powers and exertions of government alone, in procuring a large supply of foreign corn, from whence the poor can form the slightest expectation of relief. Last year, when private merchants were competent to the occasion, government took it into their own hands; this year, when they are not, government decline it.

After enlarging on this important fact, he said, that it was in vain to attempt to stop the spirit of enquiry that prevailed in the country; every measure of ministers, he predicted, would defeat their ends. The people still possessed the feelings of Englishmen, and would not tamely be deluded into a base surrender of their rights. When Louis XV. attempted, by coercive means, to stem the torrent of religious opinions in France, his resistance operated to disseminate those principles which he wished to destroy. With an immense army devoted to him, in vain he attempted to subdue the protestants; and they assembled in such numbers in public, that the troops were dismayed; and their principles received celebrity, and gained proselytes to the cause, from the steadiness and perseverance of those whom he proscribed. He was persuaded that the apprehensions of famine in a great degree gave rise to the present impolitic measures; and after studying the matter with due attention, he must conscientiously give his decided negative to the bill.

Lord Grenville said, that much of what had fallen from the noble marquis, and the noble duke, who began the debate, applied more to another bill than not before their lordships, than to that under consideration, and therefore it was unnecessary to follow them; he would only remark, that the noble marquis had talked of the unconstitutionality of the present measure, but had given no reason why that term should be applied to it. He declared he did not see the force of the observations

servations made upon the striking of juries; they had so little connection however with the present question, that added to his never having heard them before introduced into the discussion, it was not to be expected that he should dwell more upon them than many other of the noble lord's observations. There was he said, nothing new in the principle, or the clauses, of this bill; nor any restraint that was not warranted by laws already in existence, though it contained some regulations that were necessary to meet the exigency of the present times. With regard to the correspondence of the noble marquis, he knew nothing of the anonymous letters they had heard read, but they contained not one argument or position that might not be fairly combated; in all of them he differed entirely from the writer, particularly in his comparative statement of the French and English finances; and when he stated what was to be dreaded from a poor and warlike enemy, he would ask, if a rich and warlike enemy was not much more to be dreaded? It was said, that while they had the command of iron, powder, and bread, their resources were sufficient for carrying on war; the noble marquis had not however told the house how they were to obtain those supplies. All was common in that country, and under the power of requisition; the case, he thanked God, was different in this country; in all the statements that his Majesty's ministers had made of the different resources of Great Britain and France, they had, he was confident, under-rated rather than over-rated the superiority of this country.

Noble lords had ascribed the dearness of provisions to the war, and stated that to be the sole cause of it, a statement founded altogether in error. He differed widely, likewise from the noble marquis on the invidious comparison he had drawn between the activity of the two governments in procuring provisions in times of scarcity. France, having no foreign commerce, could not have an importation of grain, but through the interference of government; the case was widely different with us, and he defied any man to say, that the distresses of the war, were so little felt in any country in Europe as in England. His own opinion was, that instead of the war being the cause of the distresses of the people, the continuation of the war had tended to diminish the scarcity attributed to it; and he was persuaded that the country did not wish for a cessation of hostilities until a peace could be obtained on suitable and honourable terms.

Upon another point argued by the noble lords he entertained an opinion entirely opposite to that they had maintain-

ed: they contended, that the pressure of the war, as felt by the people, had raised the sedition and discontent in the country which these Bills were intended to prevent; to that position he must oppose a direct denial, because it was notorious that seditious practices had been carried to a height before the war commenced. The representations and deputations sent to France at an early period, and the evidence that had appeared in courts of justice, established what he had said on that subject; and the avowal of the societies still to persist in their former principles, must be sufficient proof that there still existed the same degree of sedition, unless noble lords were determined to shut their eyes and ears against all sorts of evidence. He contended that there were no severe or improper restraints in the Bill inconsistent with the rights of Englishmen, nor any new felony created, unless when wilful and forcible obstruction was given to magistrates in the exercise of their legal functions. In situations such as magistrates might be placed under this and other Bills now existing, it was absolutely necessary that much should be left to their discretion: at the same time it ought to be remembered, that magistrates were responsible for what they did, and liable to punishment when they acted wrong: and likewise that power was not to be granted in this case to persons acting under the influence of ministers, but to the great body of the magistracy collectively considered. He declared he did not think it so unfair as some noble lords had stated, to argue that, from the prevalence of French principles in this country, the same fatal consequences were to be dreaded, if they were not checked, that had taken place in France; and concluded by enlarging on the dreadful effects that followed the French revolution, and the great endeavours to introduce French principles into this country, and all those connected directly with recent events, which had made it necessary for the legislature to adopt strong and efficacious measures, a necessity they had found it their duty to conform to, at the same time proceeding with the greatest caution in not encroaching upon the liberties of the people. He therefore would vote for the passing of the Bill.

The Earl of Lauderdale said, he had so often taken a share in the debates upon those Bills, and feeling himself indisposed, he would detain the House but for a very short time. He was not surprised that there had been a pause after the very able and argumentative speech of his noble friend. He was, however, glad that it had produced some sort of reply

from

from the noble Secretary of State. The noble Secretary had he observed, as usual, endeavoured to send them away with old arguments, which they had often heard before; but some of them being put rather in a novel way, he could not let them pass unnoticed. The noble lords in office justified those Bills by what they called the grounds, cause, and necessity for them; and referring to reports long since upon the table, and the proceedings of the different meetings of societies, they endeavoured to trace a connexion between them and the late daring attack upon his Majesty's person. If this was really so, and if those were the grounds for this measure, why had they lain dormant so long, or how could they excuse themselves for the neglect they had been guilty of? One of those Bills they brought forward as suited to the immediate pressure of the moment, but now they give you another reason, which has existed for a considerable time back, and thus the very defence they make involves in it their own accusation; though none of them brought forward any thing that they themselves called legal proof, yet they contended that the connection between the societies and the outrage against his Majesty was from the notoriety of the events proved to their satisfaction. In this way, his lordship said, any thing may be proved that noble lords wish to assert: for instance, he might undertake to prove that the first minister of finance in this country was a notorious stock-jobber; first he makes a loan, which ought to have been the best he could make for the country, and four days after he brings down a message from the throne, the effect of which was neither more nor less than a robbery from the public of one million sterling, to put into the pockets of the proprietors of the loan; and this sort of coincidence, he thought, went fully as far as to prove his assertion, as any thing the noble lords had adduced, to prove the connexion they asserted between the societies and the attack upon the king. It seemed, his lordship said, rather new and strange, that the members of the cabinet should declare in that House their total ignorance of such important Bills, in the state in which they were when they offered them to the country, and the more so, when this Bill, whatever might be said of its being brought in on the pressure of the moment, had been seen in the hands of a special pleader three months before it was heard of in that House; though he acknowledged, that after it passed, it was so vaguely and loosely worded, that nobody would suppose that any man of common sense, far less any man conversant in the law, had ever seen it at all.

He pointed out different absurdities and ambiguities in the Bill, which it could not be supposed would be easily understood by common men, when there existed such a difference of opinion between the greatest law authorities, and that upon points which might afterwards come before their lordships in their political capacities. It had been said that the Bill only applied to a certain description of meetings; but in his opinion, all sorts of meetings might still assemble under the provisions of the Bill, and while it had not the effect held out as the intention of it, it shewed to the House and to the people, an inclination to shackle and restrain their liberties. They might, it was true, still meet to discuss any impending law during the sitting of parliament, and if parliament was not met, they might meet upon the propriety of addressing the King to call parliament together, and upon those occasions they could freely discuss any political question. He had heard the noble lord at the head of the board of trade say, that nobody could wish the lowest orders of the people to meet upon public questions, because men of sense could not be expected to be found amongst them. He was sorry that the expression had escaped the noble lord. Did he mean that sense was always attached to property? He never had himself had reason to think that good sense and property were inseparable, and this distinction now for the first time attempted to be set up between the orders of mankind, was one of the greatest objections to those Bills; and such doctrines in that House, looked more like an imitation of French proceedings, than worthy of a British House of Parliament. All writers since the revolution had agreed that the higher and lower orders of men in this country participate in an equality of rights and liberties, and he conceived any contrary assertion to be most unconstitutional language.

He alluded to the letter and information communicated by his noble friend (the Marquis of Lansdown) and said, he thought the contents were entitled to their lordships most serious attention. The noble secretary of state, it was evident, felt sore when his noble friend extolled the activity of the French government in securing a proper supply of grain, when there was an appearance of scarcity; that he should so feel was not surprizing, when it was observed that France had taken this step in October, while we were, at this time, from the neglect of ministers, only considering of the steps that we were to take, and amusing the people with vague schemes and resolutions. However difficult it might be for ministers to make a good peace, he must remind them that it was owing to the
situation

situation into which their misconduct had sunk the country; he perfectly agreed with the writer of that letter, that England was once a free, happy, and prosperous country, though, he was sorry to add, she was not so at present. It had been said on some of the most obnoxious clauses of this bill, that they were not to be executed by ministers, or persons under their immediate influence. If this was the case, why was no provision made in the bill for preventing the Westminster justices from acting, who were appointed by ministers under the police bill, and had a salary from the crown? and more particularly, ought not that exception to have been made, as Westminster was the most likely place to exhibit scenes to which the bills were intended to apply? The war, and the conduct of it, he contended, had been the cause of the distresses of the poor and the scarcity; and notwithstanding all they had said about proofs, from the reports and votes of the house, he must consider ministers as the authors of the war. He agreed with a noble duke (the Duke of Leeds) who had the other night condemned ministers for withdrawing our minister from France at the time they did. He knew not how the noble lord could prove that a continuance of the war could tend to diminish the scarcity, except he was to state the small supply that accrued from captures as a set off against the enormous waste that had been profusely lavished on the expedition against France. The noble lord had concluded his speech by boasting of the caution which ministers had observed in framing the bills, a claim to praise to which he had not the smallest right to pretend. The bills had, he said, been completely altered in their different stages; and any merit they had in not being so obnoxious as ministers wished them to be, arose from the opposition they had met with. At best they were most dangerous measures, and seemed only to be part of a system of gradual encroachment upon the constitution, which, if persisted in, would terminate in its destruction. It was with the greatest sincerity and satisfaction, therefore, that he gave it his hearty negative.

Lord Mulgrave rose to take notice of some observations which had fallen from the noble earl who had just sat down; it was not, he said, his intention to pay any regard to the private papers and correspondence that had been read during the debate by other noble lords, because he could not but look upon them as irrelevant to the subject matter before their lordships, or an anticipation of a debate that might hereafter take place. He would first notice the objections, that had been urged against the magistrates of Westminster, who were

were supposed to be disqualified from assisting at or controuling the proceedings of public meetings, because they received a salary from government. That objection he could not but conceive to arise rather from an ungenerous and illiberal opinion of the principles and integrity of those in whom that power and confidence was vested; there might be, in the magistracy for Westminster, some men liable to imputation, but most of them were not of that description; and it was to be remembered, that no justices but those who were paid for it, would enforce the police of Westminster; the objection, however, if in any degree applicable to that city, did not extend to the magistrates of the other parts of the kingdom, who were well known to be gentlemen of independent principles and independent property? For his own part, sooner even than any weight should be annexed to this objection, he would have the magistrates of Westminster, if they were corrupt, removed from their office, and others established, to whom that objection could not apply.

His lordship contended, that the necessity of the measures proposed was undeniable, as it could not be seriously argued, that seditious principles had not been most industriously disseminated of late; and, if some preventive were not provided, their alarming influence would produce some fatal mischief to the safety of the state. He took notice of an expression made use of by a noble marquis (the Marquis of Lansdown) who insisted that if these bills passed, the question would be to what country it would be safest to retire, in order to enjoy one's property, as liberty would depart from England; and without liberty property contained nothing to be enjoyed. This remark his lordship combated with strong argument and great success; he pronounced a handsome panegyric on the English constitution and government, declaring that he did not hesitate to assert, that if property could not be enjoyed in England, it was in vain to look for it in any other country; they must go not only out of the country, but out of the world itself, and take refuge in heaven; if liberty and the enjoyment of property were not to be found in England, they could not, he was convinced, be found in any corner of the terrestrial globe. His lordship concluded with saying, that he should vote for the bill as a preventive measure indispensibly necessary.

Lord Thurlow said, that when the house considered the magnitude and importance of the bill they were about to pass, and when they reflected on the nature and tendency of it, it became them to be well grounded in the opinion that there did exist a danger or a necessity that justified so strong a remedy.

Having

Having stated his opinions on the rights and liberty of the subject, as set forth in the Bill of Rights, and established by the revolution on a former night, he had only to repeat them then. No man who had read the Bill of Rights could dispute the undoubted right of the people to petition the King, or either house of parliament, upon any real or supposed grievance; and it was a liberty which he trusted would remain entire and unshaken by any restraint whatever. On the other hand, if any excesses, under the sanction of liberty, were attempted, the government might meet such excesses by strong and suitable laws, but they ought to take especial care not to go a single step farther than was absolutely necessary.

With regard to the bill, it was to be considered whether it restrained any rights or liberties of the subject? to what extent those rights and liberties were restrained? and why that restraint was necessary? why every Englishman should be deprived of his right to discuss public questions relative to church and state? As to the first sort of meetings, those called by private individuals, without any authority, their right was sufficiently explained by the bill of rights; he disapproved much of the ambiguity of the clauses of this bill, which, if taken by any construction that he could put upon the words, went directly to restrain that acknowledged right which the bill seemed in other parts to recognize; this clause forbid all discussion of subjects tending to create hatred or contempt, not merely against the King's person, but his government. How was it possible that a meeting could be held to complain of grievances in the government, or on matters relative to church and state, without falling within the penal provisions of this act? all complaints and idea of grievances must produce a certain degree of odium or contempt, and often both, which he considered, if taken in its full extent, to be the same as if the bill went at once to prohibit all such meetings; because, from their nature, though the right to meet and discuss grievances, or supposed grievances, was acknowledged, it was impossible for them to do any business without coming within the scope of the bill.

With respect to the other meetings, called by justices of the peace, &c. it had been said, that when the magistrate acted wrong, he was liable to be punished; that had not, however, been explained to his satisfaction; he could easily foresee many instances in which the magistrate might be led into error, or act wrongfully; but having done so, he knew of no certain way of punishing him, nor could a person come into court as a prosecutor, as he had stated on a former night; but with a

halter about his neck, and at the risk of being hanged. He severely reprobated the clause which makes it felony, if the meeting do not disperse upon proclamation made; and death, if twelve of them remain together for one hour after they are ordered to disperse: there was no provision in the clause which says that, before they are liable to this punishment, it must be proved that they remained in a disorderly manner; they were liable, even if they did or said nothing, but merely kept together in the same place: this was extremely different from the riot act; it was under that statute expressly enacted, that they should remain in a riotous, tumultuous manner, after the act had been read, before they incurred the penalties of it; if they were harmless and quiet, nothing could be done to them merely for continuing together. His lordship went over the remainder of the clauses, commenting upon the want of clearness, vague wording, and ambiguity of several of them; which, he said, had prompted him to give it the opposition he had done; and, after all the attention that he had paid to the very ample and able manner in which the bill had been debated, as well as every information he could receive, he had heard of no facts or circumstances, nor was there any thing contained in the reports on the table, that, in his mind, warranted the house in passing a law which involved the whole mass of the people in a restraint upon their undoubted rights and liberty; and therefore, he said, he must give it his decided negative.

The Lord Chancellor left the woolstack to reply, and having stated that, for the last five years, civil liberty, religion, and all the social relations, were destroyed in France, the same principles, he contended were at this time operating by the same means in England; the bill was therefore necessary to prevent the calamities which had occurred in France befalling this country. The people might still meet and discuss grievances, and petition against them, so long as they did it in a peaceable and orderly manner, and did not attack the whole system of the constitution and government. They might for instance, propose to remove abuses in any branch of the legislature; they might petition for a reform in parliament, without subjecting themselves to the operation of the bill: but if, as had been the case, they said we had no constitution, and that our government was a conspiracy against the people, then the bill would, as unquestionably it ought to do, put a stop to such proceedings. If a magistrate abuses his trust, he is liable to punishment, notwithstanding this bill. His lordship defended the bill upon every principle of policy, safety, and necessity,

nécessity, and observed that the objections made against it that night, particularly by the noble and learned lord, were merely verbal, and would have been much better timed in the committee upon the bill.

Lord *Thurlow* said, that in the committee he had suggested the objections: but the reception they had met with did not encourage him to hope that any good could be derived from the objections of a person so unauthentic and so unprivileged in that House as himself. The little countenance to objections which had been given by the authors of the bill, even when they were reduced to the necessity of acknowledging that the bill was drawn with very little accuracy, and that many of its clauses were obscure and imperfect, did not certainly encourage him to make all the observations which he should have done. If a desire to correct the inaccuracies of the bill had been manifested on the part of its authors, he should have pointed out another most remarkable, and, in his mind, most blameable inaccuracy.—A popular informer was permitted to bring his action of debt for any of the penalties, but he was not directed to set forth, in his declaration, the specific offence for which he brought his action: there were seventeen offences enumerated in the bill, and thus, by not obliging the prosecutor to specify the particular one, a defendant might be brought to his trial without knowing the particular fact he was to be charged with. But, as he said, when he saw so little disposition to give clearness and intelligibility to the bill, he thought it vain, idly to detain their lordships with observations which were to produce no benefit to the public.

The Lord Chancellor said, that it surely must be the desire of the House that the bill should be clear and the definitions specific. He lamented that the noble and learned lord should think that there was any want of a disposition to entertain observations which came from so grave an authority as himself: but the noble and learned lord must be sensible that, in regard to the definition of that night and what might not be offences under the act, it would be obviously impolitic and unwise to define them with such strictness as should instruct certain characters to what precise length they might go in their attacks on the constitution. In regard to the observation made by the noble and learned lord, he should content himself with saying, that he certainly did not think himself responsible for all the clauses of all the bills that came into that House; in the present instance, he did not think the objection well

founded; he thought the prosecutor ought to set forth in his declaration, the precise offence for which he pursued. [A loud call for the question.]

The Earl of Lauderdale said, he should speak his sentiments whenever he felt it to be his duty, with whatever symptoms of impatience or anger any noble lord might view him offer himself to that House. He affirmed that the amendments proposed by his noble and learned friend, were not as they had been styled mere *verbal* corrections, they affected palpably the spirit and principle of the measure. His lordship said he concurred in the strong observation of his noble and learned friend, that no disposition had been shewn to receive with favour any amendments of the crude and indigested clauses of the bill; and even when ministers were forced to own the most dangerous inaccuracies, they did it with a very ill grace. He wished, however, that they were even yet to recommit it, for then he would be bold to say, that the noble and learned lord on the woolfack, however he might affect to treat observations with scorn, would in his usual way be brought to correct his former assertions, and take the benefit of the wisdom he at first affected to deride. What particularly induced him to rise, however, was the last observation of the noble and learned lord on the woolfack, an observation which struck him with horror. The noble and learned lord had said, that it would not be prudent nor politic to define clearly the fences of the bill, lest the people might thereby understand what they might and what they might not do. "Good God!" exclaimed the noble Earl "did I rightly hear, did I clearly understand the noble and learned lord? Is it possible that a sentiment so outrageous to the eternal principles of justice could come from the mouth of a British Chancellor from the woolfack, in a British House of Lords? What! that the law was purposely to be made obscure, that provisions were to be studiously left indistinct, for fear that the people might be taught how to live securely, and how to avoid incurring the penalties of the statutes? Was he right in saying, that this dreadful sentiment came from a British Chancellor, or were they not in a French assembly, and did they not come from the mouth of a Robespierre?"

The Lord Chancellor quitted the woolfack, and warmly replied that the noble Earl's unprecedented and extraordinary manner of debating in that House would justify his taking no notice of the last observation, but he thought it just necessary to say, that he had in reply to a grave and weighty authority, only observed that there might be instances when prudence

and policy required that definitions of offences should not be made with such minute accuracy as to instruct persons how to offend with impunity.

The Earl of Lauderdale.—"The noble and learned lord's own explanation of his words justifies the accusation I have brought against him."

The Earl of Darnley lamented that so severe a bill should be made for so long a period. It was his anxious wish to have it shortened; but thinking some bill necessary, he had no alternative but to vote for the present.

The Earl of Abingdon read an extract from Blackstone, and the King's coronation oath, to shew, he said, that this bill was a violation of it. Being called to order for speaking twice, he desired that what he was reading might be considered as a part of his former speech.

The House then divided,

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LIST OF THE MINORITY.

Duke of Norfolk	Lord Chedworth
Duke of Bedford	Lord St. John
Duke of Leeds	Lord Say and Sele
Marquis of Lansdown	Lord Pontonby
Earl of Derby	PROXIES.
Earl of Lauderdale	Duke of Grafton
Earl of Albemarle	Earl of Guildford
Earl of Suffolk	Earl of Thanet
Earl of Abingdon	Lord Teynham
Lord Thurlow	

HOUSE OF COMMONS.

MONDAY, December 14.

The distillery prohibition bill was read a third time, and passed.

Mr. Ryder brought in a bill for abating the discount upon the prompt payment of the duties on salt, and discontinuing the allowance hitherto made for the supposed losses sustained by the carriage of the said article coast-wise, which was read a first time, and will be read a second time to-morrow.

Mr. Secretary Dundas brought up an account of the officers promoted to the rank of general officers in India, which was laid upon the table.

The

The Secretary at War brought up the copies of the correspondence between Colonel Hay and his Majesty's secretary of state and secretary of war, concerning the 109th, or Aberdeenshire regiment, which was laid upon the table.

The Secretary at War brought in a bill for granting certain allowances to innkeepers, which was read a first time, and will be read a second time to-morrow.

MUTINY BILL.

The order of the day was read for the second reading of the mutiny bill, when

Mr. Francis asked why it was introduced so soon, as the mutiny bill of last year does not expire till March?

The Secretary at War replied, that there was no particular reason for it, nor did he know of any particular reason for delaying it.

Mr. Francis said that it had raised a general idea of an approaching dissolution of parliament.

The Secretary at War repeated, that he knew of no other reason for the early introduction of it than dispatch.

Mr. Courtenay confirmed the declaration of *Mr. Francis*, that it had excited an alarm of a dissolution of parliament.

The bill was read a second time, and ordered to be committed to-morrow.

Sir Philip Stephens moved for leave to bring in a bill for regulating the marine forces while on shore, which was granted; and *Sir Philip Stephens*, *Lord Arden*, &c. &c. were ordered to prepare and bring in the same.

BOUNTY ON THE IMPORTATION OF CORN.

The house having resolved itself into a committee on the bill for granting bounties on the importation of grain,

Mr. Ryder moved several amendments; among others one for limiting the importation to certain ports.

General Smith objected to the clause, declaring that he thought all the ports in the kingdom should be open. He wished that a monthly return should be made of all the corn imported.

Mr. Ryder said, the reason why the importation was limited to certain ports, was with a view to prevent fraud; that proper officers might be ready to investigate and examine all vessels landing their cargoes, and prevent deceptions, which could not be so well done in small ports.

Mr. Hufsey thought the importation should be extended to all ports that had custom-houses. *Mr. Hufsey* said, that if

if he was regular at that stage of the bill, he would move, agreeably to his intimation on a former night, that 20s. bounty be allowed *per quarter*, for corn imported from all parts indifferently. If he could not then make his motion in order, he would withhold it till some other stage of the bill.

Sir Peter Burrell brought up a clause, for extending the bounty to corn already imported, in order to prevent the exportation to Holland, &c. or more desirable markets.

TOBACCO BILL.

Mr. Rose brought up the report of the committee on the bill for granting additional duties on snuff and tobacco.

Mr. Hussey said he should give his negative, because the money was to be raised from the lower classes of the people, such as the soldier, sailor, miner, and artificer, with whom tobacco was not so much a luxury, as in some degree a supply for many other necessaries of life. There was one of the articles in the budget which he much approved of, that was the reduction of the drawbacks on sugar, so far as it could be done without injuring our sale in the foreign markets, and he wished that that reduction had been extended, as instead of a quarter, he conceived it might have borne a half.

The Chancellor of the Exchequer said he was happy that the honourable gentleman concurred with him in his opinion upon the reduction of the drawbacks on the exportation of sugar; because, while it was likely to be productive to the revenue, it was preferable to any other tax, as it operated to the relief of the people: still, however, it was necessary to keep in view a proper attention to foreign parts; and, under this consideration, as it was not possible for any person to say precisely what reduction our exportation would bear, he did not feel himself authorised to levy too large a contribution from it. In regard to the additional duties on tobacco, he acknowledged that they would be exacted in some degree from the poor; but at the same time he understood that the greatest consumption was among the manufacturers, particularly in the article of snuff, which was usually taken as a luxury; so far as the proportion fell on the agricultural, and other lower classes of the community, he thought they could not consider the tax as too severe, when compared with the accumulated burdens on property in general.

General Smith suggested, that, for their long services, the soldiers and sailors ought to have some partiality shewn them, since by them tobacco was taken as a dram. He really hoped, therefore, that the right honourable gentleman would reflect how

how much we owe to them, and provide a supply for the seamen and our armies.

Mr. *Courtenay* said it was worthy consideration what the labouring part of the community would suffer by these additional duties, with whom tobacco was their only luxury, and with whom it also acted, as his honourable friend had observed, as a dram, or rather as an opiate. He conceived it, therefore, to be extremely wrong and injudicious in the right honourable gentleman, to deprive them of the only means within their power to enable them to forget the distress which he had brought upon them.

General Tarleton wished for the introduction of a clause to exempt the soldiers from these duties.

The Chancellor of the Exchequer declared, that he thought no one could justly call or feel that to be a severe tax, which was imposed on what certainly could not be called a necessary article of life, and when there were so many other taxes which bore unavoidably upon various other classes of people. With regard to the remark of the honourable general, he observed, that tobacco for the use of the fleet was not taxed, but put on board duty free; and that soldiers, when on board transports, had the same privilege as seamen; were this privilege extended to them when on shore, it would be liable to great abuse.

Mr. *Sheridan* said he rose with reluctance; but, in his opinion, it was directly a tax upon the poor, which tended to deprive them of their only luxury. He wished, therefore, that the right honourable gentleman would reconsider it, and he hoped he would be induced to make considerable alterations.

The amendments were then read, and the bill was ordered to be engrossed.

HORSE TAX.

Upon the order of the day, for the second reading of the bill which imposes certain duties for any horse, mare, or gelding, colt, filley, or mule,

Mr. *Sheridan* observed, that the right honourable gentleman had found this bill, as it was originally proposed, liable to objections, and had already made some alterations. He wished to know if it extended to all the stock of the farmer, or possessor of that stock, before it was of any use; because, if it did, he should certainly oppose it. He always blamed the custom of not printing money bills, which he attributed solely to indolence, and said he should move that copies of the bill be printed.

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The *Chancellor of the Exchequer* said, if the honourable gentleman meant to make his motion as a ground of delay, he should object to it; although he had said the other night that he should be very ready to print the bill, yet it was upon the condition that a proper reason could be assigned for it; and, unless an especial and sufficient reason could be assigned, he certainly was not inclined to depart from the established order of the house.

Mr. *Martin* remarked that he had often heard it mentioned, but he never knew any good reason why money bills were not printed.

Mr. *Sheridan* said, that they ought to be printed above all others; and, if such had been the custom, the amazing number of blunders which had repeatedly occurred in the money bills of the right honourable gentleman might have been remedied.

Mr. *Sheridan's* motion for the printing of the bill was then put and negatived without a division.

Mr. *Dent* mentioned one effect of the bill upon all the northern counties, where a number of small horses are purchased for ten shilling each, to carry lime and ashes; some exemption therefore, should be made for horses under a certain size.

After a few words from *General Smith* and *Lord William Russell*, the bill was read a second time, and ordered to be committed.

BREAD.

Mr. *Ryder* moved for the appointment of a committee to manage a conference with the lords upon the agreement of the house to use a certain sort of bread, and for communicating the three reports of the Select Corn Committee at the same time. The managers appointed were Mr. *Ryder*, the *Chancellor of the Exchequer*, Mr. *Secretary Dundas*, the *Lord Mayor*, Mr. *Hussey*, Mr. *Anstruther*, Mr. *Adams*, Mr. *Rose*, Mr. *Charles Long*, Mr. *Hobart*, and Sir *John Wodehouse*, who went up to the house of peers, of which Mr. *Ryder* made the report.

Lord *Sheffield* said, he could hardly conceive that the gentlemen who objected to the proposition before the house, were sensible of the necessity of adopting every measure that could promote a diminution of the consumption of wheaten flour. He assured the house that the attention of the committee had been unremitting, and that there was more difficulty in obviating by law the distress which might arise from a deficiency of corn, than probably occurred to those who had not attended the committee. He thought it a duty to state the probable defi-

ciency of crop, and the inadequate quantity of wheaten flour we are likely to acquire from abroad. The people should not be encouraged to believe that there was a stock of wheat in the country previous to the late harvest; that the last crop of wheat was a good one, and that a large quantity of wheat might be obtained by importation. Such notions had been suggested at least without doors; they were likely to promote unnecessary consumption, and to check the disposition to use substitutes. We have generally three, four, or five months stock in hand of old wheat at the time of harvest; but it is known, that in the Autumn in 1794, it was nearly exhausted, and that we were obliged to begin on the crop of that year soon after it was harvested. This encroachment on the new crop helped to occasion the stock of wheat to be still more exhausted at the end of the last very backward harvest of 1795: so much, that notwithstanding the opinion of some, that considerable quantities of wheat were hoarded, he was disposed to believe, that if the whole quantity could have been equalized throughout Great Britain, we had scarcely at that time a fortnight's supply of British wheat. The crop in 1794 was partially very good, and in some parts very thin: the last crop has been unequal, and, on the whole, probably inferior to that of the preceding year, and also inferior to an average crop. An average, or common crop, is not equal to the usual annual consumption of the country: an abundant harvest occasionally, more than supplies us; but our imports prove a general deficiency, for on an average of the last twelve years, we have imported about 225,000 quarters of wheat and flour. It is almost impossible to acquire a precise knowledge of our present stock of wheat. An unequal crop last harvest gave rise to various opinions; and the variation, in respect to the deficiency, is from a third to a seventh; but if we allow a deficiency of six weeks, or an eighth and two-thirds in the last crop, of our supposed annual consumption, and a deficiency of six weeks more, on account of our beginning upon the last crop six weeks at least sooner than usual, three months deficiency in the whole could not be thought exaggerated, amounting, according to the low computation of 500,000 quarters *per* month, to one million and a half of quarters. If six weeks deficiency should be thought too little, and six weeks premature consumption too much, still, on the whole, there is good ground to state that there will be a deficiency of three months. The opinions that the scarcity is in a degree artificial, and that there is a prospect of an adequate supply, may be essentially mischievous, and divert us from that economy and management which can alone prevent extreme distress.

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The legislature, to shew its readiness to adopt every measure that might possibly obtain any quantity of that grain which is the favourite food of the people, had offered great bounties, with a view of encouraging the importation of it; but he thought we could not possibly be too explicit in declaring the probable deficiency in the stock of wheat, and the impossibility of obtaining from abroad an adequate supply. Instead of three months supply of wheat, it is not probable we shall be able to obtain from foreign countries, with all our bounties, sufficient for three weeks of our usual consumption. We have never been able, during a century, to import into this country 500,000 quarters, except twice, and the greatest quantity in one year was 560,000 quarters, and both happened at a period of general peace. The administration of France had engaged deeply in the purchase of wheat. His Majesty's ministers, apprehensive that the British merchants would not be able to meet the national pulse of France at the foreign market, thought it necessary to cause some purchases of corn to be made; but notwithstanding all their efforts, we have not imported, at the end of ten months, more than 252,000 quarters, including wheat and flour seized in neutral ships; and the total importation of the twelve months is not likely to exceed 300,000 quarters; not more than fifteen or sixteen days consumption of this country. The late high prices of corn have drained not only Europe, but America so much, that wheat in Philadelphia, last August, was at 12s. 2d. sterling *per* bushel. It is the opinion of all who are best acquainted with the subject, that the price will rise in foreign countries in proportion to the bounty offered; and purchasers, namely, France, Spain, Holland, and the foreign and British West Indies, must follow that price. The more certain payment of England, and our extensive trade, give us very considerable advantages; but they probably will be countervailed by the much higher price given for wheat in other countries at this time. We have nothing to expect from Ireland, nor the remaining colonies in America; the crops of wheat this year in those countries are barely sufficient for the inhabitants, and their ports are shut in respect to exportation. Some flatter themselves, that a considerable quantity may be had from the Mediterranean; but as the south of France, and a considerable part of Spain, do not grow sufficient corn for their population, they must give any price for what they can procure from Italy, Sicily, and Barbary; and no bounty that will be given, can countervail the high freight, insurance, and other expences of bringing corn from

the Mediterranean to Great Britain. We have therefore only the north of Europe and the American States to look to for any supply.

We learn that the last crops in the north of Europe, and in the American States, are rather better than a common crop; but the stock in all those countries was greatly and uncommonly exhausted at the time of the last harvest. The export of wheat from North America to the West Indies and Europe, probably has never amounted in one year to 500,000 quarters; and it may be doubted, whether a greater quantity is often exported from the north of Europe. The greatest quantity of wheat and flour imported in one year into Great Britain from the American States, was 93,724 quarters; but we have only twice been able to procure above 50,000 quarters from thence. The greatest quantity imported in one year from the north of Europe, including Hamburgh and Bremen, was 329,281 quarters; but we have only thrice exceeded 200,000 quarters from that part of the world. Under all circumstances, it is very improbable we shall be able to import that quantity before the next harvest, considering the extraordinary competition of the Dutch and French. Even supposing a good crop in France, there are large districts in that country that never did grow nearly sufficient for the inhabitants.

There is great difficulty in moving corn from one province to another, and severe famine takes place in some departments, while bread is comparatively at a moderate price in others. It is the policy of those who govern in France, to procure quantities of corn at any rate, and while they have an ounce of gold or silver left, they will purchase what they can; and as wheat is from 40 to 50 shillings *per* quarter dearer at Amsterdam than in England, and as a cargo of American flour sold at Havre-de-Grace the last day of last month at 5*l.* sterling in cash *per* barrel, or 1*l.* 8*s.* 1*d.* farthing *per* bushel, it is easy to judge where the greater part of the limited quantity of wheat in the north of Europe and America will go. Supposing, however, notwithstanding the extraordinary competition at this period, we should be able to import from the north of Europe, and from America, the greatest quantity we ever could obtain in the most favourable times, the amount will be only 423,000 quarters, not much more than the ordinary consumption of three weeks; but it is not likely that we shall be able to produce a greater quantity of corn in 1796 than in 1795, or that bounties will procure for us a considerable quantity of wheat more than we should

should get without them. Bounties cannot increase the last crop; and the quantity of corn that can be spared at any time from the consumption of the inhabitants of those countries that usually export, is much more limited than is generally imagined; perhaps not equal to the quantity we now want.

The House, the Committee, and His Majesty's ministers, who become most seriously responsible, if they should fail to communicate to the public such information as they may have in their power, on so very interesting a subject. The reports from the committee, avoid as much as possible to flatter the public in respect to an adequate supply from abroad. It is highly incumbent to make these statements fairly to the public; although they may alarm at first, that alarm should cease, when we consider that we have a most abundant crop of oats, barley, and potatoes, and thereby ample means of making up the deficiency of the wheat crop: it cannot be considered as an insufferable calamity, if we should be obliged to make up one-fourth of our usual consumption on an exigency, by such substitutes, or by such wholesome or palatable mixtures. Barley and oat bread were, not many years ago, the food of nearly half of this island; and in very good times, they are very wholesome, and have been found sufficiently nutritive for the most laborious part of the community. If it should be thought that we have not enough of those articles to make up a fourth of our usual consumption, a bounty might be offered to encourage the importation. He had no idea of any limitation of expence, to secure sufficient food for the people. That a bounty would be of service, is, however, much to be doubted. We usually import from seven to nine hundred thousand quarters of oats, and it is supposed we may have about 600,000 quarters from Ireland the ensuing year.

The good sense of the country, when satisfied of its real state in respect to the stock of wheat, and its resources, will turn to the only management which can obviate the distress which must otherwise take place before the next harvest; and it will undoubtedly be the general wish to reserve as much wheat as possible for the lower ranks, who have chiefly subsisted on that article, even to gratify prejudices or notions of comfort. The greatest difficulty in respect to substitutes or mixtures, occurs in large cities or towns; but even there, the high price of corn will produce good management and great saving. There are few parts in the country where substitutes for wheaten flour were not in a considerable degree adopted. In some districts, the people had entirely re-

turned to barley and oaten bread; it is, therefore, reasonable to suppose, there will be a saving of one-third, except in great towns and their neighbourhood. In those towns where an equal saving cannot be expected, the quantity of wheat likely to be imported, though not very considerable, when added to the rye, Indian corn, and rice (and of the last an essential quantity is to be expected from abroad) with what can be spared by saving one-third in the country, may in the whole make up the deficiency of one-fourth, of the consumption. There was much more reason to apprehend that the people might be flattered into the idea that management was not necessary, than that a true state of our situation should continue to keep up the present unconscionable price of corn, the scarcity of which was not the only excuse of that price; but it can hardly be doubted, that the laws which are now passing to prohibit any articles of food from being converted to other uses, and the almost general use of potatoes, with many other expedients, will so much lessen the demand for wheat, that the price must necessarily fall. At all events, every exertion should be used, that can possibly provide cheaper food for the people; and it will be fortunate if the present scarcity should turn the attention of the legislature to some great measure which may prevent in future a precarious dependance on foreign countries for our subsistence, and such a famine as must of course have ensued, if the crop of other corn and potatoes had, through a bad season, or bad harvest, been as defective as the crop of wheat.

The engagement now proposed, had been considered with uncommon care; and the committee intends to continue to prepare other matter for the consideration of the House, with as much dispatch as possible.

The Bill for repealing the licences of dealers in horses, and issuing new ones with the addition of the new duties, was read a second time, and ordered to be committed on Wednesday.

Mr. Lechmere expressed himself dissatisfied with the proceedings of the House upon the dearness of provisions, and gave notice that he should bring forward a motion for redressing the evils produced by the scarcity, on the first open day after the recess.

The House resolved itself into a committee upon the Bill for imposing a new duty of ten *per cent.* on the assessed taxes, Mr. Hobart in the chair, when the resolutions were read, a first and second time, with the amendment; and the chair-
man

man was ordered to report the same, which will be received to-morrow.

LIBEL.

The second Report* of the committee appointed to enquire who was the author of the pamphlet, entitled, "Thoughts on the English government," having been (agreeable to the order of the day) read,

Mr. *Sheridan* said, that, after the resolution which the House had just read, he should be much disappointed if there should appear any want of unanimity on the subject of the atrocious libel which had been so successfully traced to its source. He could not, however, help expressing an apprehension, from what had fallen on a former evening from one of the right honourable gentlemen on the other side, that a difference of opinion might arise on the mode of proceeding, or the measures which should be thought most likely to effect the ends of justice, and support the respectability of the House.

When the first report had been presented, objections had been made by some, that the evidence which had been obtained was not sufficient; other gentlemen had thought, that it was fully sufficient to go to a direct prosecution of Mr. Reeves, either as the author, or for acting as the author, of the libel; and others had declared that the committee had stopped short at that point, which was in their judgment the most important and necessary to proceed in; that mode of arguing, however, was founded upon a mistake which gentlemen made in the nature and object of the committee, which had not been instituted to try a delinquent, but to enquire after and ascertain grounds whereupon to establish the delinquency, and who it was that had been the author of the libel in question. In order, therefore, to meet every objection and every doubt, the committee in their second report had taken care to leave no room for similar objections: they had called upon Mr. John Owen, the publisher of the libel, who he confessed had been left in a very awkward situation by the state of the evidence on the first. On the last occasion, they had questioned him if he still persisted in his refusal to give up the author; to which he replied he did, and could not think himself justified in doing otherwise than remaining silent. The committee had deemed this silence on the part of Mr.

* Vide Appendix.

Owen contumacious towards the committee; and had directed him, (Mr. S.) as chairman of that committee, to notice the same to the House. He had thus complied with their direction, but, ever anxious for the preservation of the liberty of the press, he did not wish to extend the proceedings of that House beyond the author of the pamphlet, nor should he have been inclined to be so rigorous towards him; but for the authority which he held, and which was so able to impose pernicious doctrines on the opinions of the people. It was with great reluctance, therefore, though he felt himself obliged to do it, that he mentioned the determination of Mr. Owen not to give up the author of the pamphlet but he begged the House to understand that he did not wish for any prosecution against the printer or publisher of it. He was bound to report the fact, and how far the House should act upon the contempt of their committee by Mr. Owen's refusal, he left to the decision of the House itself. Upon these grounds he did not feel it incumbent to make any proposition, or move any resolutions against the printer or the publisher.

With respect to Mr. Reeves, as he was chairman of the association at the Crown and Anchor Tavern, it was the object of the committee to compare his hand writing in any of the papers belonging to that association, with the proof sheets of the pamphlet, and as the only way to do so was by getting at the secretary, they made enquiries for that purpose, but the object failed. Mr. Thomas Wright denied that he had ever acted as secretary to that association, and being shewn the name of J. Moore, Secretary, signed to the first association and declaration and resolutions of the society, on the 20th of November, 1792, he answered, that J. Moore was a man *in nubibus*, a mere fictitious name, as no such person existed.

From Mr. Wright's evidence, however, it appeared that Mr. Reeves was the leading person of the memorable club, or society of alarmists, who had set the country in a flame of fear and discontent, with the bugbear tales of plots and conspiracies, treasons hatched and hatching, of designs on the Tower and the Bank, and Jacobin Clubs associated to introduce the levelling and Republican systems. It might, at a first glance, seem that the circumstance of the chairman of such an association as that at the Crown and Anchor, being the author of that libel before the House, was of a trivial nature; if it was, however, considered that the chairman was himself in the constant habit of correspondence and intercourse with

with the Treasury, that that society had two thousand other societies branched off and affiliated with it, and that such doctrines as the libel then before the House held forth obtained the most rapid, and, he might say, fatal circulation through the country; when it appeared that the correspondence between Mr. Reeves's mother society and the two thousand nurseries of his principles, would make fourteen folio volumes; he thought the seriousness of such a connexion was of no light consideration. Of all the occurrences which had arisen since the revolution, it was the most alarming for the liberties of this country, that a man, countenanced, as he was, by government, with such means in his possession of disseminating his detestable doctrines, should, after having circulated the wicked principles of others through every ramification of the "Society for protecting Liberty and Property from Republicans and Levellers," be himself the author of a work which struck at the foundation of the government, which asserted the inutility of the two Houses of Parliament, and the sole and exclusive right of the government and the law existing in the King: when he saw all this, and knew that such an association, acting with a vicious vigour, erecting itself on deception, supporting itself by falsehood, and maintaining itself by notorious treachery and boundless corruption, had for its president, the author of the libel upon which the House had already decided, he thought it an alarming crisis for the country, and a most important object for the consideration of the House.

Mr. Sheridan entered into a history of the association, which he said was commenced in November, 1792, and observed how remarkable it was that the nation was tranquil, no fears abroad or at home, no apprehensions entertained but for the issue of the war; that in one month after that society had been instituted, the nation was alarmed from one end to the other, the guards were doubled, a host of spies were for the first time employed under the sanction of those countenanced by the King of Great Britain's ministers; arms and ammunition were provided, and the Duke of Richmond suddenly threw himself into the Tower, with all the terror that might arise from an invasion; with what effect their lordships all knew. After Secret Committees of that House had formed their reports, and after Messrs. Hardy and Tooke had been threatened with all the penalties of treason, it appeared that not even one of the hired spies of ministers could prove a single fact in any shape resembling plot or conspiracy, although every effort of power, artifice, and corruption had been exerted to strengthen and support the charges urged against them.

The Association he said, had commenced with conscious guilt, and had proceeded upon principles of fraud and treachery. It appeared, from Mr. Wright's evidence, that while they advertised that they would receive anonymous information, they added as a *nota bene*, "all letters and communications are requested to be addressed to the secretary, J. Moore, at this place." And who was this secretary? Mr. Wright said it was a man *in nubibus*; that it was an unreal man, a mere fiction; that no such man existed; and that even the Committee did not know, nor did any one but Mr. Reeves and Mr. Wright, that it was a fictitious name. What must be thought of the credulity of that Committee, and what of the conscience of him who instituted such measures, but as the operations of fear, of guilt, and imposture? At the third meeting of the society, it appeared that the Committee was informed that the secretary was a non-entity. The effect this anonymous system had upon Mr. Thomas Law, could not be forgotten. Mr. Law, in a manner equally honourable to his head and heart, after remonstrating against the resolution for receiving anonymous information, withdrew from that society, and exposed the dark principle of its institution. It was remarkable also, that the very resolutions which constitute the anonymous system were carefully kept out of their books and open proceedings.

It was not however to this secret system of spies and informers, the invitation of anonymous information, nor the then circulation of the proceedings of that society, which contained many particulars no less libellous than the pamphlet before the house, equally inimical to the freedom of the people of this country, the privileges of both houses, and even to that title upon which alone his Majesty holds his crown; but the works of Soame Jenyns, Whitaker, and Arthur Young, have been openly recommended and circulated by that society; and the thanks of Mr. Reeves given for some of those doctrines, which were in themselves treasonable to the constitution of the nation. In a work of Young's it is stated, "that the corruption of the house of commons will always increase with the power which it may be found to possess," and that, "without such a parliament the nation would be better without any!" And in the same work it is asserted, that "by an independent parliament, is meant one that will oppose any administration; that in every constitution there are some men without conscience, without judgment, and others without both; that by corruption their scattered character, are collected and united, and the business of government goes on smoothly;" and finally that "an independent house of com-

mons is no part of the British constitution. When such doctrines are circulated, and when thanks are given by the circulator to the author, it is but fair to consider those sentiments as adopted and made his own; and when connected with the publication of the libel then before the house, the facts connected in one view, formed an object the most hideous that this country had known for a century to interfere with its government.

He lamented that the committee had not been vested with powers more ample, as he was convinced, from what he had already seen, that they could have traced the existence of a regular and deep-laid plot to introduce despotism in this country to its source; and to have shewn that the title assumed by that society, professedly to oppose *republicans and levellers*, was only a cover and a pretext under which both houses of parliament were meant to be overturned, and tyranny completely established on the ruins of that little freedom which still remained in the country.

He adverted to a precedent of the year 1680, when the Judges Scroggs, Jones, and Weston, were accused of countenancing despotism, wherein one of those judges expressed himself in terms the most harsh against Luther, Calvin, and Zuinglius, and against their followers, whom, he had said were men of such harsh spirits and such favourers of democracy, that nothing would serve them but a parliament; for his own part, the judge had said he knew of no authority to whom he could look, nor of any law but what came from the King. Such was precisely the style of Mr. Reeves and his associations; and he hoped the House would see their honour was concerned, to confer a signal proof of their displeasure on the author of such doctrines; since it was their duty to inform their fellow citizens generally, and their constituents in particular, so that they might apprehend and comprehend what that constitution was which was meant to be maintained.

He could not avoid remarking, however, that by the bills which had just passed, all public meetings in future were to be under the controul of magistrates, that in the last commission Mr. Reeves was made a justice of the peace, and that in Westminster the mighty movers of sedition, as they were denominated, chiefly held their meetings. A right honourable gentleman had thought that the paid magistrates of Westminster would not be the first to obtrude themselves at any of their meetings, and perhaps he himself might incline to that

opinion. He did not think such a man as Mr. Bond, for instance, would, who always behaved in a fair and modest manner. He begged to be understood that he made no allusion to that gentleman's former mode of life. Whatever that might have been, when he certainly could have no expectations of his present rank, since he had been in office, he had always been respectable; and Mr. Sheridan said he thought it highly improper in the other magistrates, when he came into the commission, to refuse to associate with him, and stigmatise him as

“ The Cur-purse of the Empire, and the Rule.”

If such magistrates as these, then, would not be the first to disperse a public meeting, who would? Why the man of all others would be Mr. Reeves. Mr. Reeves would make himself the chief justice of seditious assemblies, the dictator of the day; and if any person presumed to say that extravagant courts, selfish ministers, rotten Boroughs, and corrupt majorities ought to be abolished and reformed, he it was that would instantly call out to Townsend and Carpmeal, “ Seize that fellow by the throat, away with him to prison he is a traitor and proclaims sedition;” because Mr. Reeves had previously declared that every one of these abuses is essential to our government. Therefore it was the duty of the House, after the passing of those bills, to hold out to the contrary an indemnity, by declaring that the abuses were not among the sacred parts of the constitution; or else in every meeting they would leave no rule for the magistrate, and no limits for the people, to preserve themselves from violation.

He said he had long before exposed the falsehood of charges of plots and conspiracies, and he lamented the credulity of ministers, if it was credulity, that led them to believe them, and to adopt the machiavelian principle of using base means to accomplish what they might conceive to be good ends, which, when their imaginations had been disturbed by the artifices of Mr. Reeves, he was inclined to think was really and truly the case, from what had fallen from a right honourable gentleman, who had asserted that Mr. Reeves deserved the gratitude of the country.

He mentioned, he said, for the fifth time in that House, another plot that had sprung from that association; he meant the *pop-gun plot*, as it was called, which, often as he had mentioned it, had never once been noticed or replied to from the other side of the House. He stated that two persons, named

named J. Smith and G. Higgins, were seized and committed upon the following order of the privy council, signed by lord Loughborough, and William Pitt.

"These are in his Majesty's name to authorize and require you to receive into your custody the body of John Smith, herewith sent you for high treason; and you are to keep him safe and close until he shall be delivered by due course of law; and for so doing this shall be your sufficient warrant."

"From the Council Chamber at Whitehall, this 10th day of October, 1794."

"To the KEEPER of NEWGATE."

From that time to the 10th of May, through the whole of an unusually severe winter, they were confined in cold and miserable cells, and the families of both reduced to the greatest distress. At the period when he (Mr. Sheridan) was about to propose the repeal of the *Habeas Corpus Act*, one of the persons, Smith, wrote him the following letter, which would speak for itself.

Felons' Side, Newgate, January 5, 1795.

"Sir,

"Seeing in the public papers that you intend this day to move for leave to bring in a bill to repeal the suspension of the *Habeas Corpus Act*, I take the liberty of sending you an account of my situation. On the 28th of September I was taken into custody by a warrant from the Secretary of State, and thrown into a dismal cell in New Prison Clerkenwell, from thence I was taken to the Privy Council, and there examined several times. From the questions they put to me, it appears that I was charged as being concerned in the Plot for assassinating his Majesty. I can assure you, Sir, on the word of a man, that I never heard, saw, or knew any thing of the said plot till I was in the Privy Council. On the 10th of October, I was committed to this place on a charge of High Treason, without any hope of being brought to trial, having been dragged from home, leaving a wife and four children without any support, and having lost a place of above sixty pounds a-year. I am at this time in a dismal cell in Newgate, where nothing is to be heard but the rattling of irons from the felons. My friends cannot come to see me without being robbed, having to pass through a yard in which are some of the most abandoned wretches. The above I can assure you are facts.

"By taking public notice of the above you will much oblige

Your obedient humble servant,

"To R. B. SHERIDAN, Esq."

John Smith."

In this condition did this man and the other solicit trial, dismissal, or enlargement on bail; it was to be observed of them, that confiding in their own innocence, even with the aggra-

aggravating circumstances of family distress, they asked no other favour but trial or discharge; neither was however granted them. Smith wrote again in February. To which letter no answer was sent. A respectable man, Mr. Parkinson, went to see him; found him in a state truly desperate; and, with a dignity of heart that reflected the highest credit on his character, represented the poor man's case to the privy council, which only procured a change of apartments; and in April he wrote again; and he was informed that a *milder letter* would procure his release on *any bail whatever*. Thus, after the destruction of his property, the danger of his life by a ruthless imprisonment, and the misery of a numerous family, his oppressors tell him in his prison, you must not be a man, you must cease to feel like an Englishman. You must not dare, after the torment and distress we have heaped on you, to speak but as a slave, and lick the feet of those who have trod upon you, and proved that the tyrannical days of the French government, or of the worst tyranny that ever existed, were not worse than what an Englishman is liable to suffer under the abuse of its laws.

He did not mean, however, to move for a prosecution, though he had no mistrust of the honourable and learned gentleman opposite (the attorney general). He put it to the house whether they ought not to measure equal justice for a conspiracy to lop off the lords and commons, as the King; and observed that all the precedents went to this point, where there was a high breach of the privilege of parliament. The pamphlet was not a theoretical treatise on government, but a practical exhortation, addressed to the *plain sense* of the people. What he proposed therefore was to move for the censure of the house, and to proclaim that censure by having the pamphlet burnt by the hands of the common hangman. He objected to a prosecution most peremptorily, as he wished to set an example of lenity and mercy, contrary to what Mr. Reeves himself practised; but though it was, with great reluctance he submitted to the ministers themselves whether this should not be followed up by an Address to his Majesty to remove him from any place of trust, and instead of committing him to Newgate, he designed to move that he should be summoned to attend at the bar of the house, to receive a reprimand from the Speaker, and be advised to make an alteration in his mind, and disavowal of his sentiments.

Mr. Sheridan concluded with moving,

“ That one of the said pamphlets be burnt by the hands of the common hangman, in New Palace Yard; at one o'clock on Monday the 21st instant; that another of

the said pamphlets be also burnt on Tuesday, the 22d instant, on the Royal Exchange, by the common hangman; and that the sheriffs of London and Middlesex be directed to attend, and see the same carried into execution."

Mr. Secretary Dundas said, it was not his intention to advert at present to what passed on the night when the subject was first brought forward, and when the house came to the resolution that the book in question was a seditious libel. Having been absent that night, he had not the advantage of hearing the book read. Whether he might, or might not, however think it had a dangerous tendency, it was his duty, as a member of parliament, to found all his observations on that resolution. He owned he viewed the subject in a very different light from that stated by the honourable gentleman who made the motion. The pamphlet was to be considered as a breach of privilege, the house would act in taking up the matter in the way the honourable gentleman desired, at once as party, prosecutor, and judge; a complication of powers, that he thought they should by no means exercise.

It was his opinion, he confessed that nothing could have more tended to preserve the dignity of the house, or to support its honour and character, than that the libels, which had been lately published in such extraordinary numbers, had more frequently met with censure than punishment; many of which were in the highest degree, contumacious, and levelled directly at the proceedings of the two Houses of Parliament: though the reforming eyes of gentlemen on the other side had not taken them into view. What must any gentleman, who valued the privileges of that House, think upon reading as he had done, in a paper, a paragraph to this effect: "Last night the bill for repealing the British constitution passed the House of Commons."

Had the motion of the honourable gentleman been confined to a case of mere literal breach of privilege, it might not perhaps be inapplicable; but when he complained of a transcendent breach of privilege, to which the House had applied so very strong a resolution as it had come to, he for one should set his face against a mode of proceeding suited only to a mere ordinary breach of privilege. Such had been uniformly his opinion; and he should require nothing more to confirm him in it, or to convince the House, than the tenor of the honourable gentleman's motion. As far as he understood him, the motion was, in the first instance, that the book should be burned by the hands of the common hangman; and that was to be followed up by an Address to his Majesty to remove

Mr.

Mr. Reeves from all offices of trust. Thus, without affording the accused the legal opportunity of encountering the evidence, by cross examining and invalidating the testimony of witnesses, or of making a defence, but merely on *ex parte* evidence, not even taken upon oath, he was to suffer a punishment the worst almost that on an individual could be inflicted, and which never was inflicted for the heaviest crimes; namely, a total incapacitation from all offices of trust.—

Mr. *Sherridan* interrupted Mr. Dundas, for the sake, he said, of saving the time of the House. He did not say he should move to address his Majesty to dismiss Mr. Reeves. He only suggested the propriety of ordering Mr. Reeves to attend. As to any further proceeding being had against him, so far had he been from urging it, that he had expressly stated he should leave it to ministers themselves to consider whether they could think that such a man was capable of filling with propriety the office of a magistrate in this country.

Mr. *Dundas* proceeded and said, he put the question to him across the table; and, as he did not hear him deny it, had taken it for granted his intended propositions were to be to that effect. That however made little difference to his argument, as it was still meant that Mr. Reeves was to be brought to the bar of that House. Suppose Mr. Reeves were to attend that House, how was he to make his defence to evidence that had been already taken *ex parte* upon this subject? How did it accord with the principles of justice that a man should be brought before a popular assembly, who must in justice to their own proceedings already had, be allowed to be inflamed against him in some degree? How could he have that impartial audience which justice required before his case should be decided upon? The question really was, Whether the Commons would, in a case in which they themselves were parties proceed to decide by their own power, or refer the matter to a trial by another judicature? The resolution which passed on a former night, had declared the book to be a malicious and seditious libel, and the Commons having given their opinion already on the subject, no one could deny that it was fit for legal inquiry, and that another jurisdiction would more properly, more soberly, and more temperately, take up the matter than the House. He observed, that there was not a single topic of accustomed attack which the honourable gentleman had not contrived to seize by the head and shoulders and force into his speech. Mr. Reeves, the association, ministers, judges, justices; all these were the sports of his invective that night. The honourable gentleman needed not have taken

taken the trouble to own, that not the pamphlet, nor the supposed author, merely as author, but that Mr. Reeves, the head of the Loyal Association, was the object of his aversion. There was no one who had the least doubt that the reason of the honourable gentleman's bringing this charge against Mr. Reeves was, that he had set on foot those associations. It was superfluous, therefore, for him to confess, that the associations were the true object of his attack. Every body would give him full credit for that, even without the proofs of his own candid confession.

Mr. Dundas said he was free to confess, that, so far from feeling severe to Mr. Reeves, he was of opinion, that, in the year 1792, the association set on foot by that gentleman had done infinite good to the country. This was his opinion, however other gentlemen might entertain a different sentiment. If the honourable gentleman was of a contrary opinion, and really thought that the association had been productive of mischief, he had certainly a right to be offended. In the breasts of those who thought with him, that those associations guarding the minds of the people against the poison of their insidious enemies, and awaking them to their danger, the present peace and quiet of the country, was, in a great measure, to be attributed, no rancour or severity against the promoter of those associations could find place. It would be their duty, then, to lay that circumstance quite out of their mind; and so far the honourable gentleman's argument would be of no effect.

The house, he again said, must ground their whole proceedings on the resolution already come to. There was nothing more, therefore, that they could of themselves do, to add to the effect of that resolution. The plan proposed by the honourable gentleman (that of burning the pamphlet) would be doing nothing. If the publication were really mischievous, that was not the way to prevent its pernicious effects; since experience must inform gentlemen, that they could not take a more effectual method of promoting its circulation; thousands would be sold in consequence of its being burned, that would not otherwise be enquired after. He begged also to ask, if gentlemen were ignorant how many most pernicious pamphlets were circulating at that very time? Was parliament to select that one, and leave the rest behind? If gentlemen were disposed to comprehend all such libels in their censure, let them do it; let a committee be appointed to take them all in, and make a bon-fire in Palace Yard. If all that were truly dangerous (for surely they would not seriously say that danger

was solely to be apprehended from the pamphlet in question) were committed to the flames, the bonfire would be great indeed; as large a one as Palace Yard would hold. Condemning this alone would, in fact, be giving an *imprimatur* to the rest. It was better, therefore, to let it go to a regular prosecution. If the present motion passed, it could not stop there; something further must necessarily be done: and justice and consistency demanded that they should send it to a jury, who would give a fair and impartial verdict on the subject.

For these reasons he moved an amendment, to leave out all but the first word of the motion, and in its place to substitute—“That an humble address be presented to his Majesty, beseeching his Majesty to direct his Attorney General to prosecute Mr. John Reeves, as author or publisher of the pamphlet called ‘Thoughts on the English Government;’ and the printer of the said pamphlet.”

Lord Sheffield seconded the amendment, and said he should think it a loss of time to notice the extraordinary expressions or episodes introduced in the speech of the honourable gentleman who began the debate, he wished at the same time it was not necessary to notice the shameful proposition, to condemn a man before he was proved guilty. It had been said, that this house was the most proper place to pass sentence upon the author of the objectionable pamphlet; he thought it was the worst, and he was apprehensive his reasons for expressing that opinion would not flatter either side of the house. He observed one set of men, instead of prosecuting a libel against the constitution, meant to prosecute a man whom they considered as having counteracted their views; and on the other side, he observed a disposition to shrink from and withhold the common protection due to a man, whom it was evidently intended to oppress, although they did not consider him as guilty. His great anxiety that the house should preserve the character which became them, obliged him to wish the pamphlet to be sent to a fair trial, and that the prosecution should be carried on by the Attorney General, in a court where the question would be decided by evidence on oath.

The Speaker having put the amendment,

Mr. Sheridan disclaimed all idea of his wishing to punish any one but the author; nor was he, he declared, very anxious to punish even him; his chief object was, that the house should express its sentiments on the doctrine maintained in the book itself.

Mr. Jekyll contended, that *Mr. Dundas* had not proceeded

in his arguments in a very regular or parliamentary manner. He differed from him entirely in his ideas of the propriety of sending the case to a court of law; because, although he thought as highly of that tribunal as any man in England; yet he must say that House ought to take care of its own privileges itself. The right honourable Secretary had argued as if the pamphlet did not contain that which the House had declared it did contain. The publication was an attack upon the very existence of Parliament, and he regarded it as part of a system which had been long acted upon by Mr. Reeves and his colleagues all over the country. He was therefore of opinion, that such an attack was only cognizable by Parliament. A warm panegyric had been pronounced upon the associations. Did the right honourable gentleman approve of the mode in which the Crown and Anchor association had proceeded? Had he read the letter of a respectable friend of his in the law, the brother of a member of that House, who had left the association with a just contempt for their measures, and had stated to the public his reasons for leaving them? Did he approve of the idea of a fictitious secretary, or of anonymous information being encouraged? Did he not think that such a proceeding would be a disgrace even to a Venetian government? By the Crown and Anchor association, pamphlets had been circulated, in order to establish the Jacobin principle of affiliated societies, at the very time when the society were so warmly contending against all principles of that description.

Mr. Sheridan, Mr. Jekyll observed, had not said, that he would move for an address to his Majesty to remove Mr. Reeves from any place of trust. Such a motion he trusted would be unnecessary, because he hoped there was virtue enough in the executive government not to employ such a man. Mr. Reeves was a magistrate, and might act under the last of the two bills that had been pass. He was by one clause to go as near to any meeting as he safely could, to halloo, and command the meeting to disperse; and in the next clause he was to arrest any person whom he might conceive to be holding seditious language. Thus, Mr. Reeves was to have a commission of *Terminer* for dispersing any meeting, but not a commission of *Oyer*.

The Secretary at War (Mr. Windham) in a former debate upon the subject, had ingeniously divided and subdivided the libellous matter in the pamphlet. Part, he said, was matter of opinion, part matter of fact, and the rest was metaphor. This reminded him of a story which he remembered of Serjeant Davy, upon the Western Circuit. An action was brought for

flander, and the slanderous words were, *You are a pretty fellow! You stole a horse! You'll be hanged!* Serjeant Davy asked, upon the trial, how could that be called slander?—There was a compliment, a matter of fact, and a matter of law: “*You're a pretty fellow;*” that's a compliment, “*You stole a horse;*” that's a matter of fact, “*You'll be hanged;*” that's a matter of law. The compliment, fact, and law, however, amounted together to slander; and so did the matter complained of, taken as a whole, amount to a libel.

How came it, he would ask, that no gentleman on the other side of the House had got up, and denied that Mr. Reeves was the author of the pamphlet? The motion of Mr. Sheridan had been founded upon precedents. To the objection that had been adduced against the House taking judicial cognizance of the libel, he should reply by asking whether the House, previous to the state trials, had not, by their secret committee, anteceded and almost superceded the function of a grand jury? He should, therefore, from a due consideration of the case, vote for the motion of his honourable friend.

Mr. Douglas observed, that the opposition of the honourable gentlemen to the amendment was very singular. They brought forward the business; and when a motion was made to send it to a jury, who, if they found Mr. Reeves to be the author, would apply a much severer sentence upon the case than that House could, the honourable gentleman would not agree to it. It was but just that *prima facie* evidence before the House should go to a jury, and if brought before a jury, impunity only could arise from innocence: and surely gentlemen could not wish to punish when there was not guilt. The amendment itself shewed that his honourable friend (Mr. Dundas) had adopted the resolution of the House; so that the insinuation of Mr. Jekyl, that his right honourable friend had taken advantage of his absence to controvert the opinion of the House, was without the shadow of foundation. An honourable gentleman (Mr. Sheridan) had said much about Mr. Reeves being the promoter of the loyal association; supposing that point to be as he had stated it, and the responsibility of Mr. Reeves for all the publications of the associations established, what would they avail to the present question? The honourable gentleman had declaimed against a noble lord (Lord Mornington) for arguing from scraps, while he himself endeavoured to establish the guilt of Mr. Reeves on a number of disjointed scraps, without ever considering the context. In the administration of justice, when inquiring into a fact of which any one was accused, a jury were never suffered to listen to any kind of distinct extrinsic

trinsic charge; to listen to the matter introduced by the honourable gentleman would, therefore, be contrary to the established principles of the administration of justice. Let the House call to mind how much declamation they had heard from gentlemen on the other side in favour of juries, when the conspirators were found not guilty. It was extraordinary that gentlemen should, on the present occasion, object, and contend, that if Mr. Reeves was guilty, he would not be found so.

Although he gave great weight to what fell from the Chancellor of the Exchequer, on the first night, it did not, Mr. Douglas owned, produce perfect conviction in his mind: he therefore read the book through, and the result was, he thought it deserved the most severe censure. As to his right honourable friend's (Mr. Windham) assertion, that the offensive part was a metaphor, he agreed to the truth of it. It was a metaphor, but as plainly, nevertheless, as any language, however simple, could express, that the Kingly power could subsist, and be a legislature, if the two other parts were destroyed. The most guilty expression might be clearly expressed in figurative language. A very singular instance of that occurred in the trial of the late unhappy King of France. The detestable, infamous Barrere, when he came to give his wicked verdict on his defenceless Sovereign, spoke in metaphor, and said, "Let the tree of liberty be moistened with the blood of the tyrant." The more enlightened and illustrious regicide Scyès, horror-struck with the levity of the other on such an occasion, rose, and exclaimed, "*La Mort sans phrase.*" The barbarity in that case was heightened by the metaphor. And in this the offence was not mitigated by it. He thought, therefore, it deserved the censure of the House; and that Mr. Reeves should be called upon to make a defence, but it should go to a court of law, where the prosecution would be conducted with that fairness to the defendant, as well as the constitution, which had always distinguished the conduct of his Majesty's attorney-general; and where Mr. Reeves might avail himself of the brilliant talents of a learned and honourable gentleman on the other side, (Mr. Erskine,) an advantage which he could not have in that House.

Mr. Martin observed, that the mode of procedure proposed was justified by precedent; the object of it was not to burn Mr. Reeves, but his book, and therefore he should give his vote for it.

Mr.

Mr. *Smith* said, that before he should proceed to give his opinion upon the question before the House, he begged to make one observation upon the speech of a noble lord who had spoken on the other side of the House: that noble lord (Lord Sheffield) had rather insinuated than asserted, that the gentlemen who brought this measure forward, were influenced more by animosity against an individual, than by a strict desire of public justice. He, however, desired to disclaim every insinuation of that kind, both for himself and those gentlemen who agreed with him on this subject, because he was sure they were, like himself, actuated solely by a sense of their duty. As far as his own individual opinion went, he was averse to prosecution in general, for publications, unless they tended to some overt act of a breach of the peace. However absurd, false, or unconstitutional a book might be, unless it had the tendency he mentioned, he should only wish to meet it with refutation and exposure. He was also ready to declare that, in his opinion, more danger was to be apprehended from the works which had been published on the popular side of the question, than from those which appeared on the other; because he did not think that, in the present enlightened state of mankind, men could be reasoned into an attachment to despotic monarchy. Some publications not on the popular side of the question there certainly were, which did, in his opinion, call for punishment; and, above all, those which attributed to every person who exerted himself in support of liberty the most atrocious principles.

With respect to the book in question, it was not necessary to say any thing upon its pernicious tendency, because the resolution of the House was decisive upon that point: he wished, however, to observe, that this was not a single pamphlet, but one of a number founded upon the same principles, as a proof of which he referred to particular passages in some letters from Thomas Bull to John Bull, in which, he contended, the same doctrine was held. It did, however, appear, that this society were convinced that they had gone a little too far; since in some of their later publications, they completely retracted those doctrines to which he had alluded. The mode proposed by his honourable friend (Mr. Sheridan) he said, struck him as the most consonant with propriety; because if the question were sent before a jury, they must give a general verdict of *guilty* or *not guilty*. Whereas, if the jury were of opinion, that there was not sufficient evidence to justify them in finding Mr. Reeves guilty of being the author or publisher of the book, they must of course bring in a verdict of *not guilty*; and how

how would that verdict be construed by different parties? One side would contend that the jury had acquitted the defendant, because there was not sufficient evidence to convict him of being the author or publisher; and the other side would argue that he was acquitted because the jury were of opinion, the pamphlet did not contain any libellous or seditious matter. Such a dispute would not, in his opinion, be much for the honour of the House, and therefore he should certainly give his vote for the original motion.

Mr. *Jenkinson* said, that the report of the committee contained some insinuations alluding to a noble lord nearly connected with him, (Lord Hawkesbury); and some observations which had fallen from different gentlemen during this business of a similar tendency, had induced him to rise for the purpose of declaring, that, the noble lord alluded to, did not know of the book in question until it was made a matter of public discussion, and that no copy whatever had been sent to his office. With respect to the situation which Mr. Reeves held under that noble lord, it was one which he had held for ten years; and he could assert, that the noble lord was fully satisfied with the punctuality and fidelity with which he performed the duties of his office.

With respect to the report of the committee, he did not think it did the committee much credit: they had asked to have the committee revived, for the purpose of producing some new and important matter: how far they had succeeded in adding at all to their first report, he should leave to the House to determine.

Sir William Young thought the ends of public justice would be fully answered, if the author were called to the bar of the House, and reprimanded by the Speaker: the sentiments of the House would then go forth into the kingdom, and it would be universally known that they equally abhorred attacks upon every part of the constitution.

Mr. *Dent* said, he did not wholly approve of the mode of procedure, suggested either by the motion or the amendment. Much, he observed, had been said with respect to the philosophical and theoretical nature of the pamphlet. It did not, in his opinion, contain one *iota* of either, but was too contemptible to merit serious comment. He did not approve of heaping amendment on amendment, but would vote against prosecuting the publisher.

Mr. *Fox* said, he could not but be of opinion, that the committee had done right in reporting all they knew upon the subject; and, notwithstanding what had been said by a learned gentleman,

gentleman, (Mr. Douglas) he would ask him, whether he was so sure that, in political prosecutions, it would be improper to bring in evidence of all the facts connected with those prosecutions? With respect to the danger to be apprehended from the pamphlet, he could not allow that the danger of an arbitrary government being established was wholly chimerical; though he was ready to admit that the recent feeling which had been excited by the two Bills, had, in a considerable degree, diminished his apprehension of such an event. In a mixed government like this, however, all publications were dangerous which tended to give to one of the parts of that government too great an ascendancy over the rest. It might be asked why, if no prosecution were wished, all the facts had been stated? For this plain reason, to convince the House of the impropriety of the pamphlet. What was it that he desired? It was this, that as a pamphlet, such as this, having been brought before the House, the House should not content themselves with a mere vote of censure, but should make the pamphlet undergo as it were the ignominious punishment of burning. With regard to precedents, he contended that, with a very few exceptions, they ran in favour of the original motion. Early in the present reign, a pamphlet, called, "*Droit & Roi*," had been complained of, censured and burnt. At the commencement of the American war, another pamphlet, called the *Crisis*, had also been complained of and burnt. Why then should it be for the honour of the House at present to show such tenderness for the doctrine contained in the pamphlet, as to exempt it from the punishment which had been inflicted on similar doctrines?

An insinuation had gone forth that a wish to oppose Mr. Reeves had existed, and a noble lord (Lord Sheffield) had stated that that gentleman was to be prosecuted because he had counteracted the views of gentlemen on his side of the House. He had not, Mr. Fox said, the least hesitation to own that Mr. Reeves had counteracted his views. His views had been to put an end to all religious differences. Mr. Reeves's association, however, had tried to light up the flame of religious discord all over the kingdom. His own object had always been to preserve the balance between all the parts of the government. Mr. Reeves, by the circulation of Mr. Soame Jennings's doctrines, and other pamphlets, had tried to destroy that balance. He was, therefore, not ashamed to say, that Mr. Reeves had counteracted his views. He had mentioned Mr. Soame Jennings's pamphlet; he had read it when it first came out; he thought it ingenious and innocent.

cent. Though Mr. Jennings wrote it innocently, did Mr. Reeves circulate it innocently? The material difference lay in that circumstance altogether.

Arguments had been used to shew that the House, if they adopted the motion, the House would, at the same time, be judge and jury. Was it not in the nature of things that it must be so? and in a case which related to the privileges of the House, how could it be otherwise? Could any of the courts below vindicate their privileges, in any other manner than by acting both as judge and jury? If he were asked whether he would stop there, his reply would be, that he had no objection. He had no objection also to sending for Mr. Reeves to the bar. At the bar he might make his defence and comment upon the evidence that had been adduced against him, in order either to disprove it or abate its force and application. So little solicitous was he with respect to punishment, that he should not have cared much about burning the pamphlet, if Mr. Reeves had not been at the head of these associations; and if that and other pamphlets, circulated by these associations, had not come out of the same shop. The removal from a place of trust was, he admitted it, a severe punishment; but was it not inflicted in cases where particular tests were not taken? Had it not been inflicted in cases similar to the present? In the case of the Bishop of Worcester, who had interfered in an election, did not the House in the reign of Queen Anne petition her Majesty to remove him from the office of Almoner to her Majesty?

Mr. Fox concluded, by desiring the entries on the journals respecting the pamphlets *Droit le Roi* and the *Crisis* to be read.

The *Chancellor of the Exchequer* referred to two precedents of a contrary tendency; that of Mr. Murray, in 1751; and that of a pamphlet called the *South Briton*, in which the House had ordered prosecutions by the Attorney General.

Sir William Dolben rose, and was proceeding to vindicate and defend the pamphlet, when he was called to order by the Speaker, who told him that the House having voted this a libel, it was not permitted to any member to defend it, unless he meant to rescind the resolution voting it to be a libel.

Sir William, however, still proceeded. He observed, that the pamphlet stated that "the King makes and executes the laws." This was true and constitutional language; and was properly explained by what followed. "The King," said *Sir William*, makes the law, for there can be no law without him. We make the Acts, but they are not laws until they receive his sanction." This was true and constitutional doc-

trine; and his Majesty might still maintain the Kingly office, though the other two branches were lopped off. The whole book was innocent, if taken with the context. Sir William having been again called to order, finished by observing, that after the resolution which had passed the House, he should not vote at all, either for the original motion, nor for the amendment.

Mr. *Sheridan* observed, that if the honourable Baronet chose to defend the principles of the pamphlet, he might move to adjourn the debate; and if that was carried, he would have an opportunity of moving that the resolution of the House might be rescinded, in which case he might, if he pleased, enter into a vindication of the whole of the pamphlet.

The Chancellor of the Exchequer said that the House could have no desire of multiplying superfluous debates; and therefore hoped no such adjournment would take place.

Mr. *Courtenay* said, it had been proposed that the hangman should be employed to burn the pamphlet in question, he wished to propose, as a conciliatory measure, that Mr. Reeves himself should be the executioner on the occasion; and that, if necessary, Mr. Arthur Young should assist him, which he considered to be as fair and equitable a proposal as could be made.

The Secretary at War said, as the House had decided upon the work, he would not presume to defend it; but he would assert, that if the principles contained in that book were justifiable, there, nevertheless, did not appear any proof of bad intention in the author. The book was not printed in a cheap edition (as many gross libels on the other side had been) for the purpose of being more easily circulated among the lower classes of the people. He was happy to hear those gentlemen profess such anxiety for the preservation of the constitution in all points; hitherto they had seen, unmoved, innumerable libels attacking the monarchical part of the constitution; those watchful guardians, however, were then asleep; but when a pamphlet appeared on the other side, then their vigilance was roused, and all their vengeance called forth. He combated the various arguments advanced by Mr. *Sheridan*, with eloquence, perspicuity, and strength of argument. The sudden change which had taken place in the opinion of those gentlemen with respect to juries, was, he said, worthy notice; at one time they were idolized, and their decisions even set above those of the House of Commons; it so happened, however, that respecting this case, the opinions of gentlemen

gentlemen were changed, and they were afraid to venture before a jury. The Secretary at war concluded with declaring, that feeling himself bound by the decision of the House to admit that this was a libel, he should give his vote for a prosecution by the Attorney-General, rather than for any other mode of procedure.

Sir William Young explained.

Mr. Wilberforce supported the amendment.

Mr. Maurice Robinson expressed his regret that the debate had taken a party turn. He conceived the constitution to be deeply interested in the question, and if the House gave the punishment out of their own hands, it was giving up every thing. He compared the pamphlets of *Mr. Reeves* and *Mr. Arthur Young*, to two vipers strangling the constitution.

Mr. Sheridan said, that the gentlemen on his side of the House were only desirous of reprobating the doctrine in the pamphlet. They had no desire of prosecuting the author, though he had been the man who had chiefly, by his dark and furious spirit, given rise to all the prosecutions which had taken place. He read the names of some of those prosecutions, and desired to know whether, when the House were passing bills, which, they said, were necessary to repress the attacks upon one side, they ought not to shew an equal willingness to protect the constitution on the other?

Sir G. P. Turner said, he was against burning the pamphlet by the hands of the common hangman, which, he said, would only draw a crowd of idle people together, make them neglect their business, and occasion a great loss to the community.

The gallery was then cleared of strangers, when the original question was put, and negatived.

It was proposed, on *Mr. Dundas's* motion, to address the Crown to prosecute *John Reeves, Esq.* together with the printer and publisher.

Mr. Sheridan moved to amend this, by leaving out the printer, which was agreed to; on putting the main question, *Sir William Dolben* and *Mr. Dent* insisted upon dividing the House, when they were told out, it appearing that the number of members present were only,

<i>Ayes</i>	-	-	-	-	24
<i>Noes</i>	-	-	-	-	4
				—	
<i>Majority</i>	-				20

The House was necessarily adjourned, and the question remained undecided.

HOUSE OF COMMONS.

TUESDAY, December 15.

The bill for enlarging the charter of the London Assurance Office was read a third time and passed.

The bill for regulating the conveyance of newspapers, and the printed votes of Parliament by post, was read a third time, and passed.

TOBACCO DUTY.

On the third reading of the bill for granting to his Majesty an additional duty of 4d. a pound on tobacco,

General Tarleton brought up several clauses for supplying non-commissioned officers and soldiers, while on board transports, with tobacco, duty free. After some observations from *Mr. Dundas*, *General Smith*, and the Chancellor of the Exchequer, they passed, and were made riders to the bill.

PRIVILEGE OF THE HOUSE.

The Speaker informed the House, that he had received a letter from a member, which he thought it his duty to lay before them, as it referred to their privileges.

He then gave the letter to the clerk to read. It was signed *H. Speed*; and stated, that, being absent from home for a fortnight, he had not had notice of the late call of the House, not having seen any paper, in which the call was mentioned, in that time: but that, if he had had notice of it, he could not have attended, being obliged to attend the decision of an action at law, in which he was concerned. That he had been arrested, in the Isle of Man; and conceiving his arrest to be a breach of privilege, thought it his duty to inform the speaker of the circumstance, in order that he might lay it before the House.

The letter being read, the speaker submitted it to the House, whether the regular process would not be to refer the letter to a committee of privileges. This appearing to be the sense of the House, a motion was put, and carried in the affirmative. "That the subject matter of the said letter be referred to a committee of privileges; and that the said committee do sit the next day.

LIBEL.

Mr. Sheridan moved, That the further consideration and discussion of the motion on the report of the committee appointed

pointed to inquire who was the author of the pamphlet intitled, "Thoughts on the English Government," which had been interrupted the preceding night, be resumed; and he observed, that though he was averse to the particular mode of proceeding proposed by the motion, but as it was not proposed to extend to prosecuting of the printer and publisher, he was averse to the affair resting where it was, and therefore moved, "That an humble address be presented to his Majesty, that he would be graciously pleased to desire his Majesty's attorney-general to prosecute John Reeves, Esq. as the author or publisher of a printed pamphlet, entitled, "Thoughts on the English Government," which was then put and carried, *nem. con.*

PEACE.

Mr. Fox brought up a petition from twenty thousand three hundred and odd inhabitants of Manchester, stating the calamities of the war, and praying for immediate peace, which was ordered to lie on the table.

Colonel Stanley brought up a counter petition from 28,000 inhabitants of the same place, reprobating the other, and declaring their entire reliance on the disposition of his Majesty, and the wisdom of his council, for taking the earliest and properest time for effecting a permanent and honourable peace.

SEDITIONOUS MEETINGS BILL.

The Chancellor of the Exchequer moved, that the amendments made by the lords in the bill against seditious meetings and assemblies be read and agreed to.

Mr. Fox rose to oppose it. It was the practice of that House (he said) not only to reject any money bills, if altered in the lords, but also to reject a bill, if any alteration should be made in any part of it which tended to lay a fine or pecuniary penalty on the people; in the latter point of view he objected to this bill. If, therefore, the amendment then before them went to that object, and was to have that effect, he believed that no importance, which could be attributed to the bill, would induce the House to waive its ancient and acknowledged privilege. There was an alteration made which substituted the word "felonies," instead of the word "offence." He would explain to the House how far that went. As the bill was sent up to the lords, all the offences against it in Scotland were to be punished with death; the lords had altered it, that all felonies only, as mentioned in the act, should be punished with death; and the offences, which were not felonies, were punished

punished with fine. The operation of this alteration would be to make persons liable to a fine who were not so by the bill as sent from the commons; upon that principle he contended, that the bill must be rejected altogether.

The Chancellor of the Exchequer agreed *in toto* to the principles laid down by the right honourable gentleman, and observed, that however important the bill might in its nature be, and however necessary it might be to pass it into a law with expedition, that necessity should by no means supersede the obedience which that House owed to its own ordinances, and the vigilant attention they ought to pay to their privileges, if it was found to trench in the smallest degree upon them, or even if there was a doubt upon that subject. In every point of view, however, in which it could be taken, there was no possible question more free from doubts. The amendment made in the lords was a mere elucidation of what the House must have intended, though they had expressed it ambiguously; as it could not merely be the intention of any man in that House to award the penalty of death in Scotland to the same crime to which in England a penalty of only 50*l.* was annexed. The lords then, in removing that mistake, had gone no farther than the commons intended to go. In proof of this, he referred to a prior clause, in which the penalty of 50*l.* was attached to the offence in Scotland as well as in England; and also to the end of the bill, where, in the clause for recovery of the forfeitures, it directs, that they shall be recovered by action of debt, in the courts of Westminster, and in the courts of justiciary in Scotland; so that the House had the pecuniary penalty in view all along; and the amendment was merely an affirmation of their intentions.

Unless the House could, therefore, be supposed capable of the monstrous absurdity of annexing both death and a particular pecuniary penalty to bind the same offence, the matter was beyond a doubt. What put it still more so was, supposing that to be the case, the pecuniary penalty was already provided by the commons; and the only alteration that the lords could be supposed to make, was in taking away the penalty of death; their right to do which could not be called in question. Under those circumstances, he hoped that the right honourable gentleman would see the futility of his objections, and agree to the amendments being taken into consideration.

Mr. Fox said, that "the meaning" of the House of Commons was a loose and indefinite expression. He had nothing to do with the intention of individual members, the intention of the House must be the "legal construction," and by the legal

legal construction of the bill, as sent up by the commons, the penalty of death and confiscation of moveables did attach on certain offences, which by the amendment were only liable to the penalty of 50l. Confiscation, he said, must include all a man's property, and therefore rendered nugatory the fine of 50l. even under the idea of the right honourable gentleman, that offences in Scotland were made liable to that fine before the bill was amended. The amendment, therefore, by taking off that confiscation, did create a fine. It might be said, that the amendment imposed a fine, at the same time that it released from a fine; no doubt it did, a fine with a vengeance, it confiscated all moveables; but the principle of jealousy applied as well to the diminution as to the increase of a pecuniary penalty.

Mr. Secretary Dundas said, the amendment by the lords was not necessary, the legal construction being, that if an appropriate penalty be contained in any act as applying to a particular species of crime, no general penalty afterwards expressed should attach. The penalty of 50l. being particularly mentioned in a prior clause to attend certain specified offences, the other penalty of death, and confiscation of moveables, could not be incurred for the same offences. The right honourable gentleman had said, that the confiscation of moveables, comprehended all property; he did not, however, consider that moveables were only a distinct species of property, and that the fine of 50l. might attach on the other parts of the offender's possessions. Although he did not think (speaking as a lawyer) that the amendment was necessary, yet he could not object to it on a principle of jealousy, it being only to render more clear the intention of the commons.

The amendments were then agreed to:

The Speaker suggested to the House the propriety of a special entry on the journals of the House, which should state the motives upon which the House agreed to the amendment, as they might be liable to misconstruction. He mentioned a precedent in the year 1781, where a special entry had been made in the journals of the reasons which induced the House to concur in an amendment, which seemed to infringe the general principle. He thought, therefore, that something similar should be done, on the present occasion, to prevent future misconception of their conduct in adopting the lords amendment.

After some consultation what he suggested was determined on, and the following declaration ordered to be inserted on the journals: "That it appears to this House that the alteration made

made in this bill by the lords, does not in any respect lay any additional fine, or pecuniary penalty, upon the people."

The Chancellor of the Exchequer was then appointed to take the bill to the lords, and inform them that the House of Commons had agreed to the amendments.

LOAN BILL.

On the motion for the third reading of the loan bill.

Mr. *William Smith* rose, and said, he did not well know whether that was the proper time for making his intended motion.

The Chancellor of the Exchequer observed, that the honourable gentleman's motion could not possibly interfere with the bill. The house had already given its sanction to the loan, by declaring, that eighteen millions should be raised. Any motion the honourable gentleman might have to make upon a question between him, the Chancellor of the Exchequer and others, was wholly unconnected with the matter.

Mr. *Smith* said, it was at that time a matter of indifference to him, but he wished he had moved it before, and opposed the second reading of the bill. When the bill passed the House, however, he would lay his motion before them.

The bill was then read a third time, and passed.

SLAVE TRADE.

Mr. *Wilberforce* rose to say a few words on the subject of the slave trade. So little attention had been lately paid to that subject, that it might be necessary to remind the House, that the first of January ensuing, was the period which had been nam'd in 1792, for the abolition of that disgraceful traffic. He had on this account greatly wish'd to bring forward that subject before the Christmas recess. It struck his mind that this would be peculiarly proper also on another account. When the House was engag'd in devising the best means of checking the progress of licentiousness, it seem'd to be the most proper time to mark the real nature of the principles which actuated them, by stopping a practice which violated what were really the rights of human nature. But the truth was, that he found gentlemen's minds so pre-occupied by other topics, that he could not hope to obtain a fair hearing; in justice therefore to his cause, he had resolv'd to suspend it for the present, and to bring it forward soon after the holidays, of which intention he wish'd what he had now said to be considered as a notice.

Mr. *Fox* said he felt great satisfaction at hearing the honourable gentleman express the intentions he did; he maintained that there was no political object of more value, or more

more deserving the attention of Parliament. He was sorry, for the credit of the House, that he had engaged for and promised what he had not fulfilled; and he wished they would redeem their honour by a full consideration of the whole state of that trade. He hoped the honourable gentleman would pursue it with his wonted laudable vigour; that he would recollect the House had sent their documents to the lords, and had not since heard of the lords having proceeded in it; that he would inform himself whether they had proceeded or not; and if they had not, whether their neglect arose from necessity or from slight to the Commons. Of all these circumstances he hoped the right honourable gentleman would inform himself well: and, finally, he expressed his hopes that the House would give the subject full and fair discussion, and endeavour to recover the loss of character they had sustained by their supineness on this most important and interesting subject.

THE LOAN.

Mr. *W. Smith* rose to make his promised motion respecting the loan. He proposed to proceed upon the same grounds that he had set out upon, namely, those of public expediency and public justice. The parties were uneasy that they were not in the way of stating the transaction, and laying evidence before the House; more particularly as they heard, that the subject was not considered in the same point of view without doors, as it had been by that House. He did not wish to throw more censure than was deserved: and if arguments did not bear him out, he would not endeavour to support his cause by coarse epithets. His object was, that a committee should be appointed to inquire the nature and circumstance of the loan, which would put parties hereafter more on their guard; and particularly, that buyers of a loan should know, that in case of an extravagant bargain, it would be subject to revision. He would not enter at present much at large into the first part of the proceeding. He only begged leave to make a single observation on the point on which the Chancellor of the Exchequer had rested his defence, namely, that he was under a pledge to the contractors for the former loan, not to bring a new Loan into the market, before the last installment on the last year's was filled up. That pledge, however, had entirely escaped the memory of the Chancellor of the Exchequer, and the existence of the pledge rested wholly upon the credit of the governor of the Bank, who could not be said to be a disinterested person on the present point. It was he, who had first announced to monied men, that a competition was to take place, and it was upon his recollection of a previous pledge that the

original plan of competition had been laid aside. Supposing however the pledge really to have existed, what ought to have been the conduct of the right honourable gentleman? Ought he not to have come down and advised with the House, before he had wantonly thrown away 180,000*l.* of the public money? Might not a small loan have been contracted for with Mr. Boyd to supply the exigencies of the public service, till the last instalment of the last year's loan was paid? He would not have refused to enter into such contract, or else he would justly have debarred himself from all competition in future. If an engagement had been contracted to the subscribers for the last year's loan that no new loan should be made till theirs was paid up, they might have been applied to furnish a small one to supply the necessity, which, if they had refused to do, they would have discovered themselves to be persons very little deserving public favour. There was likewise a degree of personal injustice suffered by Mr. Morgan and his subscribers. It was not customary to fix the bargain so soon as had been done this year, and the matter had been adjusted before they knew it was to take place. It had been stated by the Chancellor of the Exchequer, that the determination of Mr. Morgan and his friends to contract for the loan might have been affected by the reserve of a loan for the Emperor, and the funding of five millions of navy debt; but for these Mr. Morgan had been prepared, and this was proved by a letter he wrote to the Chancellor nine days before the loan was settled. Afterwards the letter read by his honourable friend, Mr. Hussey, on a former occasion, was written, to prove that if parliament had really rejected the terms of the loan, the money would have been supplied from another quarter.

Mr. Smith proceeded to examine the merits of the bargain which had been concluded. The interest was said to be 4*l.* 13*s.* 6*d.* and the Chancellor of the Exchequer boasted, from this rate of interest, that the bargain was good. If he could prove, then, that the interest paid by the country was, in fact, 4*l.* 17*s.* 6*d.* it would follow that the bargain was bad, because this difference upon such a capital was immense. The loan, he said, consisted of two parts. For every 100*l.* advanced by the subscribers, they were to have a capital of 145*l.* bearing 3 *per cent.* interest, besides 6*s.* 6*d.* long annuities, which, in the space of four years, would advance the interest to 5 *per cent.* Laying the 6*s.* 6*d.* long annuities, however, entirely out of the question, the 3 *per cent.* on the 145*l.* capital, together

gether with the discount, made an interest of 4l. 17s. 6d. for every 100l. borrowed by the country.

The circumstance of the message which his Majesty had been graciously pleased to send down to the House, next challenged Mr. Smith's animadversion. The bargain for the loan was concluded just thirteen days before the message was brought down; and he asked the House what circumstances had occurred in France, which immediately affected the relative situation of that country with this, to render that message expedient at the time it was brought down, and inexpedient and unforeseen at the time when the loan was contracted for? The successes of the Austrians were known before the budget was opened, and he knew of no other change in the situation of France. Besides the loss, however, which the country had sustained from this arrangement, he did not know in what terms to speak of it. Within three days after the bargain was concluded, the loan bore a profit to the subscribers of no less than 250,000l. which was a profit little less than all the loans during the American war had brought to the contractors, though Lord North was often reprobated for extravagance, and even in one instance convicted of corruption. During the American war there were seven loans, amounting in all to 57 millions, and bearing a premium in the gross of 2,475,000l. and the present loan, three days only after the opening of the budget, bears a premium of only 200,000l. less than all the American loans put together. The average of interest of Lord North's loans did not exceed $4\frac{1}{2}$ per cent. the average interest of the loans made by the present Chancellor of the Exchequer, though they were made when the country was in a state of much greater prosperity than during the American war, was no less than $5\frac{1}{3}$ per cent. In the course of the last four years, fifty-one millions had been borrowed; and if the loan of eleven millions, formerly contracted for by Mr. Morgan, was thrown out of the account, which did not bear a twenty-sixth part of the gross amount of the premium on these loans, the interest which the country would be found to have been paying was about 7 per cent. The next point was, under what circumstances had the bargain been made? Had it been even in the most prosperous situation of the country, this loan was of a nature so improvident, that it ought not to have been contracted; but, in fact, the bargain was concluded at a period, when, exclusive of this new loan of 18 millions, the debt of the country amounted to the sum of 388 millions; the annual interest of the debt to the sum of 10,640,000l. During the last nine years there had been paid

off a sum of about 15 millions, three *per* cents. but the sum of 98 millions had been added. The annual sum allotted for the liquidation of the national debt, did, indeed, in theory, put the period at no great distance; but theory, in many instances, differed from fact and practice. Even since the year 1791, though the ways and means had been stated to exceed the expenditure, yet the deficiency of 1791 was 430,000*l.* in 1792 still more; and in 1793 it even amounted to the sum of 800,000*l.* and in the last year to a very large sum indeed. Add to all this, that since the year 1784, five millions *per* annum of new taxes had been laid on. Thus circumstanced, if any one of the causes of our prosperity should fail, where would the taxes be found to pay for such an enormous accumulation of debt? There was more money, Mr. Smith maintained, thrown away by the premium on the loan, than by all the reduction in the expenditure of the public offices. It would buy the fee simple of every reform made by Mr. Burke's bill; and almost double the amount of the pension list of the country. He stated his reasons for wishing to institute an enquiry to be, to clear private character, and provide better for the public interest in future; at the same time, he declared he was ready to acquit the right honourable gentleman of every sinister intention in the transaction. He said, he had been informed of one circumstance, that of the numerous persons who composed the list of Boyd and Co. the greater part were shut out of a large portion of their subscriptions, when it was found that so considerable a *bonus* attached to the loan. He thought it was of some importance, that persons who delivered in their names to a contractor's list, should be at some degree of certainty. He considered the public interest to be materially concerned in the transactions of this loan; and that a committee of the House ought to be satisfied that there was a sufficient reason for altering the usual mode of making such bargains, and for that prodigious loss which had been sustained, and whether by a proper fore-sight it might not have been prevented. On all these accounts, he would conclude with moving, "That a committee be appointed to enquire into the circumstances of the late loan."

The Chancellor of the Exchequer said, that the vote which he felt himself inclined to give upon the motion then before the House; would not make it necessary for him to trouble the House very much at large upon the present occasion; because however he might differ from the honourable gentleman in many of the topics he had brought forward in his speech, he did not differ from him in thinking it was important in the

view of the public interest; important to the character of those who were interested in the loan, to have an enquiry instituted into the mode in which it was negociated: particularly so, after observing how much stress was laid, and a supposed impression made, on the public mind, in consequence of a departure from a system which had been usually adopted by him in negociating loans. Feeling the question in this view, he regretted that the situation of business to be transacted in parliament rendered it inconvenient that this business should come before a committee of the whole House; if it were not so, he considered the matter to be so important, that, were a motion made for submitting it to a committee of the whole House, he should feel himself much disinclined to oppose it. As such a committee would, however, be attended with much public inconvenience, he was willing that a measure should be adopted that would approach nearest to such a committee. He meant a committee up stairs, which should be an open committee, that every person who chused to attend might have access to it; and, so far was he from endeavouring to avoid enquiry into this business, that he felt himself thankful to the honourable gentleman for bringing forward such a motion. He was aware he had often resisted enquiries in that House. He knew he had often been charged with having alledged insincere motives for that resistance; and that he had often resisted enquiries, not on public, but on personal grounds. Whether these charges had been rightly made or not against him, he had no occasion then to discuss. He had resisted them upon a principle which he should always adhere to, when he saw it fairly applicable to the subject. The principle was, that all enquiry in that House ought to be resisted, if entering into it manifestly tended to a public inconvenience, and did not on the face of it promise a public practical utility. Upon the application of that principle, many gentlemen in that House differed from him upon several motions; but he had heard nothing from them that had tended to shake his opinion as to the principle itself; and therefore he begged it to be understood, that, by agreeing to this enquiry, he did not pledge himself to relax from the rule to which he had constantly adhered. He was glad, however, that, upon this occasion, he could agree to the enquiry. He was glad too, that he had not, in this stage of the proceeding, any occasion to make so many observations as some gentlemen might have supposed he intended to do.

There were many parts of the speech of the honourable gentleman which might be laid out of the question, at the present

present moment. But when he stated that the enquiry was necessary for the character of the governor of the Bank, he begged it to be understood distinctly, that he had not rested his justification of any share he had in this transaction on the opinion of the Governor of the Bank; nor did he rest it on the opinion of any other person whatever. The governor and the deputy governor of the Bank were indeed witnesses to the transaction, but he had acted solely upon his own opinion. He did not state the governor or deputy governor of the Bank as his authority; he only stated that they were witnesses to the transaction. He stated this in order that there might be no misapprehension upon the matter, when it should hereafter come to be argued. There was another part of the speech of the honourable gentleman, which he must leave out of the question. He meant the opinion which was to be entertained of the conduct to some of the subscribers to the loan, after it became a profitable one; because he declared most seriously, and without the least risk of being contradicted, that neither in this nor any other loan did he know the least of the manner in which it had been distributed. He had never, either directly or indirectly, interfered in that respect, and what share had been allowed to different persons of this loan he was totally ignorant. He knew only who were the persons who had signed the contract with him. They were persons of weight and eminence, sufficient to induce him to believe they were likely to perform their engagement.

There were two or three other parts of the speech of the honourable gentleman, which it would be unnecessary for him to go into at that time. One part of it, however, was so plain, that he need not have laboured much to prove it, viz. that if the bargain for the loan was an improvident one for the public, it must have been highly improper, because of the additional burden of the debt. This was a self-evident proposition, and therefore he should not endeavour to refute it; the question was, whether the bargain at the time, and under all the circumstances in which he made it, was an improvident bargain? If it could be made out that he could at that time, under all the circumstances, make a better bargain for the public, he must submit to the censure that ought to follow. Such a measure ought not to be defended. If he had occasioned the loss of two millions, or of one million, to the public, by that bargain, no man living would deny that he had made a very bad bargain; the degree of guilt to be imputed to him was not, however, to be governed by the sum which the contractors might profit

profit by the loan, it was to be judged of upon consideration of circumstances antecedent to the present period. And here he must beg leave to take notice of the general way in which gentlemen had chosen to state the question. They stated a loss of two millions to the public, because they said there was that profit to the subscribers. By that mode of treating the subject, there was no allowance whatever to be made for any profit to the subscribers, but all that they had reason to contemplate as their gain at the time of making the bargain, and all that from various successes abroad they had gained since, was to be taken as so much loss to the public. At the moment of contracting for the loan, they considered the whole sum, which from a concurrence of fortunate events had ultimately come to the subscribers, as so much money actually thrown away, with regard to the public. This was proceeding upon a mode of calculation that was inconsistent with common sense. The utmost loss to the public that could possibly in fairness be stated, was the actual difference between the terms that might have been had, and those which he concluded upon at the time the bargain was made. Gentlemen had stated the subject as if whatever were the advantages of interest, of discount, or *bonus*, upon this loan, that the whole had been thrown away by him, in not opening a negotiation with Mr. Morgan. What did that sort of statement assume? That in the other way of making this bargain it would have been without any *bonus* at all. In other loans subscribers had been allowed to have five *per cent.* but the way in which this was to be stated, the whole profit to the subscriber according to the honourable gentleman's argument, was to be considered as loss to the public.

Gentlemen took pains to assert that Mr. Morgan came to him, and that when he came he was to make offers, and that he was to discuss the preliminaries of an agreement. Gentlemen did not advert to the circumstance that Mr. Morgan did not then inform him any thing with regard to an Imperial loan, nor of the state of the navy debt. Gentlemen said Mr. Morgan knew the fund in which the loan was to be made. He did not doubt it: but did he know of the circumstance by which the stocks rose so high, and of the probable rise of them at that time as they have appeared since? It was stated that Mr. Morgan thought there might be an Imperial loan of three millions. He granted that Mr. Morgan might think so; but did that prove that whether there was a reserve made or was not made, that it would have had no influence on Mr. Morgan's terms? and still further, whether the funding of five millions of navy debt

debt would not have some effect on the terms of Mr. Morgan? On these points Mr. Morgan had received no intimation from him. Let him however suppose, that the terms of Mr. Morgan, as they had been since stated, had been agreed to, this would not amount to any thing like the supply of the loss which was now stated to be sustained by the public. After the message had been brought forward, a variety of other circumstances had happened, both in the internal situation of this country, and of the condition of Europe, which were not then known by them or by him. What was then the offer on the part of these gentlemen who now condemned him so violently? Did they then talk of ten or twelve *per cent*? no! the offer was only two shillings upon the long annuities. He left it to the House to pronounce whether these gentlemen ought to say, that on the part of the public the loss, by his bargain, was so large. The difference between the actual premium and the fair terms which the public ought to expect at that time, and the next question would be, whether the premium rose out of the circumstances that were in contemplation at the time of making the bargain, or were the effect of circumstances, which could not then be foreseen? The whole effect of the loan, he would maintain, had tended to prove, that the situation of the country, in point of credit, was better than it had been at the time of former loans. He admitted, that the profit to the subscribers of the loan, was a profit improperly given to them, if all the circumstances which have since happened, had been foreseen; not so if they were not foreseen. At all events it proved that the credit of the country was high; it proved that in the fourth year of the war we had borrowed eighteen millions of money without the least difficulty, nay, that monied men were contending who should subscribe it. That no man could controvert. He should say nothing then as to an unqualified competition in the bidding, except that he was sorry he could not avail himself of it; but he should maintain that the terms were reasonable at the time the bargain was made, considering all the circumstances. He entered into some calculations on the price of stock at the time of making the loan in order to maintain his proportion; and maintained that it was reasonable for him at that time to conjecture that the bringing eighteen millions to the market would have an immediate effect to the amount of two *per cent*. Upon this he would desire the House to enquire whether, as the case had been left to himself to determine as to the terms, he had not made that sort of bargain which

which the public ought to be willing to accede to as honourable between them and the subscribers to the loan?

It was true, that, amongst the causes of the present premium to the subscribers, was that of the message from his Majesty, which was brought to that House on the day of the report of the committee of ways and means. Much had been said on the propriety of that transaction. Some gentlemen had stated it to have come too soon after the loan. There was, however, a variety in the way in which gentlemen took up this matter. Some stated it as criminal in his Majesty's ministers to have brought it forward so soon after the transaction of the loan, and that it was intended to convey an idea that we were in view of an immediate peace; others stated it as a matter of delusion in that respect, for that we were no nearer peace than if it had not come. One gentleman had, indeed, gone so far on a former night as to say that his hopes with regard to peace were damped by it. The message was as much exaggerated on the one hand as it was depressed upon the other. It was neither more nor less than a formal declaration on the part of the crown of those sentiments which his Majesty had communicated to parliament on the first day of the session, and it was a specific event arising out of the sentiments conveyed from the throne on the opening of the session. The sole question, therefore at present, was, whether there was any criminality in his Majesty's ministers in bringing it forward at the moment they advised his Majesty to make that communication? When that was determined, the next question was, whether he foresaw, or ought not to foresee the events that had taken place since the loan been made? Whether he ought not to foresee those events he must leave to others to determine. But whether he did foresee them, could only be known to himself; he was, however, perfectly ready to declare that many events had happened that were not in his contemplation when he made the bargain for the loan. The material facts which had operated such effects on the bargain, happened very considerably subsequent indeed to it. But when gentlemen talked with contempt of the experience of a month in respect to his forming his opinion of the government of France, he must remind them that the proportion of time made but a small part of the effect which he expected to be produced on the affairs of Europe; he considered not only the stability of the government of France, nor the weakness of its resources merely, which were so rapidly decaying, but he also considered the disposition of the people there, and the late prodigious and almost incredible exertions

of the Austrian arms, and the rapid change that was taking place in almost all the operations of Europe. Taking the whole of these circumstances into consideration, he would say that the space of a single week might have a ten-fold operation compared to that of former periods. It was difficult to speak out upon such a subject, and to keep within the limits of parliamentary language; if a declaration of that sort was, however, necessary at any time, it was necessary then; the message from his Majesty was a fit explanation of the doctrine which had been held to parliament from the throne at the opening of the session; he had great satisfaction, therefore, that such a parliamentary step had been taken on the subject of peace, because he thought that the message should come from government, and he thought it peculiarly important that it should come at the time it did. These were the circumstances of the message. How far it influenced the price of stock he should not attempt to determine. But as to its conveying a sense of an immediate peace, he could by no means agree that it did so. The message stated nothing of that nature: the mode, the time, and the terms, were to be in his Majesty's option, just the same as if this message had not been sent to parliament. That from general feeling, the hasty opinion of an immediate peace should have had some effect he was ready to admit: he would admit also, that it ought not to avail for any length of time, nor did he believe it would, because it was going beyond what the real sense of the message would bear. He would admit also, that nothing could be so unwise as making a temporary rise of stock, to bring on or to support terms that were inconsistent with the solid state of the country. Before that construction, however, could be put upon the message, gentlemen must go beyond the nature of the message itself. He did not, indeed, believe that the message had the effect which some gentlemen ascribed to it. The rise in our funds, depended on the progress of the Austrian arms, and the difference which had taken place in the various affairs of Europe. Among which were to be numbered the rapidly increasing distress of the enemy from the almost extinguished state of their resources, and the great change in the dispositions of the people. He thought it necessary to say this on the construction which had been put on the message from his Majesty. Having made these general observations, he should not detain the House any longer, he agreed to the motion, and thanked the honourable gentleman for bringing it forward.

Mr.

Mr. Fox next rose, and proceeded to take a short view of the subject. With regard to that part of the speech of the right honourable gentleman, which related to the sum of two shillings offered upon the long annuity, by a motion in that House on the consideration of the report of the committee of ways and means, the plain reason why it was not more was this. The only thing that could be done in that respect was to move, to agree to the best terms that had been offered upon the subject; and the reason why the offer was not higher, was, that the King's message was not known to that House one hour before. Upon this message he must make a few observations; and first he would contend that the minister either knew, or ought to have known, that he was making a loan at a disadvantageous time for the public. If he had ever any doubt of the minister knowing this at the time of making the loan, his speech that night convinced him upon that subject, and removed his doubts. The minister had laid great stress on a fortnight's experience on the affairs of France. He would ask if this was any thing more than the minister had said he foresaw a great while ago, and was it not his general topic in favour of carrying on the war from time to time? and if so, was it not criminal in him to avail himself of such a message at such a time as the present? One thing the right honourable gentleman said, which Mr. Fox declared he hoped he understood correctly, and that was, that the King, by the message, retained the mode of making peace and the terms of it; this he certainly must do, for they belonged exclusively to his Majesty as matters of prerogative; as to the time of negotiating, he understood that the message limited his Majesty greatly indeed.

Mr. Fox desired the latter part of the message to be read, which was read as follows:

“ His Majesty, on this occasion, thinks proper to acquaint the House, that the crisis which was depending at the commencement of the present session has led to such an order of things in France as will induce his Majesty (conformably to the sentiments which he has already declared) to meet any disposition for negotiation, on the part of the enemy, with an earnest desire to give it the fullest and speediest effect; and to conclude a treaty for general peace, whenever it can be effected on just and suitable terms for himself and his allies.”

Mr. Fox then proceeded; he said that if he understood the message, it was, that his Majesty would negotiate when there appeared, on the part of the enemy, a reasonable disposition

for peace, and that in such case his Majesty would be ready to give to such a disposition the speediest effect. These words appeared to him explicit enough in themselves, according to their natural import, and he hoped that was the sense which the minister put upon them. The minister had conveyed an idea that he did not foresee the necessity of this message on the 25th of November, when the loan was agreed to.

How did he reconcile that with the sentiment delivered from the throne on the 29th of October? as he said that the message was only to follow up what was then expressed on the government of France; if he foresaw the situation of the enemy then, did he not see it at the time of settling the loan? He would therefore assert, that the minister ought either to have brought forward the message sooner, or to have deferred the loan until he had brought the message forward. He wished he had not advised the House to ratify the loan until he was prepared to advise his Majesty to send that message. The minister said he thought it important to convey the information at that time to the House, alluding to a motion for a negotiation for peace, of which his honourable friend (Mr. Grey) had given notice. That notice was given long before the 25th of November, and it was postponed at the desire of the minister, who wished to bring on the budget before it.

The minister had laid great stress on the several operations of the Austrians on the Rhine; operations that were known a fortnight before the negotiation for the loan, and the subsequent successes of the Austrians had added but little to the effect of the victory of the Austrians, and to the contributing to make the situation of France much fitter for our negotiation. The distresses of the French were well known before the loan was contracted, and yet of all this, the effect was trifling on the funds. When the message, however, came, the effect was great and instantaneous. He would therefore say, that all the information which the right honourable gentleman had long ago, and from what he expected to have heard, (according to his own assertions) it ought to have retarded instead of accelerating the loan; at all events, the message ought to have preceded the loan. This conduct might agree with the ideas of the minister, but it was different from the conduct of every other Chancellor of the Exchequer in the country. The right honourable gentleman said, that nobody suspected him of corruption in this business. He did not know that any body did. He said, he knew nothing of the distribution of the loan. Very likely not; but his answer was, that Lord John Cavendish, a man as well entitled to

to credit as the right honourable gentleman, had not been so very tenderly treated on the subject of the loan in 1783. He was then told, that the mode he had taken was liable to suspicion. He did not know what the minister had done in every respect upon this loan; but when he saw a method followed that favoured the probability of corruption, by furnishing an opportunity of putting millions of the public money in the pockets of individuals, he owned he did not like it to be defended merely by assertions that there was no corruption. Had the minister shewn any reason for making this loan so early? Had he said any thing to induce the House to believe that the reason for negotiating was not as strong in his mind long ago as it was at present? The House, it seemed, was to go into an enquiry upon this subject; he was glad of it; he hoped all the facts would be properly enquired into; and he had no difficulty in saying that he was convinced the more this loan was enquired into, the more must it be reprobated. Two millions of money was a sum which the committee should look at, as not to be thrown away upon the bare assertion of any man. He could have wished that the subject should have been referred to a committee of the whole House; he thought there was *prima facie* evidence of great misconduct in the minister. The loan was not only disgraceful in itself, but it would have a bad effect on future loans, for men would say there was no safety in a public competition; they would say it was true a competition was talked of, but the minister might recollect some private promise that he had made to an individual, and therefore after they had attended to bid, he might give an option to that individual to take it to himself. Mr. Fox illustrated this argument by a reference to what the minister had said to Mr. Melmoth and Mr. Morgan upon the subject of the loan, and to the option which he had given to Mr. Boyd. There were, he said, in every part of the transaction, strong circumstances of suspicion, and therefore he hoped the committee would enquire into it minutely. With regard to the minister's general doctrine respecting enquiries, he could only say that he did not agree with him in the propriety of resisting them. He had always thought that where there was an assertion on one hand, and proof offered to support it, and a mere denial on the other, an enquiry ought to be instituted. But the right honourable gentleman's resistance to enquiry was a system that had grown out of his own administration.

Mr. W. Smith rose to explain, and as another ground of there being something suspicious in the transaction respecting
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the loan, said that one man had been so busy in the purchase of shares of it when at seven *per cent.* premium, as afterwards to occasion an idea that he had some foreknowledge that his Majesty's message was in contemplation. It was, he said, observable also that, notwithstanding the late defeat of the allies in Italy, the news of that defeat, which he acknowledged was not officially confirmed, had produced no effect in the depreciation of the funds, thence he inferred that the rapid rise of stock was not to be attributed to the success of the Austrians upon the Rhine, but to the disposition of pacification which was intimated in his Majesty's message.

Mr. *Secretary Dundas* reminded the House of an expression in the speech of the honourable gentleman, which, although it exculpated his Majesty's ministers of any personal corruption, in the very next sentence stated that a system of corruption had been proved under the administration of a late noble lord (Lord North). Something similar to this had dropped from him upon a former occasion; he wished, therefore, to know if the honourable gentleman meant seriously to impute corruption to that nobleman.

Mr. *W. Smith* replied, that when he used that expression, he did not mean to contrast the conduct of the present ministry with that on former occasions. He had never had any transactions with Lord North, but he understood the noble lord alluded to was generally supposed, at the time, to have raised the terms of the loan upon the principle of influencing a majority.

Mr. *Fox* said he had been in various situations with the noble Lord alluded to; he had been for a long time in acts of public hostility against him, and he had afterwards been in the habits of public and private friendship, but he had never accused that noble lord of personal corruption, he always believed, even when hostile to his measures, that he was incapable of personal corruption in the manner alluded to. He had constantly found in him the most perfect and complete honour, and a species of confidence which deserved the highest praise.

Mr. *Secretary Dundas* rose to corroborate Mr. Fox's testimony of the very respectable character of Lord North, whom he knew to be utterly incapable of any personal dishonour whatever.

Mr. *Sheridan* said, personal corruption never had been urged against the noble lord, though it had always been understood that he made the loan in question the means of influencing a majority. That was a parliamentary accusation
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against him; and it had not only been urged, but proved. If the right hon. gentleman disputed that assertion, he would refer him to the journals, where he would find that a committee of enquiry had been appointed; that the lists of the subscribers to the loan were produced and examined; and that it was proved that the loan had been dealt and sold out to members of Parliament. The right honourable gentleman took fire at the imputation on the noble lord; but he rather attributed his zeal to his solicitude lest an inference should be drawn from the conduct of that noble lord as an insinuation against the present ministers. It had been the uniform practice of the House, indeed, to acquit the right honourable gentleman opposite of personal corruption in the negotiation of this loan; but he knew no reason why he was to do so, nor why he was to assume that he was not liable to as foul an imputation for the foul distribution of the present loan, as the noble lord was for that pure loan which he took fire at.

They were two distinct things, Mr. Sheridan said, to say that the minister has no part of the *bonus* himself, and to say that he has not contrived to make a distribution of it to others. In 1783, when he was secretary of the treasury, Lord John Cavendish put out the loan into the hands of his enemies, instead of his friends, because he was determined to act upon the purest principles; by which means he was disappointed in his installments, and made a bad loan for the public; therefore a charge was nevertheless brought against him, insinuating that he had been governed by corrupt motives.

When he saw the late loan replete with foulness, falsehood, trick and connivance, he knew no reason why he was not to suspect ministers of having acted improperly. He hoped that the enquiry was not to be made by an up-stairs committee, or a committee of the right hon. gentleman's own selection; but a committee of the whole house; it would not be a free enquiry if it were otherwise; if any management or selection were made, he could not think the right honourable gentleman really serious in his declarations. He wished to follow up the precedent of that loan which had been alluded to under the administration of Lord North, whom he owned he could not consider as a model of perfect purity, though he acknowledged his good humour, urbanity, and private worth. In the list produced on that occasion, the bankers were the first subscribers as at present; though the noble lord, as the Chancellor of the Exchequer on the present occasion had done, professed that he knew nothing of the distribution. After them came a variety of subaltern agents; and he asked whether

ther the right honourable gentleman could not look around him, and point out who were the subaltern agents in the present loan? He must think them children, if he pretended to the contrary. There were many who had 10,000l. shares each, with cent. per cent. profit; and if he denied it, his political tutor would tell him it was trifling with the House. He hoped, therefore, that a motion would be made, first for the list of the contractors, and then for the subordinate lists of the bankers. Here he begged leave to state some facts as he received them, from rumour, though he believed them to have been raised upon a sure foundation. The Lord Mayor, whom he was happy to see in his place, that if the statement was false he might contradict it, was said to have two millions of the loan. Now it was to be remarked, that his lordship had formerly admitted the assembly of his constituents in the common hall of the city of London to be fair and legal, and that he understood from the sense of the majority that his lordship promised to oppose the bills; but, when the subsequent meeting of the bankers and loan-mongers was held, his lordship retracted his former opinion; in his mind, this meeting of the bankers was therefore the criterion to go by. On these grounds he thought that he had a right to fatten a suspicion on the distribution of the loan. He conceived that much irrelevant matter had been introduced in the course of the discussion, but observed that it was not a light affair for the House simply to consider whether the right hon. gentleman did or did not know, on the 25th of November, that the French were already in possession of that order of things, or in the course of obtaining that order of things which could justify a negotiation for peace? Could any man in the shape of a politician, or with the name of a statesman, and holding his head up as the ruler of a kingdom, solemnly affirm that he did not know that circumstance? Was it asserted, that the rapid decay of the finances of France, and the victories of the Austrians, had produced the rise of stock; yet, at the opening of the budget, the right hon. gentleman declared that the French were not only on the verge, but in the very gulph, of bankruptcy; and thus, by sinking "lower than the lowest deep," he lost himself. This argument was consequently against himself; for while he pretended that France was on the eve of a revolution, he came forward with another proposition asserting, that the order of things in that country was favourable for a treaty. If he had heard such drivelling nonsense in any one of the sixpenny societies which the right hon. Gentleman had abolished, he should have treated it as the inconsistency of one of the most vulgar and

and confused minds. The right hon. gentleman had taken care to divert the deliberation of the house from a fair examination of the case, by his two and sixpenny and three and fourpenny schemes, which, as usual, he rendered as complicated as possible. Mr. Sheridan, therefore, begged leave to call the attention of the house to the main argument, by asking whether it was a fact, after having waged war, and carried it on for four years, to establish a certain form of government in France, and where of course it must be inferred that ministers constantly watched every change, that the right hon. gentleman had not made some estimate on the probable duration of the present government when he bargained for the loan? It might have been expected, from his declarations, that the present council of five hundred did not elect themselves, and that four out of the five members of the council of antients had not embroiled their hands in the blood of their Sovereign. Yet the reverse was the fact. According to that situation, therefore, which the right hon. gentleman had so long and so unfortunately held, the house was first to determine whether he could not, and ought not, to have bargained better for the public, by accelerating his Majesty's message, or by postponing the loan, and getting a vote of credit for two millions? A variety of matters appeared to him Mr. Sheridan said, to be connected with it, such as what related to Mr. Morgan, &c. all matters important in themselves, but comparatively little to this consideration; and unless the right hon. gentleman could acquit himself of the imputation, there were in his conception grounds for serious suspicion, that if he had not been guilty of personal corruption himself, that he had at least, through the means of particular agents, used one of the most pernicious species of bribes that ever had been resorted to in the most corrupt of governments.

Mr. Secretary Dundas rose to explain, and said that he was not in the least astonished at the gross misrepresentations of the honourable gentleman, whose speech had been one continued series of scurrility and invective.

Mr. Courtenay called Mr. Dundas to order, and charged the right honourable gentleman with having prefaced what he intended to say with some of that scurrility and invective of which he had accused his Hon. friend: he hoped therefore the Speaker would interfere, and preserve the order and regularity of debate.

Mr. Secretary Dundas wished the Honourable gentleman had interfered at an earlier period, and preserved that order which he seemed so desirous to maintain, by preventing his Honour-

able friend from committing to open a breach of it, as he had repeatedly done in the course of his remarks; the sole object which had induced him to rise at the moment, had been to rescue the character of the late Lord North, from the imputations that had been thrown out against him.

The Lord Mayor said, that the honourable gentleman had made an attack, by the introduction of some extraneous observations, on his conduct. He declared he never made a declaration in the common hall that he would oppose the Bills. There was a meeting there, he admitted, of about 2000 of his constituents, a majority of whom was certainly against the bills; but he did not consider that such a number could be a majority of 8000 liverymen. He declared, in the face of God and that august assembly, that he knew nothing of the loan, till his *hair dresser, an honest fellow*, told him in the morning of the circumstance. From him he was glad to find that it was the case, and that the house with which he was connected got 2,500,000*l.* of the loan. There were 250 names upon his list for the division of its amount, among which there were only three members of parliament. With regard to himself, his lordship said God knew he had no impure motives, and if he could assist government by lending his money, he was happy to do it. The honourable gentleman had laid great stress upon the *bonus* of the present loan; would any man, he desired to know, take a loan without a *bonus*? It was a fair transaction, and in his opinion perfectly justifiable.

Mr. Sheridan explained. He said, he certainly had made a mistake in his statement; the honourable gentleman had set him right by asserting, that he and his friends instead of 2,000,000*l.* had been favoured with 2,500,000*l.* in the loan.

Mr. Duncombe defied the honourable gentleman (*Mr. Wm. Smith*) to give proof of his assertion, that a majority of the members of that house, under Lord North's administration, were influenced by the distribution of the loans; with regard to the noble lord himself, he had been evidently belied, as was proved by the character which had been given him by a respectable and distinguished member, (*Mr. Fox*), whose generous and liberal sentiments had long been the objects of his (*Mr. D's*) admiration; and it was proved by the heart of the honourable gentleman (*Mr. Sheridan*) himself, if he knew any thing of the noble lord's virtue and integrity. The honourable gentleman had commended the noble lord's worst qualities, his urbanity and good humour, which were not the chief requisites for a pure and unblemished friendship, and which were often possessed by men, with whom the respectable part of mankind did not choose to associate.

Mr.

Mr. William Smith in reply said, that the honourable gentleman knew it was impossible for him to go into proof of his assertion consistently with the orders of the house; but he must contend that the making loans a system of corruption under lord North's administration had been a subject of such notoriety as to be repeatedly mentioned in that house, and he declared that he should carry the impression of it to the grave.

Mr. Douglas defended the character of lord North from the imputation of corruption, and said the charges were wholly groundless and false.

Mr. Sheridan desired to be correctly understood as he considered nothing so unpleasant as a charge on a person who was not present to defend himself. He never had insinuated that the deceased noble lord was guilty of personal corruption, though he might by separate arrangements be accused of treading on a system of corruption. For the proof of his assertions he referred to the journals of the House; and while he acknowledged the noble lord's urbanity, declared that he would never compliment away his public principles.

Mr. Wm. Smith's motion for a committee of enquiry upon the loan was then put and carried without a division.

Upon the motion that the enquiry be made by a committee of the whole House,

The Chancellor of the Exchequer objected, because it would occasion a total interruption of public business. He hardly thought the honourable gentleman would have pressed it, since he had early given his consent that it should be an open committee, and all have voices who attended it.

Mr. Sheridan disapproved of any other committee than a committee of the whole House, because it would defeat enquiry. They had already been discussing the expenditure of eighteen millions of money with about six and thirty members, which was at the rate of half a million a man; and if it was so difficult to procure attendance when the Speaker was in the chair, how much more difficult must it be up stairs in a committee? He knew that if they were sent to scramble up stairs, a few gentlemen in the confidence of the minister, but who certainly had no share in the loan, might attend, though others should not; and thus they would have a partial report.

The House then divided on the motion for a committee of the whole House:

<i>Ayes</i>	-	-	19
<i>Noes</i>	-	-	56
			—
<i>Majority</i>	-	-	37
	3	Z 2	

A come

A committee was accordingly appointed to inquire into the circumstances of the negotiation of the late loan.

The following motions were then put and carried :

That all have voices to attend the said committee. That the said committee have the power of examining papers, records, &c. That it do sit in the Speaker's Chamber to-morrow at twelve o'clock, and that eight be a *quorum*."

The order of the day was then read for the whole House to resolve itself into a committee on the bill for reducing the drawback on sugar.

The Chancellor of the Exchequer observed, that it was intended the reduction of the drawback on raw sugars should take place on the 20th inst. but that a longer time would be given in the case of refined sugars.—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, December 16.

A variety of bills were brought up from the commons.

The Earl of Lauderdale said, he did not mean now to enter into the consideration of the loan bill; but from the particular circumstances attending the negotiation of the late loan, he would move their lordships to be summoned on that subject to-morrow.—Ordered.

HIGH PRICE AND SCARCITY OF CORN.

The order of the day, for taking into consideration the high price of provisions, being read,

The Lord President (Earl of Mansfield) said, that he would not detain their lordships attention beyond the limits which the subject, respecting which he had to address their lordships, rendered absolutely necessary, but would just state what steps he thought should be taken in a matter of the highest importance and concern. He had to regret, that on account of the deficiency of the wheat crop this season, to the extent of a third part of a good and fair crop, it became necessary to adopt some measures to remedy the evil arising from the defects; it was undeniable, much as it was to be lamented, that the present scarcity of wheat prevailed to an alarming degree; and was such as might excite the most serious apprehensions. Other grains, however, had been abundant, and afforded some means of compensating that scarcity. It must be acknowledged, that, under these circumstances, we should adopt the speediest

speediest mode of redressing the evil, at a time when the interests of the people at large had called upon parliament to take the subject into their consideration, and suggest such remedial measures as their provident wisdom should deem necessary. The failure had happened at a time when we could not redress ourselves; it had been partly owing to the deficiency in other countries throughout Europe, and in part to the situation of this country with respect to Europe at present. It therefore became necessary that we should look to ourselves for such remedies as would supply the deficiencies, and these were pointed out in a great measure by those adopted by the other House. He had heard it said, on the subject of the agreement entered into by the commons, and laid before that House, that such a proceeding was without precedent. In answer to this assertion, he had to refer to the agreement entered into on King William's accession to the crown, previous to the passing legislative resolutions. The principle was just the same, although the object of the agreement had undoubtedly been different, but it was enough for his purpose with respect to the present, that the principle of both was the same. What he thought would be more efficacious, was the example of great and respectable families, who, when they had disinterestedly denied themselves the gratification of fine bread, would soon be followed by the other orders of the community. His lordship concluded with moving a resolution "to diminish as much as possible the consumption of wheaten flour."

The Duke of Bedford said, he had no objection to the resolution, since it was not founded on the message from the commons; as he still considered that it would have been informal in that light. He, however, could not sign it, because, taking the declaration meant to be proposed into view, he thought it every way inadequate to the evil complained of. The plan of changing the quality and fineness of the bread, he feared, would occasion much abuse on the part of the bakers. The agreement would be of little effect, he thought, without the aid of some legislative regulation; it having turned out that the resolution on that subject last summer by the Privy Council was of little use, and only put it in the power of the bakers to deteriorate the bread when they were not under the controul of the magistracy. The lower classes of people, it was to be recollected, consumed bread not as a luxury, but as the chief part of their food, and would suffer most by a change in its quality. His grace recommended, not to diminish the quantity of bread consumed, but to pass a law, that two-thirds wheat, and the remainder potatoes, should compose the loaf for a given

given time, by which plan the same saving would be effected, as proposed by the present resolution, in the consumption of wheaten flour.

Lord Hawkeſbury ſaid, he agreed perfectly with the noble earl, who had propoſed by the reſolution, and argued in ſupport of the propriety of the meaſure to ſet example, rather than proceed to coercive meaſures in the firſt inſtance. What were the objections to it? One was, that the coarſer bread made under it, contained not ſo much nutriment as the finer ſorts of bread. He believed the fact not to be ſo; and he was ſupported by many examples. The faſhion among the inhabitants of this kingdom, of conſuming only the fineſt bread, was new, and far from general. In many parts of the kingdom a different kind of bread was uſed, and the people who chiefly fed on it, were healthy, hearty, and robuſt. The colliers of Newcaſtle, a ſtrong and hardy race, who did work requiring great ſtrength and great bodily exertion, were fed almoſt wholly upon rye bread. At the other end of the kingdom alſo (the miners of Cornwall,) they were fed wholly upon barley bread; and he appealed to a noble lord oppoſite (*Lauderdale*) whether his countrymen were not ſtrong, vigorous, and hearty, though their bread was only compoſed of oats. In Ireland alſo oaten bread, and bread made of coarſer materials than wheaten bread, was the common food of the lower orders. While this country was deficient in its wheat, barley was the only grain of which it grew more than it exported, and therefore very proper to be applied to remedy the deficiency of the other. In aid of this meaſure alſo, their lordſhips would recollect, that there were laws paſſed to prevent the making of ſtarch, which would ſave 42,000 quarters annually of corn; and there was, at that time, pending in the other Houſe, a bill to ſecure the free paſſage of grain, a meaſure extremely important, when he conſidered, that, under the idea of wanting it, people would be apt to retain more than they could uſe, and perhaps not ſuffer it to come to market, which muſt materially diſtreſs the great manufacturing towns.

The reſolution paſſed, and *Earl Mansfield* read his ſecond, which was, that an agreement precisely ſimilar to that adopted by the Houſe of Commons ſhould be placed in the clerk's office, to be ſigned by thoſe who choſe, or who empowered the clerk to do it for them.

The Duke of Bedford ſaid, that though he had already introduced into his own family the regulation to which the agreement was directed, ſtill he wiſhed the declaration to be ſuch as he

he could sign. He wished that part which related to the laying aside of pastry to be omitted, as he was afraid such declarations were often signed without strict regard to the observing the particular purposes of them; and it was very easy for persons, who used that article, to forego the luxury of it, without any specific declaration. He adverted to the abuses that might be committed by the bakers, and thought that the effect of the agreement would not be very considerable, as many people in the middling ranks, with whom bread was not a luxury, but a necessary of life, would continue to use fine flour bread.

The Earl of Lauderdale said, he saw a considerable disadvantage likely to arise from the agreement, as it might be considered as a resting place in the exertions to remedy the scarcity, and thereby the mischief might be allowed to encrease. It certainly was a very inadequate application to so great an evil. He wished the noble lord (*Hawkesbury*), who was averse to interpose legislative acts of compulsion against the prejudices of the people, had attended a little to this principle in the acts which parliament had for three weeks been employed about. The regulations mentioned in the agreement would be difficult to be complied with, as it depended upon the wholesale millers in the neighbourhood what kind of bread the city of London should be supplied with. He, however, thought it perfectly futile, though he had no objection that it should be fairly transcribed on parchment, and hung up in the clerk's office, and that the clerk himself (*Mr. Rose*) should superintend the signing, which he believed would be the only species of duty he had performed since he had held his office of clerk of parliament.

Lord Hawkesbury, in reply, remarked the eagerness which the noble earl continually manifested in seizing on every opportunity of referring to the war. On this question he would at present wave all debate, and would only express his wish that the noble earl himself had proposed some such measure as he alluded to. There was no noble lord in that House that was not as fully competent of informing himself on the subject as any of his Majesty's ministers.

The Duke of Bedford remarked on the instances adduced by *Lord Hawkesbury*, from different parts of the kingdom, and observed that such were the habits of men, that they could not readily pass from one kind of food to another. Experience easily informed us, that an Englishman could not easily reconcile himself to the bread of Scotland; neither could a Scotchman be brought to relish the bread in use in this part of Great Britain.

Lord

Lord Douglas (Earl of Morton Scotland,) supported the present plan, thought the public were deeply interested in it, and was of opinion that no better measures at present could be adopted.

The Earl of Lauderdale spoke shortly in explanation.

Lord Darnley excepted against the agreement which lay upon the table as not likely to produce any beneficial effect.

Lord Scarborough coincided with the noble lords who disapproved of the agreement: of course he would not sign it.

The Bishop of Rochester said, it could not be denied that war always had an influence upon the plenty or scarcity of provisions; but that the whole of the evil arose from the present war seemed to be an idea totally unfounded. Some governments had changed scarcity into famine by imprudent measures; the remedy ought not to be to reduce the price of the scarce commodity, but to lessen its consumption: so far, therefore, this measure was right. The crisis was awful; and without inquiries about the cause, it became incumbent to adopt some plan to avert the consequences. He doubted much whether any thing short of legislative enactments would be sufficient. He did not know whether it were true, that that food which contained the greatest quantity of nutriment in the smallest mass, was the most conducive to health and vigour; the stomach should receive that quantity which its powers could digest. If the wheat was separated, and the finer parts served up to the rich and great, while the refuse was left for the provender of the poorer people, the latter would with justice complain. He thought that the prohibition of all fine bread would be the most effectual. The association would most probably have a good effect to some extent, though he doubted whether it would be a full one; because, unless they did so, they had no compulsory method upon their domestics, who generally speaking lived as well as they did themselves, and neither with them nor their servants was bread the principal article of food. They had other provisions, which was not the case with poorer sort of people. If he would not allow his servants the bread they required, they might leave him the next day, and go to a family where they could get it. Before he sat down, he should remark, that whatever measures they adopted, whether legislative or exemplary, they must be speedy, for the evil pressed and example assuredly might be expected to do something.

The Duke of Bedford expressed a desire to amend the agreement, which, in its present state, he declared he would not sign. His grace suggested such alterations as appeared to him

him to carry the probability of producing such benefits as he believed were intended. These were proposed, but not adopted. The agreement was then read, which in substance was, "that, in order to prevent the pressure of actual scarcity, the consumption of wheat in their families should be reduced at least one third of the usual quantity consumed in ordinary times."

The Lord President then moved, that the agreement should be engrossed, and placed upon the table, which was unanimously agreed to.---Adjourned.

HOUSE OF COMMONS.

Wednesday, Dec. 16.

Sir Philip Stephens brought up a bill for regulating the marine forces while on shore, which was read a first time and will be read a second time to-morrow.

The bill for enabling overseers to extend relief to the poor at their own houses was committed, and the report will be received to-morrow.

Mr. Dent moved, that the order of the day for the House to go into a committee on the bill for the better regulation of the conveyance of writs, &c. be deferred till Thursday, the 4th of February.

Mr. Francis understood the object of the bill to be the remedy of an improper detention of writs, an object extremely desirable, and which ought as soon as possible to be carried into execution.

Mr. Dent said, the delay arose from necessity, and not from inclination, as he was at present not quite prepared to carry the bill properly into effect, but hoped to be so by the 4th of February.

Mr. Francis regretted the delay the more on account of the probability of a dissolution of parliament, when its operation would be more required.

Mr. Dent observed, that if he had been prepared at present for the commitment of the bill, there was not time enough for it to go through the House of Lords and pass into a law before the adjournment, which was expected to be for a month or six weeks, and therefore there would be very little time lost.

Mr. Barker conceived that there were objections to it in its present form, and therefore urged the propriety of deferring it.

The motion was then put and carried.

MIXED BREAD.

The report of the committee appointed to take into consideration the Bill to permit bakers to make mixed bread, provided two-thirds of it consisted of wheat, was then brought up and committed. Several amendments were moved and agreed to; the principal of which was, that bakers should mark, in large Roman capitals, on the bread, the quality and proportion of mixtures.

Mr. *Francis* rose to make a few observations upon the agreement entered into by the members of that House to use and recommend particular sorts of bread. He approved of the purport of that agreement, but did not accede to signing it, because he feared it might hereafter be made use of as a dangerous precedent, though it was justified by the present circumstances, since all precedents had been established in a favourable way. Out of the House he had no objection to signing it, and he said, he would promote it with the utmost zeal. He had some doubts, however, whether it would have the intended effect of saving the consumption of wheat, because last year, when a similar resolution was made by the lords of the Privy Council, and other eminent persons, it was productive of no great advantage. Where he lived in the country, he associated at that time with various gentlemen of the neighbourhood; and the difficulties they had at first to contend with in regard to the bakers and millers, &c. were very material; after they had compassed these difficulties, they found, by the consumption of the household bread, not more than a farthing in the quarter loaf was saved; while that saving was counteracted by a great and more wasteful consumption. Gentlemen who were engaged in other avocations might not be so sensible of the abuses as he had been, having been very inquisitive on account of the importance of the subject, and from motives of œconomy. Thus he found there was a greater waste in quantity than the difference of quality could recompense to the average amount of one-fourth more; for, notwithstanding the resolutions of families, the poorer classes of people would eat the finest bread, and no other. The bakers assured him that, instead of a reduction of the consumption, the consumption of fine flour had increased. He principally referred to the vicinity of London. Perhaps, he said, a greater degree of submission and deference to the example and wishes of their superiors might be manifested by the poor in more remote parts of the country; but when it was considered what a large proportion the population of London, and a circle of twelve miles round,

round, bore to that of the whole kingdom, and that the people within that circle were accustomed to live well, he was afraid the proposed agreement would have an insufficient effect. He found, therefore, that the House was only losing time by this recommendation; and that at last, to produce the desired effect, they must have recourse to that object which he had in view, namely, an Act for the enforcement of the regulation. He had made inquiries of many well-informed tradesmen, whether there was a likelihood that the poor would repine, if a general enforcement of the resolutions were enacted, and he was unanimously answered in the negative, because the distinction between the rich and the poor had always been the cause of the dissatisfaction. Upon these grounds Mr. Francis declared it to be his opinion, that the sooner a legal provision was made for enforcing the regulations the better.

Mr. *Rider* said the question was, whether a complete relief could be given in the present scarcity by a foreign supply of corn, and an internal diminution of the consumption, and whether the last should be voluntary or compulsory. He differed from the honourable gentleman, as to the adoption of a legal provision; at least, till gentlemen saw the issue of a voluntary engagement. As to the former agreement of the Privy Council, it was introduced under different circumstances from the present agreement of the House; the signatures, though in themselves highly respectable, being during the recess of parliament, did not come with the same weight with the resolutions come to by the Houses of parliament in consequence of an enquiry previously made; the former agreement was to eat of wheaten standard bread; but it was found that that bread could not be made in places where an assize was set; and by the prices set in the assize tables, no baker could afford to sell such bread. The objection of the bakers to make that bread, could not apply to the bread mentioned in the agreement, because the bakers were to be allowed to fix their own price. The former agreement of the Privy Council might also, in some measure, fail of the desired effect, inasmuch as the public attention was not then so much awakened to a sense of the necessity of the measure; and there was also the strong and general expectation of a plentiful harvest. The distress felt during the months of July and August last, would serve to prepare the minds of the people on the expediency of diminishing the consumption of wheat; it was, therefore to be hoped, that in the present instance, the example of the gentlemen who would sign this agreement, would be more willingly followed by the poor at present, than

on the former occasion, and should there be a disposition in the consumers to make a demand on the bakers of mixed bread, there would not be found that difficulty in supplying them. The bakers, who had been conversed with, made, indeed, one reserve, provided they can get sufficient supplies from the millers. On this point the honourable gentleman said, the committee had enquired of certain millers and mealmen, ten of whom attended the committee and subscribed their names to an agreement to facilitate the plans of the committee by supplying any sort of grain, and flour of any sort of grain, to any degree of fineness. He did not think it prudent or politic to mention their names, as it was hoped that the millers and mealmen would come to the same resolution; but he informed the House, that the millers and mealmen in question were men of character and weight in their branch of business. The committee, therefore, had the satisfaction of finding the greatest disposition in the millers and mealmen to assist. He confessed that the mere signatures of the members of that House could not be expected to have the desired effect, unless the subscribers, by their individual exertions and influence, endeavoured to recommend and forward the agreement in the several parishes in town and country. Without this, he could entertain no sanguine hopes; but feeling, as he did, and many other gentlemen did, the importance of the object, he could not but expect that every exertion would be made. He said it gave him pleasure to find, by the papers, that one of the most respectable bodies in the metropolis had already adopted a similar resolution.

Another objection stated, was, that they would find the poor reluctant and unwilling to comply with the measures men in other situations had cheerfully provided and submitted to for their relief; in various places, however, it had appeared that many of the poor had been inclined, from the scarcity of wheat, to have recourse to other mixtures of grain; and he understood that in one of the parishes of Westminster (St. James's) 1400 loaves, of an inferior quality, were distributed weekly among the poor, and the expence supported by a subscription. In every measure of the kind there were two objects; first, that of increasing the supply, and diminishing the consumption; and, secondly, to do that in a way most satisfactory to the bulk of the people. He observed, that if, in the course of the ensuing year, the necessity should appear stronger than it did at present, and that this agreement was ineffectual to answer the desired object, it would be for the wisdom of the House then to consider what farther steps might be necessary
to

to be taken. In the mean time, he thought that the probable advantage of the present measure would be sufficient to counterbalance any evil arising from the delay of adopting any other plan. He trusted the poor would not grumble to make use of the same bread, or be discontented, which they found persons of fortune and rank tying themselves down, and pledging their honour to introduce mixed bread into their families; the effect produced, he trusted, would be greater than any compulsion, not to use more than two-thirds of wheat in their bread. He observed, that in almost every parish there would be some of the higher rank, who would impose this restriction upon themselves to use this bread, and their example would become general. Nor did he see any thing in the present state of the country to render this compulsion necessary. At any rate, the resolutions would go to this extent, that where the mixed flour was used, the people would grow accustomed to it, and then, if the compulsion followed, it would be less ungrateful and repulsive.

Mr. *Francis* explained, and expressed his doubts, whether the example would be so prevalent as was supposed.

Mr. *Sliffe* recommended to the committee a clause to prevent the use of new bread. There was, he said, a loss of 1-6th on the whole quantity, which would be prevented by prohibiting the sale of bread unless baked 24 hours before.

Sir *W. Lewes* stated, that it was the unanimous resolution of the magistrates of the city of London to concur in the agreement entered into by the House of Commons. There was, he said, a material difference between the former agreement that had been alluded to, and the present one. The former had been framed and made during the recess of parliament; the present would not only receive the concurrence of that House, but also of the House of Peers, and would, he trusted, supersede the necessity of a compulsory act of parliament.

Mr. *Martin* suggested the propriety of printing and circulating the resolutions and agreements of the House relative to the subject through the kingdom.

The *Chancellor of the Exchequer* said, after the House of Lords had concurred, he proposed to submit it to his Majesty, and then to send copies to the *custos rotulorum* of every division, to the chief magistrate of every corporate town, and to the bishops, to be distributed by them to the parochial clergy.

HIGH PRICE OF CORN.

The House having resolved itself into a committee, on the high price of corn.

Mr.

Mr. *Huffey* declared it to be his opinion, that the bounties agreed on by the committee, were not sufficient to justify the expectation of a supply. The bounties already agreed on were twenty shillings for every quarter of wheat from the Mediterranean and the coast of Africa, and fifteen shillings only from the Baltic and America. The higher the bounty the better, undoubtedly, the chance of a supply. He was aware that this might be carried *ad infinitum*; but it was fit that it should be carried to a reasonable extent, or it would be of no use at all; and to what extent it ought to be carried he would presently shew, by the fairest calculations. He understood that wheat was sold at present in America for 9s. 6d. the bushel, which was at the rate of seventy-six shillings the quarter; and in the opinion of Mr. Claude Scott, a celebrated factor, the difference in quality to English wheat was at the rate of ten shillings the quarter; and in the opinion of Mr. Wilson, another celebrated factor, at the rate of fifteen shillings the quarter. He was authorized, therefore, to admit the opinion of one as well as the other, and taking the latter, he made the following calculation.

	<i>Per Quarter.</i>
Original price of wheat in the American market	£. 3 16
Difference in quality to English wheat	- - 0 15
Freight, &c.	- - 0 10
Insurance and commission	- - 0 8
Chance of damage	- - 0 2
Profit of adventure	- - 0 8
	<hr/>
	6 11
Reduction of bounty	- - - - 0 15
	<hr/>
	5 16

The price of English wheat at present in the market, it was to be recollected, was 108 shillings *per* quarter; and consequently if American wheat could not be sold for less than 116 shillings *per* quarter, there was no chance of a supply. If he went back to November the difference was still greater, for then the English wheat was sold at 100 shillings *per* quarter. Upon these grounds he proposed an extension of the bounty upon wheat imported from America, to 5s. *per* quarter more, making the whole bounty twenty shillings *per* quarter. He said he was ill qualified for bringing forward any motion; and if he had any idea that the right honourable gentleman meant to resist it, he certainly should not have done it; nor should he have done it if the committee had not already granted a bounty of 20 shillings *per* quarter upon corn imported from other places, where the freight and difficulty of bringing

bringing it hither he acknowledged was greater, but where the expectation of a supply was less. Mr. Hussey then moved "that an additional bounty, equal to one third of the bounty already agreed to be granted on corn imported into Great Britain, be given on all wheat, or wheat flour, imported from the colonies of Great Britain, or the United States of America, into this country."

Lord Sheffield said that nothing could be more uncertain than calculations upon the price of wheat in America, the price had varied in a most extraordinary manner and it was likely through competition to be much higher. Some letters mention flour, at 19s. 6d. sterling *per* bushel, and others of the 8th November state it to have fallen to 11s. 6½d. but he considered the bounties as a mere sacrifice of so much money to the wishes of those who fancied they might procure a quantity of corn from abroad, and that he had not opposed them lest if they had not been granted, it might be said hereafter a considerable quantity would have been had if bounties had been offered. On a former day he had troubled the House with his reasons for asserting, that comparatively with our wants we could acquire but a very inconsiderable quantity of wheat from other countries at any expence, and those persons who offered a bounty, as well as those who attended the committee, were of the same opinion. Bounties in the opinion of all the merchants who had been examined, would proportionable raise the price in the country from whence the article is to be exported, France, Holland, and the West-Indies, would follow that price. The value of wheat high as it is in England, is very much lower than in France and Holland, consequently it would go in neutral vessels to those countries. He said it would be endless to attempt by bounties to counter-vail the high price in other countries, and if we could succeed so far by extravagant bounties as to starve the West-Indies, the quantity thus acquired would not furnish a mouthful to England. We have resources and wholesome substitutes among ourselves, and surely if we could obtain from abroad the great quantity of wheat that is wanted to make up the usual consumption of this country in times of plenty, it would be ruinous to transfer to foreign countries for the purchase very considerably more than six millions sterling, exclusive of the freight, a quantity of tonnage nearly equal to the whole commercial tonnage of France in her most prosperous days, would be wanted, *viz.* 400,000 tons, or 2,000 vessels of 200 tons each. He added we should do more harm than good by proposing bounties which could not be effectual, inasmuch

as they tend to prevent the people from using those substitutes which may lessen the consumption of wheat under a false expectation of a supply. We have already an ample supply of barley, oats, and potatoes, and we may have at least 600,000 quarters from Ireland.

Sir Francis Baring supported Mr. Hussey, and stated the price of corn in America, to be less than had been mentioned by Lord Sheffield; he declared, he thought the motion feasible; if a bounty of 20s. per quarter be paid upon the importation of corn from any one place, it ought to be from America, since our expectation of a supply was greater from that quarter than the Mediterranean. He assured the House, upon his own authority, for he had a large estate there, that between the 24th and 28th of October, the price of corn was 9s. 6d. and 10s. 6d. sterling per quarter, which is equivalent to 17s. or 18s. currency. He agreed perfectly with the noble lord, that no supply could be expected large enough for our demand, because there was no great quantity of corn any where, but he was satisfied that a larger supply would be obtained by a bounty of 20s. than 15s. From the Mediterranean we could have very little expectation of supply on account of the contiguity of France; and he pledged himself for the fact, as he mentioned it from his own knowledge, that the French actually sent 8,000,000 of marks, in bars of silver, last October, to Hamburgh, for the purchase of corn in the north of Europe, which was equal to 650,000. sterling. If they had it in contemplation to procure corn at one place in this manner, they must also had it in contemplation to procure it from another; and of course, as the harvests had this year been deficient in the south of France, where they have usually been so abundant, it is reasonable to suppose that they have endeavoured to procure supplies from the Mediterranean, as well as from the north of Europe. He thought we could expect but little from the Baltic; and therefore as America had last year afforded us above a million of quarters, the preference should be given to it.

The Chancellor of the Exchequer declared he differed from the noble lord and the honourable gentleman opposite to him, in opinion on the question. He was not he said sanguine in his hopes that any great supply could be acquired by importation; he did not nevertheless despair that some advantage might be gained that way; and therefore he would agree to the increase of bounty proposed. He was free to say, that he thought we were to look rather to the internal measure of mixed bread than to any external remedy. If our internal re-
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sources, could however be at all aided by external supplies, the idea ought not to be relinquished for 5s. additional bounty per quarter, which, compared with the advantage, was little or no consideration. He trusted that the regulation respecting bread would be so diffused by the example of the Lords and Commons, and of persons of rank, both by their individual and collective exertions, that the necessity of importation would in a great degree be supersede; and thus the country be more easily and cheaper benefited.

If, as the honourable baronet (Sir Francis Baring) had said, that we should excite a competition with the French, he had no hope that we should be served before them if they had specie to buy; when he considered the want of money in France and the degree to which their finances were exhausted, not only for external operations, but even to maintain their domestic exertions, he had no reason to think this competition with us would in any great degree take place in foreign countries. He was however induced to accede to the motion, in order to secure every possible advantage. The rate of bounty given was considerable; and should be apportioned to different markets. Such was at first his idea in making the bounty for American supplies less; but as he felt that the competition with France might in some degree operate, he changed his original idea, and therefore he would vote of the motion of the honourable gentleman.

Lord *Sheffield* replied that the Chancellor of the Exchequer had proved what he did not intend; if the French had not money to purchase corn the competition would cease, and bounties would be unnecessary. His lordship explained and supported the statement he had made.

Mr. *Fodrell* said he thought, if the present bounties would not do, that no higher would be of avail, and would only set the avarice of one nation against that of another, without producing good. He declared his own opinion was that our chief resource was to be sought in the improvement of our own country, and the cultivation of our waste lands.

The question was put on Mr. *Hussey's* motion, and agreed to.

Sir *Peter Burrel* moved, that a bounty equal to three-fifths (12s.) of the Bounty agreed to by the House, in the present session of parliament, for the exportation of every quarter of corn from the Mediteranean, be granted upon every quarter at present in the ports of this kingdom and under the Kings locks; which was agreed to, and the report of the committee was ordered to be brought up next day.

The report of the committee on the corn importation bounty was ordered to be received.

MUTINY BILL.

Mr. *Steele* brought up the report of the committee on the mutiny bill.

The Secretary at War brought up a clause for making the same allowance as last year to inn-keepers, who shall have certain numbers of soldiers and horses quartered upon them; and also for reserving a power to alter parts of the bill in the present session of parliament; which being read and agreed to, the Bill was ordered to be read a third time on Friday the 18th, if then engrossed.

HORSE DUTY BILL.

The House having resolved itself into a Committee of the whole House on the bill for granting a duty on horses.

The Chancellor of the Exchequer said, that since he had proposed this tax, it appeared to him, from the suggestion of others, that there were certain horses which it would be expedient to exempt from the impost under this bill. It would remain with those who kept the horses to state the number of them that came under the exemption, in a list, which they should be required to give in; and the officer, who was to collect the duty, would judge of the propriety of that list: if erroneous, he would of course surcharge the party; and be responsible if he made any impost that was not warranted by the act. The horses which he meant to be exempted from the duty of this bill, were generally all those that had not been used to work. There was another description of horses which he thought it expedient to exempt from the duty of this bill; they were those that were used in some employments in Scotland and Wales, and which were of a very low value. He should therefore propose, that all working horses, that were under thirteen hands high, reckoning four inches to the hand, should be exempted from the duty. In order to prevent fraud as to the number of horses to be exempted, he should propose that the persons keeping such horses, should deliver in a list of them to the officer who collected the tax, and allow them to be inspected and measured on demand.

These regulations were afterwards proposed to the committee and adopted, and the report was ordered to be received.

The other Bill, for a new duty on horses used for pleasure passed the committee, and the report was ordered to be received next day.

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The Bill for granting duties on pleasure horses was committed, and Mr. *Rose* moved a clause to exempt from the duty, horses used by persons in the yeomanry cavalry, &c. read and agreed to.

Mr. *Walberforce* expressed his wish that small freeholders living on freeholds from 10l. to 15l. per year, should be exempted from the duty.

The Chancellor of the Exchequer assented to the propriety of the measure.

The report was brought up, and ordered to be received next day.—Adjourned.

HOUSE OF LORDS.

THURSDAY, December 17.

The order of the day, for the second reading of the Loan Bill, being read,

The Earl of *Lauderdale* said, their lordships probably thought it somewhat strange, as it certainly was not common for the House to be summoned upon a loan Bill; but the loan of the present year was of so unprecedented a nature, that he thought himself not only justified, but barely doing his duty, by calling their attention to the singular circumstances connected with the transaction. In making the present loan, a larger and more extraordinary bonus was given than had ever heretofore been given; and that system of competition lost, which, if he were to attempt to state the benefits of it, he could not do it more forcibly than had been done by that person who in the present instance had departed from it and who in an elegant harangue had pronounced it to be founded on so good a principle, that he had even made a bad bargain two years ago for the sake of establishing it. The principle therefore having cost the public so large a sum ought never to have been departed from. He believed it would be found that the loss to the public, upon this occasion, amounted to the enormous sum of two millions; and the loan was concluded under circumstances altogether unprecedented. Instead of being concluded upon that day which by public notice it was to be concluded on, it was concluded two days previous; and those persons who had been invited and were willing to become competitors were thereby on the sudden excluded. Instead of being concluded, also, but a day or two previous to the statement of it in parliament, it was completed near a fortnight

before that time; So that the minister totally lost all the benefit which intervening accidents might have given him. The pecuniary damage sustained by the country, was however in his opinion, the least of the evil; the great mischief was, that the mode and circumstances of the transaction tended to destroy the system of competition itself. The contractors for the last loan it was said had the promise of precedence in the present; if that were the fact, why not have stated the circumstance to those who would be competitors; Why not have fairly made them acquainted of the nature of the case, that they might know under what circumstances they were invited to bid. To have done so, would have been acting ingenuously, though he was far from recommending such practice. His wish was to have the system of competition entirely open and unshackled. No man had more justly, or could have more emphatically, extolled the system of competition than the present Chancellor of the Exchequer; so fully convinced was he of the value of that system to the public, that he had adopted it even first at an expence to the country and defended the loss, then incurred by the value of the principle obtained and established; he had afterwards found it answer, and derived great and important financial advantage from it. It was the more to be regretted, the more to be watched in the present instance, therefore, because, notwithstanding the utility and advantage of fair and open competition, the minister who had gloried in introducing it had totally abandoned it himself; and by the manner in which the present loan had been concluded, it would be impossible for him, or any future minister, ever to negotiate any future loan upon that system of fair competition, because those who were the proper persons to treat with for a loan never would be hereafter persuaded, that they were to be treated fairly and impartially, nor would they have any confidence in those who desired them to give in their terms. The Earl said, these were his principal objections to the loan, and the facts upon which they were grounded were sufficiently known to that House and to the country, but too much could not be said upon the principle features of this transaction, and the tendency of it as a measure of finance. It would they all knew, be an easy matter, because it was already, he might say, proved, to shew that the minister was not driven by necessity to so bad a bargain, but on the contrary, that much better terms might have been obtained. The principal defence that had been set up was, that by concluding this bargain so early, the advantage that would result from shewing our enemies the nation could raise eighteen millions sterling immediately, and by that means provide from the necessary expenditure of the next

next year, and impress them with a high sense of the financial resources of the country at a time when their own was, according to the representations of ministers, in so deplorable a state. The advantage however be its value what it might, was more than counterbalanced by manifesting to the world that it had cost the country above two millions to raise eighteen; from that fact, he was persuaded, in the eyes of Europe our situation would not appear to be so prosperous as ministers wished the French and others to imagine. The loan ought not to be contended to have been concluded so early, but that time should have been allowed for fair competition, by which the country would have eventually been great gainers. Supposing even that any temporary demands required immediate payment, it would have been much better, that the Chancellor of the Exchequer had done what he could have very easily done, *viz.* raised a temporary loan, or issued Exchequer Bills for what he wanted, to be repaid whenever the greater loan was settled by competition on the most favourable terms for the public, or he might have come down for a vote of credit. He might have done that and reserved the large loan till a more advantageous moment. Those who had the money would have readily given it upon those Exchequer Bills, because they would have had interest upon it till the great loan was made; instead of which, many of them had taken their money from other advantageous purposes, and been without interest for two months; in hopes that, if the system of competition was adhered to, they might have had the contract for the great loan.

In comparing this with all former loans, the extravagance of the *bonus* appeared to be unprecedented. On loans made by lord North during the American War, the aggregate of which amounted to 57,000,000*l.* the whole sum paid as a *bonus* did not exceed 2,500,000*l.* and in the present instance, on a loan of 18,000,000*l.* the minister had given a *bonus* of 2,000,000*l.* which was within 500,000*l.* of all that was paid on the loans during the American war. And while he described the necessity of adhering to the system of competition which the present loan tended to annihilate, they ought to recollect that the minister had borrowed a sum of not less than 51,000,000*l.* since February last. He contended strenuously, that instead of the impression which this transaction would have upon the enemy as stated by ministers, it would, from the circumstance of the case, and the notorious facts attending it, in his opinion, produce an impression directly the re-

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verse, and not much to the credit of the financial resources of this country.

Nor were the circumstance of the loan and the time at which it had been made, alone deserving of remark and reprehension; there were other topics his lordship said connected with it that were worthy of notice; besides the state of the funds, and the existing circumstances of both countries at the time, the minister seemed to know something more which he ought to have to the advantage of the public. After the loan was concluded, all competition having previously been excluded, and a pre-determination in favour of a particular set of men; when, as if the Minister had not been content with the extravagant *bonus* given, he brought down a message from his Majesty indicating peace, the nature and contents of which it would be in vain to say he was ignorant of till the moment it came down, and the effect of which the minister well knew; he well knew would raise the funds, and in fact it was universally known, that it actually produced a monstrous advantage to those who seemed to be in the secret; it would therefore be no very difficult matter to prove, that persons must have had a tolerable good guess that the message would make its appearance in the shape, manner, and at the very time that it did. It was notorious that one person had speculated largely indeed under the appearance of such an impression. The events which had produced the message, the short experience which ministers had had of the new government of France, and the terms and meaning, and effect of the message itself, were of themselves such singular and striking circumstances, the mysterious duplicity of conduct which the ministers had shewn, his lordship said, could not be sufficiently reprobated. As no person could believe that ministers were ignorant of the events that produced the message, before the loan was concluded, and the effect it certainly would produce on the funds, by holding out the probable approach of peace, they were he contended highly capable in not making use of their knowledge and information, and turning it to the advantage of the country, instead of pursuing the contrary line of conduct, which they had done. He would not, the earl said, accuse any man of being corrupt; it was not the fashion to consider the minister in these days as corrupt; in the times of lord North the fashion was otherwise. It was when the practice to watch the conduct of the minister in making his loans, with jealousy and vigilance. He must say, that there never was a transaction which, on the face of it, would create more suspicion and distrust of the purity of

ministers than the present. Though he might not think himself warranted to charge them directly with personal corruption, yet the circumstances of this loan were such as formed one of the most powerful instruments of corruption, and afforded an opportunity for its being safely used, that they could have invented; and to shew that this was the opinion of a right honourable gentleman, much connected with ministers, on a former occasion, he read Mr. Dundas's description of such a transaction, by his defence of lord North, in the year 1781, when the fairness of the loan of that year was attacked, and questioned. The late loan, he said, was ten times more extravagant than all of the loans of lord North, and directly in the teeth of the principle of the right honourable gentleman himself, the principle of competition, of which he had spoken with so much eloquent emphasis. His lordship concluded by declaring those which he had stated to be the principal grounds of his opposition to this bill. In the course of the noble lord's speech, he said he believed it would be found that the public loss of two millions *bonus* upon a loan of eighteen millions, would have paid off one sixth of the amount of all the assignats issued in France; a language that he was entitled to believe, in consequence of the sort of reasoning that he had of late been so much in the habit of hearing from ministers respecting French finances. The enquiry instituted in another place, his lordship, insinuated would be pregnant of some pretty extraordinary facts and proceedings.

Lord Grenville perfectly agreed with the noble lord, that the principle of competition in borrowing money for the service of government, was an excellent one, and was rather pleased than not, on hearing complaints of the violation of a principle established by the present government. As a general principle, his lordship said, he had already admitted, and should be ever ready to admit its excellence. But that, in the situation of the country, under no circumstances whatever, it would be prudent and proper to depart from it, was what he was not so ready to admit. The noble earl's speech naturally divided itself into two branches; the first, that the *bonus* was too extravagant; and next, that competition should never be lost sight of. He agreed, that the best terms for the public ought always to be got, but he denied that the *bonus* was so great as the noble earl had stated it to be. The noble earl, in his calculation, had taken all as loss to the country, without allowing any thing for the advantage of the lenders. He had taken in both interest and discount, with the accidental rise of stocks, to make out what he termed the *bonus*, which was

was not fair; the *bonus* was but $4\frac{1}{2}$ per cent., and it should be recollected, some *douceur* must always be given, or the loan could not be made. In the examination of former loans, he believed it would appear, that five or six per cent. was the general average of late years; the terms, therefore, of the late loan presented an advantage so immense, that if he had stated, on the first day of parliament, that a sum of eighteen millions could have been borrowed at that rate, he believed he should have been credited but by very few; indeed, he doubted whether they would not have supposed him mad or insinuated; yet such was the fact. With regard to what the noble earl had stated of a small temporary loan, that would, in his opinion, have been the worst possible policy, and the most imprudent measure that could have been adopted; it was one which, upon any consideration, he should have thought it his duty to oppose. In its consequences it must have tended to give us the most despicable appearance in the eyes of our enemies. "See," they would have said, "to what shifts the minister of England is reduced, when he is obliged to negotiate a small loan for the exigency of the moment; a clear proof, that the finances of that country are so disordered, and their resources so reduced, that he could not compass a larger, and was unable to raise all the supplies of a year of war;" while, on the contrary, by the method pursued, we had convinced our enemy, we had declared it to all Europe, that our resources were in the most flourishing state; that our finances were capable of affording strong and effectual assistance; and that we were prepared and able to pursue the war with vigour and resolution. If they had not concluded the bargain as they had done, and the course of events had not turned out as they did, it might have been objected to them, "Why did you not conclude when you might have made an advantageous agreement? you might have agreed when stocks were higher than at present." The late rise in the stocks had been occasioned by the various accounts of successes, and the rapid and visible depreciation of the resources of the French. They could not absolutely foresee that one army would be totally ruined, and another dispersed; nor could they tell that Mantua would surrender in ten days after the trenches were opened against it. Yet these successes of our allies, he repeated it, were the cause of the rise of stocks; and, by that rise, of the large benefit accruing to the contractors of the loan. At the moment the loan was concluded, it was indisputably a bargain for eighteen millions, made on terms highly beneficial to the country, and well warranted by the then existing circumstances.

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With respect to the expediency of the transaction tending to destroy the principle of competition in the case of future loans, a principle admitted, on all hands, to be highly advantageous to the country, it was not necessary that he should long detain their lordships. It would not rest upon assertion; it was in a train of investigation in the other House; and a competent tribunal would decide. The noble earl relied much on the effect of the message lately delivered, and the propriety of waiting until that had been made public. It was impossible for him to say exactly, what proportion of effect that had upon the funds of the country; that message, however, had been greatly misapprehended without doors, and consequently much misrepresentation had prevailed respecting it. Some had proceeded to think that a negotiation was already commenced; others, that it was on the point of being concluded; and others had even gone so far as to think that peace was immediately to be had. The fact that, as he had said the first day of the session, that he thought the present government of France a bad government for those who were to live under it, and not unexceptionable as to the rest of Europe, yet it was so far a much better government than any sort of government they had before seen, that his Majesty's ministers had thought it a fit thing to advise his Majesty to send a message, declaring that matters, respecting the government of France, had come to such a crisis, that he was ready to profess his disposition to negotiate, whenever a similar disposition should be manifested on the part of France. With regard to the comparison of the *bonus*, on our loan of eighteen millions, with a financial operation of France, certainly he would not copy the example of France, nor were the two operations at all analogous; ours was a voluntary loan, raised at 4½ per cent. they certainly gave nothing *bonus*, for a forced loan, but they took away from those individuals, selected and compelled to take it at 95 per cent. of his principal, the moment they became holders of the assignats. His lordship concluded with declaring, that he rejoiced at the enquiry that had been admitted, and had no doubt, that the result would prove highly honourable to the Chancellor of the Exchequer.

The Earl of Lauderdale rose to reply, and said, he would not detain their lordships long, but he must make a few observations on what had fallen from the noble lord. He must partly differ from the noble lord, and partly regret what he had heard. In the first place, he rejoiced in common with the noble lord, that the transaction to which he had alluded at

so much length, was to be a subject of enquiry. His lordship said, he must contend against the noble lord's assertion that five or six *per cent.* had been the usual *bonuses* on modern loans. Upon an average, he believed he might venture to assert that 4½ *per cent.* would be found to be nearer the amount. The appearance was strong against the minister of corrupt practice, in violating his own principle of competition, and losing two millions of the public money, by the preference given to Messrs. Boyd, Benfield, and Co. The minister must have known what would be the effect of the message, and therefore ought to have taken advantage of it for the public. With respect to the explanation which the noble lord had given of the late message from his Majesty to parliament, he was extremely sorry to learn it; he had flattered himself, that all the idle punctilio, from which side the first proposition towards peace should come, had been some time since got over and abandoned. He did not imagine that the negotiation was going on, or in forwardness, nor did he mean to ask ministers any such question, but it was with extreme regret that he heard, that it was only meant, that his Majesty was disposed to treat, when the French government should manifest a disposition to treat. The noble lord was, he said, mistaken in conceiving, that he revered the form of government in France less, at present, than he had done of old, at least as far as a retrospect of the last two years would comprehend. He had only contended, that there was nothing in the present principles and form of the French government better adopted to treating, or to negotiation, than there had been before, unless in the whimsical dresses of the ancients, the council of 500, or any of the committee.

Lord Grenville said, it was wholly unnecessary for him to do more, than repeat what he had said on the day of the message, viz. that the present government of France was a bad government for those who were to live under it, but that it was such as his Majesty might be advised to treat with. His words had been studied words, words of premeditation, in which he had carefully avoided saying any thing further than the message itself imported. Whenever negotiation should appear likely to be agreed on, such an idle punctilio of who was to make the first advance, could never be suffered to bar the commencement of a treaty.

The bill was then read a second time, and the House adjourned.

HOUSE OF COMMONS.

Thursday, December 17.

A message from the lords informed the House that their lordships had agreed to the amendments of the commons in the bill for the safety and preservation of his Majesty's person and government.

CORN COMMITTEE.

Mr. Hobart brought up the report of the corn committee for granting bounties on importation, which was received and immediately re-committed.

The House having resolved itself into a committee and gone through the bill, the several resolutions were read.

Sir Peter Burrell made some objections to the clause for limiting importation to certain ports, and wished to extend it.

Mr. Ryder replied, that the provision was made for the purpose of having efficient judges to examine the grain imported; and it was thought necessary, in order to effect this desirable purpose, to prevent importation to any ports that had not usually, in one year, imported an hundred quarters. If, then, this regulation were ever broken through by extending it, agreeably to the honourable baronet's wish, other gentlemen might be inclined to extend it still farther.

After a short conversation, the House resumed, and the report was received.

HORSE DUTY.

Mr. Hobart brought up the report of the committee on the bill for imposing duties on every horse, mare or gelding, colt, filley or mule.

Colonel Rolle wished for a clause to exempt brood mares.

The Chancellor of the Exchequer said, he supposed they were too valuable for people to object to the payment of a duty of two shillings.

Mr. Jolliffe disapproved of the principle, as brood mares, like cows, are part of the husbandry of the farm; but he did not object to the tax, as it was so trifling.

Mr. Rose proposed a clause for exempting post-horses, as they already pay a duty of 9d. per mile, which was adopted.

Colonel Rolle proposed a clause for exempting all horses, not employed in draft, as in mountainous countries a small farmer is obliged to keep almost as many horses as a large one for the carriage of manure.

The Chancellor of the Exchequer objected to it, as at this rate there would be no end to exemptions.

Lord Sheffield said, he thought the exemptions had been carried too far already, and that he should have liked the tax still better, if it had extended so far as to discourage the use of horses and to promote the use of oxen, and had been five times greater on farms above 50l. *per annum*. At the same time he would give an annual premium for a limited time to farmers under that rent for each ox they employed instead of a horse not exceeding six. It appeared that the island could not maintain all its animals, he supposed none could be reduced in number with more propriety than horses; they consumed a very great proportion of the produce of the earth, and a horse whose daily allowance is one peck of oats, consumes as much of that article in one day as a man who eats little else, consumes of wheat in fourteen days. At the same time the horse eats as much hay as an ox, and gradually becomes a useless animal, which an ox improves, and when he has done his labour becomes the food of man; he looked upon horses in husbandry as a kind of luxury, since the whole of their agricultural employment he knew by experience, might as well be performed by oxen, and he acknowledged no instance in which it was more advantageous to use the ox than the horse except in carriers waggons, and on journeys.

Mr. Peole Carew contended that oxen could not be employed in mountainous countries; and as to the consumption of oats, he said, the House might be perfectly easy, as the horses proposed to be exempted eat no oats at all.

The motion was then put, and negatived.

The several amendments of the committee were read, agreed to, and the bill ordered to be read a third time, and engrossed.

HOUSE OF LORDS.

Friday, Dec. 18.

Their lordships met, and, after the hearing counsel on an appeal, Anstruther against Anstruther, a commission was opened, empowering the Lord Chancellor, the Archbishop of Canterbury, the Duke of Dorset, and others, as commissioners, to give the royal assent to the bill for the safety and preservation of his Majesty's person and government against treasonable and seditious practices; the bill for the more effectual preventing seditious meetings and assemblies, the bill for the free passage of grain, Wakeman's divorce bill, and nine inclosure, road, and naturalization bills.

The loan bill was read a third time.---adjourned.

HOUSE

HOUSE OF COMMONS.

Friday, Dec. 18.

The Speaker attended by several members, went to the House of Peers to hear the royal assent given to various bills.

The sheriffs of London came to the bar and presented a petition.

A petition of the lord mayor, alderman, and commons, of the city of London, in Common Council assembled.

And the said petition was read, setting forth, that the petitioners observe, with concern, by the report of the corn committee of the House, that measures are absolutely necessary to be taken for the diminution of the use of fine wheaten flour throughout the kingdom, to prevent a scarcity before the next harvest; and that the petitioners conceive, that the most effectual mode of obtaining that desirable end will be by enacting a law to prohibit the making any finer sort of bread, throughout the kingdom, than what consists only of such a proportion of fine wheaten flour as the exigency of the present situation of the country requires; and therefore praying the House to take such measures to accomplish the wish of the petitioners as to the House shall seem most proper.

The Mutiny Bill, the Horse-Dealers' Licence Bill, the Horse Duty Bill, the Poor Relief Bill, and the Corn Bounty Bill were read a third time. (The port of Boston was included in the latter.

A message from the lords informed the House that their lordships had agreed to a Bill for raising eighteen millions by way of annuity without any amendment.

On the third reading of the Bill for granting a duty upon hortes used for pleasure.

Mr. *Willerforce* proposed a clause the effect of which was to exempt those who may hold farms of annual rent of 70l. or of freeholds of 35l. &c. which was agreed to, and the Bill passed.

MIXED BREAD.

On the third reading of the Bill for allowing bakers to bake bread of a mixed quality.

Mr. *Ryder* proposed a clause to secure all the rights and privileges of the worshipful company of bakers of the city of London.

Sir William Pulteney enquired what the meaning of this was?

Mr. *Ryder* stated that it had been understood that the committee of bakers in London had certain privileges, which, if they

they made a captious use of them, would be oppressive to many bakers in the metropolis. The clause was therefore brought, it being understood that they were to make no such use of their privileges; and, if they did, their privileges should be suspended in the course of the present session.

The clause being agreed to, the Bill was read a third time.

On the question being put "that this Bill do pass,"

Mr. *Lechmere* said, he thought the Bill would be injurious to the poor, because the mixed bread would not be sufficiently nutritive, and they would not be able to purchase any other, which would be particularly hard upon them, as every other article of the necessaries of life was so dear. He was afraid that the penalty on the baker for selling to the poor the worst bread for the best, was not sufficient to prevent fraud upon the poor, whom it was his object to protect, particularly in this time of scarcity.

Sir William Pulteney said, he was willing to allow that the honourable member had the best motives for what he said; but he thought the insinuations concerning mixed bread not being nutritive were dangerous, and should not be lightly thrown out. He was confident that mixed bread was sufficiently nutritive. In several parts of the kingdom, bread was made of barley only as was the case in the neighbourhood of Haverfordwest, and all over Wales among the poor; and no people in the kingdom were more strong and healthy. In other parts, the poor eat oaten bread, where the people were also strong and healthy. He should like to see the experiment tried, whether those who ate barley and oat bread were not as strong as those who ate no bread but such as was made of the finest flour of wheat. Even if the case was not precisely as he conceived it to be, the present situation of the country required this regulation; it being much better that the people should be scantily fed for the whole season, than that they should be well fed for a short time, and have no bread afterwards.

Colonel Stanley observed, that oaten cake was the bread chiefly used in Lancashire, and it was found sufficiently nutritive.

Mr. *Wigley* said, that the bread was to be marked with the proportion of mixtures it contained; and that the present laws were sufficient to punish such bakers as should transgress.

Mr. *Lechmere* said a few words in explanation. The Bill was then passed. Adjourned.

HOUSE OF LORDS.

SATURDAY, *December 19.*

The Bills for granting a bounty on the importation of corn; for allowing bakers to make bread of a mixed quality; for granting relief to poor persons at their own houses; for granting a duty on horses, not already chargeable with tax; for the repeal of certain duties payable by horse-dealers, and granting other duties in their stead; the Mutiny Bill; a Bill for diminishing the drawback on sugar; and the Bill for regulating the waste on salt carried coastways, were brought up from the House of Commons, and read a first time.

The royal assent was given by commission to the Bill for raising 18 millions by annuity.

HOUSE OF COMMONS.

SATURDAY, *December 19.*

SUGAR BILL.

The order of the day was moved for the third reading of the Bill for reducing the drawbacks on sugar.

Sir William Pulteney said he felt it necessary to state some objections even in this late stage of the Bill. When the present measure was first proposed, it was well received and seemed to be popular, because it had been understood that the public would save by a tax on the drawback. But when it should be considered that it would operate to diminish our exports to foreign countries, the alteration made by the Bill would be found injurious to the nation at large, and, as a tax, would fall ultimately upon the British sugar islands. The quantity of sugar imported into this country, greatly exceeded the consumption. If it were not for serving other countries there would be no occasion for this excess of importation. It had always been the policy of this country to allow exportation; and the law ought to be so contrived as to enable our merchants to come into foreign markets upon equal, if not better, terms, than those of other nations. But the present Bill was contrary to all former principles: it went upon the supposition that this country could force foreigners to buy only British sugar. This was the case with some trades, in which there are no competitors; as, for instance, the coal trade. But sugar was the produce of many hot countries; Great Britain, therefore, had not the monopoly of it; and though

though it were to be monopolized for a year or two, it could not be relied upon as affording any permanent advantage. The idea that the price of sugar would be lowered was erroneous, if it was supposed that it would still go abroad and be paid for by foreigners. In that case, the right honourable gentleman would allow, the consumer at home could reap no advantage from the reduction of the drawback. On the contrary, if it did not go abroad, the tax must be paid by the Colonists. He had calculated the loss which, in this case, they would sustain, and it amounted to 48s. on the acre of sugar. Making every allowance, it would be equal to a land tax of 16s. *per acre* on the whole of their islands. From these considerations, he was against any reduction of the drawbacks on sugar, which, in his opinion, would prove a premium to foreign merchants to go into the market at the expence of our colonies; and he was convinced that the measure was very ill calculated to produce a standing revenue to this country, unless the minister was prepared to say, that he could secure a monopoly of the sugar trade.

The Chancellor of the Exchequer said, he could not agree with the honourable gentleman, to the whole extent of his objection. It was to be considered how far the measure was suitable to the present moment. He granted that it was extremely important, and a matter of considerable difficulty, to reduce the drawback, and at the same time to secure foreign markets. The only question was—if, under the present circumstances, this could be done? The French colonies, which used to supply the greater part of Europe, were now either wholly in our possession, or in such a situation as to be rendered unproductive; and many millions which used to centre in France; would now centre in this country. The measure was merely temporary, and should circumstances, which might hereafter arise, render it nugatory, it would then be necessary to recur to the ancient regulation; but in the mean time, when the French was driven from the competition, it was proper to avail ourselves of the opportunity of laying a tax upon foreigners. In this point of view, he could not help thinking that the proposed reduction would be attended with great advantage to the public.

Sir W. Pulteney and *the Chancellor of the Exchequer* said each a few words in explanation, after which the Bill was read a third time and passed.

Mr. Long moved, that the committee appointed to enquire into the circumstances of the late loan, should have power to sit

fit, notwithstanding of any adjournment, and to report upon the evidence to the House, as they should see fit. Ordered.

The Chancellor of the Exchequer moved, that no petition for private Bills should be received after the 11th of February next. Ordered.

The corn importation bounty and the salt duty Bills were also read a third time, and passed.

At two o'clock the House adjourned till eight, when the Speaker attended at the House of Lords, and the royal assent was given by commission to the loan Bill.

The House adjourned to Wednesday next.

HOUSE OF LORDS.

MONDAY, *December 21.*

Read a second time the Bills for granting a bounty on the importation of corn; for allowing bakers to make bread of mixed quality; for granting relief to poor persons at their own houses; for granting certain duties on horses; for granting additional duties on licences to deal in horses; the Mutiny Bill; the Bill for diminishing the drawback on sugar; and the salt new duty Bill.

The Lord Chancellor informed the House, that he had received a letter from Admiral Cornwallis, acknowledging the thanks of that House, &c. The letter was read and laid on the table.

Heard counsel on an appeal from Scotland. Adjourned.

HOUSE OF LORDS.

TUESDAY, *December 22.*

Counsel was further heard on the Scotch appeal, Lord Kelly v. Sir J. Anstruther.

The Tax Bills, and others, brought up from the House of Commons, on Saturday, were committed, and ordered to be read a third time. Adjourned.

HOUSE OF LORDS.

WEDNESDAY, *December 23.*

Read a third time, and passed, the mutiny Bill; the horse Duty Bills; and the various other tax Bills on the table: also, the corn importation bounty Bill; and the Bill to allow bakers to make bread of a mixed quality.

The *Earl of Derby* presented two petitions from inhabitants of the town of Stockport, in the neighbourhood of Manchester, the prayers of which were read *pro formâ*, and the petitions were ordered to lie on the table.

The Earl stated, that the reason he desired only that the titles and prayers of these petitions should be read was, that he had nothing to move on them, except that they be laid before the House. * They complained of great violence to the right of the subject to petition that House; such as he had stated it when he had last the honour of addressing their lordships on the bills which have lately passed into law. He should bring the subject of these petitions in a very serious way before the House after the holidays, and he should then propose to call evidence to their lordships bar, which would justify him in the measure he should then offer.

HOUSE OF COMMONS.

Wednesday, December 23.

A message from the lords informed the House, that their lordships had agreed to the mutiny bill; the bill for granting relief to poor persons at their own houses; the corn importation bounty bill; the bill to allow bakers to make bread of a mixed quality; and to various new tax bills, without any amendment,

A petition was presented from the Bath agricultural society, stating reasons why the petitioners were of opinion that a general inclosure of waste lands would be a prudent measure.

Referred to the committee on waste lands.

Mr. *Rider* brought up a supplement to the report on the high price of grain. Ordered to be printed.—Adjourned.

HOUSE OF LORDS.

Thursday, December 24.

The royal assent was given by commission to the mutiny bill, the bill to allow bakers to make bread of a mixed quality, and to the different new tax bills.---Adjourned to Tuesday, the 2d of February.

HOUSE.

HOUSE OF COMMONS.

Thursday, December 24.

The Speaker having attended in the House of peers to hear the commission for the royal assent read, informed the House of it.

The Chancellor the Exchequer moved that the House do, at its rising, adjourn to Tuesday, the 2d of February. Ordered.

Mr. Rose moved for a new writ for the borough of Beaumaris, in the room of Sir Watkin William Wynne, bart. who has accepted the office of steward of a manor in Denbighshire. Ordered.

Sir J. Sinclair moved that the report of the committee on waste lands be taken into further consideration on Tuesday, the 2d of February. Ordered.—Adjourned to Tuesday the 2d of February.

END OF VOL. II.

APPENDIX.

A P P E N D I X.

An ACCOUNT of Extraordinary Expences of the Army, incurred and paid by the Right Honourable the Paymaster General of His Majesty's Forces, from the 25th of December 1794, to the 14th of November 1795, both inclusive, and not provided for by Parliament.

Dates of Warrants.

1795.	To Alexander Davison, Esq; for Provisions purchased and delivered by him for the Use of the Troops in Upper and Lower Canada	7,354	1	8
May 12th.	To D ^o , for D ^o Service	1,684	8	—
29th.	To Messrs. E. Pickhams, for Provisions laid up in Store for the Use of the Forces in Garrison in Guernsey and Alderney	—	—	—
June 5th.	To D ^o , for D ^o Service	820	11	4
February 10th.	To Messrs. Brickwood and C ^o , for Flour purchased in Canada by Order of the Treasury, for the Use of the Forces in the West Indies, which was destroyed by Fire on Board a Ship at Quebec	545	15	9
April 18.	To Messrs. Delaigna and Son, for Wine supplied by them for the Use of the Army Hospitals	2,302	7	—
		1,442	10	7

14,049 14 4

Provisions purchased by the Commissioners for Victualing His Majesty's Navy of the following Persons, for Army Services, and other Expences attending the same; viz.

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

Dates of Warrants.

1795.						
January 23d.	To Messrs. Jordan and Shaw, Wm. Atkinson, and John Atkins (being in Part Payment) for sundry Quantities of Beef and Pork	15,004	11	—	—	—
April 18th.	To Messrs. Reeve and Green, for Beef	3,442	1	—	—	—
21st.	To D ^o , for Beef and Pork	7,130	7	10	—	—
May 29th.	To D ^o , for D ^e and D ^o	10,573	17	4	—	—
June 2d.	To D ^o , for D ^e and D ^o	4,433	8	—	—	—
July 23d.	To D ^o , for D ^e and D ^o	8,274	3	10	—	—
August 3d.	To D ^o , for Pork	2,189	5	3	—	—
September 19th.	To D ^o , for D ^o	3,886	5	8	—	—
November 2d.	To D ^o , for Beef	1,610	16	—	—	—
April 18th.	To T. Rowcroft, Esq; for D ^e	4,434	—	7	—	—
May 8th.	To D ^o , for Beef and Pork	8,037	15	3	—	—
29th.	To D ^o , for Pork	1,865	1	—	—	—
July 22d.	To D ^o , for D ^e	4,561	11	1	—	—
September 1st.	To D ^o , for Beef and Pork	3,780	1	3	—	—
19th.	To D ^o , for Pork	1,477	15	2	—	—
April 18th.	To C. Flower, Esq; for Beef and Pork	10,682	2	5	—	—
21st.	To D ^o , for Butter	1,118	6	8	—	—
May 8th.	To D ^o , for Pork and Butter	8,782	—	1	—	—
June 9th.	To D ^o , for Beef and Pork	7,889	4	6	—	—
	To D ^s , for Pork	3,442	10	2	—	—

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

July 22d.	To D ^o for Beef and Pork	11,576	7
August 3d.	To D ^o , for D ^o and D ^o	3,219	18
September 12th.	To D ^o , for Butt.r	3,354	6
October 15th.	To D ^o , for D ^o	3,805	16
November 2d.	To D ^o , for D ^o	3,811	10
April 21st.	To S. C Meara, Esq; for Pork	2,780	1
May 5th.	To D ^o , for Beef and Pork	3,556	11
June 15th.	To D ^o , for Beef and Pork	1,669	11
August 4th.	To D ^o , for Beef and Pork	6,223	17
September 1st.	To D ^o , for D ^o and D ^o	1,224	14
May 29th.	To Messrs. W. Atkinson and Co, for Butter	4,003	17
March 13d.	To J. Green, for D ^o	1,869	6
April 13th.	To Thos. Bell, for D ^o	2,226	14
October 15th.	To Messrs. Brickwood and Co. for Pork	126	7
February 2d.	To C. Scott, Esq; for Wheat Meal	1,761	9
June 9th.	To D ^o , for D ^o	1,704	11
January 5th.	To Mr. G. Hankin, for Flour	29,165	17
March 17th.	To D ^o , for D ^o	2,474	8
April 18th.	To D ^o , for D ^o	4,577	2
May 11th.	To D ^o , for D ^o	1,583	6
August 11th.	To D ^o , for D ^o	3,376	2
August 20th.	To D ^o , for D ^o	2,569	11
January 5th.	To Messrs. J. and W. Whitingfall, for D ^o	2,802	7
		677	3
		3,441	7

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

Dates of Warrants.

1795.							
March 17th.	To D ^o , for D ^o	—	—	—	1,602	2	6
April 18th.	To D ^o , for D ^o	—	—	—	2,156	6	0
May 29th.	To D ^o , for D ^o	—	—	—	2,683	11	0
June 2d.	To D ^o , for D ^o	—	—	—	1,110	7	0
Aug ²³ 11th.	To D ^o , for D ^o	—	—	—	1,951	11	0
January 6th.	To Mr. A. De Horne, for D ^o	—	—	—	4,032	1	0
Aug ³¹ 3d.	To D ^o , for D ^o	—	—	—	595	14	7
January 23d.	To Mr. C. Dunkin, for Peafe	—	—	—	2,206	16	2
June 5th.	To D ^o , for Oatmeal	—	—	—	1,604	6	0
July 10th.	To D ^o , for Peafe	—	—	—	4,583	3	11
January 19th.	To Mr. R. H. Claik, for Flour	—	—	—	2,966	2	1
23d.	To D ^o , for D ^o	—	—	—	810	1	0
March 17th.	To D ^o , for D ^o	—	—	—	1,507	09	10
June 15th.	To D ^o , for Bread Meal	—	—	—	264	2	3
May 29th.	To Mr. Wm. Falgrave, for Flour	—	—	—	1,497	1	0
June 30th.	To D ^o , for D ^o	—	—	—	1,497	1	0
5th.	To Messrs. Dunkin and Brown, for Oatmeal	—	—	—	987	1	0
September 1st.	To D ^o , for D ^o	—	—	—	603	1	0
November 2d.	To D ^o , for D ^o	—	—	—	1,920	7	0
April 3d.	To Messrs. Watfon and Son, for Flour	—	—	—	1,941	16	3
April 21st.	To D ^o , for D ^o	—	—	—	2,246	5	8

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

May 29th.	To D ^s , for D ^s	2,043 6 1	
October 3d.	To Mr. Jas. Gerrard, for Oatmeal	741 13 0	
	To Mr. T. Pinkerton, for D ^s	73 6 0	
1794.			
December 31st.	To John Pasley, Esq; for Teneriffe Wine	734 16 6	
1795.			
June 30th.	To Charles Smith, for Red Port	205 8 6	
November 2d.	To D ^s for D ^s	153 12 0	
	To Messrs. Pollard, Cooper, and Co. for D ^s	760 6 11	
1 May 8th.	To Messrs. Potts, for vinegar	367 1 0	
1794.			
November 14th.	To Messrs. Wilkinfon and Chapman, for Freight of Wine	495 7 0	
1795.			
February 28th.	To Lancelot Haslope, for D ^s of D ^s	633 15 0	
April 2d.	To John Atkins, for D ^s of Pork and Flour	267 1 0	
May 2d.	To C. Dinkin, for Lighterage	1,049 18 7	
8th.	To H. Jones, for Freight of Wine	329 3 0	
January 23d.	To Mr. T. Allen, for Casks	2,094 19 0	
April 18th.	To D ^s , for D ^s	1,354 11 0	
August 3d.	To D ^s , for D ^s	1,334 12 0	
November 10th.	To D ^s , for D ^s	2,026 11 6	
April 3d.	To Messrs. Dyer and Co, for Bisket Bags	177 3 7	
			269,815 14 9
			283,365 9 1

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

<p>Dates of Warrants.</p>	<p>1795.</p> <p>Deduct the Amount of Stoppages for Provisions from the Regiments in America and the West Indies, from the 25th of December 1794 to 23d September 1795</p>	<p>20,531 1 5</p> <p>263,334 4 1</p>
<p>Dates of Treasury Letters.</p>	<p>March 2d.</p> <p>For the Purchase of Dollars which were configned to Mr. Commissary General Brook Watson, for his Majesty's Service Abroad</p> <p>9th.</p> <p>For the Purchase of D^o, which were configned to D^o, for D^o Service</p>	<p>50,000 0 0</p> <p>50,000 0 0</p>
<p>April 27th.</p>	<p>To Bills of Exchange drawn by Brook Watson, Esq; Superintendent and Director of Forage, Provisions, Necessaries, and Extraordinaries of the Army on the Comptroller, for Public Services, in Part of a Warrant of this Date, for £. 692 903.</p> <p>To D^o, drawn by D^o, for D^o Service</p> <p>To D^o, drawn by D^o, for D^o Service</p> <p>To D^o, drawn by D^o, for D^o Service</p> <p>To D^o, drawn by D^o, for D^o Service</p> <p>To D^o, drawn by D^o, for D^o Service</p>	<p>100,822 1 7</p> <p>368,648 1 10</p> <p>271,816 —</p> <p>147,129 3 6</p> <p>35,410 8 2</p> <p>317,702 2 8</p>
<p>June 5th.</p>	<p>To D^o, drawn by D^o, for D^o Service</p>	<p>100,822 1 7</p>
<p>July 13th.</p>	<p>To D^o, drawn by D^o, for D^o Service</p>	<p>368,648 1 10</p>
<p>July 30th.</p>	<p>To D^o, drawn by D^o, for D^o Service</p>	<p>271,816 —</p>
<p>August 20th.</p>	<p>To D^o, drawn by D^o, for D^o Service</p>	<p>147,129 3 6</p>
<p>August 20th.</p>	<p>To D^o, drawn by D^o, for D^o Service</p>	<p>35,410 8 2</p>

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

September 14th.	To D ^o , drawn by D ^o , for D ^o Service	45,808	18	8
October 16th.	To D ^o , drawn by D ^o , for D ^o Service	174,428	6	10
June 22d.	To D ^o , drawn by H. Hamilton, Governor of the Bermuda Islands, for D ^o Service	6,626	8	7
August 20th.	To D ^o , drawn by D ^o , for D ^o Service	375	15	—
June 22d.	To D ^o , drawn by P. Fall, Lieutenant Governor of Jersey, for D ^o Service	5630	—	—
August 20th.	To D ^o , drawn by D ^o , for D ^o Service	3,608	—	—
June 22d.	To D ^o , drawn by the Earl of Balcarres, Lieutenant Governor of Jersey, for D ^o Service	435	0	0
August 20th.	To D ^o , drawn by the Earl of Dunmore, Governor of the Bahama Islands, for D ^o Service	13,572	7	1
August 20th.	To D ^o , drawn by D ^o , for D ^o Service	9,658	13	0
June 22d.	To D ^o , drawn by John Robinson, Deputy Paymaster at New Brunswick, for D ^o Service	4,530	11	6
August 20th.	To D ^o , drawn by D ^o , for D ^o Service	2,608	13	6
June 22d.	To D ^o , drawn by Sir James Wallace, Commander in Chief at Newfoundland, for D ^o Service	1,680	0	0
	To D ^o , drawn by P. F. Hibene, Commandant at St Peter's, for D ^o Service	210	0	0
		22,671	5	1
		6,399	10	
		1,680	0	0
		1,784,575	8	5
		7,512	3	7
		12,652	0	0

Dates of Warrants.

1795. <i>August</i> 20th.	To D ^r , drawn by Do, for D ^e Service	62 0 0	272 0 0
<i>June</i> 22d.	To D ^e , drawn by Sir A. Williamson, Governor of Jamaica, for D ^e Service	—	265,025 12 2
<i>June</i> 22d.	To Bills of Exchange, drawn by Alexander Brymer, Deputy Paymaster in Nova Scotia, for Public Services	—	*
<i>August</i> 20th.	To D ^e , drawn by D ^e , for D ^e Service	6,223 8 9 1,692 6 9	7,915 15 6
<i>June</i> 22d.	To D ^e , drawn by John Wentworth, Lieutenant Governor of Nova Scotia, for D ^e Service	7,102 15 0	8,658 10 6
<i>August</i> 20th.	To D ^e , drawn by D ^e , for D ^e Service	1,535 15 6	2,177 16 0
<i>June</i> 22d.	To D ^e , drawn by W. J. Eppes, Commissary at Newfoundland, for D ^e Services	—	1,432 4 0
<i>August</i> 20th.	To D ^e , drawn by Peter Le Mesurier, Governor of Alderney, for D ^e Service	1,220 0 0	
	To D ^e , drawn by D ^e , for D ^e Service	212 4 0	
<i>June</i> 22d.	To D ^e , drawn by John Small, Lieutenant Governor of D ^e , for D ^e Services	—	
		5,742 11 2	

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

Aug ⁹ 20th.	To D ^o , drawn by D ^o , for D ^o Services	1,530	0	0	7,032	11	2
June 22 ^d .	To D ^o , drawn by Edmund Panning, Lieutenant Governor of the Island of St. John, for D ^o Services				689	12	4
	To D ^o , drawn by Wm. Mackenzie, Lieutenant Governor of Cape Breton, for D ^o Services	114	0	1			
Aug ⁹ 20th.	To D ^o , drawn by D ^o , for D ^o Services	255	15	6	369	15	7
June 22 ^d .	To D ^o , drawn by James Bruce, Lieutenant Governor of Dominica, for D ^o Services				2,334	16	3
	To D ^o , drawn by James Seton, Lieutenant Governor of St. Vincent's, for D ^o Services	1,011	1	10			
Aug ⁹ 20th.	To D ^o , drawn by D ^o , for D ^o Services	635	17	3	1,596	19	1
June 22 ^d .	To D ^o , drawn by G. P. Ricketts, Governor of Barbadoes, for D ^o Services				101	5	0
	To D ^o , drawn by James Crauford, Governor of the Bermuda Islands, for D ^o Services	976	18	1			
Aug ⁹ 20th.	To D ^o , drawn by D ^o , for D ^o Services	2,333	9	8	3,035	7	9
June 22 ^d .	To D ^o , drawn by Henry Hamilton, Governor of Dominica, for D ^o Services	3,550	0	0			
Aug ⁹ 20th.	To D ^o , drawn by D ^o , for D ^o Services	3,433	12	6	11,933	12	6
June 22 ^d .	To D ^o , drawn by Ninian Home, Lieutenant Governor of Grenada, for D ^o Services				176	13	4

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

Dates of Warrants.

1795.

June 22d. To Bills of Exchange, drawn by John Storkley, President of the Council of Antigua
 To D^o, drawn by Joseph Robley, President of the Council at Tobago, for D^o Service
 August 20th. To D^o, drawn by Lieutenant General Rainsford, Governor of Gibraltar, for fiscal contingents: expences for the service of that Garrison 1,894 3 1
 To D^o, drawn by D^o, for D^o Service 5,184 9 1

101 10 0

121 10 0

7,108 12 2

To Do, drawn by the acting Deputy in the West Indies, on Account of the extraordinary Expences of the Army there, for three quarters of a Year

To Cash paid by Mr. Winslow, acting Deputy Paymaster in Canada, for the extraordinary Expences of the army in that Province, for one quarter, to 24th Dec. 1794

To D^o, paid by D^o, for D^o, to 24th March 1795

To D^o, paid by D^o, for D^o, to 24th June 1795

To D^o, paid by Mr. Bennett, acting Deputy Paymaster in Nova Scotia, for the extraordinary Expences of the Army in that Province, for D^o, to 24th Dec. 1794

To D^o, paid by D^o, for D^o, to 24th March 1795

32,857 5 3

7,374 6 5

33,712 6 8

9,239 3 4

5,532 2 3

2,155,755 10 5

225,000 0 0

73,943 18 4

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

1794.			
December 9th.	To C. Mason, Esq. Com. M. of Accounts of the Army on the Continent, for the Contingencies of his Office	500	0
13th.	To Captain Thos. Hisslop, for bringing Dispatches of the Reduction of St. Fiorenzo, in Corsica	500	0
31st.	To pay a Bill of Exchange, drawn by Vice Admiral Cosby, for Subsistence, &c. of Officers of French Ships, on their Voyage to England	507	10
*	To Captain H. Warre, of the Ship Mermaid, for the Freight of £.150,000 in Silver, from London to Hamburg	150	0
1795.			
January 14th.	To John Brickwood, Esq; for fundry Articles shipped by him for the Troops in the Bermudas	953	17
19th.	To the Representatives of the late Brigadier General Simon Frazer, for the extra Price paid for Shoes furnished to the Brigade under his Command in America, in the Year 1777	130	0
20th.	To F. North, Esq; Secretary of State in the Kingdom of Corsica, for the Expences of the Passage and Journey of himself and Suite, to take upon himself the Duties of his Office	300	0

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

January 26th.	To V. Jones, Esq; Comissary of Accounts of the Forces in the West Indies, for the Contingencies of his Office	500 0 0
February 2d.	To Lieutenant Colonel C. Nesbit, to provide himself with an Equipage, as Comissary and Inspector of Foreign Troops in the Pay of Great Britain	400 0 0
14th.	To John Turner, Esq; for the Balance on Account of Articles shipped by him for Upper Canada	279 1 3
March 6th.	To Messrs. Cox and Greenwood, for the Expence of providing sundry Light Dragoon Horse Appointments, for the Service of the Island of St. Domingo	6,801 15 0
21st.	To Lieutenant General Rainsford, for the extra contingent Expences of the Regiment at Gibraltar, from 25th June to 24th December 1794	35 16 7
	To the Holder of a Bill, drawn by Captain Wilson, of the Artillery, for Subistence of a Corps of Seafaring Men, raised for the Defence of the Garrison of Newfoundland	56 9 2
April 29th.	To William Merry, Esq; for His Majesty's Proportion of 718½ Chaldrons of Coals received at Gibraltar	1,113 13 6
	To Major General A. Clarke, to provide himself with an Equipage, as General and Commander in Chief on a Secret Expedition	1,000 0 0
May 5th.	To Major General Cuyler, for his Expences in inspecting the Troops and Barracks in the Leeward and Charibbee Islands, from 1789 to 1793	500 0 0

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

Date of
Warrant.

1795.	To Captain G. Moore, of the Ship Syren, for the Freight of £.100,000 in Silver, from the North, to Mr. Commissary General Watson, on the Continent	125	0	0
15th.	To Wm. Merry, Esq; for Extra Charge of Freight and Insurance on 718½ Chaldrons of Coals received at Gibraltar	1,671	6	7
June 2d.	To Jas. Newland, Assistant Commissary to the Forces on the Continent, for Coals purchased by him in Holland for the Use of the said Forces	957	15	9
22d.	To Jas. Willis, Consul at Senegambia, to be applied to the forming a Military Establishment in Africa	3,499	9	1
	To Comte Wall, the General commanding the Cavalry in the Prince De Condé's Army, to enable him to return to his command	.250	0	0
July 13th.	To Monsieur V. P. Malouet, for his Outfit and Expences in proceeding to the Island of St. Domingo, to concert Measures in Conjunction with the Spanish Government	504	11	0
23d.	To C. Maion, Commissary of Accounts of the Army on the Continent, for the Contingencies of his Office	1,000	0	0
August 22d.	To Le Marquis de Bouille, for Demands which arose in the Island of Guadaloupe during the Command of			

<p>Sir Chas. Grey To Le Marquis de Bouzolz, for Dr of the Island of St. Domingo, during the Campaign of Sir A. Williamson</p>	204	11	0
<p>27th. To Sir R. Abercromby, K.B. to provide himself with an Equipage, as General and Commander in Chief in the West Indies</p>	204	11	0
<p>October 21st. To V. Jones, Esq; Superintendent and Director of Forage, Provisions, Necessaries, and Extraordinaries of the Army in the Leeward Islands, by Way of Im- prest, and upon Account</p>	1,000	0	0
<p>1794- May 9th.</p>	3,387	0	0
<p>For the Pay of the General and Staff Officers, and Officers of the Hospital, serving with the Forces at Toulon, from several Periods to the 24th Decem- ber 1793</p>	1,418	9	11
<p>October 8th. To M. G. Carleton, for Half a Year's Allowance, to the 24th June 1794, as Governor of the Province of New Brunswick</p>	250	0	0
<p>15th. To the Earl of Balcarres, for the Difference between the Pay of Commandant in Jersey, and a Major General with One Aid de Camp, from 21st February to 24th June 1794</p>	176	3	9
<p>November 26th To T. Watson, for 273 Days Pay, as Assistant Com- missary to the Forces in the West Indies, to 1st August 1794</p>	68	5	0
<p>27</p>	32,040	16	5

Dates of Warrants.			
1795.			
November 26th	To John Craigie, Esq; for 1461 Days D ^o , as Com- missary of the Army in Canada, to 24th June 1794	1,095	15 0
December 3d.	To D ^o , for 1461 Days additional Pay, as Storekeeper General in D ^o , to D ^o _____	365	5 0
31st.	To the Representatives of Captain A. Sutherland, for 126 Days Pay, as Bridge Master to the Forces on the Continent to 28th October 1793 _____	59	13 6
	To Colonel Whyte, for 105 Days Pay, as a Brigadier General at St. Domingo, to 24th December 1794	149	3 10
	To T. Keate, Esq; for 365 Days D ^o , as Inspector of Regimental Hospitals, to 24th December 1794 _____	172	17 6
	To John Gunning, Esq; for 365 Days D ^o , as Surgeon General to the Forces, to D ^o _____	518	12 6
1795.			
January 8th.	To Sir W. Fawcett, K. B. for 183 Days additional Pay, as Adjutant General, to D ^o _____	693	7 11
	To Lieutenant General Morrison, for 183 Days, addi- tional D ^o , as Quarter Master General, to D ^o _____	693	7 11
26th.	To D ^o , for 365 Days Pay of his Two Assistants, as D ^o , to D ^o _____	172	17 6
	To V. Jones, Esq; for 303 Days Pay, as Commissary of Accounts of the Forces in the West Indies, to the 31st		

28th.	August 1794 For the Pay of Assistant Commissaries of the Army under the command of the Duke of York, from sundry Periods to 24th December 1794	606	0	0
February 16th.	To Jas. Lawrie, Esq; for Half a Year's Allowance, to 21st December, 1794; as late Superintendent, &c. on the Mosquito Shore	1,174	15	0
26th.	To A. C. P. Lambert, for One Quarter's Salary, to 10th February 1795, as President of the Superior Court of the Island of St. Domingo	250	0	0
March 19th.	To W. J. Eppes, Esq; for 365 Days Pay, as Commissary at Newfoundland, to 10th October 1794 To L. Mackintosh, for 183 Days Pay, as Assistant Commissary to the Forces in the West Indies, to 24th December 1794	625	0	0
April 15th.	To Sir Lucas Pepys, for 274 Days additional Pay, as Physician General to 24th December 1794 To Major Henry Haldane, for 365 Days Pay, as Quarter Master General of the Forces in the East Indies, to 30th November 1794	91	5	0
May 6th.	To Sir Jerome Fitzpatrick, for 108 Days D ^o , as Inspector of Health, to 24th December 1794 To D. Fraser, late Captain in the Queen's American Rangers, for One Year's Allowance, to 31st December 1794, for his long Services prior to the late War	45	15	0
		129	15	5
		365	0	0
		204	12	2
		40	0	0

Dates of
Warrants.

1795.

May 6th.

To the Earl of Baltharres, for the Difference between the Pay of Commandant in Jersey, and a Major General, with One Aid-de-Camp, from 25th June to 23d October 1794

171 18 6

14th.

To R. White, Esq; for Two Years Allowance, to the 1st April 1794, as late Agent for the Honduras District

600 0 0

27th.

To Captain Jas. Metcalfe, for his Pay, as Captain of a Company of Volunteers in the Tower Hamlets, from 1st August 1794 to 23d April 1795

36 0 0

29th.

To A. M. Browne, Esq; for 245 Days Pay, as Barrack Master of the Island of St. Vincent's, to 21st April 1795

73 10 0

June 3d.

To Captain John Abercomby, for 98 Days Pay, as Major of Brigade on the Continent, to 1st April 1794
To Major General A. Rofs, for 365 Days Pay, as Adjutant General in the East Indies, to 24th October 1794

46 8 6

To Major General Goldsworthy, for 44 Days Do, as a Major General, with One Aid-de-Camp, to 27th September 1794

365 0 0

104 3 11

10th.	To Lieutenant Colonel Moore, for Half a Year's Allowance, to 24th March 1795, for his long Services, particularly during the Siege of Gibraltar	75 0 0
24th.	To E. Home, Esq; for 99 Days Pay, as Surgeon to the Forces, to 24th December 1794	46 17 9
25th.	To Sir C. Gordon, for 97 Days Allowance, as Governor of St. Lucia, to 10th July 1794	291 0 0
July 1st.	To Sir W. Fawcett, K. R. for 182 Days additional Pay, as Adjutant General, to 24th June 1795	689 12 1
10th.	For the Pay of Assistant Commissaries to the British Army on the Continent, for 127 Days, to 30th April 1795	762 0 0
18th.	To B. Watson, Esq; for 182 Days Pay, as Superintendent and Director of Forage, Provisions, and Necessaries, and Extraordinaries of the Army on the Continent, to 1st March 1795	728 0 0
29th.	To J. Radcliffe, for 215 Days Pay, as Adjutant of the Sheffield Volunteers, to 24th December 1794	69 3 0
August 5th.	To Sir C. Gordon, for 8 Days Allowance, as Governor of St. Lucia, to 18th July 1794	24 0 0
September 2d.	To Major W. Gunn, for 333 Days Pay, as Commissary for mustering the Hanoverian Forces in the Pay of Great Britain, to 30th July 1795	666 0 0
October 21st.	To L. Mackintosh, for 240 Days Pay, as Assistant Commissary in the West Indies, to 21st August 1795	60 0 0

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

Dates of Warrants

1795- January 14th.	To Messrs. Adams and Hodges, on Account for the Balance of Stores delivered by them for the Troops at Netley Camp	1,267 5 10	
February 28th.	To Messrs. Cutlers, for Supplies delivered by them to the Army under the Command of the Earl of Moura, from 23d July to 24th December 1794	9,626 6 3	
August 11th.	To D ^o , for D ^s Service, from 25th December 1794 to 8th Jun: 1795	19 082 2 7	29,975 14 8
1794. November 26th.	To Messrs. Adams and Hodges, for the Balance of their Account for supplying Bread, Forage, Wool, and Straw to the Forces encamped in the Year 1793	30 1 6	
1795. February 24th.	To D ^o , on Account for a Balance on their Contract for supplying the Home Encampments	20,754 11 0	
May 14th.	To Messrs. Adams and Welford, for supplying Bread, Forage, Wool, and Straw to the Forces encamped in the Southern District, 1795	30,000 0 0	
July 14th.	To D ^o , for D ^s Service	40,000 0 0	
September 14th.	To D ^o , for D ^s Service	50,000 0 0	

140,784 Ls 6

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

<i>May</i> 29 h.	To C. Lances, for supplying Bread, Forage, Wood, and Straw, to the Forces encamped in the Northern District, 1795	8,000	0	0
<i>August</i> 8th.	To R. Bisset, Esq. for D ^o Service	12,000	0	0
<i>September</i> 1st.	To D ^o , for D ^o Service	5,000	0	0
<i>October</i> 2 ^d .	To D ^o , for D ^o Service	6,000	0	0
			31,000	0
<i>June</i> 16th.	To W. Fettes, for supplying Bread, Forage, Wood, and Straw, to the Forces encamped in North Britain, 1795	4,000	0	0
<i>September</i> 1st.	To D ^o , for D ^o Service	4,000	0	0
<i>October</i> 28th.	To D ^o , for D ^o Service	4,000	0	0
1794.			12,000	0
<i>October</i> 15th.	To the Earl of Balcarres, for Bât Horses for the 63d Regiment of Foot, serving on the Continent	585	18	0
	To the Colonels of sundry Corps, for additional Bât Horses for their respective Regiments, serving on D ^o	1,058	8	0
22d.	To the Colonels of sundry Corps of Militia, for Baggage Horses for their respective Corps, ordered to take the field	2,891	14	0
	To the Colonels of sundry Regiments of Foot, for Baggage and Forage Money for their respective Regiments ordered to take the Field	12,131	5	0
	To the Colonels of sundry Corps of Militia, for D ^o for the Augmentations to their respective Corps	596	5	0
	To the Colonels of sundry Corps of Fencible Cavalry, for Baggage Horses for their respective Corps, ordered to take the Field	1,757	14	0

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

Dates of Warrants.		
1795.	To the Colonels of the 10th and 22d Regiments of Dragoons, for D ^s for the said Regiments, ordered to take the Field	756 0 0
	To the Colonel of the 88th Regiment of Foot, for Bât Horfes for the said Regiment, serving on the Continent	585 0 0
	To D ^s , for additional Bât Horfes for D ^s Regiment	189 0 0
	To the Colonels of sundry Regiments of Foot, for Bât and Blanket Horfes for their respective Regiments, ordered on Service	1,470 0 0
26th. 1794.	To Major General Bland, for additional Bât Horfes for the 5th Regiment of Dragoon Guards	113 8 0
November 12th.	To the Colonels of sundry Regiments of Foot, for Baggage and Forage Money for their respective Regiments ordered to take the Field	1,613 15 0
19th.	To the Colonels of sundry Corps of Cavalry, for Bât Horfes for Detachments of their respective Corps, ordered on Foreign Service	793 16 0
December 10th.	To the Colonels of sundry D ^s , for additional Bât Horfes for their respective Regiments, ordered on D ^s	264 12 0
	To the Colonels of sundry Corps of Militia, for an allowance on taking the Field, being the 2d Year of	

<p>31st. their Encampment To Lieutenant General Lafcelles, for Bât Horfes for the 8th Regiment of Dragoons, serving on the Continent To Do, for additional Do, for Do Regiment To the Colonels of sundry Regiments of Foot, for Bât Horfes for their respective Regiments, ordered on Foreign Service</p>	<p>1,083 0 4 529 4 0 170 2 0 840 0 0</p>
<p>1795. February 25th. To Major General De Lancey, for Forage, as Barrack Master General, on taking the Field, &c. in the Year 1794 To the Colonels of sundry Regiments of Foot, for Bag- gage and Forage Money for their respective Regiments, ordered on Foreign Service</p>	<p>96 18 5 1,631 5 0</p>
<p>May 18th. To the General and Staff Officers in North Britan, in consideration of their not having drawn Forage in the Campaign 1793</p>	<p>364 6 6</p>
<p>June 3d. To Major General Drummond, for 200 Days Forage Money, as a Major General, with One Aid de Camp, in the Year 1794 To Colonel Myddleton to complete the Allowance of Baggage and Forage Money for the Denbigh Militia, ordered to take the Field</p>	<p>133 0 0 63 18 0</p>
<p>July 13th. To the Colonels of sundry Regiments, for Baggage and Forage for their respective Regiments, ordered on Fo- reign Service</p>	<p>7,451 5 0</p>

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

	for the Use of the Forces	21,079	8	6	
June 3d.	To Colonel Myddelton, for Accoutrements for the Augmentation to the Denbigh Militia	152	18	6	
	To Sir R. Worley, for D ^o for an Augmentation to the South Hampshire D ^o	92	18	6	
	To Colonel Pochin, for D ^o for an Augmentation to the Leicester D ^o	69	17	0	
	To the Earl of Uxbridge, for D ^o for an Augmentation to the Stafford D ^o	77	4	6	
10th.	To Captain J. Popham, for D ^o for the Augmentation to the Isle of Wight Militia	65	14	0	
17th.	To the Earl of Radnor, for D ^o for an Augmentation to the Berkshire D ^o	65	14	0	
July 1st.	To the Representatives of the late Colonel Sawbridge for D ^o for an augmentation to the East Kent D ^o	191	17	0	
January 8th.	To James Window, Esq. Agent to the Inspector General of Regimental Infirmaries, on Account of contingent Disbursements for Hospitals	2,000	0	0	
February 11th.	To D ^o , for D ^o Service	2,000	0	0	
March 6th.	To D ^o , for D ^o Service	2,000	0	0	
31st.	To D ^o , for D ^o Service	4,000	0	0	
April 15th.	To D ^o , for D ^o Service.	4,000	0	0	
29th.	To D ^o , for D ^o Service	5,000	0	0	
		157,141	2	0	
			716	3	6

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

Dates of
Warrants.

1755.

May 29th.
July 29th.
August 5th.
September 11th
October 14th.

To D^o for D^o Service
To D^o for D^o Service
To D^o for D^o Service
To D^o for D^o Service
To D^o for D^o Service

8,000 0 0
5,000 0 0
5,000 0 0
5,000 0 0
10,000 0 0

52,000 0 0

To pay a Bill of Exchange, drawn by the Royal Bank of Scotland, for One Year's Allowance, to Chiffmas 1794, for furnishing Specie to the Troops in Scotland, &c.

454 19 0

To Lord A. Gordon, for so much expended by him on divers Occasions in North Britain, in 1794

300 0 0

To John Gaddes, Esq. for Necessaries, &c. for the Use of the Forces in D^o, for the Year 1794

1,594 9 6

To Lord A. Gordon, for the March of a Party of Argyllshire Volunteers, in Consequence of a Mutiny in the 1st Battalion of the Breadalbane Fencibles

143 3 0

To R. B. Henderfon, Esq. for Extra Expences for Oatmeal, &c. furnished to the Forces in Garrison in North Britain, from 1st July 1792 to 31st Decr. 1794

886 16 2

3,379 7 8

EXTRAORDINARY EXPENCES OF THE ARMY, &c

Advanced to M. G. De Lancey, Barrack Master General, towards erecting of Barracks for Cavalry and Infantry in Great Britain	206,812	0	0
To provide Building, Furniture, Utensils, Coal, Candles, Beer, &c. for D ^o , in Barracks in Great Britain, Guernsey, and Jersey	124,432	0	0
For the Purchase of Forage for the Cavalry in Barracks	96,490	0	0
To provide Barracks for the Troops in the Island of St. Domingo	68,000	0	0
Towards erecting and providing Hospitals for the Use of the Troops	35,000	0	0
To G. Garner, Lieut. Apothecary General, for Medicines, &c. supplied for the Use of the Army, from the 1st January to the 5th July 1794	13,756	9	2
To D ^o , for D ^o , supplied from 5th July to 31st December 1794	14,524	19	0
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To Lieutenant Colonel Mackenzie, for Knapsacks for the 78th Regiment of Foot	364	1	0
To Lieutenant Colonel Beresford, for D ^o for the 124th D ^o	224	18	6
To Captain Wm Ashe, for D ^o for his late Independent Company of Foot	31	16	0
To Major General Edmeston, for D ^o for the 95th Foot	378	18	0
To the Duke of Atholl, for D ^o for the Manx Fencibles	112	3	3
To Colonel Graham, for D ^o for the 90th Regiment of Foot	365	8	0
To the Marquis of Huntly, for D ^o for the 100th D ^o	365	8	0
To Major General Balfour, for L ^o for the 93d DR	378	18	0
To Major General Balfour, for D ^o for the Orkney and Shetland Fencibles	78	13	6
<hr/>			
<i>March</i> 19th.			
<i>August</i> 5th.			
1794.			
<i>February</i> 14th.			
<i>March</i> 6th.			
14th.			
<i>November</i> 26.			
	28,281	8	2

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

Dates of
Warren's

1795. June 17th.	To Sir James Grant, for D ^o for the 97th Reg. of Foot To Major General Campbell, for D ^o , for the 116th D ^o	365 8 0 224 18 6	2,884 10 9
January 7th.	To Wm. Gorton Ffig. for providing a Table for the Officers of the Foot and Life Guards on Duty at St. James's, &c. from the 24th of September to 24th December 1794	2,043 0 0	
May 15th.	To D ^o , for providing D ^o , from 25th December 1794 to 24th March 1795	2,039 17 0	
1793. August 7th.	To Lieutenant General Elphinstone, for Camp Necessaries for the 53d Regi- ment of Foot, for the Year 1793	4,082 17 0	
1794. August 13th.	To Messrs. Eyre and Strahan for paper and Printing, &c. several Acts of Parliament for the Use of the Army	249 14 10	
October 29th.	To Messrs. J. and R. Sauce, for the Loss they sustained by the Brig Mary, hired to convey Recruits fr in Duncannon Fort to Chatham, being stranded in a Storm	491 7 8	
November 19th.	To Sir H. W. D. Lympie, Commandant at Chatham Barracks, for the General Account of his Expences for Six Months, to 24th June 1794	161 10 0	
December 10th.	To Major General Cuyler, for the Hire of Ground for the encampments in the neighbourhood of Prtsmouth	1,871 16 5	
1795. January 2d.	To Messrs R. and J. Chalk, for D ^o , for encamping the East Middlesex Mi- litia, in the Year 1794	71 2 7	
		53 3 0	

EXTRAORDINARY EXPENCES OF THE ARMY, &c.

January 6th.	To Josiah Dornford, Esq; Commissary of Accounts to the Forces under the Command of the Earl of Moura, for the Contingencies of his Office	500	0	0
7th.	To Lieutenant Colonel Amherst, for his contingent Expences, as Deputy Adjutant General, from 25th June to 24th December 1794	78	3	0
	To Lieutenant General Morrison, for D ^o , as Quarter Master General, from D ^s to D ^e	234	4	0
8th.	To Lieutenant Colonel Morrison, for his D ^o , as Deputy Quarter Master General, from 25th December 1793 to 24th December 1794	154	4	0
29th.	To Sir Wm. Fawcett, K. B. for the contingent Expences of the Office of Adjutant General, from 25th June to 24th December 1794	265	5	0
	To L. Morfe, Esq; Secretary to Lord Amherst, for his contingent Disbursements, from Midsummer to Christmas 1794	695	8	0
	To Thos. Wright, Printer of "The Hue and Cry, and Police Gazette," for advertising Deserters between the 9d October and 28th December 1794	209	9	8
February 11th.	To the Reverend Wm. Wilmot, for One Year's Rent of the Minister's House in the Savoy, to 24th December 1794, hired for the Use of the Forces	43	2	0
16th.	To Colonel Yoike, for Necessaries furnished for the Forces in the Tower, from Lady Day to Midsummer 1794	218	11	9
27th.	To Wm. Mitford, Esq; in Reimbursement of Money advanced by Order of the Lords of the Treasury to Two acting Assistant Commissaries on the Continent	100	0	0
	To the Duke of Richmond, to be by him paid over to sundry Persons, for Expences incurred during the Encampments in 1794	2385	17	0

16th.	To Comte de Botheril, in Part Payment of certain Articles purchased by him, which have been applied to the Service of Government	500	0	0
29th.	To Robert Horne, for Twelve Drums and Two Fifes, for the Use of the New Brunsvick Regiments	34	8	6
June 17th.	To L. Moric, Esq; for carrying on for One Year, to Midsummer 1795, a progressive List of Commissions of all the Officers in the Army	103	3	0
30th.	To Comte de Botheril, in further Part Payment of certain Articles purchased by him, which have been applied to the Service of Government	200	0	0
July 10th.	To Messrs. Bernard and Brookbank, for Accoutrements supplied to Independent Companies of Invalids	2851	16	0
August 5th.	To Sir Wm. Fawcett, K. B. for the contingent Expences of the Office of Adjutant General, from 25th December 1794 to 24th June 1795	315	5	0
14th.	To the Duke of Richmond, for extra Expences of himself and other General Officers, for House Rent and Forage, while on Service in Great Britain	871	15	3
Date of Secretary at War's Letter.		6000	0	0
March 26th.	To T. Rice, Esq; Surveyor of the Guards, on Account of Work done at York Hospital, Chelsea, under his Direction			
Towards which may be applied:		3955	057	13 2
Cash received of Messrs. Harman, Hoare, and Co, Balance of their Account of Prussian Subsidy		2603	9	6

Cash received of Henry Barry, Esq; being the Balance of his Account, as Deputy Paymaster to the Forces under the Command of the Earl of Moira —
 Cash received of Messrs. Boyd, Benfield, and Co, in Re-payment of sundry Sums advanced by B. Watson, Esq; Commissary General of the Army on the Continent, by Authorities from General Count Clerfaye, Commander in Chief of His Imperial Majesty's Forces, for the Use of the Army under his Command, pursuant to His Majesty's Warrant of 29th October 1795
 Savings on the Sums granted for the Army Service in the Years 1794 and 1795

2,463 3 10

550,000 0 0
 750,000 0 0

1,305,066 13 4
 2,646,090 19 10

War-Office,
 26th November, 1795.

W. WINDHAM.

RETURN of his Majesty's LAND FORCES, consisting of Regular Cavalry and Infantry, Fencible Cavalry and Infantry, Independent Corps, and Militia ; as they were effective in November 1794.

		Comissioned Officers.	Non-com-missioned Officers.	Rank and File.	TOTAL.
Regular	{ Cavalry	927	969	12,018	13,914
	{ Infantry	5,145	8,499	84,759	98,403
Fencible	{ Cavalry	447	490	4,732	5,669
	{ Infantry	416	606	5,522	6,444
Independent Corps					3,582
Militia		1,660	2,765	33,522	37,947

(35)

War Office, 30th November 1795.

W. Windham.

N. B.—No Returns of the Volunteer Corps were made in 1792.

RETURN ON HIS MAJESTY'S LAND FORCES, consisting of Regular Cavalry and Infantry, Fencible Cavalry and Infantry, Independent Corps, Militia, Volunteer and Yeomanry Cavalry and Infantry; as they were effective 1st August 1795.

	Committed Officers.	Non-commissioned Officers.	Rank and File.	TOTAL.
Regular	1,216	1,282	13,234	15,732
{ Cavalry	—	—	—	—
{ Infantry	—	—	—	—
Fencible	5,563	9,144	76,375	91,082
{ Cavalry	596	662	6,880	8,138
{ Infantry	1,168	1,702	17,420	20,290
Independent Corps	—	—	—	2,198
Militia	1,747	2,877	35,056	39,680
Volunteer Local Corps	240	249	3,118	3,607
{ Yeomanry Cavalry	—	—	—	—
{ Infantry	405	577	6,829	7,821

(36)

War Office, 30th November 1795.
W. Windham.

An ACCOUNT of the Pay, Cloathing, and Allowances, received by the Volunteer Local Corps, and Corps of Yeomanry; with the Conditions on which they receive them.

VOLUNTEER COMPANIES.

THE officers of Volunteer Companies are allowed pay, at the same rate as the officers of his Majesty's Regular Forces, according to their respective ranks, for the days of exercise only; except that constant pay is allowed to one officer of each company, if taken from the half pay, not exceeding the pay of a captain.

The non commissioned officers and private men are allowed two shillings per week each, provided they exercise two days in each week, or a number of hours in different days equivalent thereto—six hours are reckoned equal to a day's exercise.

One serjeant in each company receives constant full pay, with the same allowances as are made to the serjeants of marching regiments.

The companies on the coast are allowed firelocks for one third of their numbers; the rest of the men are trained to the great guns: the companies in the interior towns are supplied altogether with firelocks, as have also been some of the companies on the coast, where there were not the means of exercising them at the great guns.

The allowances for cloathing (to consist of a coat, waistcoat, breeches, round hat, and cockade) are,

For a Serjeant	—	—	£ 3	3	9
Drummer	—	—	2	3	6
Corporal	—	—	1	11	3
Private Man	—	—	1	9	3

Accoutrements, consisting of a belt, a pouch, and a sling, are also allowed for each man who is furnished with a firelock: these articles are either supplied from the Ordnance, or an equivalent thereto is given in money by that department, at the option of the commandants.

CORPS OF YEOMANRY CAVALRY.

Constant pay is allowed to one serjeant only per troop, with the same allowances for himself and his horse, as to the serjeants of the regular cavalry.

Twelve carbines are allowed to each troop—each man is allowed a pistol, a broad sword, a sword belt, a cartridge box and strap.

strap, a waist belt and holsters. these articles are either furnished by the Ordnance, or an equivalent thereto, given in money.

Constant pay is allowed to officers and men, while employed on actual service, by order of those who are empowered to call them out; and such contingent charges as shall appear to have been properly and unavoidably incurred are to be re-imbursed, after undergoing the usual investigation at the War Office.

It is necessary to add, that in many instances the corps have declined availing themselves of the different allowances above stated.

War Office, 30th November 1795.

W. WINDHAM.

RETURN of the GENERAL and STAFF OFFICERS who have been employed and paid under the Earl of MOIRA; divided into Three Periods: With an Account of the Pay and Allowance of those Officers.

FIRST PERIOD;

From the Embarkation of the Troops at Portsmouth in November 1793, to the Termination of the subsequent Winter Quarter.

THE British Regiments under the command of Lord Moira on his outlet, were eleven; viz. 3d, 19th, 27th, 28th, 40th, 43d, 54th, 57th, 59th, 63d, and 78th.

The GENERAL OFFICERS employed were

Major General Crosbie.
Brigadier General Lord Cathcart.
Brigadier General Graham.
Brigadier General Hunter.

Brigadier General Doyle, Quarter Master General.

It will hence appear that there was not any superfluous General Officer during the above period. On the contrary, according to the usual course of service, there would have been another required. Major General Crosbie could not have commanded a brigade in the field, being destined to perform the functions of a Lieutenant General, though without addition of rank or pay. He was appointed in public orders to take the immediate command

mand of the British wing of the army, in the same manner as General De Borek commanded the Germans, or left wing, of the army.

The other staff officers employed, were three Aid de Camps to the Commander in Chief, being one less than allowed to his rank. A vacancy was left for the purpose of appointing a Hessian officer as soon as the Army should land in France.

One Aid de Camp to Major General Crossin.

Four Majors of Brigade.

One Deputy Quarter Master General.

Three Assistants.

Adjutant General.

Deputy Adjutant General.

One Assistant.

One Secretary to the Commander in Chief.

One Chaplain to Head Quarters.

One Deputy Judge Advocate.

One Provost Marshal.

One Director of the Hospitals.

One Purveyor.

One Assistant Purveyor.

Two Physicians.

Three Apothecaries.

Four Surgeons.

The Mates paid at the Pay Office. The number varied from time to time, being frequently detached on duty to other districts; and sent on separate expeditions.

Four French Officers attached to the family of the Commander in Chief. The functions of these Officers were not to commence till the Army should land in France.

The Commissariat, and the Department of the Commissary of Accounts, were paid by the Treasury; the Deputy Paymaster General by the Pay Office.

SECOND PERIOD;

From the Encampment of the Troops at Nettley to the Winter Quarters of 1794.

THE number of Regiments under the Command of Lord Moira was as follows; *viz.*

19th, 27th, 28th, 42d, 54th, 57th, 59th, 87th, 89th, Foot; and detachments from the following Regiments of Cavalry;

7th Dragoon Guards, 5th Dragoons, 9th Dragoons, 13th Dragoons, 17th Dragoons, and 18th Dragoons.

No addition of General Officers was made upon the encampment; but upon the order for Lord Moira to embark with his Infantry for Ostend, he applied to Ministry to add Brigadier General Gordon to his Staff, for the purpose of taking the command of Nettley. The 79th, 90th, and 98th Regiments had been added to Lord Moira's Army, and were on their way to the camp. It had, besides, been announced to Lord Moira that the camp at Nettley was to be made the rendezvous of other Regiment, destined to embark at Southampton for the West Indies, or Mediterranean; and several Regiments under those circumstances did arrive there.

No addition of Staff Officers during this period, except one Major of Brigade attached to Brigadier General Gordon, and one for the cavalry.

The 23d and 24th Regiments of Dragoons joined the camp at Nettley before September.

THIRD PERIOD;

From the assembling of the Troops at Southampton, in July 1795, to the Termination of Lord Moira's Command.

THE Regiments actually assembled under Lord Moira's command were, the 2d, 3d, 12th, 14th, 19th, 27th, 28th, 33d, 42d, 57th, 63d, 78th, 80th, 90th, 101st, 103d, 109th, 124th Foot; with the 4th Dragoon Guards, the 12th Dragoons, and two squadrons of the 25th Dragoons. Several Regiments of Infantry and a large Body of Cavalry, were also announced to Lord Moira, as under orders to join him immediately; and the Infantry arrived before he quitted the command, though not before he was apprized that his service was not to continue.

The GENERAL OFFICERS employed during this Period, were

Major General Crosbie.

Major General Graham.

Major General St. Leger, for the Cavalry.

Major General Campbell.

Hon. Major General Needham.

Major General Doyle, Quarter Master General.

The number of General Officers was in this period obviously inadequate for foreign service: but it was not carried beyond the above

above amount; because the early failure of Monsieur De Puisaye threw an uncertainty on the expedition; and it was deemed improper to add any unnecessary expence by the appointment of Officers, until it should be ascertained whether the enterprize were really to take place.

A brevet promotion having given the rank of Major General to those who had before been only brigadiers, they became each entitled to an Aid de Camp. The list of Staff Officers therefore stood thus:

Four Aid de Camps to the Commander in Chief.

One Secretary to Ditto.

One Chaplain to Head Quarters.

Six Aid de Camps attached to the Major Generals.

Seven Majors of Brigade to the Forces.

One Deputy Quarter Master General.

Four Assistants.

One Adjutant General.

One Deputy Adjutant General.

One Assistant.

One Muster Master General.

One Deputy Muster Master General.

One Deputy Judge Advocate.

One Provost Martial.

One Baggage Master.

One Director to the Hospitals.

One Purveyor.

One Deputy Purveyor.

Four Physicians.

Four Apothecaries.

Five Surgeons.

The Mates paid at the Pay Office.—The number varied from time to time, being frequently detached on duty to other districts, and sent on separate expeditions.

Four French Officers, attached to the family of the Commander in Chief.

RETURN of the Rates of Daily Pay, and of the Allowances to the General and Staff Officers; as paid by Lord Moira, to the Army under his Command, from the 20th November 1793 to the 31st of August, 1795.

	£.	s.	d.
The Earl of Moira, as Commander in Chief of an Army destined for a separate expedition - -	10	0	0
<i>N. B.</i> This pay was received from the 20th November 1793 to the 21st June 1794. On being ordered to Flanders, Lord Moira reduced his own pay to £. 3 per day; viz. the pay of a Lieutenant General, in which capacity he acted under his Royal Highness the Duke of York, although his commission of Commander in Chief for a separate expedition remained in full force. On Lord Moira's return from Flanders, he declined receiving any pay or emolument till his Army should be reassembled; which event took place on the 1st of July 1795, and he then received full pay to the 31st of August 1795.			
Each Major General - - - -	2	0	0
Each Brigadier - - - -	1	10	0
Each Aid de Camp of the Commander in Chief, or of a Major General - - - -	0	10	0
Secretary to the Commander in Chief - - - -	0	10	0
Chaplain to Head Quarters - - - -	0	10	0
Each Major of Brigade - - - -	0	10	0
Quarter Master General - - - -	1	0	0
Deputy Quarter Master General - - - -	0	10	0
Each Assistant - - - -	0	5	0
Adjutant General - - - -	1	0	0
Deputy Adjutant General - - - -	0	10	0
Assistant - - - -	0	5	0
Muster Master General - - - -	1	0	0
Deputy Muster Master General - - - -	0	10	0
Deputy Judge Advocate - - - -	0	10	0
Provost Martial - - - -	0	10	0
Baggage Master - - - -	0	10	0

Director

	£.	s.	d.
Director of the Hospitals	3	0	0
Purveyor	1	5	0
Deputy Purveyor	0	10	0
Each Physician	1	0	0
Each Apothecary	0	10	0
Each Surgeon	0	10	0

The Mates are paid by the Pay Office.

The several rates of pay, above stated, are those which have always heretofore been assigned to the respective stations.

ALLOWANCE TO FRENCH STAFF OFFICERS.

Prince Joseph of Monaco, and Compte de Belzance, as Aid de Camps to the Com- mander in Chief, each <i>per day</i>	0	10	0
Chevalier St. Vincent, French Secretary	0	10	0
Quarter Master General for the French, Vicomte Conway	0	10	0

The allowance of these Officers has been declared by Lord Moira to stand on the footing of an incidental expence, to be passed or not in his accounts, as government should decide whether the expenditure were consonant to motives of publick utility, or otherwise.

EXTRA PAY *per Day* to certain OFFICERS;

Conformable to the Allowances made in the Army of His Royal Highness the Duke of York.

	£.	s.	d.
Quarter Master General	1	0	0
Deputy Quarter Master General	0	10	0
Each Assistant	0	5	0

	£.	s.	d.
Adjutant General	1	0	0
Deputy Adjutant General	0	10	0
Affiliant	0	5	0
To the Deputy Adjutant General, in lieu of Contingent Charges, <i>per Annum</i>	50	0	0
Secretary to the Commander in Chief	0	10	0

The reason of this additional pay to the above Officers, was undoubtedly the obvious inadequacy of the former pay to the importance, the labour, and the expence of their situation. The functions of the Deputy Adjutant General being principally on detachment from the Body of the Army, it appears expedient to allow him a certain annual sum, instead of permitting a contingent bill, on the items of which the Commander in Chief could not form any accurate judgment.

Forage money was allowed to the General and Staff Officers, according to the settled custom of the service, without augmentation in any instance.

Lodging money was allowed to the General and Staff Officers when the Troops wintered in temporary barracks, formed by Lord Moira out of barns and stables; and when no quarters were allotted to those Officers. The amount varied: because, it was always according to the actual expence of the Officer, declared upon honour, unless where the expence appeared to the Commander in Chief beyond what was commensurate to the rank and real necessity of the Officer; in which case only a part of the charge was admitted.

No lodging money was allowed to any part of the Staff but the Medical, when the Troops encamped, except under one particular circumstance. When Lord Moira marched from Ostend to join the Duke of York's Army, the camp equipage of his whole Staff was left aboard the transports: and those vessels having been ordered up the Scheldt by his Royal Highness, the Officers who returned to England with Lord Moira could not for a long time recover their baggage. Such of them as in this situation were directed to attend the Camp at Nettley, were allowed lodging money till their baggage was brought back, as those gentlemen could not equitably be required to furnish themselves with new camp equipage at their own expence; and if government had furnished it (considering the old as lost) the charge would have been infinitely beyond that to which the lodging money could amount.

The gentlemen of the Hospital being obliged constantly to reside at Southampton, where no Quarters were assigned to them, lodging money was necessarily allowed to them at all times. And

it must here be observed, that the Hospital paid by Lord Moira was not an establishment confined to the use of the Regiments which he commanded, but was the receptacle for the sick of every corps that embarked from Portsmouth or Southampton; for the French seamen of the ships from Toulon, and for the Sailors of all the transports in government service.

The allowances of forage were inferior to what has been usual. The printed regulations for the Camps in England allotted to the Commander in Chief 100 rations. Lord Moira published an order, requiring officers to draw rations only for the horses they had actually on the spot; the number of which was not in his own case to exceed thirty, and was in the case of other Officers to be in a similar proportion lower than what was fixed in the printed regulation.

Compensation was made to Officers for loss of baggage or loss of horses upon service, according to established custom—the allowance for horses not exceeding a settled amount.

These claims were always submitted to a board of General Officers, for their opinion as to the justice of the application, and the extent of reimbursement that should be allowed.

The Hessian Staff Officers were paid by their own Sovereign. His Majesty was pleased to order a gratuity of £.1,500 to the Officers of those troops, on their being sent back to Flanders, in consideration of the expences to which they had been subjected in the removal of baggage, &c. Bat and forage money was not allowed to them.

There were not any French or other Foreign Officers on the Staff of the Army, except those mentioned above, in the family of the Commander in Chief.

November 29th, 1795.

MOIRA.

War-Office, 30th November 1795.

W. WINDHAM.

General

GENERAL MONTHLY RETURN of the FRENCH CORPS in His Majesty's Service, for the Month of November 1794.

NOMS des REGIMENS.	COMP. DE GRENADIERS.												COMP. DE FUSILIERS.										Artillerie. Total.					Total Comp.																
	Colonel.	Lieutenant Colonel.	Major.	Aides Major.	Sous Aides Major.	Quartier Maître Trefortier.	Ingénieurs.	Ajudans.	Chirurgien Major.	Aides Chirurgiens.	Aumônier.	Tambour Major.	Corporal Tambour.	Maître Tailleur.	Maître Cordonnier.	Maître Armurier.	Captaines.	Lieutenants.	Sous Lieutenants.	Sergens Major.	Sergens Fourrier.	Sergens.	Caporaux.	Grenadiers.	Tambours.	Capitaines.	Lieutenants.	Sous Lieutenants.	Sergens Major.	Sergens Fourrier.	Sergens.	Caporaux.	Sollicits.	Tambours.	Lieutenants.	Sergens.	Caporaux.	Cannoniers.						
De Brog's	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	16	32	32	16	16	48	48	117	4	4	4	4	4	4	4	4	182	1,621
D'Autichamp	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	16	32	32	16	16	48	48	117	4	4	4	4	4	4	4	4	285	1,621
D'Viomenil	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	16	32	32	16	16	48	48	108	4	4	4	4	4	4	4	4	365	1,621
De Bathifly	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	15	31	31	15	15	45	45	50	8	8	8	8	8	8	8	8	255	1,621
De Laval	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	16	32	32	16	16	48	48	62	9	9	9	9	9	9	9	9	294	1,621
De Castrics	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	15	30	30	15	15	45	45	170	4	4	4	4	4	4	4	409	1,621	
D'Hecler	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	16	32	32	16	16	48	48	170	4	4	4	4	4	4	4	621	1,621	
De Mortemar	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	16	32	32	16	16	48	48	170	4	4	4	4	4	4	4	499	1,621	
Du Drefnay	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	16	32	32	16	16	48	48	170	4	4	4	4	4	4	4	621	1,621	
D'Hervilly	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	16	32	32	16	16	48	48	170	4	4	4	4	4	4	4	381	1,621	
	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	16	32	32	16	16	48	48	170	4	4	4	4	4	4	4	930	1,621	
	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	16	32	32	16	16	48	48	170	4	4	4	4	4	4	4	972	1,621	
	1	1	1	2	2	1	1	2	1	1	1	1	1	1	1	1	2	4	4	4	4	4	4	4	4	4	16	32	32	16	16	48	48	170	4	4	4	4	4	4	4	4,494	1,621	

War Office, 30th November, 95.
W. Windham.

D E T A I L.

NAMES of the REGIMENTS.	Dates of the Letters of Service	Establishment of the Corps, Officers not included.				Numbers joined the Army, or passed by the Inspector.		Numbers that are at the Depot, and wanting to complete.		Rec'd since the Inspection, and that joined the Army.	TOTAL.
		of the Corps,	Officers not included.	Numbers joined the Army, or passed by the Inspector.	Numbers that are at the Depot, and wanting to complete.	Rec'd since the Inspection, and that joined the Army.	TOTAL.				
La Chatre	—	—	—	—	—	—	—	—	—	584	
York Rangers	June 21st, 1793.	600	—	400	—	—	—	471	—	871	
Salm's Light Infantry	—	—	—	—	—	—	—	—	—	—	
Humpeck's Chasseurs	Feb. 27th, 1794.	214	—	214	—	—	—	—	—	214	
Rohan's Light Infantry	March 3d, 1794.	828	—	828	58	—	—	—	—	828	
Power's Chasseurs	—	1,442	—	1,442	58	—	—	471	—	2,497	

Perigord's Light Infantry

War Office, 30th November, 1871, Windham.

D E T A I L.

NAMES of the REGIMENTS.	Dates of the Letters of Service.	Establishment of the Corps, Officers not included.	Numbers joined the Army, or passed by the Inspector.	Numbers at the Depot, and wanting to complete.	Recruited since the Inflection, and that joined the Army.	TOTAL.
British Hulans	Aug. 26th, 1793	602	302	178	122	602
Salm's Hussars	Feb. 25th, 1794	872	436	436	—	872
Humpeche's Hussars	Feb. 27th, 1794	720	480	240	—	720
Rohan's Hussars	March 3d, 1794	872	872	—	—	872
Cnosfeul's Hussars	March 15th, 1794	888	444	444	—	888
York Hussars	June 21st, 1794	652	400	—	297	949
		4,606	2,934	1,298	419	4,903

War Office, 30th November 1795

W. Windham

(8)

CAVALRY

Return of EMIGRANT FORCES, on the 1st of August 1795.

NAMES of REGIMENTS.	Colonel.	Lieut. Colonel.	Major.	Captain.	Lieutenant.	Sub-lieutenant.	Adjutant.	Chaplain.	Surgcon.	Qt. Master.	Serjeant.	Trumpet.	Rank and file.	GENERAL TOTAL.
Un ars Briannique	1	1	1	4	10	5	1	1	1	16	23	5	384	453
Sala ki bouig	1	1	2	3	12	5	1	1	1	8	33	8	691	718
Hempetch	1	1	1	6	7	6	1	1	1	7	27	7	784	851
Roha	1	1	1	4	14	6	1	1	1	8	29	8	718	793
Choufeul	1	1	1	7	7	8	1	1	1	6	28	6	822	940
York	1	1	1	1	4	4	1	1	1	8	30	7	554	618
Damas	1	0	1	2	4	2	1	1	1	2	8	2	195	220
Beon	1	0	1	2	3	2	1	1	1	2	8	2	145	169
Chamilly	1	1	1	17	20	19	1	1	1	6	29	4	144	245
														5057

War Office, 30th November 1795.

W. Windham.

INFANTRY.

INFANTRY.

RETURN of EMIGRANT CORPS on the 1st Aug. 1795

NAMES OF REGIMENTS.	Colonel.	Lieut. Colonel.	Major.	Aide Major, and Captains.	Lieutenants.	Sous Lieuts.	Quarter Master.	Chaplain.	Surgeon.	Mates.	Sergeants.	Rank and File.	Drummers.	General Total.
La Chatre	1		1	7	12	8	1	1	1	1	36	490	20	579
Salm	1	1	1	3	16	25	1	1	1	1	26	341	7	444
Beau	1	1	1	2	4	5	1	1	1	1	8	160	2	200
Damas	1		1	2	4	5		1			12	159	3	198
Perigord	1	1	1	2	3	4					8	149	4	173
Rohan			1	4	11	7	1	1			36	368	13	442
York Rangers	1	1	1	1	9	5	1	1	1	1	22	555	18	617
York Fusiliers	1	1	1	3	11	9					42	735	15	817
Lewenstein	1	1		5	9	3	1	1	1	1	24	907	15	1,029
La Tour												313		313
Roll	1	1	1	18	36	38	1	1	1	1	290	1,350	18	1,558
Dillon	1	1	1	8	8	8	1	1	1	1	24	670	11	736
Broglio	1	1	1	18	36	38	1	1	1	1	292	270	11	473
Autichp	1	1	1	18	36	38	1	1	1	1	259	100	6	205
Viomenil	1	1	1	18	36	38	1	1	1	1	294	280	7	481
Bethisy	1	1	1	18	36	38	1	1	1	1	270	120	9	305
Montmorency	1	1	1	18	36	38	1	1	1	1	284	200	6	393
Castries	1	1	1	18	36	38	1	1	1	1	290	550	15	755
Hector	1	1	1	17	36	38	1	1	1	1	289	421	16	725
Mortemarr	1	1	1	18	36	38	1	1	1	1	290	240	9	439
Dresnay	1	1	1	18	36	38	1	1	1	1	280	501	15	729
D'Harvilly	1	1	1	18	36	38	1	1	1	1	286	1,210	17	1,413
Leon			1	5	4	5	1	1	1	1	16	298	4	337
Du Trésor			1	2	5	4	1	1	1	1	10	200	2	228
D'Altonville			1	5	4	4	1	1	1	1	16	360	4	369
Williamton			1	4	5	4	1	1	1	1	16	280	4	318
Dutch Artillery			1	1	1	1					4	96		102
Montalambret	1	1		6	20	19	1	1	1	1	20	275	7	304

14,832

War Office, 30th November 1795.

W. Windham.

Veneris, 20 die No. 1795.

Ordered,

“ THAT there be laid before this House, a Return of
“ all General and Staff Officers who have been employed
“ in the Service of his Majesty, and in His Pay, under
“ the Count D’Artois, Prince of Condé, or any other
“ French General; with an Account of their several
“ Allowances.

(Signed)

“ J. HATSELL

“ Cl. Dom. Com.”

NO Persons being known under this Description, no Return
can be made of them.

Received 24th Nov.

RETURN of the Royal Regiment of ARTILLERY, Effective and in Pay the 1st of November, 1794.

	Col. Commandant.	Col. in Second	Lieutenants, Colonels and Majors.	Captains and Captains Lieutenants.	Subalterns.	Chaplains.	Brigade Major.	Adjutants.	Quarter Masters.	Surgeon General.	Surgeons.	Surgeons Mates.	Riding Masters.	Gentleman Cadets.	Explosives.	Corporals and Bombardiers.	Drummers.	Trumpeters.	Cannoners.	Cannon and Drivers.	Artificers.	TOTAL.
Marching Battalions	4	5	24	96	102	2	1	6	6	1	5	5	—	89	234	455	126	—	3775	884	—	5820
Home Brigade	—	1	3	12	12	—	—	1	1	—	2	3	2	—	29	40	—	4	388	276	27	792
Invalid Battalion	—	1	4	11	23	—	—	1	—	—	—	—	—	—	43	137	11	—	272	—	—	503
Total	5	7	31	119	137	2	1	8	7	2	7	8	2	89	297	632	137	4	4435	1160	27	7315

Woolwich, Nov. 24th, 95.
J. Maitland,
 Dep. Adj. Gen. to the Artillery.

Received 24th.

RETURN of the Royal Regiment of ARTILLERY, Effective and in Pay the 1st of August 1795.

	C. Commandants.	Cot. en Second.	Lieuten. Colonels and Majors.	Captains and Captain Lieutenants.	Subalterns.	Chaplains.	Adj. General.	Adjutants.	Quarter Masters.	Surgeon Generals.	Surgeons.	Surgeons Mater.	Riding Masters.	Gentlemen Cadets.	Sergents.	Corporals and Bombardiers.	Drummers.	Trumpeters.	Gunners.	Gunners and Drivers.	Artificers.	TOTAL.
Marching Battalions	5	5	21	106	146	2	1	6	6	1	6	6	—	74	245	507	254	—	4301	—	—	5560
Horſe Brigade	—	1	3	12	17	—	—	1	1	—	2	4	1	—	28	58	—	6	509	399	43	1085
Corps of Captain Commiſſaries	—	—	—	6	34	—	—	—	—	—	—	—	—	—	49	71	—	—	—	1976	30	1466
Invalid Battalion	1	1	4	11	22	—	—	1	—	—	—	—	—	—	43	135	11	—	276	—	—	505
Total	6	7	28	135	219	2	1	8	7	1	8	10	1	72	315	771	165	6	56	6,167	73	8616

Woolwich, Nov. 24th, 95.
J. Mordaunt.

Dep. Adj. Genl. to the Artillery.

RETURN of the Royal IRISH ARTILLERY on the Continent the 1st of November 1794.

Woolwich, 28th November 1795.

	Captains.	Capt. Lieutenants.	Serjants.	Corporals.	Bombardiers.	Ganers.	Drummers.	TOTAL.
	5	8	6	12	12	233	5	281
TOTAL	—							

(45)

J. Macleod, *

D. A. Gen. to the Artill.

RETURN

RETURN of Lieut. Col. *ROTALIER*'s Corps of
FRENCH EMIGRANT ARTILLERY in the
Service of Great Britain; agreeable to the Muster
Rolls of November 1794.

One Lieut. Colonel.
Two Majors.
One Captain Commissary of Horse.
One Lieut. Commissary of Horse.
One Adjutant.
One Quarter Master.
One Surgeon.
— Surgeon's Mate, not appointed.
One Chaplain.
One Commissary of Stores.
One Clerk of Stores.
Five Conductors of Stores.
One Sergeant Major.
One Quarter Master Sergeant.

Four Captains.
Four Captain Lieutenants.
Eight First Lieutenants.
Eight Second Lieutenants.
Twelve Sergeants.
Sixteen Corporals.
— Bombardiers, not appointed.
Eighty nine Gunners.
Four Drummers.

Four Quarter Master Commissaries of Horse.
Four Sergeant Conductors of Horse.
Six Corporal Conductors of Horse.
Seventy-three Drivers.

— FARRERS,
— SMITHS,
— WHEELERS,
— COLLAR MAKERS,
— CARPENTERS, } not appointed.

CHARLES NEVILLE,
Capt. Roy. Artillery,
and
Paymast. F. Em. Art.

Right Hon. and H. n.
The Board of Ordnance, &c. &c. &c.

**STATE of Lieut. Colonel *ROTALIER*'s Corps of
FRENCH EMIGRANT ARTILLERY in the
Service of Great Britain; agreeable to the Returns of
the 1st August 1795.**

One Lieut. Colonel.
Two Majors.
One Captain Commissary of Horse.
One Lieutenant Commissary of Horse.
One Adjutant.
One Quarter Master.
One Surgeon.
One Surgeon's Mate.
One Chaplain.
One Commissary of Stores.
One Clerk of Stores.
Five Conductors of Stores.
One Serjeant Major.
One Quarter Master Serjeant.

Three Captains.
Four Captain Lieutenants.
Seven First Lieutenants.
Seven Second Lieutenants.
Nine Serjeants.
Eight Corporals.
Eight Bombardiers.
One Hundred Seventy-eight Gunners.
Two Drummers.

Four Quarter Master Commissaries of Horse.
Three Serjeant Conductors of Horse.
Seven Corporal Conductors of Horse.
Seventy-three Drivers.
Two Smiths.
Two Carpenters.

CHARLES NEVILLE,

Capl. R. Artillery,
and
Paym. F. E. Artillery.

Right Hon. and Hon.
* The Board of Ordnance, &c. &c. &c.

RETURN

RETURN of the Corps of FRENCH EMIGRANT ENGINEERS in the Service of Great Britain; agreeable to the Muster Roll of April 1795, the Date of their Formation.

One Lieut. Colonel.
One Major.
Five Captains.
Six Captain Lieutenants.
Six Lieutenants.

CHARLES NEVILLE,

Captain R. Artillery,
and
Paym. F. Em. Eng.

RETURN of the Corps of FRENCH EMIGRANT ENGINEERS in the Service of Great Britain; agreeable to the Returns of August 1795.

Three Captains.
Six Captain Lieutenants,
Four Lieutenants.

CHARLES NEVILLE,

Capt. R. Artillery,
and
Paym. F. Em. Eng.

Right Hon. and Hon.
The Board of Ordnance.

FIRST

FIRST REPORT
FROM THE
SELECT COMMITTEE, &c.

The SELECT COMMITTEE appointed to take into Consideration the present high price of CORN, and to collect Evidence relative thereto, and to report the same, from Time to Time, as it shall appear to them, to the House, with their observations thereupon;

PROCEEDED, in the first instance, to consider such information as had been already collected concerning the same.

They examined, for this purpose, the minutes of the evidence taken before the lords of his Majesty's Privy Council, upon this subject. They received from Sir John Sinclair, one of the members of the Committee, the substance of such accounts of the state of the late crop of grain, as the correspondence of the Board of Agriculture had enabled them, at the present period, to collect. They had further the opportunity of receiving from many of their members a statement of facts within their own knowledge, or communicated by respectable authorities from their different counties.

They have received also, from his Majesty's principal Secretary of State, for the home department, such returns as had been hitherto made to the circular letter written by him, by his Majesty's command, to the *custodes rotularum* and sheriff's depute in England and Scotland, desiring them to obtain meetings of the magistrates for the purpose of procuring an account of the state of the late crop: but these returns are not as yet sufficiently numerous or complete to lead to any precise conclusion.

On the whole, however, the general information derived from the sources above-mentioned satisfied your Committee, that the crop of other sorts of grain than wheat has been upon the whole abundant; but that the produce of wheat has proved so far deficient, as to require the adoption of the speediest and most effectual measures for the remedy or alleviation of so great an evil. They were therefore of opinion, that they should best perform their duty by directing their immediate attention to the consideration of such measures; and have, on that account, deferred for the present pursuing a detailed enquiry into the exact amount
of

of such deficiency; but they propose to report the same more particularly to the House, when they shall have received such further information as may enable them to collect more fully the general opinion, upon a point which they are sensible it is impossible at any time to ascertain with any great degree of accuracy.

The first and most obvious mode of supplying this deficiency is, the importation of grain from foreign parts—and for the purpose of forming an opinion as to what may be the prospect of supply from thence, and the most expedient means to be adopted for procuring it, your Committee proceeded to examine such persons, from whose knowledge and experience in the trade of corn they could expect the best information. It appeared from their concurrent testimony, that, though the crop of wheat in the United States of America, and in the countries bordering upon the Mediterranean, was represented as abundant; and in the northern and eastern parts of Europe, as not materially deficient; yet, as the old stock was much exhausted, and the demand great, the price, according to the last advices, was every where uncommonly high. But, though there was upon this point some difference of opinion, it appeared upon the whole, very doubtful whether a supply to any considerable extent could be depended upon from foreign parts, whatever measures might be adopted. Your Committee next proceeded to enquire what measures, in the judgment of these persons, afforded the best probability of obtaining such a supply. They thought it right to bring distinctly under their consideration the alternative of leaving the whole care of such purchases to the executive government, who would (it was conceived) be in such case the only purchaser, and be publicly known to be so; or of leaving the same to the speculation of individual merchants encouraged by a liberal bounty on importation, and by a public declaration on the part of government (as soon as such declaration shall be practicable) of the quantity which they may then have at their disposal in consequence of former orders, and of their intention to give no further orders for the purchase of corn, and to sell what may have been procured in limited quantities, and at the market price. It appeared to your Committee to be the preponderant opinion amongst those persons to whom this alternative was stated, that, upon the whole, the restoration of the trade in corn to its natural channel, with the additional encouragement of a bounty, was the most eligible mode of endeavouring to procure from foreign parts such supplies as those markets might be found able to furnish. Your Committee were further confirmed in this opinion by the information they received from some of their members, that there were merchants who had stated to them their readiness, under those circumstances, to engage in speculations to a large extent. After a full consideration and discussion of the important point, your Committee were of opinion, "That it was expedient for

the executive government to desist from making any further purchases of corn; and that a bounty shall be granted upon the importation of certain sorts of grain into this country, for the encouragement of private speculation.

Your Committee next proceeded to the consideration of the amount and distribution of such bounty. They had been informed, that, from the abundance of the crop of wheat in the countries bordering upon the Mediterranean, there might be a considerable disposeable surplus in those markets; but that, from the high price of freight and insurance from those ports, and from the difficulty of procuring shipping to go thither in ballast, a larger bounty would be required to encourage private speculation in that quarter than in any other; they were therefore of opinion, that a bounty of twenty shillings *per* quarter, and a proportional bounty *per* barrel, should be given on any number of quarters of wheat, weighing not less than 440lb. avoirdupois, or on any number of barrels of flour, weighing not less than 196lb. avoirdupois, which shall be imported into Great Britain from any port of Europe south of Cap. Finisterre, or from any port in the Mediterranean, or in Africa, before the 31st day of August 1796; until the quantity of such wheat and flour, taken together, shall equal 300,000 quarters.

They were further satisfied, upon the best information they could collect, that, from the other parts of Europe, and from America, a bounty of fifteen shillings *per* quarter upon a certain quantity of wheat, and of ten shillings *per* quarter upon all exceeding it, would be sufficient to give a fair chance of procuring for the British markets a large proportion of whatever supply those countries might be expected to furnish beyond their own consumption: and they were therefore of opinion, that a bounty of fifteen shillings *per* quarter, and a proportional bounty *per* barrel, should be given on any number of quarters of wheat, weighing not less than 440lb. avoirdupois, or on any number of barrels of flour, weighing not less than 196lb. avoirdupois, which shall be imported from all other parts of Europe, before the 31st day of August 1796; until the quantity of such wheat and flour, taken together, shall equal 500,000 quarters. Your Committee were also of opinion, that a bounty of fifteen shillings *per* quarter, and a proportional bounty *per* barrel, should be given on any number of quarters of wheat, weighing not less than 440lb. avoirdupois, or on any number of barrels of flour, weighing not less than 196lb. of avoirdupois, which shall be imported from any of his Majesty's colonies in America, or from the United States, before the 31st of August 1796; until the quantity of such wheat and flour, taken together, shall equal 500,000 quarters. Your Committee were also of opinion, that a bounty of ten shillings *per* quarter, and a proportional bounty *per* barrel, should be given on any number of quarters of wheat, weighing not less than 440lb. avoirdupois, or of any number

number of barrels of flour, weighing not less than 196^{lb.} avoirdupois, which shall be imported into Great Britain before the 31st day of August 1796, and on which none of the before mentioned bounties shall have been paid.

Your Committee being convinced that if a considerable quantity of Indian corn could be obtained (which from the abundance of that crop appeared not improbable) it would afford a material relief, were also of opinion, that a bounty of five shillings *per* quarter, and a proportional bounty *per* barrel, should be given on any number of quarters of Indian corn, or on any number of barrels of Indian meal, which shall be imported into Great Britain before the 31st day of August 1796; until the quantity of such Indian corn and meal, taken together, shall equal 500,000 quarters. Your Committee were also of opinion, that a bounty of three shillings *per* quarter, and a proportional bounty *per* barrel, should be given on any number of quarters of Indian corn, or on any number of barrels of Indian meal, which shall be imported into Great Britain before the 31st day of August 1796; and on which the before-mentioned bounty shall not have been paid.

Your Committee have some reason to believe, that there may appear such a deficiency in the crop of rye, as may lead to the application of similar measures for the encouragement of the importation of that species of grain, as have been recommended respecting wheat; but they do not yet consider their information upon that point as sufficient to authorise them, at the present moment, to report any opinion to that effect.

Your Committee have thought it incumbent upon them humbly to suggest such measures as have hitherto appeared, in their judgment, the most likely to facilitate the procuring without loss of time, in the least exceptionable manner, and on the least unreasonable terms, the largest supply of grain from foreign parts which in the present relative state of the markets they can be expected to afford. It was particularly with a view to expedition that they have suggested the proposed plan of arranging the bounty. But they feel it at the same time their indispensable duty expressly to state, that they are far from entertaining an opinion that any supply by importation can be depended upon to such an amount as to remove the necessity of recurring to every other practicable and reasonable mode by which the present scarcity may be relieved; and particularly of attending to strict economy in the the consumption of wheat and flour, and of promoting the substitution, to a certain extent, of other articles of food.

They intend to proceed immediately to the consideration of these and of other parts of this extensive and important subject; and will, with the permission of the House, report, from time to time, such opinions as they may be enabled to form thereupon.

SECOND REPORT

FROM THE

SELECT COMMITTEE, &c.

The SELECT COMMITTEE appointed to take into Consideration the present high price of CORN, and to collect Evidence relative thereto, and to report the same, from Time to Time, as it shall appear to them, to the House with their Observations thereupon;

HAVE received, since their last Report, further information respecting the deficiency in the crop of rye, and the great want of that article in those parts of the country where it forms the principle subsistence of the people; and they are thereby induced to think, that similar measures ought to be adopted for the encouragement of the importation of that species of grain, as have been recommended respecting wheat. They beg leave, therefore, to submit their opinion to the House, that a bounty of ten shillings *per* quarter should be given for every quarter of rye, weighing not less than 50lb. *per* bushel which shall be imported into Great Britain before the 30th day of September 1796, until the quantity of such rye shall equal 100,000 quarters; and also that a bounty of six shillings *per* quarter should be given for every quarter of rye which shall be imported into Great Britain before the 30th day of September 1796, exceeding the quantity to which the before-mentioned bounty is limited.

Your Committee are also inclined to recommend an extension of the period for which the several bounties on grain and flour are proposed to be granted. They observe, from the weekly returns of the price of wheat in the whole kingdom, and of the price and quantity in the London market, since January last, that the highest price and the greatest scarcity took place during the months of July and August, and particularly in the latter. These, therefore, are the months, for which it is most important to provide; and they are led to fear, that if the bounty is confined to such corn as may arrive before the 31st of August, merchants may be discouraged from sending supplies into this country during that month, by the apprehension that they may not arrive in time to be entitled to the bounty. They beg leave, therefore, to suggest an extension of the time to the 30th of September;

tember; and they submit, whether it might not also be expedient to place, in proper hands, a discretionary power of allowing the bounties to such ships as may arrive before the 15th of October, upon proof of their having actually set sail for Great Britain, from their respective ports, at such time that they might in the ordinary course of their voyage, have arrived before the 30th of September.

Your Committee have also received a suggestion from merchants trading to the southern parts of Europe and to Africa, that it would be advisable to enlarge the quantity to which the highest bounty upon corn brought from those quarters, was proposed to be limited: They do not state an expectation that the whole of that quantity can be procured; but they are apprehensive that the original limitation may tend to check speculation by the fear of exceeding the quantity specified—and they propose, therefore, that the highest bounty should be extended to 400,000 quarters.

Your Committee have also examined several merchants, respecting the proportion which the bounty upon flour ought to bear to that upon wheat: they have been satisfied by this examination that, in consideration of the various size and weight of the barrels used in different countries, it would be more advisable to grant a bounty upon the hundred weight of flour than upon the barrel, as had been first suggested: that it is expedient to adopt, upon the importation of wheat and wheat flour, the same proportion of bounties which has been already established by the legislature upon the exportation of the same (*i. e.*) 1s. 6d. *per* hundred weight of wheat flour, as equivalent to five shillings *per* quarter of wheat; and that the same rule ought to be applied to Indian corn and meal.

In suggesting, in their former report, that the bounty given on wheat ought to be limited to such as weighed not less than at the rate 55lb. *per* bushel, your Committee proceeded upon information then received, that wheat of a lower weight was usually of so inferior a quality, as to be unfit for the use of man; and under a full persuasion of the necessity of fixing some limit in order to prevent the object, for which the bounty is given, from being defeated by the importation of corn inapplicable to the subsistence of the people. They have since received further information, which has satisfied them, that wheat, naturally of somewhat a lower weight may produce wholesome food; and that cargoes, not unfrequently, arrive out of condition, in consequence of which the weight is for the time diminished, though it soon recovers; and that it might prove an inconvenient restraint upon speculation, if the merchant were exposed to loose the whole of the bounty, by a slight inattention of his agents abroad, or by a temporary and accidental deterioration of the article imported: they are therefore of opinion, that a bounty, equal to four-fifths of the proposed bounty, should be given
on

on all wheat weighing not less than at the rate of 53lb. *per* bushel.

Your Committee having stated such further observations as they have thought necessary, respecting the amount of the bounties, and the limitations as to weight, and quantity, and time, beg leave to recommend, for the prevention of fraud, that all corn and flour imported for bounty, should be subject, in addition to the inspection of the proper officers of the customs, to the examination of persons qualified to judge thereof; that without the certificate of such persons, stating that the article is merchantable and fit for making bread, no bounty should be paid; and that the importation of corn and flour for bounty, shall be confined to such ports in which it is probable that persons so qualified may be found.

Your Committee have also received information, that there are ships now in the ports of this country laden with corn, which are intended to be reported for exportation; and that other ships may arrive, the consignees of which may send their cargoes to foreign ports, unless tempted by the bounty to unload them here; and they beg leave, therefore, to submit the expediency of expending the bounty to the cargoes of all ships which may now be in the ports of this country, or may arrive here previous to the passing of the act by which it is to be granted.

THIRD REPORT

FROM THE

SELECT COMMITTEE, &c.

The SELECT COMMITTEE appointed to take into Consideration the present high price of CORN, and to collect Evidence relative thereto, and to report the same, from Time to Time, as it shall appear to them, to the House with their Observations thereupon;

HAVE received, since their First Report, a considerable number of returns, made by the Custodes Rotulorum of the different counties, respecting the state of the last crop; together with much additional intelligence upon that subject, communicated by many of their members. They find it however impossible as yet to draw, either from these returns or from any other quarter, a precise conclusion. The returns are so incomplete in their number, and are founded upon so many different principles, some stating the whole quantities of grain produced, others the number of acres sown, and others again the average produce of each acre; and drawing, in some instances, a comparison with the crop of last year, in others with that of certain preceding years, and in others with what is generally called a fair crop; that it is extremely difficult to combine and compare them, so as to state accurately the result of the whole.

Your Committee would have endeavoured to render this investigation more compleat, if they had not felt the great importance of suggesting, without further delay, such measures as have occurred to them for alleviating an evil which evidently exists to such an extent as to call for the most effectual remedy.

From the best consideration of such information as they have hitherto obtained, they should not feel themselves authorized in assuming, as the ground of any opinion they may offer, that the deficiency of the crop of wheat is less than from 1-5th to 1-6th, compared with the crop of last year, and from 1-4th to 1-5th, compared with an average crop. The crop of rye, of which no great quantity is usually grown, may probably be considered as equally deficient: but the crops of barley and oat, are represented to be nearly double those of 1794, and at least 1-5th better than an average crop.

It appears also, from the concurrent testimony of intelligent persons, that the stock of wheat in hand at the commencement of the last harvest was much less than at the same period of the preceding year; and there is also reason to believe, that a larger quantity has been used for seed in the present seed time than in the last. One of the causes of the extreme high price which prevailed antecedent to the last harvest, was generally supposed to be the very exhausted state to which the stock of the country had then been reduced. In order to avoid a repetition of this evil, to the same or to a much greater extent (if the succeeding crop should, from unfavourable seasons, be later or less productive than usual) it is certainly extremely desirable that the stock remaining in the country at the commencement of the next harvest should be more adequate to the demand than what remained this year at a similar period. Whatever is necessary for this purpose, ought therefore to be added to the amount of the deficiency.

Your Committee have stated these circumstances to the House, in order to explain more fully the grounds of their opinion, that there will be no security against very considerable distress in the course of the ensuing year, unless the deficiency of wheat and rye can be supplied by importation; or unless other means can be found, by which, out of the stock of different sorts of grain in the country, a comfortable and wholesome subsistence can be furnished to the people during the whole of that period.

Upon the first part of this alternative, your Committee have already humbly submitted their opinion; and though they flatter themselves, that from the adoption of the measures now in contemplation for the encouragement of the importation of wheat, of Indian corn, and of rye, some considerable supplies may be procured from foreign parts, yet they should think it unwise to rest in any great degree upon the hope that such supplies can cover a large proportion of the deficiency. Your Committee would feel great regret in stating this to the House, if they were not also of opinion, upon the fullest consideration, that the country possesses other resources, both more extensive and more secure, in an economical use of the stock of wheat in the kingdom, and in the abundant crops of barley, of oats and of potatoes.

It is obvious that there must be a very numerous class of families where, in times of ordinary plenty, the consumption of wheaten bread and of flour is by no means an object of strict regulation and attention; and it can be as little doubted, that, under such a pressure as the present, an important reduction might be effected in this respect, without diminishing, in any degree, the quantity necessary for subsistence. It is also to be remarked, that the consumption of this class of persons and their families, together with another class, far more extensive, consists in a large proportion of other articles than bread; and that the situation of those classes may enable them, as circumstances require, to augment in some degree that proportion, and thereby to leave a larger

a larger share of the stock of wheat to those for whose subsistence it is more immediately essential.

The reduction of the consumption of wheat may be considerably aided amongst this description of persons, and in a great degree extended to all classes of the people, if they can be induced to employ the other resource to which your Committee have referred, and to avail themselves of the abundance of other crops to supply the deficiency of wheat.

For the purpose of ascertaining in what proportion the articles before enumerated, and others, could be mixed with wheat, so as to produce a bread likely to answer the purposes of general consumption, your Committee have examined the result of a variety of experiments, made by the Victualling Office under the direction of the Privy Council, and ordered to be communicated to them; and, of further experiments, since made by the same office, under the direction of your Committee; and have been also assisted by the Board of Agriculture, who have communicated to them an account of trials made with a still greater variety of mixtures. Your Committee see no reason to doubt that good bread may be made from any of these mixtures, with no greater proportion than $\frac{3}{5}$ ths or $\frac{2}{3}$ ds of wheaten flour; and there is the best ground for concluding that such bread would be wholesome and nutritive, because in many parts of this country, where labour and industry are carried to as great an extent as in any other, the people are wholly fed by bread made of some one or more of the component parts of these mixtures. Your Committee are further encouraged in this opinion, by finding that in the course of the last season the use of mixed bread of various kinds has been introduced into general consumption in many places, whose consumption was before confined to wheaten bread; that the consequence has been a considerable reduction of rice to the labouring poor in such places; and that the use of it has not been found to be attended with any inconvenience. The variety of different species of mixed bread is such, as to offer a considerable number of alternatives to different parts of the country; and they will be naturally led to select those which are least foreign to their habits and prejudices, and of which, from local circumstances, they can most conveniently procure a supply.

That the sacrifice of some degree of indulgence, or of prejudice, is one which, under the present circumstances, can be made, and ought to be made; and that without such a sacrifice to a considerable extent, the country will be exposed to still greater difficulties than those with which it has so lately contended, is an opinion with which your Committee are so strongly impressed, that they cannot too earnestly recommend it to the serious attention of this House, and of the nation at large.

Deeply, however, as they feel this impression, they are far from proposing any legislative measure to enforce a compliance with this suggestion. They well knew that the people of this, and of every other country, are attached by habit to their accus-

tomed species of food; and that, however, they may, by recommendation and example, be induced to make a partial change, yet any sudden and expulsive alteration might, perhaps, be more sensibly felt than the very grievance it was intended to remedy.

There are, indeed, many precedents in the statutes of this country of the interposition of the legislature for this purpose, at times when, for the less advanced state of cultivation and commerce, distresses of this kind occurred much more frequently and severely than at later periods; and even in more recent times, an Act passed which authorizes the magistrates, whenever they think the case requires, to set the *assize* upon standard wheaten bread alone, and thereby to prohibit the making of all other sorts of bread. Your Committee, however, entertain great hopes that without applying this principle to the present case the general impression produced by the late distress, and continued by the present scarcity, will incline men of all descriptions to unite voluntarily in the only measure which can give effectual and immediate relief; and they conceive that if this House should give to a measure the sanction of its example and recommendation, there could be little doubt of its being immediately adopted by a proportion of the community sufficiently numerous to secure the attainment of the object in view.

Your Committee beg leave to submit this suggestion to the wisdom of the House, and they hope it will not be thought beyond the line of their duty, if, upon an occasion so urgent in point of time, they presume also to suggest the principal points which such an engagement ought, in their humble opinion, to embrace.

To reduce the consumption of wheat in the families of the persons subscribing such engagement, by at least one third of the usual quantity consumed on ordinary times.

In order to effect this purpose, either to limit to that extent the quantity of fine wheaten bread consumed by each individual in such families,

Or, to consume only mixed bread, of which not more than two thirds shall be made of wheat;

Or, only a proportional quantity of mixed bread, of which more than two thirds is made of wheat;

Or, a proportional quantity of bread made of wheat alone, from which no more than five pounds of bran is excluded.

If it should be necessary, in order to check the purpose of this engagement, to prohibit the use of wheaten flour in pastry, and to diminish, as much as possible, the use thereof in other articles than bread.

By one or more of these measures (or by any other which may be found equally effectual, and more expedient and practicable, in the respective situations of persons subscribing, to ensure in the utmost of their power the reduction above mentioned.

This engagement to continue in force until fourteen days after the next session of parliament, unless the average price of wheat shall, before that time, be reduced to an amount to be specified.

BUDGET.

B U D G E T.

The RESOLUTIONS moved by the Chancellor of the Exchequer after opening the BUDGET.

December 7, 1795.

MR. HOBART (according to order) reported from the Committee of the whole House, to whom it was referred to consider farther of ways and means for raising the supply granted to his Majesty, the Resolutions which the Committee had directed him to report to the House; which he read in his place, and afterwards delivered in at the table, where the same were read and agreed to by the House, and are as followeth, viz.

That, towards raising the supply granted to his Majesty, the sum of eighteen millions be raised by annuities.

That every contributor to the said sum of eighteen millions shall, for every 100l. contributed and paid be entitled to the principal sum of 120l. in annuities, after the rate of 3l. *per centum*, to commence from the 5th day of July 1795, and to be added to, and made one joint stock with, the 3l. *per centum* annuities, consolidated by the acts of the 25th, 28th, 29th, 32d, and 33d years of the reign of his late Majesty King George the second, and by several subsequent acts, and to be payable and transferable at the bank of England, at the same time, and in the same manner, and subject to the like redemption, by parliament, as the said 3l. *per centum* consolidated annuities are payable and transferable there: that every contributor shall also be intitled to the farther principle sum of 25l. in annuities, after the rate of 3l. *per centum*, to commence from the 10th day of October 1795, and to be added to, and made one joint stock with certain annuities, after the rate of 3l. *per centum*, which were reduced from 4l. to 3l. *per centum per annum*, by an act, made the 23d year of the reign of his late Majesty, and to be payable and transferable at the bank of England, at the same time, and in the same manner, and subject to the like redemption by parliament, as the said 3l. *per centum* consolidated annuities are payable and transferable there: that every such contributor shall likewise be intitled to an annuity of six shillings and six-pence *per centum*, to commence from the 10th day of October 1795, and to continue for the term

of

of sixty-four years and a quarter, and then to cease, over and above the principal sums of 120*l.* after the rate of 3*l.* *per centum per annum*, and 25*lb.* after the like rate of 3*l.* *per centum per annum*, in respect of every 100*l.* to be contributed and paid towards raising the said sum of eighteen millions, which annuity of six shillings and six pence *per centum*, so to continue for sixty-four years and a quarter, shall be added to, and made one joint stock with, certain annuities payable at the bank of England, which were granted for the several terms of ninety-nine, ninety-eight, eighty, seventy-eight, seventy-seven years, seventy five years and an half, sixty-nine years and a quarter, sixty-six years and a quarter, and sixty-five years and a quarter, and were, by the act of the 4th, 20th, and 22^d years of the reign of his present Majesty, and by several subsequent Acts, consolidated and made one joint stock of annuities, and shall be paid, payable, and transferrable, at the same time, and in the same manner, as the said annuities, so consolidated by the Acts of the 4th, 20th, and 22^d years of the reign of his present Majesty, are payable and transferrable at the said bank of England: that the several annuities, after the rate of 3*l.* *per centum*, and six shillings and six pence *per centum*, so to be payable as aforesaid, shall be charged and chargeable upon, and payable out of, the consolidated fund: that every contributor shall, on or before the 10th day of this instant December, make a deposit of 10*l.* *per centum* on such sum as he or she shall chuse to subscribe towards raising the said sum of eighteen millions, with the chief cashier or cashiers of the governor and company of the bank of England, as a security for making the future payments on or before the days or times hereinafter mentioned: that is to say,

10*l.* *per centum* on or before the 22^d day of January 1796.

10*l.* *per centum* on or before the 18th day of March next.

10*l.* *per centum* on or before the 20th day of May next.

15*l.* *per centum* on or before the 22^d day of July next.

15*l.* *per centum* on or before the 9th day of September next.

15*l.* *per centum* on or before the 14th day of November next; and

15*l.* *per centum* on or before the 16th day of December next.

That all the monies, to be received by the said cashier or cashiers of the governor and company of the bank of England, shall be paid into the receipt of the Exchequer, to be applied, from time to time, to such services as shall then have been voted by this House, in the session of parliament: that every contributor, who shall pay in the whole of his or her contribution money, towards the said sum of eighteen millions, at any time on or before the 10th day of November 1796, shall be allowed an interest, by way of discount, after the rate of 3*l.* *per centum per annum*, on the sum so advanced for completing his or her contribution: that every contributor, to be computed from the day of completing the same to the 16th day of December 1796; and that every contributor, who shall pay in the whole of his or her contribution money

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money as aforesaid, at any time subsequent to the 10th day of December 1795, and previous to the 30th day of December 1795, shall be allowed an interest, by way of discount, after the rate of 3l. 5s. *per centum per annum* on the sum so completing his or her contribution respectively, to be computed from the day of completing the same to the 16th day of December 1796.

That, towards raising the supply granted to his Majesty, the several rates and duties on vellum, parchment, or paper, upon which any receipt, or the discharge for any legacy left by any will or other testamentary instrument, or for any share or part of a personal estate divided by force of the statute of distributions, or the custom of any province or place, shall be ingrossed, written, or printed (and which said duties were granted by several Acts of parliament made in the 20th, 23d, and 29th years of the reign of his present Majesty) shall cease and determine.

That towards raising the supply granted to his Majesty, a duty be charged upon every legacy, and upon every share or residue of the personal estate of any person dying and leaving such estate of the clear value of 100l. or upwards, which shall pass either by devise, or by force of the statute of distributions, or the custom of any province or place, to any of the kindred of the deceased in the several degrees hereinafter mentioned, according to the rates following, that is to say: where any legacy, or any share or residue of any such personal estate, shall pass to a brother or sister of the deceased, or to any the issue of a brother or sister of the deceased, there shall be charged a duty of 2l. for every hundred pounds of the value thereof, and after that rate for any greater or less sum or quantity: where any legacy, or any share or residue of any such personal estate, shall pass to a brother or sister of a parent of the deceased, or to any the issue of a brother or sister of a parent of the deceased, there shall be charged a duty of 3l. for every hundred pounds of the value thereof, and after that rate for any greater or less sum or quantity: and where any legacy, or any share or residue of any such personal estate, shall pass to any the issue of a brother or sister of a grandfather, or grandmother of the deceased, there shall be charged a duty of 4l. for every hundred pounds of the value thereof, and after that rate for any greater or less sum or quantity.

That, towards raising the supply granted to his Majesty, a duty of 6l. be charged for every hundred pounds of the value of any legacy, or any share or residue of the personal estate of any person dying and leaving such estate of the clear value of one hundred pounds, or upwards, which shall pass either by devise, or by force of the statute of distributions, or the custom of any province or place, to any person in any more distant degree of collateral consanguinity to the deceased, than is before charged, or any stranger in blood to the deceased, and after that rate for any greater or less sum or quantity.

That,

That, towards raising the supply granted to his Majesty, a duty be charged upon the clear value of any real estate that, upon the death of any person, shall descend, or pass by devise, or by force of any gift, grant, or conveyance, or by act or operation of law, to, or to the use of, or in trust for, any person or persons of the kindred of the deceased in the several degrees hereinafter mentioned (except purchasers for valuable consideration actually paid) in fee simple, for tail or for term of life or lives, according to the rates following, that is to say: where any such estate shall pass to a brother or sister of the deceased, or to any the issue of a brother or sister of the deceased, there shall be charged a duty of 2l. for every hundred pounds of the value thereof, and after that rate for any greater or less sum or quantity: where any such estate shall pass to a brother or sister of a parent of the deceased, or to any the issue of a brother or sister of a parent of the deceased, there shall be charged a duty of 3l. for every hundred pounds of the value thereof, and after that rate for any greater or less sum or quantity: and where any such estate shall pass to any the issue of a brother or sister of a grandfather or grandmother of the deceased, there shall be charged a duty of 4l. for every hundred pounds of the value thereof, and after that rate for any greater or less sum or quantity.

That, towards raising the supply granted to his Majesty, a duty of 6l. be charged for every hundred pounds of the clear value of any real estate that, upon the death of any person, shall descend, or pass by devise, or by force of any gift, grant, or conveyance, or by act or operation of law, to, or to the use of, or in trust for, any person or persons in any more distant degree of collateral consanguinity to the deceased than is before charged, or to any stranger in blood to the deceased (not being purchasers for valuable consideration actually paid) in fee simple, fee tail or for term of life or lives, and after that rate for any greater sum or quantity.

That, towards raising the supply granted to his Majesty, upon every assessment made, or to be made, for the year ending the 5th day of April, 1796, under, or by virtue of, any Act or Acts of parliament now in force, for, or in respect of, the several rates and duties under the management of the commissioners for the affairs of taxes, a farther additional duty shall be charged, after the rate of 10l. for every hundred pounds of the gross amount of all the said former duties charged by such assessment, to be computed for the half year ending the said 5th day of April 1796.

That, towards raising the supply granted to his Majesty, upon every assessment to be made after the 5th day of April 1796, under, or by virtue of, any Act or Acts of parliament now in force, for, or in respect of, the several rates and duties under the management of the commissioners for the affairs of taxes, a farther additional

additional duty shall be charged, after the rate of 10*l.* for every hundred pounds of the gross amount of all the said former duties charged by such assessment.

That, towards raising the supply granted to his Majesty, an additional excise duty of one shilling to be charged for every pound weight of tobacco, of the growth, production, or manufacture, or plantations, or dominions of Spain, Portugal, imported into Great Britain on or after the 7th day of December 1795.

That, towards raising the supply granted to his Majesty, an additional excise duty of one shilling be charged for every pound weight of the like tobacco, imported into Great Britain before the 7th day of December 1795, in any warehouse, according to the directions of an Act, made the 29th year of his present Majesty's reign, or of another Act, made the 31st year of the said reign.

That, towards raising the supply granted to his Majesty, an additional excise duty of one shilling be charged for every pound weight of the like tobacco, imported into Great Britain before the 7th day of December 1795, and which shall not actually have been deposited, lodged, and secured, before the said 7th day of December 1795, in any warehouse, according to the directions of an Act, made in the 29th year of his present Majesty's reign, or of another Act, made in the 31st year of the said reign.

That, towards raising the supply granted to his Majesty an additional excise duty of one shilling be charged for every pound weight of the like tobacco, which, on the 7th day of December 1795, shall be in any warehouse, in which the same shall have been deposited, lodged, and secured, according to the directions of an Act, made in the 29th year of his present Majesty's reign, or of another Act, made in the 31st year of the said reign, and which shall be delivered out of such warehouse for home trade, consumption, or manufacture.

That, towards raising the supply granted to his present Majesty, an additional excise duty of one penny be charged for every pound weight of the like tobacco, which, at any time from and after the 7th day of December 1795, shall be delivered for exportation out of the warehouse in which the same shall be deposited, lodged, and secured, according to the directions of the said Acts, or either of them.

That, towards raising the supply granted to his Majesty, an additional excise duty of four pence be charged for every pound weight of tobacco, of the growth or production of Ireland, or of the growth or production of his Majesty's colonies, plantations, or territories, in America, or of the United States of America, imported into Great Britain on or after the 7th day of December 1795.

That, towards raising the supply granted to his Majesty, an additional excise duty of fourpence be charged for every pound weight of the like tobacco, imported into Great Britain before the

the 7th day of December 1795, and which shall not actually have been deposited, lodged and secured, before the said 7th day of December 1795, in any warehouse according to the directions of the said acts, or either of them.

That, towards raising the supply granted to his Majesty, an additional excise duty of four pence be charged for every pound weight of the like tobacco, which, on the 7th day of December 1795, shall be in any warehouse in which the same shall have been deposited, lodged, and secured, according to the directions of the said acts, or either of them, and which shall be delivered out of such warehouse for home-trade consumption, or manufacture.

That, towards raising the supply granted to his Majesty, an additional excise duty of one shilling be charged for every pound weight of snuff which shall be imported into Great Britain by the United Company of Merchants of England, trading to the East Indies, on or after the 7th day of December 1795.

That, towards raising the supply granted to his Majesty, an additional excise duty of one shilling be charged for every pound weight of the like snuff, imported into Great Britain before the 7th day of December 1795, and which shall not actually have been deposited, lodged, secured, before the said 7th day of December 1795, in any warehouse, according to the directions of the said acts, or either of them.

That, towards raising the supply granted to his Majesty, an additional excise duty of one shilling be charged for every pound weight of the like snuff, which, on the 7th day of December 1795, shall be in any warehouse in which the same shall have been deposited, lodged, and secured, according to the directions of the said Acts, or either of them, and which shall be delivered out of such warehouse.

That, towards raising the supply granted to his Majesty, an additional excise duty of six pence be charged for every pound weight of snuff which shall be imported into Great Britain from any British plantation in America, or from the Spanish West-Indies, on or after the 7th day of December 1795.

That, towards raising the supply granted to his Majesty an additional excise duty of six pence be charged for every poundweight the like snuff imported into Great Britain before the 7th day of December 1795, and which shall not actually have been deposited, lodged, and secured, before the said seventh day of December 1795, in any warehouse, according to the directions of the said Acts, or either of them.

That, towards raising the supply granted to his Majesty an additional excise duty of six pence be charged for every pound weight of the like snuff which, on the 7th of December 1795, shall be in any warehouse in which the same shall have been deposited, lodged, and secured, according to the directions of the said Acts, or either of them, and which shall be delivered out of such warehouse.

That

That, towards raising the supply granted to his Majesty, an additional excise duty of seven pence be charged for every pound weight of snuff which shall be imported into Great Britain from any other place, on or after the 7th day of December 1795.

That, towards raising the supply granted to his Majesty, an additional excise duty of seven pence be charged for every pound weight of the like snuff imported into Great Britain before the 7th day of December 1795, and which shall not actually have been deposited, lodged, and secured, before the said seventh day of December 1795, in any warehouse, according to the directions of the said Acts, or either of them.

That, towards raising the supply granted to his Majesty, an additional excise duty of seven pence be charged for every pound weight of the like snuff, which, on the 7th day of December 1795, shall be in any warehouse in which the same shall have been deposited, lodged and secured, according to the directions of the said Acts, or either of them, and which shall be delivered out of such warehouse.

That, towards raising the supply granted to his Majesty, every person who shall keep, and use, any horse, mare, or gelding, for the purpose of riding, or for the purpose of drawing any coach, berlin, landau, chariot, calash, chaise, or any carriage, by whatsoever name such carriage is now, or hereafter may be, called or known (for or in respect whereof any rate or duty heretofore under the management of the Commissioners of Excise, and now transferred to and under the management of the Commissioners for the Affairs of Taxes, is payable) shall be charged with a further additional annual duty of ten shillings for each such horse, mare, or gelding.

That, towards raising the supply granted to his Majesty, every person who shall keep two horses, mares, or geldings, and no more, for the purpose of riding, or for the purpose of drawing any coach, berlin, landau, chariot, calash, chaise, or any other carriage, by whatsoever name such carriages now are, or hereafter may be, called or known, shall be charged with a further additional duty of five shillings for one of such horses, mares, or geldings.

That, towards raising the supply granted to his Majesty, every person who shall keep three, four, or five horses, mares, or geldings and no more, for the purpose of riding, or for the purpose of drawing any coach, berlin, landau, chariot, calash, chaise, or any other carriage by whatsoever name such carriages now are, or hereafter may be, called or known, shall be charged with a further additional duty of seven shillings and six pence for each horse, mare or gelding, exceeding the number of one.

That, towards raising the supply granted to his Majesty, every person who shall keep six or more horses, mares, or geldings, for the purpose of riding, or for the purpose of drawing, any coach, berlin, landau, chariot, calash, chaise, or any other carriage, by

whatsoever name such carriages now are, or hereafter may be, called or known, shall be charged with a farther additional annual duty of ten shillings for each horse, mare, or gelding, exceeding the number of one.

That, towards raising the supply granted to his Majesty, every person who shall keep any horse, mare, or gelding, not charged with any former rate or duty, or any colt or filley, or any mule, shall yield and pay annually a duty of two shillings for each such horse, mare, gelding, colt, filley, or mule.

That, towards raising the supply granted to his Majesty, the several duties on persons exercising the trade and business of an horse dealer, and who shall take out a license to use and exercise the trade and business of an horse dealer, imposed by an act of the 24th year of the reign of his present majesty, shall cease and determine.

That, towards raising the supply granted to his Majesty, every person exercising the trade or business of an horse dealer within the city of London, or the city or liberties of Westminster, the weekly bills of mortality, the parishes of Saint Mary le bone or Saint Pancras, in the county of Middlesex, or the Borough of Southwark, in the county of Surrey, and who shall take out a license to use and exercise the said trade and business of an horse dealer, shall yield and pay annually the sum of 20l.

That, towards raising the supply granted to his Majesty, every person exercising the trade and business of an horse dealer without the city of London, and city and liberties of Westminster, the weekly bills of mortality, the parishes of Saint Mary le bone and Saint Pancras, in the county of Middlesex, and the Borough of Southwark, in the county of Surrey, and who shall take out a license to use and exercise the said trade and business of an horse dealer shall yield and pay annually the sum of 10l.

That, towards raising the supply granted to his Majesty an additional excise duty of one penny farthing be charged for every yard square of paper which shall be printed, painted or stained, in Great Britain, to serve for hangings or other uses (over and above the duties payable for such paper before the printing, painting, or staining thereof) and so in proportion for any greater or lesser quantity.

That, towards raising the supply granted to his Majesty, an additional excise duty of five pence be charged for every yard in length, reckoning yard wide, of foreign callicoe and of foreign muslin, which shall be printed, stained, painted, or dyed, in Great Britain (except such as shall be dyed throughout of one colour only) and so in proportion for any greater or lesser quantity.

That, towards raising the supply granted to his Majesty, an additional excise duty of two pence half penny be charged for every yard in length, reckoning yard wide, of all linens, and of all stuffs made either of cotton or linen, mixed with other materials, stuffians, velvets, velverets, dimities, and other figured stuffs, made

made of cotton and other materials, mixed, or wholly made of cotton wool wove in Great Britain, which shall be printed, stained, painted, or dyed, in Great Britain (except such as shall be dyed throughout of one colour only, and stuffs made of woollen, or whereof the greatest part in value shall be woollen) and so in proportion for any greater or lesser quantity.

That, towards raising the supply granted to his Majesty, an additional excise duty of two pence half-penny be charged for every yard in length, reckoning yard wide, of stuffs wholly made of cotton wool, wove in Great Britain, commonly called British manufactory, and of British muslins, which shall be printed, stained, painted, or dyed, in Great Britain, (except such as shall be dyed throughout of one colour only) and so in proportion for any greater or lesser quantity.

That, towards raising the supply granted to his Majesty, the allowance for waste on white and rock felt, carried coatwise, be discontinued.

That, towards raising the supply granted to his Majesty, the time allowed by law for the payment of the duties on salt be reduced as follows; that is to say, on white salt to three months, on rock salt to four months, and on foreign salt imported into Great Britain to two months, and the present rate of discount be allowed accordingly.

That, towards raising the supply granted to his Majesty, four shillings, part of the drawback now allowed on the exportation of every hundred weight of sugar exported, in the same state in which it was imported, be no longer paid or allowed.

That, towards raising the supply granted to his Majesty, four shillings, part of the drawback now allowed on the exportation of any refined sugar called bastards, and ground or powdered sugar, and refined loaf sugar broken in pieces, and all sugar called candy, be no longer paid or allowed.

That, towards raising the supply granted to his Majesty, seven shillings, part of the drawback now allowed on the exportation of every hundred weight of any other refined sugar, be no longer paid or allowed.

Ordered,

That a bill, or bills, be brought in upon the said resolutions; and that Mr. Chancellor Pitt, the Earl of Mornington, Mr. Hopkins, Mr. John Smyth, Mr. Attorney General, Mr. Solicitor General, Mr. Rolfe, Mr. Charles Long, and Mr. Hobart, do prepare, and bring in, the same.

SECOND REPORT

FROM THE

COMMITTEE,

Appointed to enquire who was the Author
of the Pamphlet,

INTITULED

“ *Thoughts on the English Government,*”

&c. &c.

THE COMMITTEE appointed to enquire who was the Author of the Pamphlet, intituled, “ *Thoughts on the English Government*—addressed to the Quiet Good Sense of the People of England; in a Series of Letters—Letter the First, on the *National Character of Englishmen*—*The Nature of the English Government*—*the Corruptions caused in both by the Introduction of French Principles*—*The Effects produced by the Reformation and the Revolution upon Political Principles*—*The Conduct of the Whig Party*—*The Character of the modern Democrats*—London, Printed by J. Owen, No. 168, Piccadilly—1795;” and who were empowered to report their Proceedings, from Time to Time, to the House; have further enquired into the matter to them referred, and agreed upon the following Report.

MR. JOHN OWEN being examined, was asked, Whether he persisted in his Refusal to give up the Author of the Pamphlet, intituled, “ *Thoughts on the English Government, &c.*,” he replied, he felt it his duty, not to give up the Author, Then,

Mr. Thomas Wright was also examined, and being asked, Whether he had not acted as Secretary of the Association at the Crown and Anchor Tavern? he replied, No.

expressing a desire to give information on the subject of the society, which he conceived would illustrate his former evidence; he produced a book, containing their publications, intituled,

intituled, " Association Papers;" which, at the desire of the Committee, he delivered in.

And being shewn the name of J. Moore, secretary, sigted to the first Association, and declaration, and resolutions of the society, on the 20th of November, 1792; and the N. B. which followed; viz. " All letters and communications are requested to be addressed to the secretary at this place;" he was asked, Whether he knew the said secretary, J. Moore? he answered, That J. Moore was a man *in nubibus*; he explained, by stating that he J. Moore, was merely a fictitious name; that no such person existed, as secretary to the society; and that he knew it at the time he printed their proceedings, but that the name had not been continued after a few meetings.

On being shewn the proceedings of the society on the two next meetings, of the 24th and 29th of November, he admitted the signature of J. Moore was the same fictitious name.

And being asked, whether there were any fictitious names among the list of the Committee, published in the proceedings of the 29th of November; he said, he was sure there were none.

And being asked, whether the Committee knew that their signing secretary was a fictitious name; he answered, No one but Mr. Reeves.—With regard to the means of circulation of the society, he said they were very extensive: He believed the correspondence with Mr. Reeves from other associations would make fourteen volumes bound.

And being asked, to whom he returned the manuscript of the pamphlet, intituled, " Thoughts on the English Government, &c.?" he answered, to Mr. Reeves, from whom he had received it.

Mr. Andrew Wilson being examined, said, that he had been printer of the news-paper called " The True Briton," and had frequent opportunities of seeing Mr. Reeves write for that paper.

And upon being shewn the proof sheets of the pamphlet, intituled, " Thoughts on the English Government, &c." as delivered in to the Committee on a former day by Mr. Jones, he was asked, whether he knew the hand-writing contained in the said proof sheets, and the separate paper thereto annexed? he replied, to the best of his knowledge, they were the hand-writing of Mr. Reeves.

At the request of Mr. Wright, he was again called in; and permitted to add to his evidence, as follows:

That it was at his suggestion originally that the fictitious name of J. Moore was adopted by Mr. Reeves *pro tempore*, as it might be afterwards dropped; and at the meeting of the 30th of November, he mentioned the circumstance to the Committee, who resolved that the name should be dropt.

And being asked, why the resolution does not appear on the proceedings of that day? he answered, because it was considered merely as a private resolution.

PROCEEDINGS
OF THE
House of Commons,
RESPECTING THE
HIGH PRICE OF CORN,

Veneris, 11^o die Decembris, 1795.

RESOLUTION.

RESOLVED, Nemine Contradicente,

THAT, in consequence of the high price and deficient supply of wheat, it is expedient to adopt such measures as may be practicable for diminishing the consumption thereof, during the continuance of the present pressure, and for introducing the use of such articles as may conveniently be substituted in the place thereof.

AGREEMENT.

We, the undersigned, impressed with a sense of the evils which may be experienced by his Majesty's subjects, in consequence of the deficient supply of wheat, unless timely and effectual measures are taken to reduce the consumption thereof, within such limits as may prevent the pressure of actual scarcity previous to the next harvest, and may secure, as far as possible, the necessary subsistence of the people of this kingdom, until it shall please Divine Providence to restore the blessing of general plenty; do hereby, jointly and severally, pledge ourselves, in the most solemn manner, to execute and maintain, to the utmost of our power, the following RESOLUTIONS; and also most earnestly to recommend the same to be adopted in our respective neighbourhoods.

We will reduce the consumption of wheat in our families, by at least one-third of the usual quantity consumed in ordinary times.

In order to effect this reduction, either we will limit to that extent the quantity of fine wheaten bread used by each individual in our families; or we will consume therein only mixed bread, of which not more than two-thirds shall be made of wheat; or we will consume only a proportional quantity of mixed bread, of which

which more than two-thirds is made of wheat; or a proportional quantity of bread made of wheat alone, from which no more than five pounds weight of bran *per* bushel is excluded: and we will also (if it shall be necessary for the purpose of this engagement) prohibit in our families the use of wheaten flour in pastry, and diminish, as much as possible, the use thereof in other articles than bread.

By some one or more of these measures, or by any other which may be found equally effectual, and more expedient and practicable, in our respective situations, we will, to the utmost of our power, ensure the reduction above-mentioned, of at least one-third of the quantity of wheat usually consumed in our families in ordinary times.

This engagement shall remain in force until fourteen days after the commencement of the next session of parliament, unless the average price of wheat in the whole kingdom shall be reduced, before that time, to eight shillings *per* Winchester bushel: And we do earnestly recommend to our fellow subjects to adopt and strictly to adhere to the same.

ORDERED,

That the said agreement be ingrossed on a roll of parchment, with distinction for the counties and places therein, according to the roll for subscribing the test; and that the agreement be left at the office of the Clerk of the Journals of this House, in order to be subscribed by such members of this House as chuse to sign the same themselves, or who shall signify their desire to any other member of this house, or to the clerk of the journals, to subscribe the same for them.

An ACCOUNT of all Sums of Money that have been issued by the Barrack Master General, &c. for the Erection of BARRACKS in Great Britain; specifying the Places in which such Barracks have been erected, and the Sums expended upon each, and for providing Bedding, Furniture, and Utensils for the same, from the 1st Day of January 1790 to the 1st December 1795: Together with an Account of all Sums of Money due upon the same Account, and also an Estimate for the Sums necessary for completing such Barracks as are now Building.

BARRACKS.		Amount paid for Building Barracks prior to 1st Dec. 1795.	Sums due, as per Accounts in the Barrack Master General's Office, and by Reports of the Surveyors.	Sums that will probably be wanting to complete the said Barracks, as per Estimates of the Surveyor.
Aberdeen	On Account of erecting Barracks for Officers and Men, with the necessary Guard Houses, Hospitals, Store Rooms, and other Buildings requisite for the Accommodation of Infantry, with Charge for Boundary Walls, levelling Ground, forming Parades, Roads, &c.	7,550	5,800	3,505
Ayr	Do ——— Do ——— Do	3,110	1,510	5,538
Barnstable	On Account of erecting Barracks for Officers and Men, and Stables for Horses, with the necessary Guard House, Infirmary, Hay Sheds, &c.			

BARRACKS	On Account of erecting Barracks for Officers and Men, and Stables for Horses, with the necessary Guard Houses, Infirmeries, Hay Sheds, Forges, Store Rooms, and other Buildings requisite for the Accommodation of Cavalry, with Charges for Boundary Walls, levelling Ground, forming Parades, Roads, &c.	Amount paid for Building Barracks prior to 1st Dec. 1795.	Sums due, as per Account in the Barrack-Master General's Office, and by Reports of the Surveyors.	Sums that will probably be wanting to complete the said Barracks, as per estimates of the Surveyor.
Northampton	—	10,750	2,402	836
Nottingham	D ^o —	9,667	1,534	560
Foschetter	D ^o —	10,560	643	560
Perth	D ^o —	9,203	6,170	1,755
Romford	D ^o —	21,970	10,218	1,609
Sheffield	D ^o —	5,760	1,513	353
Southampton	D ^o —	5,144	1,841	538
Sunderland	D ^o —	12,742	2,040	1,127
Taunton	D ^o —	2,500	1,870	3,280
Totnefs	D ^o —	5,144	1,976	545
Trowbridge	D ^o —	4,394	2,526	540
Wareham	D ^o —	5,144	1,986	546
Weymouth	D ^o —	3,500	1,695	2,370

What for Year	D ^o	D ^o	D ^o	D ^o	12,152
	D ^o	D ^o	D ^o	D ^o	2,453
	7,500	12,000	10,530	10,000	
	457,277	170,485			107,188

Paid for the Purchase of Land, &c. for the Purpose of erecting Barracks thereon
 Paid on Account of Bedding for the above Barracks,
 Paid on Account of Furniture and Utensils for D^o
 Estimate of the Sum necessary to complete Furniture and Utensils

	£.
29,053	
28,530	
45,210	
13,055	

OL. DE LANCEY,
 Barrack Master General.

An ACCOUNT of all Sums of Money that have been issued by the Barrack Master General, for the Erecting and fitting TEMPORARY BARRACKS in Great Britain: Specifying the Places in which such Barracks have been erected and fitted, the Sums expended and due for the same, and also for Rents, Bedding, Furniture, Utensils, Forage, Beer, Coals, Candles, Wood, &c. for the Troops stationed in the said Barracks, from the 1st Day of January 1790 to the 1st Day of December 1795.

BARRACKS.	To Contain.		Amount paid for building and fitting Temporary Barracks.	Sums due as per Acc. in the Barrack Mas. Gen. Office, and by the Reports of Surveyors.
	Men.	Horses.		
<i>CAVALRY.</i>				
Brighton Cantonments -	—	460		
Canterbury - - -	84	84	1200 0 0	
Chester Le Street - -	—	68	100 0 4	95 0 0
Guildford - - - -	289	289	7685 0 0	
Morpeth - - - - -	106	80	200 0 0	126 0 0
Newcastle - - - -	320	350	1170 0 0	1087 0 0
Plymouth Dock - - -	—	40		
Ipswich - - - - -	61	61	900 0 0	
Windsor - - - - -	240	240	602 0 0	
<i>INFANTRY.</i>				
Blatchington - - -	634	—	4000 0 0	
Bishop Wearmouth - -	954	—	342 0 0	79 0 0
Bopeep - - - - -	119			
Botley - - - - -	496			
Bucklands - - - -	504			
Barnack - - - - -	40			
Canterbury - - - -	3629	1134		
Christchurch - - - -	450			
Cleadon - - - - -	210	—	105 0 0	11 0 0
Deal - - - - -	300	—	312 0 0	
Dover - - - - -	220			
Dungeness - - - -	420			
Eastbourne - - - -	423			
Exeter - - - - -			119 0 0	
For the Accommodation of the Essex Fencible Cavalry.				
Eling - - - - -	654	—	480 0 0	
Fareham and Alverstoke	1643	—	1072 0 0	
Fullwell - - - - -	172	—	37 0 0	42 0 0
Carried forward -	—	—	18324 0 0	1440 0 0

BARRACKS.	To contain.		Amount paid for building and fitting Temporary Barracks.	Sums due as per Acc. in the Barrack Master Genl. Office, and by the Reports of the Surveyors.
	Men.	Horses.		
Brought forward	—	—	18324 0 0	1440 0 0
Goipport - - -	312			
Harlow Bush - - -	For the Accommodation of Essex Fenc. Cavalry.		444 0 0	
Hamble - - -	488	—	420 0 0	
Harton - - -	150	—	69 0 0	6 0 0
Hastings - - -	300			
Hythe - - -	240			
Hampton Court - - -	160	160	1049 0 0	
Isle of Wight - - -	2654	—	4112 0 0	
Irons Hill - - -	696	—	150 0 0	
Little-hampton - - -	189			
Lymington - - -	2196	—	1221 0 0	
Lydburft - - -	1496	—	410 0 0	
Langney Point - - -	120			
Moor Wearmouth	980	—	246 0 0	206 0 0
Netley - - -	586	—	453 0 0	
Norwich - - -	4000	—	4000 0 0	2894 0 0
Porle - - -	4000	—	4513 0 0	
Portsea - - -	1000	—	3000 0 0	2000 0 0
Pennington - - -	498			
Ringwood - - -	1550	—	1111 0 0	
Romley - - -	1322	—	1146 0 0	
Rye - - -	256			
Shorcham - - -	101			
Shorncliffe - - -	480			
Southampton - - -	496	—	243 0 0	
Southwick S ^o - - -	101			
Southwick N ^o - - -	214	—	115 0 0	
Stoke - - -	50			
Sunderland - - -	1860	—	815 0 0	22 0 0
Trattles - - -	88			
Tynemouth Castle	660	—	917 0 0	923 0 0
Weston - - -	300	—	248 0 0	
Westoe - - -	176	—	78 0 9	2 0 0
Weymouth - - -	880	—	939 0 0	
Whitburne - - -	498	—	271 0 0	26 0 0
Winchelsea - - -	193			
Winchelsea - - -	722	—	1217 0 0	
Woodville - - -	378			
Yarmouth - - -	1600	—	2797 0 0	1200 0 0
		£.	43608 0 0	8719 0 0

	£.	s.	d.
Paid on Account of Erecting and fitting Temporary Barracks as <i>per</i> Statement —	48,608	0	0
Sums due to complete the same, as <i>per</i> Statement	8,719	0	0
Paid for Rents — — —	16,806	0	0
Paid on Account of Bedding for the above Barracks — — —	40,743	0	0
Paid on Account of Furniture and Utensils, do.	12,492	0	0
Paid for Forage, Beer, Coals, Candles, and Wood — — —	79,008	0	0
Paid Lodging Money for Officers, where Accommodation could not be provided in Temporary Barracks — — —	2,582	0	0
Paid Superintendants and Barrack Masters on Account, for the Supply of Coals, Candles Wood, Rents, &c. &c. the Accounts for which are not yet delivered — —	34,514	0	0
	£.		
	243,472	0	0

OL. DE LANCY,

Barrack Master General.

ACCOUNT

ACCOUNT of all Sums of Money that have been issued for the Erection of BARRACKS, by the Barrack Matter General, in Guernsey and Jersey; specifying the Places at which such Barracks have been erected, and the Sums expended upon each, and for providing Bedding, Furniture, and Utensils for the same, from 1st January, 1790 to 1st December 1795.

BARRACK.	GUERNSEY.	AMOUNT.
Moulin du Mont	Paid on Account of erecting Barracks for Officers and Men, with the necessary Guard Houses, Store Rooms, and other buildings requisite for the Accommodation of Infantry -	9,630 0 0
L'Hivereuse	D ^o - D ^o - D ^o - - -	8,287 0 0
D ^o	D ^o - D ^o - D ^o - - -	2,280 0 0
Le Homet	D ^o - D ^o - D ^o - - -	960 0 0
	D ^o Fitting Temporary D ^o - - -	247 0 0
	Paid on Account of Bedding for the above Barracks	6,240 0 0
	D ^o - Furniture and Utensils for D ^o - - -	2,652 0 0
	D ^o - for the Purchase of Land &c. for the purpose of erecting Barracks thereon -	4,030 0 0
JERSEY.		
St. Owen's Bay	Paid on account of erecting Barracks for Officers and Men, with the necessary Guard Houses, Store Rooms, and other Buildings requisite for the Accommodation of Infantry -	7,865 0 0
Grouville Bay	D ^o - D ^o - D ^o - - -	6,481 0 0
	D ^o Fitting Temporary D ^o - - -	5,489 0 0
	Paid on Account of Bedding for the above Barracks - - -	7,886 0 0
	D ^o - Furniture and Utensils for D ^o - - -	1,629 0 0
	D ^o for the Purchase of Land, &c. for the Purpose of erecting Barracks thereon - - -	478 0 0
		£. 54,154 0 0
	OL: DE LANCEY,	
	Barrack Matter General.	

An Account of the Number and Names of all BARRACK MASTERS, with their respective Salaries and Emoluments, which have been appointed to superintend the several Barracks built, or intended to be built, in *Great Britain, Jersey, and Guernsey*, under the Direction of the Barrack Master General, from 1st January, 1790, to 1st December, 1795.

BARRACKS.	BARRACK MASTERS.	SALARIES.
Ayr	Hugh Fergusson	10s. <i>per Diem.</i>
Aberdeen	George Symmer	10s. D ^o
Barnstaple	James Basseigh	5s. D ^o
Birmingham	John Brooke	10s. D ^o
Blatchington	Thomas Harben	£. 109. 10s. <i>per Annum.</i>
Bridport	J. N. Teed	5s. <i>per Diem.</i>
Brighton	William Randall	10s. D ^o
Bevely	James Galbreath	5s. D ^o intended to be built.
Canterbury	John Lauzun	10s. D ^o
Chelmsford	Val. Massey	5s. D ^o
Christchurch	M. Pike	5s. D ^o
Colchester	Ben. Craven	10s. D ^o
Coventry	George Lott	10s. D ^o
Croydon	Charles Tufnell	10s. D ^o
Dorchester	Henry Tooze	10s. D ^o
Dundee	William Douglas	10s. D ^o
East-Burne	Charles Dixon	5s. D ^o
Exeter	Thomas Edwards	10s. D ^o
Edinbro'	Thomas Colhoun	10s. D ^o
Guildford	Thomas Boughton	10s. D ^o
	Morris Robinson	
	<i>vice</i>	
	Boughton.	
Glasgow	Richard Marshall	10s. D ^o
Guernsey	Joseph Allicocke	5s. D ^o
Hounslow	Thomas Thompson	10s. D ^o
	R. W. Winchester	10s. D ^o
	<i>vice</i>	
	Thompson	
Hyde Park	John Piper	10s. D ^o
Hamilton	Stephen Lockart	10s. D ^o
Ipswich	James Pierce	10s. D ^o
Jersey	Stephen Watts	5s. D ^o
Lincoln	John Parsons	10s. D ^o discontinued.
Manchester	William Farmer	10s. D ^o
Montrose	Alex. Turnbull	10s. D ^o intended to be built.
Modbury	William Thorne	5s. D ^o
	George Loving	5s. D ^o
	<i>vice</i>	
	Thorne.	

BARRACKS.

BARRACKS.	BARRACK MASTERS.	SALARIES.
Norwich	Robert Suckling	10s. <i>per Diem.</i>
Northampton	Francis Osborn	10s. D ^o .
	Samuel Knollis	10s. D ^o
	<i>vice</i> Osborn.	
Nottingham	George Cartwright	10s. D ^o
Porchester	Allan M ^c Kenzie	4s. D ^o acting.
Romford	George Wade	10s. D ^o
Saxmundham	Francis Mowatt	5s. D ^o discontinued.
Sheffield	William Gibson	10s. D ^o
Southampton	W. A. Brandreth	5s. D ^o
Sunderland	John Dickson	10s. D ^o
Shrewsbury	George Young	10s. D ^o discontinued.
Taunton	Edward Foy	5s. D ^o
Totness	William Adams	5s. D ^o
	William Thorne	5s. D ^o
	<i>vice</i> Adams.	
Trowbridge	Morris Robinson	5s. D ^o
	H. Johnstone	5s. D ^o
	<i>vice</i> Robinson.	
Wareham	Thomas Morris	5s. D ^o
	Samuel Moore	5s. D ^o
	<i>vice</i> Morris.	
Winchester	William Lewis	10s. D ^o
Weymouth	Thomas Rodber	5s. D ^o
York	J. H. Cruger	10s. D ^o

Several of the above Barrack Masters being not yet provided with Accommodation in their respective Barracks, are allowed Lodging Money not exceeding £. 30. *per Annum*, with One Room's allowance of Coals and Candles in the proportions issued in Barracks : but no Fee or Emolument.

OL. DE LANCEY,

Barrack Master General.

An ACCOUNT of all Sums of Money that have been issued by the Board of Ordnance for the Erection of BARRACKS in Great Britain, Jersey, and Guernsey; specifying the places in which such Barracks have been erected, and the Sums expended upon each, and for providing Bedding, Furniture, and Utensils for the same, from 1st January 1790 to the 1st Day of December 1795; together with an Account of all Sums of Money due upon the same Account:—
 And also, An ESTIMATE of all Sums necessary for completing such Barracks as are now building, or intended to be built:—Also, The Number and Names of all Barrack Masters, and other Officers, with their respective Salaries and Emoluments, which have been appointed to superintend the said several Barracks, built and intended to be built:

Prepared pursuant to Two Orders of the Hon. the HOUSE of COMMONS, 4th December 1795.—*Viz.*

NEW BARRACKS erected.	£. s. d.
Island of Jersey—Barrack with a Storehouse	5,879 18 11
Woolwich - - Barracks and Officers Quarters, Hospital, Stables, and other Buildings	53,191 16 8
Bedding, Furniture, and Utensils for the said Barracks	3,523 15 10
	<u>£ 62,595 11 5</u>
<hr/>	
ESTIMATE of Sums necessary for completing such Barracks as are now building or intended to be built, viz.	
At Woolwich	15,086 15 8
In Edinburgh Castle	10,179 0 0
In Portsmouth Garrison	7,677 17 3
	<u>£ 32,943 12 1</u>
	There

	£.	s.	d.
There has also been expended on account of Temporary Barracks atundry places on the Coasts of Kent, Suffex, and Hampshire	31,135	10	9
Bedding and Utensils for the said Barracks	16,187	2	2
	£. 47,322	12	11

Thomas Harbin, Barrack Master at the Temporary Barracks, at Blachington and Seaford, at £. 109 10s. *per Annum*, has been paid by the Ordnance to 31st March 1795.

W. HOWE.

A. ROSS.

THO. BAILLIE.

Office of Ordnance,
5th February 1796.

An ACCOUNT of the Number and Names of the several OFFICERS, with their respective Salaries, who have been appointed to superintend the several Barracks, built or intended to be built, in *Great Britain, Jersey, and Guernsey*, since 1st January, 1790, to 1st December, 1795.

BARRACK MASTER GENERAL.

Major General De Lancey 40s. *per day* on the establishment, and 40s. extra, with his actual expences for contingencies and on account of travelling; but no fees or emolument on the receipt or expenditure of money.

DEPUTY Barrack Master General.

Lieut. Col. Tayler 20s. *per day*, with his actual expences on account of contingencies and travelling; but no fees or emolument on the receipt or expenditure of money.

ACCOUNTANT.

John Stanbank, Esq. £. 347 *per Ann.*; but no fees or emolument on the receipt or expenditure of money.

ASSISTANT Barrack Master General for the Superintendance of all Supplies of Barrack Stores.

Frederick Mac Kenzie, Esq. £. 300 *per Ann.*; but no fees or emolument on the receipt or expenditure of money.

ASSISTANT Barrack Master General for Visiting and Inspecting Barracks.

John Stapleton, Esq. 15s. *per day*, and his travelling expences; but no fees or emolument.

ASSISTANTS to the Barrack Master General for the present Service of the Department.

Oliver Barberie, John Foster Hill, Charles M'Pherson, Esq. at 10s. *per day* each, with their travelling expences; but no fees or emolument.

OFFICERS appointed to superintend and inspect the Established and Temporary Barracks in the several parts of England, Guernsey, &c.

Major William Lewis, Col. J. H. Cruger, Capt. John De Lancey, Lieut. Col. Benson, Edmund Andrews, Esq. at 10s. *per day* each, with their travelling expences; but no fees or emolument.

BUILDING.

BUILDING.

ASSISTANT Barrack Master General for conducting the Building Branch of the Barrack Department.

Henry Castleman, Esq. 10s. *per day*, and his travelling expences ; but no fees or emolument.

ARCHITECT and SURVEYOR.

James Johnson, Esq. 20s. *per day*, and 20s. extra when on duty in the country, and his travelling expences.

ASSISTANTS to Architect and Surveyor.

Mr. William Latimer 10s. *per day*, and 10s. extra when on duty in the country, and his travelling expences.

Mr. Rice £. 100 *per Ann.*

NORTH BRITAIN.

ASSISTANT Barrack Master General for conducting the Business of the Department in Scotland.

Col. Alexander Baillie £. 300 *per Ann.* and his travelling expences, with an allowance of £. 50 *per Ann.* for rent of an Office, with coals and candles for the same ; but no fees or emolument on the receipt or expenditure of money.

ASSISTANT.

Capt. David Robertson 10s. *per day*, and his travelling expences ; but no fees or emolument.

ARCHITECT and SURVEYOR.

John Sanders, Esq. 10s. *per day*, and 10s. extra when on duty in the country, and his travelling expences.

OL. DE LANCEY.

Barrack Master General.

FURTHER

FURTHER REPORT

FROM THE

COMMITTEE,

Appointed to enquire who was the Author
of the Pamphlet,

INTITULED

“ *Thoughts on the English Government,*”
&c. &c.

THE COMMITTEE appointed to enquire who was the Author of the Pamphlet, intituled, “ *Thoughts on the English Government*—addressed to the Quiet Good Sense of the People of England; in a Series of Letters--- Letter the First, on the *National Character of Englishmen* ---*The Nature of the English Government*---*the Corruptions caused in both by the Introduction of French Principles*---*The Effects produced by the Reformation and the Revolution upon Political Principles*---*The Conduct of the Whig Party*---*The Character of the modern Democrats*---London, Printed by J. Owen, No. 168, Piccadilly---1795;” and who were empowered to report their Proceedings, from Time to Time, to the House; have pursuant to the Order of the House, enquired into the matter to them referred, and agreed upon the following Report.

MR. JOHN OWEN being examined, said, That he is a bookseller, and lives in Piccadilly.

And being asked, if he knew a publication, intituled, “ *Thoughts on the English government?*” he replied, Yes; his name was signed to it.

After this declaration, Mr. Owen declined giving any further information to your Committee, on the plea that it might tend to criminate himself.

And being finally asked, whether he persisted in refusing to answer any questions the Committee might put to him? he replied, Yes.

Mr.

Mr. John Lake being examined, said, that he knows Mr. Wright, the printer, in Peterborough Court, as also Mr. Street and Mr. Stump.

And being asked, whether he ever heard these persons speak of a pamphlet, intitled, "Thoughts on the English Government?" he said, he had

And being asked, whether he ever heard them speak of the author of the pamphlet? he said, Yes; and that he heard Mr. M'Dowall's brother acknowledge that he composed the press for the pamphlet, particularly those parts which have been deemed libelous by the House of Commons; and also that Mr. Reeves had been backwards and forwards at the office, and the pamphlet was commonly known throughout the office by the name of Mr. Reeves's pamphlet. That Mr. Wright, the printer, was commissioned by Mr. Reeves to get a person to publish the said pamphlet; and in consequence Mr. Wright applied to several booksellers, who refused to publish it, Mr. Wright refusing to give up the author; and Mr. Owen, in Piccadilly, undertook to publish it, and Mr. Wright's porter delivered it, by the name of Mr. Reeves's pamphlet, to Mr. Owen; and the witness thinks Mr. M'Dowall's brother said, that Mr. Reeves made some interlineations at his frame, while composing, and that Mr. Reeves generally corrected the press.

Mr. Charles M'Dowall being examined, said, that he is compositor to Mr. Wright. That he recollects the pamphlet, intitled, "Thoughts on the English Government," being printed at his office.

And being asked, whether the press was corrected during the printing of the pamphlet from the manuscript sheets? he said, it was.

And being asked, what persons he saw superintending the press, and correcting the proofs? he replied, No one, but Mr. Reeves.

And being asked, if he knew Mr. Reeves by sight? he said, Yes; he lives in Cecil-street.

And being asked, whether he saw Mr. Reeves frequently during the printing of the pamphlet, superintending the work? he said, yes.

And being asked, if he ever saw Mr. Reeves write on or correct any of the proofs? he said, he was not certain.

And being asked, whether he ever spoke to Mr. Reeves at Mr. Wright's? he said, yes; frequently.

And being asked, whether Mr. Reeves's conduct at Mr. Wright's was such as to lead the witness to believe him to be the author of the pamphlet? he replied, yes.

And being asked, whether he knew the hand-writing of Mr. Reeves? he said, yes; the hand-writing that goes for his.

And being asked, was the hand-writing of this pamphlet, in his opinion, the same as the hand-writing that goes for Mr. Reeves's? he said, yes.

William Augustus Miles, Esquire, being examined, was asked, whether he has any, and what reason, to know who is the author of the pamphlet, intituled, "Thoughts on the English Government?" he said, yes. In the first instance, from Mr. Owen's having presented it to him as Mr. Reeves's pamphlet; and in the course of a few hours afterwards, meeting Mr. Reeves turning out of the treasury, he (the witness) informed him, that he had received a pamphlet written by him. Mr. Reeves asked him the title. He told him.-- Mr. Reeves then enquired, if John Owen had informed him, that he (Mr. Reeves) was the author. From delicacy to the bookseller, he said, no; but the secret was revealed by a printer's man, who, by Mr. Owen's declaration, he understood to be Mr. Wight's man. Mr. Reeves then earnestly recommended him to read the pamphlet; and to the best of his recollection, Mr. Reeves desired him to let him know what he thought of it. That the witness, on his return, read it, and found the following passage:

"In fine, the government of England is a monarchy; the monarchy is the ancient stock from which have sprung those goodly branches of the legislature, the Lords and Commons, that at the same time give ornament to the tree, and afford shelter to those who seek protection under it. But these are still only branches, and derive their origin and their nutriment from their common parent; they may be lopped off, and the tree is a tree still; shorn indeed of its honours, but not like them cast into the fire. The Kingly government may go on, in all its functions, without Lords or Commons," so repugnant to the principles of the Revolution of 1688, that the witness immediately sent a transcript of it to the Chancellor of the Exchequer, accompanied by a letter; and on the morning following the witness wrote a letter to Mr. Reeves; a copy of which letter was delivered in to the Committee, and read, the witness requesting it might stand as part of his examination; and is as follows:

"Pall Mall, November 6, 1795.

"I have read your pamphlet, Sir, with equal attention and concern; with attention, because you recommended it strongly to my perusal, and with concern, because I was hurt that any man, acquainted with the principles of the English constitution, should have the indiscretion or effrontery to misrepresent them in a manner so very gross and unpardonable.—Such writings tend to bring monarchy much more into disrepute than the harangues of Mr. Thelwall and Co.; and monarchy in this country does not require to be sustained by trick and contrivance; it has the support of reason, policy, and experience. The nonsense and falsehoods of writers, who only prove their ignorance or servility, will endanger it; and if my advice should be asked, I would seriously recommend you to defend the excellencies of our constitution by its excellencies---for they plead far more eloquently in his favour, than either your writings or those

“ those of Mr. Burke. The misfortune is, that you confound the
 “ abuses of government with the government itself; and having
 “ by far a much greater and more decided interest in the prefer-
 “ vation of the one than of the other, your anxiety for the latter
 “ is merely a contingency on the former, and becomes a mere se-
 “ condary consideration. I will tell you very candidly, that I
 “ thought you were going greater lengths than either facts or
 “ policy warranted, in November 1792; and I am inclined to
 “ believe, that your present labours are more likely to do mischief
 “ than good. What you have said in pages 12 and 13, would,
 “ in the reign of George the First, have sent you to the pillory;
 “ and if ministers discharge their duty, they must discourage the
 “ publication in question---for it is no less inbumbent on them to
 “ discountenance attacks on the constitution from one description
 “ of men than from another. Whether it is assailed by the intem-
 “ perate zeal of Royalists or Republicans, it ought to be defended;
 “ for it has equal danger to apprehend from the extravagant
 “ pretensions of the one and the rancorous animosity of the
 “ other, and as an individual interested in its preservation, I will
 “ oppose, *coute qu’il coute*, and innovation on the part of the
 “ Crown, as vehemently as I would on the part of Democracy;
 “ and if you held the blessings of a free constitution in as much
 “ reverence, and the smiles of Lord Hawkebury as cheap, as I
 “ do, your name would not be so generally detested, and the part
 “ that you would have taken in those political questions which
 “ unhappily divide us, would have been much more to your cred-
 “ it, tho’ not so lucrative. I should not have said thus much, if
 “ you had not pressed me to read a pamphlet that is very ill cal-
 “ culated to allay the ferment in men’s mind, and which I con-
 “ sider as a libel on the constitution---injurious to the interests
 “ and to the dignity of the Crown, and an insult to that good
 “ sense to which you have appealed---I have only to add, that I
 “ shall more cordially rejoice when these disputes are at an end,
 “ and when questions of this nature cease to animate our conver-
 “ sations, and to sour men’s dispositions towards each other---
 “ such questions cannot benefit the cause you wish to serve, but
 “ they may ruin it; and it well behoves you, Sir, to *pause* and
 “ *think!*

“ I am, &c.”

“ To John Reeves, Esq;
 “ Cecil-street, Strand.”

And the witness being asked, whether he received any answer from Mr. Reeves, disavowing his being the author of the pamphlet? he said, he did not.

And being asked, if he has any reason to know that Mr. Reeves received the letter? he replied, yes; from Mr. Reeves’s having exposed it to Mr. Wright in consequence of a paragraph in the Morning Chronicle of the 9th instant, in which the offensive extract was included; in consequence of which Mr. Wright

came to Mr. Owen, and found fault with him for having accused Mr. Reeves of being the author, informing Owen that he (the witness) must have sent that extract to the *Morning Chronicle*; in consequence of which the witness wrote to Mr. Reeves a letter, of which the following is a copy; which was read; viz.

“ *Pall Mall, Nov. 11, 1795.*

“ Sir,

“ Your printer has insinuated, that the libellous extract from
 “ your pamphlet, which appeared in the *Morning Chronicle* on
 “ the 9th instant, was sent by me, and he draws that conclusion
 “ from having seen the private letter that I addressed to you on
 “ that subject, the 6th instant. It is merely to refute a falsehood,
 “ which may be the foundation of much calumny and misre-
 “ presentation, that I assure you I was perfectly ignorant of the
 “ extract, or any comment on it, having been sent to any of the
 “ public prints.---It is however incumbent on me to add, that I
 “ perfectly approve of the exposure, from a full conviction I
 “ have, that such doctrines have a direct tendency to mischief,
 “ and to alienate the affections of the people from his Majesty
 “ and his government. As you have judged it expedient to
 “ expose my correspondence in part, I call on your candour to
 “ produce the whole of it, or I shall be under the necessity of
 “ sending copies of my letter to the different papers in defence
 “ of myself.

“ I am, Sir,

“ Your humble servant,

“ *Wm. Miles.*”

“ To John Reeves, Esq;

“ Cecil Street.

And being asked, whether he ever heard Mr. Reeves give any directions respecting the circulation of this pamphlet? he replied, on Saturday the 21st instant, Mr. Reeves came into Mr. Owen's shop, and enquired how the pamphlet attributed to him went off, or words to that effect. Mr. Reeves then put one or more pamphlets in his pocket, and, in the witness's hearing, desired six copies of the pamphlet in question be sent to Lord Hawkesbury's office.

Mr. Benjamin Hinton being examined, said, that he is porter to Mr. Wright the printer, and delivers out the publications. That he remembers delivering out a pamphlet, intituled, “ *Thoughts on the English Government.*” That he delivered it to Mr. Owen the bookfeller in Piccadilly---That he had been printing an address from Mr. Reeves to the King---That when he delivered the pamphlet to Mr. Owen, he (the witness) said it was Mr. Reeves's pamphlet---That he has seen Mr. Reeves come into Mr. Wright's printing office---That he knows Mr. Reeves's person---As near as the witness can guess, the pamphlet came into his

his hands about a fortnight ago; and before that he has seen Mr. Reeves at the office several times.

Mr. Thomas Wright, a printer, being examined, was asked, whether he knew the author of the pamphlet, intituled, "Thoughts on the English Government?" He replied, he declined giving up the name of the author.

And being asked, upon what principle he refused to answer the question? he said, one of the first lessons inculcated on a printer upon his initiation into his profession is, that the name of the author of a manuscript committed to his care or keeping is a most sacred deposit, from which he is never to part without the assent or permission of the author, unless compelled by public justice.

And being asked, whether he should think himself justified in printing any manuscript on any political subject brought to his office? he said, no, by no means; he would exercise that judgment and discretion which he possesses, in determining whether it contained matter of a libellous nature, whether public or private, or any thing that was against what is called *contra bonos mores*—That he has endeavoured to exercise that judgment in all the publications which he has been concerned in.

And being asked, whether he had read the pamphlet in question? he replied, yes; and if he had seen any thing he thought objectionable he would not have printed it.

And the witness being asked, would not the authority of the person bringing him a work weigh with him as well as his private judgment? he replied, the authority of the person bringing him a work to print would weigh with him (as he believes it would with every other printer) as well as his private judgment.

And being asked, whether he had ever conversed with Mr. Reeves on the subject of the pamphlet in question? he said, yes.

And being asked, whether he meant to say, that he had not conversed with Mr. Reeves for this month past, on the subject of the pamphlet? he said, not as the author or it, to his knowledge, but as the person who superintended the correction of the press.

And being asked, in what respect did Mr. Reeves superintend the correction of the press? he said, in correcting the proofs, which he might do for a friend.

And being asked, when the publication was printed, to what publisher did he send it? he replied, to the person whose name is at the bottom of the pamphlet.

And being asked, whether he did not know that person was Mr. Owen? he said, certainly.

And being asked, by whose advice or direction did he send the pamphlet to Mr. Owen? he said, by the advice and direction of no person—it was his own doing entirely—he employed Mr. Owen.

And

And being asked, whether he had ever any conversation with Mr. Reeves respecting Mr. Owen being the publisher? he said, not previous to it; but as Mr. Reeves had corrected the pamphlet, he mentioned it to him as the gentleman who had corrected the pamphlet.

And being asked, had this pamphlet not answered in point of sale, from whom he expected to be paid? he said, from no one; the loss would have been his own, and he understands the profit would also be his.

And being asked, from what authority he understood the profit of this pamphlet would have been his, if it sold well? he replied, from the gentleman from whom he received the manuscript.

And being asked, who was that gentleman? he replied, the gentleman who corrected the pamphlet.

And being asked, was not that gentleman Mr. Reeves? he answered, he had said that above.

And the evidence being read to the witness, he was asked, whether he had any explanation to add to the answers he had already given? he said, he had not.

Mr. John Gillet being examined, and shewn the pamphlet, intituled, "Thoughts on the English Government," he was asked, whether he had not heard Mr. Owen declare that Mr. Reeves was the author of that pamphlet? he replied, yes, in his own shop frequently.

Mr. Thomas Gillet being examined, was asked, whether he was not in Mr. Owen's shop, on or about Saturday the 21st November? he said, yes.

And being asked to relate any conversation he heard respecting the circulation of the pamphlet, intituled, "Thoughts on the English Government?" he informed your Committee, that Mr. Reeves came into the shop, and he said to Mr. Owen, "Where is this pamphlet, that is ascribed to me."—Mr. Owen pointed to the pamphlet.—Mr. Reeves took one up, and doubled it, and put it in his pocket, and asked whether it had sold well—he then desired him to send half a dozen to some person's office in Westminster, but he (the witness) did not distinctly hear to whose office.

Mr. Stephen Jones being examined, said, he is employed in Mr. Wright's office as overseer in his business, and is superintendent of all the publications in his office.

Being shewn the pamphlet, intituled, "Thoughts on the English Government," he was asked, whether he superintended the progress, through the press, of that pamphlet? he said, he did.

And being asked, whether he corrected the proofs? he said, he did.

And being asked, whether he and he alone corrected the proofs? he said, no—he corrected them in conjunction with Mr. Wright. Mr. Wright invariably corrected them the first or the second time.—No sheet went to the press without his reading it.

And

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And being asked, did no other person superintend the correcting the prefs besides himself and Mr. Wright? he said, yes, there did.

And being asked, who was that person? he said, Mr. Reeves.

And being asked, if he received directions from any person superintending or correcting the prefs of a manuscript printed at his House, should he think himself bound to attend to those directions, unless he considered the person giving them either as the author or acting for the author? he said, he should certainly not; he should not suffer any one correction to be made under such circumstances.

And being asked, whether he attended to any direction or correction given to him in the case of printing the pamphlet in question, from Mr. Reeves? he replied, yes.

Then, in point of fact, he was asked, did he consider Mr. Reeves as the author, or acting for the author? he replied, most certainly.

And being asked, whether he has any part of the original copy? he said, he believes there may be some about the House.

And being asked, if there are any proof sheets about the House, corrected by Mr. Reeves? he said, he is inclined to think there are.

Mr. Wright being again examined, was asked, how long Mr. Jones had superintended his business? he said, four or five years.

And being asked, whether he had ever had reason to doubt of Mr. Jones's veracity or accuracy? he replied, that he never had the least doubt of his veracity or accuracy. Then,

Mr. Jones (having been directed by the Committee to endeavour to find the proof sheets alluded to in his evidence) returned, and was again examined? and being asked, if he had found any of the proof sheets? he replied, he had brought the first he could lay his hands on. They are not complete.

Then the witness produced the said sheets, and said, that a few of the alterations in the margin may be his own, which would be confined to typographical errata. That he cannot speak positively to all the others, but some are Mr. Reeves's, to the best of his recollection.

And being asked, whether he had not himself seen Mr. Reeves write upon some one of the papers now delivered in by him to the Committee? he said, he had seen Mr. Reeves make alterations on certain of the sheets, but he could not from memory state which they are.

And being asked, whether he knew Mr. Reeves's hand-writing? he said, he thinks he does.

He was then desired to look over the proof sheets delivered in by him, and point out what notes or observations are, to the best of his knowledge, Mr. Reeves's hand-writing.

And

And the witness having looked over the said sheets, he said, he finds all the passages now marked by him with a cross are, to the best of his belief, Mr. Reeves's hand-writing.

And being again asked, whether he had not himself actually seen Mr. Reeves in the act of marking the proof sheets, or some of them, now delivered in by him? he said, he had.

And being asked, in whose hand-writing is the separate paper included in the sheets delivered in by him; which separate paper appears to be part of the title of the said pamphlet? he said, he believed it to be Mr. Reeves's.

And being asked, whether he has had knowledge of Mr. Reeves printing other publications at Mr. Wright's office? he replied, yes, very many. He has been in the habit, and had the opportunity of knowing Mr. Reeves's hand-writing.

And being asked, with those means and opportunity of knowing his hand-writing, has the witness any doubt that this separate paper, and the observations and notes in the sheets, are in Mr. Reeves's hand-writing? he said, he had not.

And being asked, what Mr. Reeves is the person referred to by him, as the corrector of the proof sheets, and superintendent of the publication of this pamphlet? he answered, Mr. John Reeves, the Chairman of the Association for protecting Liberty and Property against Republicans and Levellers.

The evidence having been read over to the witness, he was asked, whether he had any explanation or further observation to make upon it? he replied, he had not. Then,

*Mr. Wright was further examined, and asked, whether he conceives Mr. Jones has a right to send out proof sheets or pamphlets, without any direct communication with him? he said, yes; he is in the habit of doing so, as well as all other overseers in printing offices.

And being asked, from his knowledge of Mr. Jones, does he suppose he would deliver any proof sheets, as from his office, that were not printed there? he said, he should suppose not.

And being asked, if he ever knew an instance of his doing so? he replied, no.

And being asked, whether Mr. Jones has not an authority, from his situation with him, to deliver any proof sheets of works printed at his (the witness's) office, if required, without an immediate application to him, the witness? he replied, he certainly has; no printing could go on without a person in Mr. Jones's situation having that power.

Mr. Wright being again examined, was asked, whether he recollects a conversation with Mr. Reeves on the subject of a letter received by Mr. Reeves from Mr. Miles? he replied, yes; and that Mr. Reeves had shewn it him.

Being shewn the proof sheets delivered in by Mr. Jones, he was asked, if he knew whether the separate paper, included therein,

was Mr. Reeves's hand-writing? he said, he believes it is; and that he is familiar with Mr. Reeves's hand writing.

And being asked, whether he had seen Mr. Reeves since his last examination by the Committee? he replied, yes, and conversed with him on the subject of this publication.

And the witness desired to add to his former evidence, as the Committee had called on him to add any explanation he thought proper—That three or four proof sheets had been sent to other gentlemen, and some corrections received from them on the proof sheets; particularly he can point out one in page 7, and another in page 12.—But on being shewn the correction in page 7, he admitted the hand-writing to be Mr. Reeves's, but from the blackness of it he supposes the words to be traced over-writing in pencil. The word "active," in page 12, he thought not to be Mr. Reeves's hand-writing.

And the witness being asked, whether he meant that he had sent those proofs to those other gentlemen; and received the corrections back from them himself? he answered, no—That he only knew of them through Mr. Reeves, whom he supposed to have sent the proofs, and that it was to Mr. Reeves they were returned, and he adopted the corrections where he chose it.

And being asked, who the person was that brought the pamphlet to him; he answered, the person who corrected the proof—Mr. Reeves.

And the witness desired to add, that as he had been asked on a former examination, whether the authority of the person bringing him the pamphlet would not weigh with him, as well as his own judgment, on the publication; he meant to declare that the authority of Mr. Reeves bringing him the pamphlet in question had operated with him as an inducement to publish it.

And being asked, whether he had not read the manuscript? he answered, only parts of it.

And being asked, whether the manuscript was not in the same hand-writing as the separate paper now shewn to him; and which contains the title of the said-pamphlet? he said, that to the best of his judgment and recollection, such parts as he had seen were of the same hand-writing.

Mr. Owen being further examined, and being shewn a passage in Mr. Miles's evidence, he was asked, whether he recollected receiving from Mr. Reeves the directions therein stated, to send six copies of the pamphlet in question to Lord Hawkesbury's office; and whether he had executed those directions? he answered, he had; that he had sent them, directed to Mr. Chalmer, at Lord Hawkesbury's office.

And being asked, to whose account he had charged them? he said, to Mr. Reeves.

And Mr. Owen being now apprized of the consequences of the answer he had made in his previous examination refusing to answer any questions that might be put to him; the witness

begged leave to retract that answer, and apologize to the committee; yet he still hoped the Committee would not press him to give up the author, as, notwithstanding the confession he had made of being the publisher, he thought it might tend to criminate himself.

And your Committee having, as they conceive, abundant proof from the body of evidence already before them, did not examine the witness further.

And your Committee, conceiving any further evidence respecting the person responsible as author or publisher of the pamphlet in question wholly unnecessary, did not proceed in the examination of many persons, whose testimony they have reason to believe would still further establish the facts stated by the preceding witnesses. They have only to add, in discharge of the duty committed to them by the House, viz. To enquire who was the author of the pamphlet, intituled, 'Thoughts on the English Government, &c.' declared by the House to be "a malicious, scandalous, and seditious libel, containing matter tending to create "jealousies and divisions among his Majesty's loyal subjects; to "alienate their affections from our present happy form of government, as established in King, Lords, and Commons; and to "subvert the true principles of our free constitution; and that "the said pamphlet is a high breach of the privileges of this "House;"

That it appears to the Committee, that John Reeves, Esquire, of Cecil-street, in the Strand, is the author, or has acted as the author, of the said publication.

REPORT
FROM THE
SELECT COMMITTEE,

WHO WERE APPOINTED

*To enquire into the Circumstances of the
Negotiation of the late LOAN.*

THE SELECT COMMITTEE, appointed to enquire into the Circumstances of the Negotiation of the late LOAN; and who were impowered to report the Evidence, as it should appear to them, to the House;

HAVE proceeded to enquire into the matter to them referred; and have determined to report the evidence in the form in which it has been taken, except that they have forbore to insert in their report the lists of the persons among whom the contractors or subscribers appear to have distributed portions of their respective shares of the Loan; because it has been represented that the disclosure of the names in those lists may, in some instances, be prejudicial to the mercantile interests of the parties; and because, on inspection of the lists, as well as from the examination of the parties, your Committee see no ground to suppose, that any interference took place on the part of any persons connected with government in the distribution of any part of the Loan.

The evidence is as follows:

Jovis, 17^o die Decembris, 1795.

JAMES MORGAN, Esquire, called in, and examined.

Question I. DID you offer yourself to contract for the late Loan?

Yes.

2. Will you state the circumstances which led you to make that offer, and what passed relative thereto?

On Friday the 23d of October Mr. Godschall Johnson called on me at Garraway's Coffee House, to acquaint me, that he and Mr. Angerstein did not intend to be concerned in forming any list for the Loan—he mentioned his ill state of health as one reason, and I understood from his conversation, that it was his opinion,

that Mr. Boyd would have the Loan: In consequence of this, I told him I had no intention of forming a list for the Loan, nor had made any kind of arrangement—Mr. Johnson observed further, that he and Mr. Angstein would be in Mr. Boyd's list, and told me, if it was agreeable I might have a part with them; which I declined, as no sum was mentioned, and observed, if Mr. Boyd were to have it, that I had no doubt I should have an opportunity of having as much as I thought proper for myself through my friends—This conversation strengthened very much the rumour, that Mr. Boyd would have the Loan by private agreement, and that it would not come to public competition—-I considered this the next two days very much indeed; and on the Monday (the 26th) I went to town, and called on the governor at the Bank. It struck me, that Mr. Mellish's forming a list appeared some contradiction to what Mr. Johnson had said, and the rumour of the private agreement; because I thought Mr. Mellish, being so connected, as being a Bank Director, must in all probability know what had passed with the Chancellor of the Exchequer, and the Governor of the Bank, relative to the disposal of the Loan—-I asked the Governor of the Bank, relative to the knowledge he had of the intention of the Chancellor of the Exchequer—-I mentioned the rumours that were abroad on the one hand, and then the circumstance of Mr. Mellish having formed a list. The governor replied, that the Chancellor of the Exchequer had always said, competition, whenever he had spoken to him on the subject, but still he had great doubts on his mind about it—-there was a something—-he did not explain that something—-that Mr. Boyd and his party seemed to be confident of having it—-told him that I had been very much applied to, to open a list, and therefore I wished to hear from him, whether there was a probability of a competition.—The next day I called on the governor of the Bank again, and had more conversation on the same grounds and same terms—-I then told him I should make up my mind positively by the next day at about one o'clock.—On the 28th of October I called on him again, and then told him that I was determined to make a list—the conversation then was, as it had been before, that the Chancellor of the Exchequer always said, competition—-He (the governor) then expressed, in a very strong manner, again his doubts on the competition, and that it would go to Mr. Boyd, and that I should be disappointed—-there was something or another—he never mentioned what, that would be brought forward to prevent its going to a competition—-he mentioned the circumstance of some conversation that had passed at the time of the agreement for the last Loan, relative to fixing the time of the last payment, as some argument for not bringing forward a Loan in the course of the year—-but he did not consider this in the course of our conversation as any pledge or contract on the part of the Chancellor of the Exchequer, nor did he consider it as of any weight, to give Mr. Boyd any claim of pre-

preference.—I went on with the list, and on the 29th opened it publicly—I had private intimations, confidential ones, that I could rely on, that Mr. Boyd's party were constantly assured of having the Loan—I considered that if there was any thing brought forward to prevent a competition, that it would be on the ground of making a provision for the Emperor, and therefore I thought it proper, on the part of my subscribers, to guard against such an event—and on the 16th of November, I wrote the Chancellor of the Exchequer a letter,

[Copy of which was delivered in, and read, and is annexed, by way of Appendix, No. 1.]

On Friday, the 20th of November, I was informed by the governor of the Bank, that it was the desire of the Chancellor of the Exchequer, that the parties meaning to bid for the Loan, should attend in Downing-street, the following Monday, at twelve o'clock, if the governor did not receive any notice to the contrary.—The next day I called on the governor, and found there was no alteration; and on Monday I attended in Downing-street, where I was then acquainted, that the governor had been informed that the Chancellor of the Exchequer was not prepared for meeting the gentlemen that day, and that the meeting was postponed to Wednesday.—The governor and deputy governor did attend on Monday—After their return into the city, the governor of the Bank sent for me, and told me that the amount of the Loan would be eighteen millions at the least, and that he had expressly put the question to the Chancellor of the Exchequer, if he meant that the Loan should be disposed of by competition?—he mentioned it in this kind of way—that there appeared to be doubts about it, and he wished him, the Chancellor of the Exchequer, to say if it was to be so? the answer of the Chancellor of the Exchequer was, “most certainly;” which the governor of the Bank communicated to me officially, as governor of the Bank. I felt then, and began to understand, in a greater degree than I had ever done before, that the governor of the Bank believed that it would be disposed of by competition; he told me at the same time, that we were to attend on the following Wednesday, at the Chancellor of the Exchequer's, at twelve o'clock, in order to hear the particulars that are generally communicated on such occasions prior to the bidding; such as the actual amount of the Loan, and other arrangements of the budget. On the Tuesday evening I had a notice from the Secretary of the Treasury to attend on the next day, to wit, Wednesday, at twelve o'clock. I attended then, and was in the room with the other gentlemen, who were, Mr. Boyd and his party, namely, Mr. Abraham Goldsmid, E. P. Solomons, Mr. Roberts, and Mr. Aillabie: And also the two Mr. Mellishes, who had a separate list from Mr. Boyd's and mine. After waiting about an hour, a messenger came in from the Chancellor of the Exchequer for Mr. Boyd and Mr. Roberts, and they withdrew. After some time they returned,
and

and Mr. Boyd mentioned that the Chancellor of the Exchequer would soon be ready for us; and we were soon after shewn into the other room, and the Chancellor of the Exchequer came to us, with the two Secretaries of the Treasury, and opened the business, by first enquiring how many lists there were, when he was informed there were three parties. He then observed, that previous to entering upon the business, he would communicate the application made to him, or memorial, by Mr. Boyd, relative to a claim that he and his party set up in consequence of a conversation which had passed at the making of the last Loan; he then began to read this memorial, which set forth that they conceived themselves entitled to have a lease of the money market (if such an expression might be used) or something of that kind—The Chancellor of the Exchequer did not read out the whole of the memorial, but began to make some observations, and I made some observations on it, by observing, that if there was any agreement not to bring forward a Loan it must concern the public, the then holders of the former Loan, who were the persons that would be injured by bringing forward another Loan, and did not justify any claim of preference on behalf of the contractors, and that they (the contractors) appeared to me to be highly blameable, instead of deserving a preference, for promoting in any manner the bringing forward of the Loan before the expiration of the agreement, if there was any such—Other gentlemen made observations upon it; Mr. Goldsmid mentioned the circumstance, that at the time of the agreement of the last Loan, Mr. E. P. Salomons did propose to extend the last payment to February, but that somebody had answered, no, because it may interfere with the Loan of next year. Thereupon the Chancellor of the Exchequer expressed himself that he did not wish to have any debate upon it, but that he considered there was no obligation, although there might be a degree of consideration due to it. He said, he wished to know of Mr. Mellish and Mr. Morgan, if they would agree to bid for the Loan on the condition that Mr. Boyd should have the option of taking the bargain at an half *per cent.* premium—Mr. Mellish said it was impossible for him to give an answer to a proposal put to him so unexpectedly without first consulting his friends. I objected to it without any hesitation whatever—I could not entertain it for a moment--that I could not content to bid under any restraint of that kind; and that it was going from competition, and would injure the contract--Then it was intimated, as I understood, that our stay was unnecessary (to wit, Mellish's and Morgan's) and Messrs. Mellish's immediately got up, and walked out of the room, and I followed them.

Withdrew.

Abraham Newland, Esquire, cashier of the Bank, presented, pursuant to the order of the Committee, a paper, intituled,

“ Copies

“ Copies of the different lists of the subscribers to the Loan for the service of the year 1796, as sent into the Bank by the contractors for the same.” Which paper was read, and is annexed in appendix, No. 2.

Mr. Morgan being again called in, proceeded in his examination as follows :

I would remark, that I had received no notice or intimation of any kind, either before or at that meeting, that the Loan would be disposed of before Friday the 27th; and therefore it was with astonishment that the next morning, to wit, Thursday, I heard that the Loan was disposed of the day before; after I left Downing-street.---Here ends my narrative:

I would further remark, that I have understood that it has been set forth as a matter of custom and practice, that the subscribers to a Loan are entitled to a preference in any Loan that might be brought forward before the payments are completed on the former Loan; I mean to declare, positively, as a man of experience, that no such custom or practice has ever existed, or ever was before thought of---I was one of the contractors for the Loan in the year 1794, with Mr. Johnson and Mr. Angerstein. Before we went to meet the Chancellor of the Exchequer, at the previous meeting to the bidding, to settle the preliminaries, I had prepared in writing several questions to be put to the Chancellor of the Exchequer, which the gentlemen with whom I acted approved of, and they were put---the material one was, if any other money was to be borrowed or raised in the course of the year? I had not in view then, in putting that question, any thing respecting borrowing any money for the Emperor; but in consequence of the applications that had been before made to me, on the possibility of borrowing money for the King of Sardinia--If there had been a custom or practice existing, such as before alluded to, I should not have thought it necessary to put such a question; and with regard to any claim that may be now brought forward on the ground of the payments in a former Loan not being completed; the contract for the Loan in December 1794, was brought forward before the last payment which was made on the preceding Loan, which was to be made on the 13th of January 1795; and we, the contractors of the former Loan contracted for in February 1794, to wit, Johnson, Angerstein, and myself, as contractors, did not consider ourselves entitled, or entertain a thought of claiming any preference on that account, although we very strongly solicited to be competitors for the Loan for the service of the year 1795.

3. Did you think that Messrs. Byrd and Co. would be as much injured in proportion to the quantum of the former Loan remaining undisposed of, as any other holder of parts of the former Loan at that time?

Undoubtedly, every one that holds must be alike.

I would

I would wish to add, that it has been mentioned that the Scrip receipts, not having been written into the books, was some ground of argument for a preference; I observe, previous to the contract in December 1794, there were considerable sums in scrip receipts outtanding, and I have known it to be so for six and nine months in other years.

By, previous to the contract in December 1794, I mean about a week previous:

4. By whom was it intimated, at the Chancellor of the Exchequer's, that you were directed to withdraw?

By the Chancellor of the Exchequer himself.---I desire to add, that on the Wednesday following, the 2d of December, the Chancellor of the Exchequer fully explained that it was not his intention that Mr. Mellish and myself should hear the particulars of his budget, because we did not consent to his proposal, and therefore could not be competent to bid for the Loan.

5. At the meeting on the Wednesday, at the Chancellor of the Exchequer's, did you then understand at what time the letter or memorial from Messrs. Boyd, had been sent to and received by the Chancellor of the Exchequer?

I think, but am not certain, that the Chancellor of the Exchequer said the day before; but on the Wednesday following, he explained it to have been received on Tuesday night, the 24th, after his return from the House of Commons.

6. Was any observation made, or explanation given, at the meeting of the 25th, respecting the circumstance of Messrs. Boyd not having preferred this claim of preference before the preceding evening?

None, as I recollect.

7. You have said, that the Chancellor of the Exchequer, when he had read a part of the memorial, and observations had been made upon it, said, "that he did not admit it to be an obligation, although "Messrs. Boyd might be entitled to some consideration;" you are desired to inform the Committee, whether Messrs. Boyd, or any of his party, urged any argument in answer, to maintain that right of preference, which they have stated in the memorial or letter, or whether they seemed to acquiesce in the statement of the Chancellor of the Exchequer?

There were no argument whatever, after the observation of the Chancellor of the Exchequer, from any person---the observations had been all before from several of the parties---the Chancellor of the Exchequer had expressed himself, that he did not wish to have a debate, and then concluded by saying, that he did not admit it to be an obligation, although Messrs. Boyd might be entitled to some consideration.

8. Did Messrs. Boyd make any objection to this statement?

No, there was not another word passed.

9. Did you leave the room with an impression that the Chancellor of the Exchequer had not acquiesced in the claim of preference, made on the part of Messrs. Boyd and Co.?

Undoubtedly.

REPORT FROM THE SELECT COMMITTEE, &c.

Undoubtedly.
10. Did the Chancellor of the Exchequer say anything else, but what you have already stated, to give you that impression? Not the least.

11. Did you consider yourself as having made a precise condition with the Chancellor of the Exchequer in the Loan of February 1794, that there should be no other borrowing or raising of money within the year?

Certainly I did, and I acted up to it; when the Imperial private Loan was brought forward, I gave public notice of the agreement that was made.

12. Did you, previous to your giving that public notice, make any application to the Chancellor of the Exchequer on that subject?

No—not the least; because I at that time considered that I had not his countenance.

13. Had you ever any intimation that the condition which you asserted to have been part of your bargain with the Chancellor of the Exchequer, in making the Loan in February 1794, was controverted or disputed on the part of the Chancellor of the Exchequer?

I never had; but I had intimation that the Chancellor of the Exchequer had taken Mr. Johnson and Mr. Angerstein on the subject, regarding their not having first acquainted him before they made the publication.

14. From whom had you that intimation? I heard it from Mr. Johnson.

15. Did Mr. Johnson or Mr. Angerstein make any communication to you, to lead you to suppose that the Chancellor of the Exchequer did not admit your statement of this condition in the bargain?

No—the statement was confirmed by a great many individuals that were present at the making of the bargain after the publication, and I never heard it disputed to this day.

16. Should you, excepting on the ground of this precise condition, as you understood it to be, have thought yourself authorized to make the objection, and give the public notice which you have stated?

I should never have entertained a thought of it.

17. Did you object to the publication of the Loan with Messrs. Boyd and Co. in December following?
Not in the least.

18. Why did you not?
Because I considered our Loan was settled up, and I always followed the true intent of the question, viz. to win the probability of a foreign Loan for the King of Sicily.

19. In the conversation with the governor of the Bank on the 28th of October, did you ever send the governor to attend to any other motive, as operating on the mind of the Chancellor of the Exchequer?

Exchequer, exclusive of the circumstance of the last payment on the preceding Loan not having been completed?

Beyond all doubt whatever, and that was no part of it; particularly it was stated by the governor of the Bank to me, an important money negotiation, amounting to 900,000*l.* and this was stated not once but repeatedly, and on that ground it was stated, that Mr. Boyd would have the Loan, and that I should be disappointed.

20. State the whole of the conversation between you and the governor of the Bank on that subject?

He had always expressed doubts about the competition, on the ground of the confidence he had always observed in Mr. Boyd and his party, that they should have the Loan; and as I have stated before, an important money negotiation, in which, it was understood, that Mr. Boyd had greatly assisted the Chancellor of the Exchequer.

21. Is that the whole of the conversation, or did any thing more pass?

That is the substance, in short that I should be tricked, these words were used.

22. Whose words were those?

The governor of the Bank's. The reply that I constantly made was, that I should do my utmost to be well prepared for competition; and if I was precluded, it should not be my fault.

23. Was the result of the several conversations with the governor of the Bank, an impression in your mind, that there would be no competition?

It was certainly and positively, that there would be no competition, but that I should be deceived.

24. When was that impression first on your mind?

From Monday the 26th of October, when I first had the communication with the Governor of the Bank, and until Monday the 23d of November—I had never an abatement of that impression till the 23d of November.

25. When did you first determine to make your list?

The 28th of October.

26. Did you then solicit persons, or take pains to form that list, and when was it completed?

I never solicited at all—there was no opening or occasion for me to solicit—I made communication of opening my list to some particular friends, and waited till Monday night following for their answer; the list was begun the 28th, but not publicly till the 29th, and on the Tuesday following, the first stage, to wit, for fifteen millions, was completed.

27. Did you after that day admit any fresh persons on your list?

Yes; for one million more.

28. Have you any objection to delivering in the list?

Respecting

Respecting myself, not the least; but I submit to the Committee, whether it will be proper for me, as a confidential agent in an important transaction for honourable purposes, to make known my list, and particularly as it has not had an opportunity of obtaining the Loan -- I would not wish to be understood to have an inclination to evade the establishment of the truth, and will, if required by the Committee, deliver in my list sealed.

29. Had you obtained the Loan, would your list have been delivered into the Bank, with the names of all the real subscribers in it?

No---because I have actually agreed to take 10 *per Cent.* being the first payment, in certain cases, without knowing the names--- And in a great many others, upon receiving the 10 *per Cent.* as has been practised before, to suffer the sums to remain in my own name, as it was in the Loan of 1794, when I had a third of it.

30. In the list which you offer to deliver in, sealed up, do you mean to insert the names of all the persons you know on your list, except those who desire to be kept back on religious principles?

No, certainly not.

31. Would the list, which you offer to deliver in to the Committee, if required, contain all the names which you know of the real subscribers to your Loan, except the names of those who wish to conceal their names on religious scruples?

No---I have agreed with many that their subscriptions should stand under my name, and had received in part the first payment of such persons; there are others that I have not so agreed to conceal, but whose names I was to receive previous to the bidding.

32. On what authority did you rest your belief on the 29th of October that Mr. Boyd, would have the Loan?

On confidential information, which I constantly received up to Tuesday the 24th of November. At the public meeting of the subscribers I took notice of it in the manner that I do now, and observed, that the gentlemen who gave me the information was in the room and heard me. I did that with a view that I might not be understood to allude to any body that was not present, but I would not give up his name upon any consideration.

33. On what day was that meeting of the subscribers held?

It was Monday following the meeting in Downing-street when the bidding was rejected.

34. Did you, at the time of opening your list, or prior to that meeting, communicate to your subscribers the impression upon your mind that there would be no competition?

To some it is very likely that I did; but in general I observed as a rule to say but little to any body, but to hear all from every body; and I did hear generally from all persons that that idea was understood.

35. Did you receive any money as part of the first payment from the subscribers to your list?

From many, but not all.

Withdrew.

Mr. Boyd's letter to the right honourable William Pitt, &c. dated Sackville-street, November 24th 1795, claiming a preference to the negotiation for the Loan, was delivered in to the Committee and read, and is inserted in Appendix, No. 3.

Veneris, 18^o die Decembris 1795.

Mr. MORGAN again called in, and examined.

IN Explanation to my answer yesterday, relative to completing the first stage of my list for fifteen millions, I mean to say, that the list was actually concluded on the Tuesday, but on Saturday the 31st I had not received the answer I expected; and finding that my list got very forward, I was under some apprehension that I should have but very little room in case the offer I had mentioned should be accepted, and therefore I stopped setting down names, and made known to the people that I was so situated that I could not set down any more till I had received the answer which I was hourly in expectation of. The verbal applications that were made to me I answered in that manner; and to those that I had received letters from (which were in great numbers) I made known publicly at Garraway's, on Saturday the 31st of October, that the letters I then received were not to be considered as agreed to by me---that if the answer I received should not engage the subscription, which I expected, that then I should immediately fill up my list from the letters, and from the applications as they first came to me---I at that time considered my list complete, or nearly so, by one or other of the means.

On reflection, I am of Opinion that it is improper for me to deliver in my list in any manner, sealed or not sealed, because the public are not interested therein, nor concerned in any respect with regard to the forming of it, or the names that may or may not be inserted in it, because I was not allowed to act upon it; and moreover, if I had been allowed to have come to a bidding, it would not have been a question to me whether I had a list, or how it was formed, or who was in it; but before my proposal could be received, I should be questioned respecting my security for making the deposit, and I should, according to my intentions, have made known, that I should have deposited at the Bank 3, or 4, or 500,000l. or whatever more might have been required; I could have gone to any thing; and that also I should have been pre-

prepared with other security, personal, if it should have been required. I wish to remark, that what I was to have obtained was a Loan by being the highest bidder.

36. Are you positively determined to refuse giving in your list in the manner you yesterday proposed?

At present I am.

37. When may the Committee expect your final determination on that point, if they should judge it important to have it delivered in?

It is impossible for me to answer that; I have made up my mind, considering that the public are not interested in the list, or concerned in any manner whatever.

38. If the Committee should express to you, that they are of opinion that the public are interested in your giving in the list, would you then deliver it in?

The question being objected to, the witness was directed to withdraw.

And being again called in, he was acquainted, that the Committee had come to a resolution, That it is of essential importance to the public that he should deliver in his list.

And he was asked;

39. Will you produce your list in consequence of this resolution of the Committee?

With all deference to the opinion of the Committee I wish not to do it, because the list, and the purposes for which it was formed, were at an end before the day for completing the list, namely, the day before the bidding, at which time I was to receive names from many gentlemen; and I wish to add, to establish that truth, I have no objection to make a private communication of the names to the Secretary of the Treasury.

40. Are you positively determined not to deliver in your list?

No, by no means, it is now sealed up, in the manner it was yesterday; and after the explanation I have given, I will comply with the resolution of the Committee.

Then the witness was directed to withdraw.

And being again called in, he was acquainted, that the Committee were of opinion, that he be desired to deliver in his list for the inspection of the Committee.

Whereupon the witness replied, that he should comply with the requisition of the Committee.

And being further examined;

He was asked,

41. Upon what points did you communicate with the subscribers, between the time of opening the lists and the meeting of the subscribers, which you have mentioned, and what passed generally on the subject?

The conversation was generally with individuals, relative to being admitted on the lists; as to any other topics they were merely accidental, and I can give no account of them.

42. Having

42. Having said that you had communicated with some of the subscribers, the impression on your mind that there would be no competition for the Loan, were there any of the subscribers upon your list from whom you had received money, to whom you did not make this communication?

Undoubtedly, abundance, with whom I had no communication on the subject.

43. Had you received such confidential information, on which you thought you could rely, only from one person, or from more than one person?

From one and the same; but it was always the common rumour.

44. Do you still remain of opinion, not to mention the name of that person, from whom you received such confidential information?

Certainly I do—And I think it would be extremely improper for me to do it, without first communicating with him, and having his consent; because it may probably lead to some other person of whom I know nothing.

45. Will you mention, whether there were any circumstances in that person's situation, that induced you to think the information more authentic, than the general rumour you have mentioned?

No circumstances.

46. What were your reasons for thinking you could particularly rely on the information you had received from that person?

Because I knew him to be a true honest man, fully to be confided in.

47. Had you any reason to think that he had any particularly authentic means of information?

From his telling me he had that information, and that I might rely on it.

48. Did he say he had the information from Mr. Boyd, from the Chancellor of the Exchequer, or from any other particular person or persons that he mentioned?

He never mentioned the Chancellor of the Exchequer, nor Mr. Boyd—he certainly mentioned a person in the city from whom he had the information, the name of which person I should wish to decline giving without his leave—that person I do not know personally.

49. Have you any objection, if the Committee should require it, to ask leave of those two gentlemen to mention their names to this Committee?

One I do not know; neither do I know that he is acquainted or has knowledge of the information being given to me—the other I can have no objection to ask.

50. When you were informed, that the person with whom you are not acquainted had declared that Mr. Boyd was to have the Loan, did you know of any circumstances belonging to that person,

son, which led you to think that he had the means of authentic information on the subject?

I did believe so; from his acquaintance with some of Mr. Boyd's party.

51. When the information was given to you, was it mentioned to you on what ground that person, whom you did not know, had formed his opinion that Mr. Boyd was to have the Loan?

Because he was told so—that was mentioned to me.

52. Was it said, by whom it was told so?

I do not know that ever he communicated that to my friend that spoke to me—I do not recollect ever hearing it.

53. Then you never heard from whom by name, that person, whom you do not know, had his information on the subject?

I never heard that he had ever said any name.

54. As you said you had heard Messrs. Boyd were constantly assured of having the Loan, were any persons named from whom they had had that assurance?

I always understood that they felt themselves confident of having it; and so I constantly had the confidential information, and it agreed with public rumour—when I said Messrs. Boyd were assured—I meant they were confident.

And then the witness was directed to withdraw.

And being again called in, he was acquainted, that the Committee had come to a resolution, that he be desired to ask the friend he has mentioned, from whom he had received the confidential information, whether he has any objection that his name should be mentioned to the Committee.

Then the witness was further examined, and asked;

55. Was there any general condition which you made with the persons whom you received as subscribers to your list?

The general condition was, not to be in any other list.

56. Was there any other general condition but that?

Nor to part with any of their subscription, but on the same conditions, to be declared and observed by the persons to whom it was disposed of.

57. Was it not a condition made by you with those who were received in your list, that they should advance to you the whole or part of the deposit?

It was not a general condition, although it was to some particular persons.

58. How much was those particular persons required to advance to you?

5 per cent.

59. According to your recollection, when did you first receive advances of 5 per cent. from any of your subscribers?

I really do not recollect, but my banker's book will shew.

60. Was any received to your knowledge previous to the 29th of October, when you made it public to form your list?

65. Will you mention what description of persons they were whom you exempted from the condition specified in this printed paper?

They were of two descriptions, such as the Bank Directors, on the one hand, and gentlemen that I supposed and knew from their character, knowing my conditions, would not offer themselves to be in my list if they were in any other.

66. Did you communicate to those persons from whom you required the condition, that there were others that you had exempted or meant to exempt from them?

No—certainly not—I never thought it necessary—I had the entire management of that business.

67. Is it to be understood, therefore, that a person who subscribed one of those printed papers, had no reason given him to think that any of your subscribers was not laid under the same conditions?

I never entered into any reason—I never sent those printed papers; they lay at the bar at Garraway's, and those who chose filled them up and directed them for me.

68. Did you require the conditions, contained in the printed letters, from any person to whom you did not send or give those letters?

I did.

69. When you made your intention to open a list public, did you declare the conditions on which you meant to receive subscribers, and if you did, were those conditions the same with those specified in the printed paper?

I did, as the applications were made to me, and where I thought it was necessary.

70. Did you expressly offer to any gentlemen, that they should be subscribers without being bound to the conditions contained in the printed paper?

None that I recollect—I do not recollect one; but where I thought it unnecessary I never mentioned it—but I wish it may always be understood, that I never required it or expected it from the Bank Directors.

71. You mentioned yesterday, that you had communicated to some respectable gentlemen that you intended to open a list, and proposing to them to take a share, if they thought proper; did those gentlemen, when you received an answer from them, accept that proposal?

They did not.

72. Have you any objection to mention who those gentlemen were?

Certainly I have, upon the general principle that I think it improper for me, as a confidential agent, to say who is or who is not in the list—and now I would beg to observe, it occurs to me that submitting my banker's book will in part disclose the names

of subscribers, and which I was not aware of, and therefore hope the Committee will be satisfied with my producing the first and last dates of payments by the subscribers.

73. Have you any objection to ask those gentlemen if they would consent that you should disclose their names to this Committee, should the Committee think proper to require it?

I have, upon the same general principle.

74. When you communicated to those gentlemen your intentions of opening a list, and made them an offer to take a share in it, did you state to them the reasons you have mentioned to the Committee, that you had for thinking that Messrs. Boyd were to have the loan?

No.

75. Did they, in their answer, mention that circumstance as their motive, or among their motives, for declining your offer?

No.

76. Have you any objection to state what reasons they gave for declining your offer?

It is not in my power—I do not recollect.

77. When you first went into the city and met Mr. Johnson, was it for the express purpose of talking about the loan, and by special appointment?

No.

78. Did Mr. Johnson, when he communicated Mr. Angerstein's opinion, say he had Mr. Angerstein's authority for so doing?

He never mentioned his authority—but I had no doubt of it.

79. Was any thing said to you to dissuade you from making a list?

No.

80. Did you enquire as to the amount of any share you might have of Mr. Boyd's list?

No.

81. Did you consider all the communications made to you, by the Governor of the Bank, in the various conversations you had with him respecting the loan, as official communications?

I did, all those which I have stated.

82. Did you, on your seeing the Governor of the Bank in the city, after his return from that visit to Downing Street, when you expected to meet on the loan, receive any other communication of any sort from him, but as to the amount of the loan, *viz.* eighteen millions?

Yes; that it was to be disposed of by public competition.

83. Then is it to be understood that you received no other information or communication whatever from the Governor of the Bank on that day, but as to those two circumstances, *viz.* the amount of the Loan (eighteen millions,) and the competition?

I do not recollect any other official communication.

84. Have you any objection to state what other conversation passed

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passed between you, and the Governor of the Bank, relative to the Loan, subsequent to that visit, and antecedent to your going to Downing Street to bid for it?

On that day I had other conversation with the Governor of the Bank.

85. Have you any objection to state that conversation?

Only upon the general principle that it alluded to my list.

86. Did the Governor of the Bank, in the whole of that visit, distinguish to you, those circumstances, which he communicated to you officially, from what you conceive to be a confidential communication?

He did.

87. Did you, after communication of the Loan being for the amount of eighteen millions, communicate that alteration to the subscribers upon your list?

I did not—it did not concern them.

88. Did you understand any of the different modes, in which the Loan was to be arranged as to the funds?

I did.

89. From whom had you that information?

The Governor of the Bank.

90. On what day?

I have no note of the day; but it was at several different times mentioned to me, having been at first proposed to have some part in the 4 *per cent.* but afterwards I was asked if I had any objections, that it should be in the 3 *per cent.* consolidated, reduced, and long annuities.

91. When was your last communication with the Governor of the Bank on this subject?

I do not recollect any after Monday.

92. When you went to Downing Street on Wednesday the 25th of November, were you then prepared to make a final offer?

If it had been so proposed to me—I was always prepared.

93. If you had made your offer, should you have expected a decided answer?

This was not the day for making the offer; but when I was there, if I had been invited to make an offer, by fair competition, I should not have hesitated a moment, and I should have expected a decided answer.

94. Would the possibility of an Austrian Loan, and the probability of funding five millions of Navy Debt have made any considerable alteration in your terms?

Not any—my mind was made up to those objects.

95. Had you reduced your proposals to writing?

No.

96. Do you, as a man of extensive practice and experience, think, that the possibility of this Austrian Loan, and the fund-

ing the five millions, would make any alteration on the price of Stocks?

When the Austrian Loan was actually to come forward it would, but if the question goes to my opinion, respecting the influence that possibility would have upon me upon that day, I can answer not the least, because I considered it as a matter utterly impossible, from my knowledge of the situation of the money affairs of this country.

Withdrew.

Sabbati, 19^o die Decembris 1795.

Mr. MORGAN again called in, and examined.

97. **W**HAT do you understand by the phrase, in your former evidence, of "officially communicated to me by the Governor of the Bank?"

Every thing that he thought necessary, and did communicate to me relative to the Loan, and to the intentions of the Chancellor of the Exchequer.

98. Did he state to you precisely, on all and each of these points, that he had the Chancellor of the Exchequer's directions to do?

He never mentioned he had any directions to speak to me in particular; but he mentioned he thought it his duty to tell me of those particulars—that the Chancellor of the Exchequer had always said, Competition; but at the communication on Monday the 23d of November, when he sent for me after his return from Downing Street, he then told me, that he had put the question particularly to the Chancellor of the Exchequer relative to the competition, and that he had answered, "Most certainly," and then he acquainted me the amount of the Loan would be eighteen millions, I think he said, "at the least,"—and officially told me; we were to attend on the Wednesday following in Downing Street, at twelve o'clock.

99. Did the Governor of the Bank at any time state to you, that he was expressly charged by the Chancellor of the Exchequer to give this general information to all who applied to him?

I do not recollect there ever was a word of the kind; not that he was directed by the Chancellor of the Exchequer to tell any body except respecting the attendance in Downing Street—that was mentioned as from the Chancellor of the Exchequer.

100. At the interview, in which you learned the amount of the Loan, on Monday the 23d, did the Governor of the Bank then state to you, that he was charged by the Chancellor of the Exchequer,

quer, to inform you of the amount of the Loan as well as the time of attendance in Downing Street?

No.

101. If you took a Loan on certain conditions from the Chancellor of the Exchequer, and an attempt was made afterwards to violate any of those conditions, should you think it incumbent on you, on behalf of yourself, and the subscribers on your list, to remonstrate against any such violation?

It would depend on what alteration was made, and whether or not then it would be worth my while or not to agree to the new terms.

Question repeated:

If I thought it was hurtful to my bargain, I should certainly remonstrate against it.

102. You have stated, in reply to a conversation with the Governor of the Bank, that you should do your utmost to be well prepared for competition, but if you were precluded, it would not be your fault; what do you mean by that?

I mean in respect to not having an opportunity of bidding.

103. What do you mean by being well prepared for competition?

I mean, generally, being prepared in my list and money.

104. Do you mean not to be prepared at all, as to the terms you intend to offer?

I could not possibly be prepared, or rather have fixed on the terms, till the time for making the offer; because the terms must in some degree be governed, or have reference to the market price.

105. What do you mean by the market price?

The market price of the funds, at the nearest time of bidding— I would remark, that at the former time that I have attended, special messengers arrived from the city with the prices of the day.

106. From your recollection of the actual state of affairs at that time, and a former Loan transaction, what do you apprehend would be the difference between the offers likely to be made by each of the parties who came to that bidding?

There can be no comparison, in my mind, with respect to former Loans, because circumstances cannot be supposed to be precisely the same; and with regard to other persons' intentions of bidding for this Loan, that I was totally unacquainted with, or with their preparation to qualify them to bid.

107. Have you any means of proving, if the Committee should require it, the precise terms you had decided to offer on the Wednesday when you attended in Downing Street?

It is impossible I should have any body who could come to prove it, because I myself had not the most distant expectation that the bidding was then to come on, or before the Friday following.

108. Did you fully understand the proposition, at the time it was made to you, for the qualified bidding?

I understood that the half *per Cent.* was to be in favour of the highest bidder—there was no other misunderstanding—At the meeting at the Chancellor of the Exchequer's, on Wednesday following, the 2d of December, that was fully explained.

109. Did you, after the qualified bidding was offered on Wednesday the 25th, consider your determination, not to be a bidder, under the terms and conditions then offered, as final?

I declared it was utterly impossible for me to bid under such restrictions.

110. If you had taken a large Loan, on what you consider the general known principles of such transaction, and immediately afterwards, the Chancellor of the Exchequer should think it expedient to make another Loan, in what manner would you act?

I certainly should remonstrate against it; but in my mind it is impossible such a thing should happen.

111. At what period of the Loan should you think yourself not entitled to make such remonstrance?

When it appeared not to be an injury to the parties for whom I acted.

112. Can you state that precise period?

When it happens I could state it.

113. Would it be at a period when half the payments of the Loan were made?

I cannot fix any time; meaning this, that I should not think of making any remonstrance merely for the purpose of obstructing the operations of Government.

114. Do you think that a new Loan taking place before half the payments on the antecedent Loan were made, would be prejudicial to the subscribers to the first Loan?

Undoubtedly, upon the general principle that the preparations for a new Loan generally affect the funds.

115. Should you at that moment think it necessary to remonstrate?

Surely I should.

116. Should you think it necessary to remonstrate at any subsequent period, as when only three quarters of the Loan had been paid?

Surely; but with respect to myself it would depend on the applications made to me by the holders, as having been the agent in contracting for the former Loan.

117. Would not any proportion of the capital of the first Loan, that was left undischarged, be affected by the subsequent Loan?

In common with all the funds.

118. You have stated, in your preceding evidence, that in a former Loan you put several questions to the Chancellor of the Exchequer, will you produce them, with the answers?

I have

I have neither.—I never had any of the papers, or copies of any of the letters or proceedings remain with me, when acting with Mr. Johnson and Mr. Angerstein—they always remained with Mr. Johnson.

119. Were those questions reduced to writing?

Yes.

120. After you and Mr. Johnson and Mr. Angerstein had taken the Loan, if the Chancellor of the Exchequer, antecedent to the payments on that Loan being completed, had brought forward any other Loan, should you have thought he had acted fairly and honourably between you and the public?

The Chancellor of the Exchequer did, and we never made any complaint.

121. Are you of opinion, that at whatever period the Chancellor of the Exchequer had brought forward that subsequent Loan, you would have been of the same opinion?

Certainly not.

122. Can you state the precise time when you should have thought it justifiable for the Chancellor of the Exchequer to have brought forward that Loan?

No.

123. What time of the year did you and Mr. Johnson and Mr. Angerstein make the contract?

The beginning of February, and the last payment was to be made on the 13th of January, 1795, but the Journals of the House will shew it.

124. When was the first payment of the new Loan, made by Messrs. Boyd and Co. for the year 1795, to take place?

I do not know.

125. Did you apprehend that this new Loan affected your last payment?

It affected all the funds.

126. Did you make any remonstrance on that account?

I never thought of it.

127. Did you form any list to be competitor for that Loan of 1795?

Yes.

128. You have stated, that the Governor of the Bank informed you of a money transaction to the amount of £. 900,000, that had taken place between the Chancellor of the Exchequer and Mr. Boyd; did the Governor of the Bank speak of that Transaction as of his own knowledge?

He did not speak of it as of his own knowledge, or not of his own knowledge; but he spoke of it as a transaction notorious, and which every body knew.

129. Do you know of this transaction?

Nothing but by report.

130. Have you any objection to state the whole conversation with the Governor of the Bank on that subject?

I have

I have already stated the whole that passed.

131. Were any other persons mentioned in this conversation besides the Chancellor of the Exchequer and Mr. Boyd?

Not that I recollect.

132. Did the Governor of the Bank explain to you, how you would be tricked?

No otherways, than that he had doubts about the competition; and that it appeared to me, that he thought the Loan would be given to Mr. Boyd, and that was conformably to the general opinion and rumour.

133. Did you, at the time you allude to in December 1794, when you intended to be a competitor for the Loan of 1795, not know, that there was an utter impossibility of the first payment of the new Loan, being required to be made prior to the 13th of January, when the last payment of the former Loan was to be made?

I knew no payment could be made before the Parliament had voted it.

134. Are you not aware, that in the course of the two last wars, there was not a single instance of the first payment of the Loan for the service of the year being made, till some months subsequent to the last payment of the preceding Loan?

I am not aware of it, nor have it in my memory—I have made no reference of any sort whatever to those objects.

135. Having stated yourself to be a man of experience, have you no recollection of what passed, during either of the two last wars, with respect to the payments on Loans?

I cannot recollect about the payments without I was to refer back; but I never heard of a preference on any account whatever, and particularly with regard to custom and practice, whether scrip was wrote up in the Bank, or not.

136. Do you believe there exists an instance, previous to the last Loan, of a deposit being made on a Loan previous to the last payment on the preceding Loan?

I cannot positively recollect whether there was or was not without reference, but I remember that the Loan for the service of the year 1762 came forward early.

137. Do you not recollect that the deposit in 1762 was made on the 26th December, and that the last payment on the preceding Loan was made in October?

I do not recollect.

138. Have you brought your list with you, in consequence of what passed yesterday?

I have.

139. Will you now deliver in your list?

I have the same objection to state to the Committee, that I am not inclined to deliver in the list, and do not think myself justified so to do, without the consent of the parties for whom it was intended that I should have offered for the Loan, unless it is in compliance

compliance with the positive order of this Committee, and which it is not in my power to resist, if such is the order: and also be cause Loans brought in that manner by competition are not liable to any suspicion of waste of the public money, or to any feru- tyn into the division thereof.

140. The Committee having yesterday communicated to you a resolution, containing a decided opinion, that it was important to the public your list should be produced, have you consulted the persons, whose consent you think necessary to the production of it, on the subject?

I have had no opportunity.

141. Will you consult those persons, and how soon may the Committee expect your answer in consequence thereof?

It is the desire of the Committee, I will most cheerfully call a general meeting for that purpose as soon as possible—I should be extremely sorry if I were to be understood to mean to refuse it on my own account.

142. The Committee having already expressed the opinion before alluded to, do you not feel it incumbent on you to endeavour to obtain any consent you think necessary for the production of the list?

I will endeavour to do it—Surely I will do it—I feel it incumbent upon me to do every thing in my power to comply with the wishes of the Committee, consistent with the character of a confidential agent.

143. Having been desired by the Committee to consult the friend you have mentioned, as having given you confidential information, whether he would give you leave to mention his name to the Committee if they should desire it, have you consulted that friend, and has he given you such leave?

I have consulted him, and have not got his leave.

144. Can you now state from your banker's book, or otherwise, when the first money was paid in by any of the subscribers on your list, as an advance for their part of the Loan, and when such payments ceased?

The first payment was on the 6th of November, and the last on the 25th.

145. Was you ever concerned as a principal in contracting for a Loan before that of February 1794?

No—

146. Did you mean, in your former answer, by the words, “utterly impossible,” that it was impossible any Austrian Loan should be brought forward in the course of the present year?

In my opinion, I certainly did.

147. Why then did you write that letter, of the 16th of November, to the Chancellor of the Exchequer?

I wrote it, because my intention of having a thought towards the Loan to the Emperor, should not preclude me from an opportunity of offering for our Loan, on the ground that I had not prepared

prepared myself, and made known my intention, that I would be ready to bid for the Loan under any condition, either positive or eventual, respecting any Emperor's Loan.

148. Did you, on the 16th of November, think such a circumstance not improbable?

It was much rumoured abroad that there would be some sort of provision for the Emperor; and on that ground there would be no competition for the Loan; and I was induced to write that letter, because I would not be precluded by any eventual proposal that might be made on that account.

Question repeated.

I thought it was improbable—I think so now.

149. Why then did you entertain any suspicion that you might be precluded from bidding for the Loan on that account, when you thought the event so improbable, and which you declared yesterday you did not think possible?

From public rumour I entertained the idea, that there might be such a proposal, and that might prevent competition, as it had done the year before.

150. Is it then to be understood that you did, at that particular time, in consequence of the public rumour, suppose that the Chancellor of the Exchequer might reserve to himself the right of proposing to Parliament to guarantee a Loan to the Emperor in this session?

I certainly did.

151. Did you not imagine, that if such a proposal should be made to Parliament, which you have stated in your opinion was impossible, from your knowledge of the situation of the money affairs of this country, it must have considerably depressed the public funds?

When actually made, it is my opinion it would.

152. You have stated to-day, that you cannot prove what terms it was your intention to have proposed to the Chancellor of the Exchequer, in case you had been called upon to offer terms on the 25th of November; have you any objection to declare now, what terms you would have offered, if so called upon?

My opinion would have been governed by reference to the market price in the first instance; next, the disposition of the public towards peace—I felt that very strongly during the forming of my list; and also, I had reason to believe, that it was the opinion and intention of my subscribers, that I should obtain the Loan; and I certainly, on that day (meaning Wednesday the 25th) if I had been then called upon, or on Friday, the appointed day, should have advanced my price to very near the market.

153. Will you state, as nearly as you can, the precise terms that you would have offered on Wednesday the 25th?

At 3 s. 6 d. Long Annuity, I should have been happy to have had

had it; with £. 120 Consolidated, and 25 Reduced Annuities—I always calculated in my own mind the discount at about 3 *per Cent.*

154. Had you it in contemplation to offer these term on the 25th of November, if you had been called upon to a competition?

I had not that in contemplation, nor any other terms, as, I did not expect to be called upon on that day.

155. Knowing what the market prices on the 25th of November were, and that Messrs. Boyd and Messrs. Mellishes were the other bidders, what are the terms that you would have offered had you been called upon on that day, as nearly as you can now state the same?

The witness delivered in the following statement:

<p>£. 120 - - 67½ - - - -</p> <p>25 - - 66¼ - - - -</p> <p>3/6 Long Annuity 18½ - -</p>	<p>£. 18</p> <p>16 13 9</p> <p>3 4 9</p> <hr style="width: 50%; margin: 0 auto;"/> <p>100 18 6</p> <p>3</p> <hr style="width: 50%; margin: 0 auto;"/> <p>£. 103 18 6</p>
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I have taken notice, that the reference to the market price, and the disposition of the public towards peace, would have governed my mind in fixing my prices, and also the consideration of the Stock market at the time; and would have weighed in my mind—is the state of the market such as is likely to advance, and so advance my contract, to stand at the then present price, or to fall—and I was firmly of opinion on that day, that the speculations had been very greatly for the fall; and therefore I was justified to believe that there would be a rise, which would advance the premium of my contract.

156. If the Chancellor of the Exchequer had expressly reserved to himself the right to propose an Austrian Loan in the course of the present session, would that have made any, and what difference in the terms of your offer on that day?

No.—I would wish to add, that I declare I had an expectation that something of that business would have been mentioned, and when the Chancellor of the Exchequer began by saying, that he had some communication to make, I really expected it to be relative to the Austrian Loan.—I had that subject all along on my mind, and had prepared myself with this paper in my hand, and which I had then in my pocket, which I meant to have presented to the Chancellor of the Exchequer, if there had been any opening, or any necessity for it.

Then the said paper was delivered in and read, as follows :

“ Declaration to the contractors, from the right honourable the Chancellor of the Exchequer.

“ That circumstances may make it necessary, and Parliament may agree to guarantee a further Loan to be raised in England for his Majesty the Emperor, in that case, the contractors for our Loan, and their list of subscribers, shall be entitled to have the contract for the Loan for the Emperor, whatever it may be, on the terms and conditions hereafter to be settled, and agreed with the right honourable the Chancellor of the Exchequer. Or, that it is to be understood by the contractors, that there is no restraint respecting any assistance that Parliament may think proper to give his Majesty the Emperor.”

And the witness said,

I meant to have presented this paper to the Chancellor of the Exchequer, as the declaration which it might be suitable for him to make.

157. At what period did you begin to think, from your knowledge of the situation of the money affairs of this country, that an Austrian Loan in the present year was utterly impossible?

I cannot recollect exactly; perhaps about the beginning of October, or perhaps the latter end of September.

158. Did you think it utterly impossible on the 25th of November?

I did.

159. Did you on the 16th of November?

Yes—my opinion on that day was also the same; but still there might be a reserve for a proposal of a guarantee of one to Parliament.

160. Did you on Thursday, the 26th of November, when you first heard that Mr. Boyd had made his bargain for the Loan on the preceding day, declare to any person that you would have offered the terms which you have before stated?

No—I do not know that I did.

161. Did you authorize any gentleman to declare to Parliament in your name, that you would have offered more favourable terms by two *per cent.* than those upon which the bargain had been concluded with Mr. Boyd, if you had been permitted to bid on that day?

It is very likely I may have said so in conversation.—As to any formal authority, I know nothing of that.

162. Did you make any offer to that effect to the Chancellor of the Exchequer, between Wednesday the 25th of November, and Monday the 7th of December?

No.

163. Did you make an offer by a letter addressed to the Chancellor of the Exchequer, and read in the House of Commons, at your request, on Monday the 7th of December, to take the Loan at two shillings in the Long Annuity less than was agreed to be given to Messrs. Boyd and Co.?

I did.

164. Did you consider it as a fair offer to the public to propose to take the Loan on those terms on that day, having now declared that you would have offered so much better terms, if you had been called upon to bid on the 25th of November?

I did, because the Chancellor of the Exchequer had made a contract at a price which he considered proper and reasonable; viz. at 6*s.* and 6*d.*; and also, because it would not be proper for me unnecessarily to bid a more reduced price after such contract was impressed on the public mind as moderate and reasonable.

Withdrew.

Lunæ, 21^o die Decembris 1795.

Mr. MORGAN again called in, and examined.

165. **W**AS not the market price of the Three *per cent.* Consolidated, and the Three *per cent.* Reduced Annuities, considerably higher on Monday the 7th of December, than it was on the 25th of November?

I believe it was—but I made no reference to any prices whatever.

166. Did you in point of fact not know that it was so?

I have no doubt of it.

167. Had not accounts been received between the 25th of November, and the 7th of December of important victories obtained by the Austrians over the French?

I really do not recollect the day the accounts were received.

168. What induced you to make the offer contained in your letter to the Chancellor of the Exchequer, which was read by your desire in the House of Commons on the 7th of December?

I considered, that in the arguments that might be brought forward on the subject, there might be an objection to any new arrangement, on the ground that it would be impossible on account of the early day of payment, and therefore I thought it prudent for me to have such a proposal ready, in case such an objection had occurred, and to say that I should have been ready to make the payment on Thursday.

169. Did you make that offer at request of your subscribers in general, or any of them?

It was with the approbation of all of those that I spoke to on the
the

the subject—which was signified by many by their signing the letter, expressing their readiness to become joint security with me.

170. Have you any objection to deliver in the copy of that letter, which was signed by those who offered that security?

The letter is cancelled—I can't deliver a copy without their authority, which I have no objection to ask—my own letter I am ready to deliver a copy of at any time.

[Which copy was delivered in to the Committee, and read, and is inserted in Appendix, No. 4.]

The former question and answer being read to the witness; viz.

“ Have you any objection to ask those gentlemen, if they would consent that you should disclose their names to this Committee, should the Committee think proper to require it ?

To which he answered,

“ I have, upon the same general principle.”

171. And the said question being again put to him ?

He desired to explain that answer by saying, That he has no objection.

172. You are therefore desired to ask the consent of those gentlemen, to disclose their names to the Committee ?

I will do it.

173. You have stated in the former part of your evidence, that when you contracted for the Loan of 1794, you considered yourself as having made it a condition with the Chancellor of the Exchequer, that there should be no other borrowing or raising of money within that year; did you consider the Chancellor of the Exchequer as having entered into an engagement by this condition, not to propose any further Loan of any sort to Parliament in the course of that year ?

I did propose that question, on the ground that I entertained some idea of something to be proposed for the King of Sardinia, and no doubt I understood there would be no borrowing or raising to our prejudice, or the prejudice of our contract—I understood generally that we were not to be injured, and nothing else.

174. Did you consider him as having engaged that no Loan should be negotiated in the course of that year, by the agents of any foreign powers in alliance with this country ?

I understood that he would not countenance any thing of that kind.

175. Did you consider him as having engaged to do his utmost to prevent it ?

That was unnecessary in my mind, because I considered it impossible to be done.

176. Did you consider such negotiation without the authority of Parliament as illegal ?

I did.

I did.

177. Do you still think so?

It has been proved otherwise—there was some money raised for the Emperor.

178. Did you consider the Chancellor of the Exchequer as pledged by this engagement, to prevent any Loan being negotiated in this country on the part of the government of Ireland, in the course of that year?

No.

179. Did any of your subscribers to the Loan for the year 1794, apply to you or desire you to object to the negotiation which took place for the new Loan in December 1794?

Not in my recollection—but I would wish to remark, that in speaking of any of the circumstances respecting our proceedings, in preparing ourselves in order to be bidders for the Loan for the service of the year 1795; I do it from memory, and not from reference to any documents, for I have not any of them.

180. Do you recollect that Parliament was not sitting at the time that that new Loan was negotiated, and that it did not meet till the 31st of December?

I think the negotiation was before the meeting of Parliament but I don't recollect the day the Parliament met.

181. Had you not every reason to be satisfied that it was impossible, from the forms of proceedings in Parliament, that the first payment on the new Loan could take place, till the last payment on the preceding Loan was completed?

I did not consider any thing at all about it—I am unacquainted with the forms of Parliament, and for all I am aware, the Loan might be voted in confidence before the supplies were brought forward—but I recollect having heard that some of the contractors collected the payments from their subscribers, expecting a very early payment on the Loan for 1795.

182. Do you recollect any instance of a Loan voted before the supplies were brought forward?

I do not—nor of any other contract being made for a Loan before the meeting of Parliament.

183. Will you state your reason for not having objected to the bringing forward of any new Loan, previous to the last payment on your contract for the year 1794?

I did not consider that there was any opening for objection, or complaint of injury, considering the Loan of 1794 as wound up.

184. Can you recollect what was the amount of the rise in the 3 per cents. from the 25th of November, to the 7th of December last?

I have no transactions myself to guide me to a recollection; but I really think the price was about 68½ on the 7th of December.

185. Can

185. Can you state what has been the rise in these funds since the delivery of the King's message on the 8th of December?

I have heard they were as high as $71\frac{1}{2}$ or $\frac{3}{4}$ —but I have not been to town lately to enquire.

186. You have stated, that your opinion of the disposition of the public to peace, would have had an influence on your mind in the offer you intended to make for the Loan; would not the knowledge that such a message was to be sent to Parliament, have influenced it in a much greater degree?

To be sure it would.—

187. From your knowledge and experience in the negotiation of Loans, can you state the time that has usually elapsed between the conclusion of the contract with the Chancellor of the Exchequer, and the bringing it forward for the sanction of Parliament?

I can't recollect without referring back.

188. When you stated, that in your opinion it was impossible another Austrian Loan should take place, did you mean that it was impossible that such a Loan should be proposed by the Chancellor of the Exchequer?

I did, and I will add my reason—That I considered the foreign expenditure, and other war drains, had already greatly overbalanced the commercial exports, and the gold and silver that was in store, and which is evident by the price of gold—the foreign coin and bullion at market being exhausted, I conclude that the coin of the kingdom will be taken out of circulation; in such a state, and considering the payments to be expected on the import of corn, for the cargoes of losses to neutrals, and the balances to Americans by treaty, with the foreign expences of our fleets in the Mediterranean and West Indies, it appeared to me utterly impossible, that it could be prudent, or thought safe, to suffer any Loan for the Emperor to be raised in England—There must be preserved a quantity of specie in some proportion to the paper in circulation, or there may be great hazard of an abatement of confidence at home, as was the case after the conclusion of the American War, when the Bank very prudently confined their accommodations.

189. Is it then to be understood, that this opinion is founded on a belief, that an Austrian Loan would occasion such an exportation of specie as might be dangerous to the credit of the country under the present circumstances?

It is my opinion finally.

190. With this opinion, what was your motive for writing the letter of 16th November, in which you proposed to treat for such a Loan?

To guard against being precluded from bidding for our Loan; that was my idea entirely.

191. In your conversations with the Governor of the Bank did he ever state to you the nature of that money negotiation for
£. 900,000

£.900,000, in which he said that Mr. Boyd had materially assisted the Chancellor of the Exchequer?

He mentioned it to me in conversation, as a matter of public notoriety, not a secret of the Bank, that there had been this important money negotiation by bills, in which Mr. Boyd was considered to have accommodated the Government, or lent the money.

192. At the times that the Governor of the Bank expressed to you his opinion, that ultimately there would be no competition, did he state that the assurances which he had received from the Chancellor of the Exchequer, were uniformly that there would be a competition?

I did not understand him to state the assurances of the Chancellor of the Exchequer—but that the Chancellor of the Exchequer did say competition—but the last time on Monday, the 23d of November, it was officially communicated to me as a positive assured intention.

193. Did the information you received from the Governor of the Bank, that the Chancellor of the Exchequer said Competition, confirm you in your intention of becoming a bidder for the Loan?

It did.

194. In the official communication with the Governor of the Bank on the 23d of November, had you any intimation given to you, that the competition for the Loan was to be qualified by any unusual conditions?

Not the least.

195. Has or has it not been usual to make the contract for the Loan not more than two or three days before the opening of the Budget?

I really don't recollect—but I had it in contemplation to have proposed, if it could have been made convenient to the Chancellor of the Exchequer, to have the contract made in the morning of the day that the Budget would be opened, to prevent improper dealing before the resolution passed the House of Commons.

196. Are you of opinion, that the amount of any Loan at present for the Emperor, could only be remitted in specie or bullion?

I considered it would be an addition to the balance against us, as I have explained.

197. Do you know in what manner the amount of the last Loan to the Emperor was remitted to him?

I do not—I look to the price of gold only.

198. Do you or do you not hold it to be essential, in nature and effect of a fair competition, that no one of the competitors should be informed of the terms offered by the rest, or by any of them?

Before the bidding—I certainly do.

199. According to your knowledge and experience in the

transaction of public Loans, what has been the average amount of profit which had been usually expected and thought sufficient by subscribers to such Loans, as a compensation for their risk and trouble?

In my opinion that must depend on circumstances at the time, or the motive that may induce people to be desirous of obtaining it---this replying to a supposition of competition--but with regard to private Loans, the parties endeavour to get the best terms they can---that has been always my opinion---it has been always considered that a private Loan was expected to be a great *bonus* in comparison with one by competition, and on that account I considered competition to have been first established.

200. What do you mean by the circumstances at the time?

Relative to the situation of the country at the time regarding war or peace.

201. Do you mean that, with the public expectation of peace, the subscribers would be satisfied with a less profit, and *vice versa*?

No doubt of it—but I mean not only war and peace, but the public opinion, and the price of the funds—what I mean by the price of the funds is such, as whether they were 80 or 60, or such a difference, being higher or lower, must make a greater or less inducement to obtain the Loan.

202. You have mentioned several reasons that induced you to believe confidently, that the Austrian Loan, which you offered to contract for, connected with one for the service of this year, would be injurious to the credit of this country, were these in your contemplation on the 25th of last month, on which day you have stated your intention of offering to make a contract for the Loan, nearly on the existing prices of the Stocks, independently of discount?

It was my opinion at that time, that an Austrian Loan would be dangerous to the credit of the country, and that no such Loan would take place, although there was a reserve for the liberty of having one; and I believe other persons were of the same opinion.

203. Can you inform the Committee, what premium the Loan of February 1795 bore at the time when the present Loan was contracted for?

It cannot be done without taking the price of the different parts—there is no dealing in that form—it has ceased to be *omnium*.

204. What difference would it have made in the terms you have stated you would have offered on the 25th of November, if you had thought there would have been an Austrian Loan to the amount of three million?

If the Austrian Loan had been a certainty, my answer would be, that the terms would depend on whether that would have been a *bonus* or not—from the price settled for it. But supposing that,
contrary

contrary to my opinion, an Austrian Loan, which was reserved, should hereafter have taken place, I considered, if I had got the Loan, that it would come as a *démas*, and not as a matter of any risk to the contractors or subscribers as to the price.

205. Supposing you had known for certain by information, on the 25th of November, that the Chancellor of the Exchequer would have made an Austrian Loan for three millions in the course of the present year, and unconnected with the terms of the English Loan, what difference would the knowledge of that circumstance make in the terms of your offer for the English Loan?

I should have been governed by the impression it might make on the public mind, which might have changed with respect to peace, and on the price of the funds.

206. Would it, in your opinion, have made any considerable difference in the terms which you would have offered for the English Loan?

If it had then come first forth as a matter of certainty, I should have considered it as proper to have proposed, that the bidding should be delayed a day or two, to see the effect it would have on the public mind.

207. What effect do you think it would have had on the public mind?

In my opinion it would have tended to have lowered the price of the funds.

208. Have you any other means of judging of the quantity of gold and silver now in store, besides the present market price of those commodities?

I have no other means of judging but by the price, and common report.

209. Had the Governor of the Bank seen your list, and approved of it as competent?

He had.

210. Were you authorized by your subscribers to settle the terms of the Loan for them on your own judgment, whenever you should have been pressed so to do?

It was entirely left to me---I was under no constraint.

211. Why did not you inform your subscribers generally, that in your opinion they were not likely to obtain the Loan by competition?

It was a matter of public notoriety, which they all knew as well as I did.

212. Were you acquainted, as a matter of public rumour or notoriety, with the necessity government had for money about the months of October or November?

I had no knowledge but what I had as public rumour.

213. Are you of opinion, that a Loan for such a sum as 4 or 5 millions, might at that time have been negotiated to answer any pressing exigencies?

[Which copy was delivered in and read, and is annexed in Appendix, No. 5.]

To that letter I received an answer from Mr. Pitt, appointing an interview for the next day, Tuesday, for Mr. Robarts and me---that interview accordingly took place, and Mr. Robarts and I set forth the circumstances upon which we presumed to expect a preference in contracting for the Loan---Mr. Pitt said, it would be necessary for him to consider attentively, and consult some persons upon the nature of the claim we had set up, and therefore recommended it to Mr. Robarts and me to commit to writing the substance of what we had set forth in conversation; and we accordingly committed it to writing in our letter dated the 24th of November (which letter is already before the Committee.) [Appendix, No. 3.] The meeting in Downing Street being fixed for Wednesday the 25th of November, Mr. Robarts and my friends and myself attended there; and after waiting some time in the same room with Mr. Morgan and the two Mr. Mellishes, Mr. Robarts and I were sent for into the next room, where we found the Chancellor of the Exchequer, and the Governor and Deputy Governor of the Bank---the Chancellor of the Exchequer told us on entering that he had been communicating to the Governor and Deputy Governor of the Bank the letter which we had written to him, and which he had received that morning on his return from the House of Commons---He said, that he did not find the matter free from difficulty, but that he conceived a considerable degree of attention was due to the claim we had set up---in order to be perfectly sure that there was no mistake with regard to the offer that I had made for the qualified bidding, he asked me what I understood by the half *per cent.* on the whole sum to be borrowed---he said, that was the only passage in the letter which seemed to admit of any doubt---I said, that I meant that my offer should exceed the highest offer by £. 90,000 that in short my offer should be £. 90,000 more valuable to the public, I mean to the country, than the highest bidding.---The Chancellor of the Exchequer then asked, if the other parties should not consent to the qualified bidding proposed, whether we would consent to take the Loan at such a price as should be fixed, in fine, whether we would consent that he should fix the price of the Loan?---We said we were very willing to leave the fixing of the price to him.---We then returned to the room where Mr. Morgan, the two Mr. Mellishes, Mr. Salomons, Mr. Goldsmid and Mr. Aislabe had remained---In a short time thereafter, the Chancellor of the Exchequer, the two Secretaries of the Treasury, and the Governor and Deputy Governor of the Bank joined us---the Chancellor of the Exchequer asked how many parties there were that intended to offer for the Loan---it was replied that there were three parties---Mr. Morgan, Mr. Mellish, and Mr. Boyd---The Chancellor of the Exchequer said, that previous to entering into the usual preliminary details, it was necessary to state certain circum-

circumstances which had come but recently to his knowledge, but to which he conceived a considerable degree of attention was due—then he mentioned, that the contractors for the last year's Loan thought they had a right to prevent the negotiation of another Loan, until the last payment upon the Loan of last year should be made, but that the contractors for last year's Loan had proposed to give up that right, upon condition that there be allowed them a certain preference—He then said, that as the best mode of explaining the nature of this preference, he would read a passage in our letter; and he did accordingly read as follows:

“We are willing to allow the proposed Loan to be exposed to competition, upon condition that the option shall be expressly referred to our party of taking the Loan at such a price as shall be equal in value to one half *per cent.* upon the whole sum borrowed, above the highest offer of the competitors.”

—The Chancellor of the Exchequer then asked Mr. Morgan and Mr. Mellish, if they were willing to make offers on those conditions—they both objected—The Chancellor of the Exchequer (speaking to Mr. Morgan and Mr. Mellish) said, perhaps it would be necessary for you to have time to consider of the proposal, and to consult your friends upon it.—Mr. Morgan said, that he required no time for considering of it, or consulting his friends upon it, for that he never would consent to it.—Mr. Mellish seemed at first inclined to take time to consider of it, and to consult his friends upon it—but upon hearing Mr. Morgan's decided answer, he said, that he would not require any time; and he refused equally the proposed competition.—Then the Chancellor of the Exchequer said, that he believed there was no longer any occasion for them, to wit, Mr. Morgan, and the two Mr. Mellishes, to remain—upon which they withdrew.—And then the Chancellor of the Exchequer proceeded to the preliminary details which generally precede all negotiation for Loans; *viz.* He informed us that there might possibly be a Loan for the Emperor in the course of the year 1796, but certainly not to a greater amount than 3 millions at most: it was fixed that the last payment on the new Loan of 18 millions should be made on the Fifteenth of December 1796, and that no payment on any subsequent Loan should take place till after that time: it was asked by one of my party, whether there would be a Loan for Ireland? The Chancellor of the Exchequer could give no assurance on that point: The Chancellor of the Exchequer informed us, that of the Exchequer bills of the vote of credit of 1796, possibly a million and half might be brought upon the market in the common mode: not more than 5 millions of the navy debt would be funded in 1799, and no part of it before the 1st of May: then he informed us the Loan about to be contracted for might be perhaps 19 millions instead of 18; but we gave it as our opinion that this should make no variation in the terms, because he explained to us, that in this case the exchequer bills, instead of two being two millions and a half, would only

only be one million and a half; it was then agreed that the discount should be 3 per cent. as usual, on advances made after the 30th of December, and 3 and $\frac{1}{4}$ per cent. on advances completing the payments between the 10th and 30th of December: then it was mentioned that the reserves of the Loan for public companies should be the same as those last year. When all these details were gone through, and that I had expressed to the Chancellor of the Exchequer my hope that he would weigh properly the funding of the navy debt, the possibility of an Austrian Loan, &c. in fixing the price of the Loan, seeing that we had submitted the matter to his decision; then he withdrew with the two secretaries of the treasury, and the governor and deputy governor of the Bank. The reason why I recommended to the Chancellor of the Exchequer to weigh properly the funding of the navy debt, and the possibility of an Austrian Loan, &c. was, because the matter, with regard to the price, was entirely out of our hands, seeing that it was positively agreed that he should fix it. In about half an hour or an hour, the Chancellor of the Exchequer, the two secretaries of the treasury, and the governor and deputy governor of the Bank returned to the room where they had left me and my party, and then the Chancellor of the Exchequer produced a paper, stating the price of the Loan as follows,

120l. consol. ann.	}	making 145l. valued at 65,
25 Red. D ^o		

making 94l. 5s. and 6d. Long. Ann. valued at 18 $\frac{1}{2}$ years purchase making 6l. 0s. 3d. Total. 100l. 5s. 3d. Which exceeds of 5s. 3d. forms a part of the *bonus*. To these terms we acceded.

220. You have stated that the 5s. 3d. exceeding the 100l. forms a part of the *bonus*, how was the remainder of the *bonus* made up?

It was made up by the difference between 67 $\frac{1}{2}$, which was the market price of the 3 per cents and 65, which was the price at which they were valued: the discount forms another part of the *bonus*; it is equal to 2l. 14s. per cent. and for such contributors as pay up before the 30th of December 1795, the discount will be equal to 2l. 18s. 6d. per cent. by reason of there being a quarter per cent. more discount upon payments in full, made between the 10th of December and the 30th of December, than upon any subsequent payments.

221. Was there any other *bonus*?

I don't recollect any other.

222. You have stated the price of the 3 per cents. consol. to be 67 1-half on the morning of the 25th of November, when the contract was made, did you expect there would be any alteration in the price of that, and the other funds proportionably, in consequence of the Loan of eighteen millions, the statement of a possibility of an

an Austrian Loan, and the reserve of funding five millions of navy debt, when those and the other circumstances respecting the negotiation should be known?

I certainly did act under the persuasion, that the addition of eighteen millions of new debt, the reserve for the funding of the navy debt, and the possibility of the Austrian Loan, would not fail to produce an effect on the existing funds, and that that effect must necessarily be a fall.

223. In consequence of an order of this Committee, a paper, intitled, "Copies of the different lists of the subscribers to the Loan for the service of the year 1796, as sent into the Bank by the contractors for the same," has been laid before the Committee, in which paper, it appears that there is standing a very large sum in the name of Boyd, Benfield, and Co. Have you any objection to deliver into this Committee a list, containing the names of all the persons, without any exception or reserve whatever, who had any share of the sum standing in the name of the said company?

I have no objection.

[And he delivered in the list.]

224. Is the sum of 694,000*l.* which appears to be the amount distributed by Messrs. Boyd, Benfield, and Co. the whole sum received by them for their distribution?

By no means—that is only part of the sum of 1,593,000*l.*

225. How is the remainder of the sum of 1,593,000*l.* disposed of?

It belongs to the house of Boyd, Benfield, and Co.

226. Do you mean to state that that remainder was reserved exclusively for the house of Boyd, Benfield, and Co. for their own account, or was any part of that distributed to other persons?

For our own account, and no part of it was to be or was distributed to others.

227. A further sum 285,000*l.* appears in the list in the name of Boyd, Benfield, and Co. Was that also reserved for the house, or has any part of that sum been distributed to others?

That also was reserved for the house, and no part of it has been distributed to others.

228. A further sum appears in the list of 150,000*l.* in the name of Walter Boyd, Junior, Esq. Can you give any account of the distribution of that sum?

No—that sum was given to myself.

229. Is the Committee then to understand, that the sum of 899,000*l.* being the difference of the sum of 694,000*l.* in the paper now delivered in by you, and the sum of 1,593,000*l.* standing on the list delivered in from the bank, together with the sum of 285,000*l.* standing also in that list, in the name of Boyd, Benfield, and Co. are positively reserved for the house, and that no part whatever thereof, was distributed to any individual not in partnership

partnership with the House whatever, and that no person derived any interest from the same in this or that manner?

Yes; I mean that these two sums belong exclusively to the house of Boyd, Benfield, and Co. on their own account.

230. There appears on the list the name of J. W. Ker, Esq. for the sum of 150,000l, is he connected with your house?

He is connected with the house, but not a partner in the house—he was my partner in the house that I had at Paris, under the firm of Boyd, Ker, and Co.

231. If a Loan were contracted for before the last payment on a former Loan, but so that it should be known to a certainty that the first payment on the new Loan would not take place till a considerable time after the last payment should be made on the former loan, would the public knowledge of such contract having taken place, affect the price of the funds which had been given for the former loan, as much as if the first payment on the new loan had been to take place before such last payment on the former loan?

If the first payment of the new loan were to take place at a considerable distance from the period of its negotiation, it is natural to conclude, that its effect upon the stocks would be smaller than if the payment was to take place sooner—the payment being to take place after the last payment of the former loan, would produce less effect upon the stocks (I mean with regard to a fall) than if the payment was to take place before the last payment.

232. Would the circumstance of the contract for the new loan having taken place before the last payment of the former, while the first payment on the new loan was not to take place till after such last payment on the former, affect the price of the funds in any material degree, more than the general knowledge or belief that a new loan would be necessary for the service of the ensuing year?

I think it would.

233. Did you know, when you made your representation on the 24th of November to the Chancellor of the Exchequer, at what time it was intended that the first payment on the new loan should take place?

I understood that it was to be made early in December.

234. From what authority did you understand that?

I understood it from the Governor of the Bank, I think—it seemed to be generally known.

235. Did you not object simply to any negotiation for a new loan, previous to the expiration of your contract for the preceding loan?

I certainly did mention to the Chancellor of the Exchequer, when the report of the negotiation of the loan first came general, that our party conceived themselves entitled to prevent negotiation of any other loan, until the last payment of the preceding loan took place.

236. About what time did you first understand that a loan was likely to take place for the service of the year 1796?

About the month of October.

237. Did you then, about that time, state to the Chancellor of the Exchequer, the claim which you conceived to exist on the part of the subscribers of the former Loan, for a preference in any new Loan that might be negotiated?

I certainly did state to the Chancellor of the Exchequer the right of the contractors (not of the subscribers) to object to the negotiation of the new Loan—upon that occasion the Chancellor of the Exchequer seemed unwilling to admit of such a claim; and I said, that whatever right we might have, we should exercise that right with great liberality—it was upon that occasion that the Chancellor of the Exchequer said, he would send for our party to hear what they had to say, before any competition should take place; but he seemed very positively determined not to admit of the claim that I mentioned.

238. About what period did this take place?

I think it was in the month of October.

239. Subsequent to that period, and previous to your letter of the 23d of November, had you any other communication with the Chancellor of the Exchequer upon that subject?

I don't think I had—I think I may say positively I had none.

240. When you attended the meeting at Mr. Pitt's house on the 25th of November, did you understand the Loan was to be made by public competition?

When I went to that meeting, it was impossible for me to know what would pass at it, and how the proposal contained in our letter of the 24th of November might be received by the Chancellor of the Exchequer.

241. In your communication with the Chancellor of the Exchequer on the subject of a new Loan in the month of October, did you state fully the claim of the contractors for the former Loan?

Not by any means so fully as I did in my conversation on the 24th, and in Mr. Roberts' letter and mine on that day.

242. Did this conversation with the Chancellor of the Exchequer on the 24th of November pass in the presence of any other person?

Yes, in the presence of Mr. Roberts, for whom and for myself I had solicited the interview, by my letter of the 23d, and of no other person.

243. How was the communication made, which you have mentioned, with the Chancellor of the Exchequer in the month of October?

It was in conversation.

244. Was any other person present at that conversation?

No.

245. When did you first hear that the 23d of November was the day appointed for an interview between the Chancellor of the Exchequer and the persons intending to offer for the ensuing Loan? It was either on the Saturday or Friday preceding.

246. From whom did you receive that information?

I received it from Mr. Goldsmid and Mr. Salomons, and others, who said, they had it from the Governor of the Bank.

247. Had you no official communication yourself from the Governor of the Bank respecting the manner in which the Loan was to be negotiated, and the time of bidding for?

It will appear from my letter of the 23d of November, that I learnt at the bank, that the meeting which had been originally fixed for that day was put off to Wednesday—the Governor of the Bank then told me, that although the meeting of the candidates was then put off, still he and the Deputy Governor were to wait on Mr. Pitt by appointment that morning—the Governor told me that upon his return from Downing-street, he would inform me of what had passed—and accordingly I called on the Governor of the Bank on his return, and learnt from him, that Wednesday was fixed for receiving the candidates to settle the preliminaries, and that the competition and final settlement of the Loan would take place on Friday.

248. Was it not generally understood that the Loan was to be settled by public competition?

It seemed to be the general opinion.

249. Was it not known that there were several competitors? Perfectly known.

250. Is it not usual in such cases for the day of the first meeting to treat for the Loan with the Chancellor of the Exchequer, to be formally announced to such persons as are known to be competitors?

I have understood that the intimation is generally given through the Governor of the Bank, and when the Governor of the Bank communicated the intended meeting, that had been originally for Monday the 23d, to Mr. Salomons and Goldsmid, who were my friends, I believe he considered it was the same as if he had announced it to himself.

251. Did you then receive this as a formal and official communication, that there was to be an interview between the Chancellor of the Exchequer, and the persons intending to offer for the ensuing Loan, for the purpose of settling the preliminaries respecting the same?

I certainly did consider it an intimation.

Question repeated.

I considered it as an intimation of which I could not be supposed, or pretended to be ignorant.

252. Believing the 23d of November to be the day appointed for treating with the candidates for the Loan, did you not think it necessary to make some representation to the Chancellor

of the Exchequer on behalf of yourself and the contractors for the preceding Loan, on the subject of your claim ?

I certainly did so consider it, and my letter of that date will show how I consider it.

253. Did you not in point of fact set out to attend the meeting fixed for the 23d of November, without having made any such representation ?

No: the copy of my letter shows I did not: I set out from New Broad Street, where my counting House is, along with Mr. Roberts, in the intention of proceeding to Downing Street, to make our representation previous to the meeting of the candidates; but having called in at the bank on our way, we there learnt the meeting was put off to Wednesday.

254. Did you not then, from the time of receiving the communication from the governor of the bank, through Mr. Goldsmid and Mr. Salomons, that Monday the 23d was the day fixed for the meeting with the Chancellor of the Exchequer on the new Loan, the morning on which that meeting was to take place, make any representation, or take any step to procure an interview with him, on the subject of your claim ?

I did not: I passed the Sunday at my House in the country, and during the time between the receiving that information from Mr. Goldsmid and Mr. Salomons, until the Monday following, I constantly expected to have received notice from the Chancellor of the Exchequer for me and my party to wait upon him agreeably to what we expected; he having assured me, in the month of October, that he would send for us, previous to receiving any candidates for the Loan. I think proper to add, at the interview which Mr. Roberts and I had with the Chancellor of the Exchequer, on Tuesday the 24th of November, he explained why he had not receive any such intimation: his reason was, that finding it would be impossible for him to receive the candidates on the Monday, he had written a note to that purpose on the Saturday to the governor of the bank, who having gone to the country, did not receive that note until the Monday following.

255. Did the Chancellor of the Exchequer then declare it to have been his intention to have sent for you, previous to the interview appointed with the candidates for the Loan for the 25th of November, if you had not applied to him ?

Yes.

256. Had you any communication with the governor of the Bank on the subject of the new Loan, at any time previous to your interview on the 24th of November with the Chancellor of the Exchequer ?

The only communication which I had with the governor of the Bank with regard to the Loan, was on the Monday the 23d of November previous to his going to Downing Street, and after his return.

257. Do you mean to state that you had no communication on that subject with the governor of the Bank, previous to that time?

Not otherwise than accidental conversation, when I met him in the street.

258. Is it to be understood then, that you had no conversation with the governor of the Bank on the subject of your claim?

Not until Monday the 23d of November, when in presence of Mr. Roberts I mentioned to him our disappointment at not hearing from the Chancellor of the Exchequer agreeable to his promise, previous to any meeting of candidates: it was then, for the first time, that I said that our party conceived we had a right to object to the negotiation of the loan until the last payment of the preceding Loan was completed: the governor said, that he had always considered that we had a right, but that as I had never mentioned it, it was not his business to say any thing about it; and then I said, whatever right we might have, he might be assured that we would not exercise it in an illiberal or unfair way: that is all that passed.

259. Did the governor of the Bank on that day, state to you that the Loan was to be by public competition?

Yes.

260. On what day did the governor of the bank inform Mr. Goldmid and Mr. Salomons, that the 23d of November was the day appointed for the meeting between the candidates for the Loan and the Chancellor of the Exchequer?

I presume it must have been either Friday the 20th or Saturday the 21st, as it was to one or other of these two days that they informed me.

261. Have you any reason to believe that the same information was given to the other competitors for the Loan?

I believe so.

262. Did you at any time after having heard that a new Loan was to be negotiated, call a meeting of the holders of the scrip of the former Loan?

No.

263. Did you call a meeting of the original subscribers?

No. I had a meeting of the contractors.

264. Had you any authority to act for a majority of the subscribers or holders of the scrip?

No; I did not consider the simple scrip holders as having any title to act; or any of the subscribers, except the contractors.

265. Are not the holders of scrip the persons who would be injured, if any injury should accrue from the negotiation of a new Loan?

There is no doubt that any depression of the stocks, which the negotiation of a Loan might occasion, would likely affect the value of scrip,

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266. Can you state the amount of the scrip remaining to be converted into stock, at the time you objected to the negotiation for a new Loan?

It is already stated in my letter, but I will now state to the Committee the manner in which I discovered the amount. I think it necessary to do so, to account for any inaccuracy which may be discovered as to the sum stated in that letter. I had heard that, exclusive of the payment upon the English part of the preceding Loan, which was due I think in November, there remained about 500,000*l.* still to be paid in the month of January, when I knew, from my own knowledge, as agent for the Emperor, that there remained nearly about half as much to pay of the Austrian parts of the loan. Having got these data I found that these two sums together formed a sum of 750,000*l.* Knowing, therefore, that the last payment on both these Loans is of 15 per cent, upon some other sum, I found that other sum to be precisely five millions.

267. What proportion of the sum of five millions of scrip remaining in the market, was held by the contractors on the 1st of November?

I cannot say accurately; but I should think one million and a half.

268. Had you any of it in your hand?

Yes, I had, I should suppose from 4 to 500,000*l.*—I cannot say positively.

269. Did the other holders of scrip make any representation to you on the injury which they would sustain from the negotiation of a new loan?

No.

270. Was any provision made for the the interest of holders of scrip who are not contractors for the former Loan, in the contract for the new one?

No.

271. Could the contractors for the former Loan sustain any injury from a negotiation for a new one, any otherwise than as holders of scrip?

Yes—there is an important distinction between the contractors and simple scrip holders; particularly with regard to the Loan for the year 1795. It is hardly necessary to state the trouble which falls exclusively upon the contractors conducting the details of a negotiation. Independent of that natural distinction between the contractors and simple scrip holders, there were circumstances of a very peculiar nature in the contract for the Loan for the year 1795. The contractors for that Loan were bound, jointly and severally, for the performance of the engagements entered into, and before even the first payment was made upon the Loan. They remained in that state of responsibility during a period of very great alarm, when Holland was overrun by the French, in so much, that the *omnium* fell down to par, and even
even

to a quarter *per cent.* discount. Thus it appears that the contractors had duties different from those of simple scrip holders, and in return for those duties I conceive they have extraordinary rights, and that it would be encroaching on those rights to deprive them of the preference of making any Loan which might be required within the period to which their contract extends.

227. It is then to be understood, as your opinion, that the contractors for the former Loan, even if they had disposed of all their scrip, would be injured by a negotiation for a new one, previous to the last payment, stipulated in their contract, and that they therefore would have a right to a preference, if such a new Loan should be negotiated?

Yes, they would be injured, in so far as they would be deprived of a right which seems to me to belong exclusively to them.

273. In this respect what distinction can be stated between the contractors and the original subscribers?

I can state a strong distinction that exists between myself, or my house, and the persons who appear as subscribers in the books of the bank, in consequence of portions of the Loan, allotted to them, by myself or my house; these subscribers had no share in the trouble of conducting the negotiation; they conferred no favour whatever upon me by appearing as subscribers, on the contrary, I considered that I conferred a favour upon them, because all these portions were allotted to them in consequence of their most earnest solicitations; they had besides contracted no responsibility similar to that which I myself had contracted, and they were utterly unknown to government.

274. Did they not equally with you incur the risk, and sustain the loss, which might have accrued at the time that Holland was over-run?

No—the contractors were and still are bound jointly and severally, one for the other, *singula in solidum*, for the payment of the instalments, and performance of the agreements, entered into, while the simple subscribers were only bound to the extent of their subscription, and consequently they never could have lost more than the first deposit of ten *per cent.* while the contractors, on the other hand, were bound to make good the payments to the last shilling of their fortunes.

275. Was that circumstance, of the contractors being bound, jointly and severally, in the manner you have described, peculiar to that contract, or unusual in contracts for public Loans?

I understand it to be common to all such contracts; but I spoke particularly to the contract of last year.

276. Is not every subscriber bound to make good the amount of his subscription, and would not the contractors have the power of recovering from them.

I do not conceive they would have any such power, the obligation being generally to make the deposit of ten *per cent.*

Does

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277. Does then the greater risk which you state to be incurred by the contractors, arise from their being responsible for any insufficiency or bad faith of the original subscribers?

Certainly.

278. Is this the injury alluded to, in the letter of the 24th of November, and on which you found your claim to a preference?

No—the injury I alluded to in my letter of the 24th of November, is precisely what it is there stated to be, to wit, the injury which the contractors as scrip holders, who sustain by the introduction of new scrip while the old scrip was still in hand.

279. Is it then to be understood, that the only injury represented by you to the Chancellor of the Exchequer, and on which you found the claim of the contractors for the former Loan to a preference, is that which they would sustain as scrip holders?

Yes—I will proceed to explain why I entered into that minute ~~was~~ relative to scrip—In the conversation which Mr. Roberts and I had with the Chancellor of the Exchequer on the 24th of November when I mentioned to him the claim to prevent the negotiation of a Loan, until the last payment of the preceding Loan, he said, he did not recollect any positive engagement to that effect—I said, that I understood the engagement was either positive or implied, but that I thought I could then demonstrate to him that the right which we claimed did necessarily exist from the nature of things; then I said, as a proof of this, let me ask you, if there was any period in the course of the year 1795, at which we should have been completely justified, in opposing any Loan which you might have brought forward? The Chancellor of the Exchequer replied, that certainly if he had brought forward a Loan in the month of June, he would have considered that our objection to that negotiation was well founded; then I said, if such a right did exist in the month of June, I conceived it exists equally in the month of November. I added, that right must have limits; there must be a period at which it ceases, and that period must necessarily be that on which the whole payments on the Loan are finished, upon this, the Chancellor of the Exchequer said, that the sum remaining unpaid was so very small, that he did not think it could be seriously urged as a reason for not making the loan; it was upon that occasion that I said, small as the sum is, it is 15 per cent. upon a larger sum, and that larger sum can be no other than five millions; I thought that upon this occasion I had clearly demonstrated that neither the period to which our contract extended was arrived, nor whither the purposes of the contract accomplished.

Witnessed.

Received and read a letter from Mr. Morgan, dated Kensington, on 22d December, 1795, containing his reason for declining to ask the gentleman for leave to give in his name, from whom he expected an answer on the 29th of October, which letter is annexed in appendix, No. 6.

ALB. WILKINSON,

Mercurii, 23 die Decembris 1795.

Mr. BOYD again called in, and examined.

280 DID you state to the Chancellor of the Exchequer the distinction which you conceived to exist between the contractors, and subscribers and scrip holders?

No.

281. Is it to be understood then, that in point of fact, the only injury represented by you to the Chancellor of the Exchequer, on the part of yourself and the other contractors, was that which you would sustain as holders of scrip?

I think it will be found, from the copy of the letter which Mr. Roberts and I addressed to the Chancellor of the Exchequer, as well as from the conversation of which I have given the account, that I likewise represented the loss of a right which we conceived we possessed, in being deprived of contracting for the new Loan.

282. Could the contractors for the Loan of 1795, suffer any pecuniary loss by the introduction of a new Loan, otherwise than as holders of scrip?

It does not occur to me at present that they could?

283. What premium did the remaining scrip of the former Loan bear, when you made your objection, on the 24th of November, to any negotiation for a new Loan?

The scrip remaining on the 24th of November bore a price in some degree proportionate to the different stocks to which the different parts of it belonged. I can't, at present recollect the exact price it bore.

284. Can you state whether the price which it bore on the 24th of November, was reduced by the introduction of the new Loan?

It was naturally affected by that circumstance, in common with all the funds.

285. Can you state the degree to which it was so affected?

It is utterly impossible to ascertain the precise degree to which the stocks are affected by any event, or the prospect of any event.

286. At what day is the introduction of the new Loan into the market to be considered as having taken place?

The period at which the introduction of the new Loan can be legally considered as having taken place, I should conceive must be upon the Loan being voted by parliament, and even with strict propriety, the absolute physical introduction of the Loan ought only to be calculated from the delivery of the receipts; but it is well known that from the moment that the contract is made with the Chancellor of the Exchequer, the Loan is bought and sold for delivery, although the law cannot recognize any such transactions.

287. At what period would the negotiation of a new Loan produce any sensible effect on the stocks?

From the moment that the negotiation of a new Loan is mentioned, it is generally understood that even that circumstance must, in some degree, affect the price of the existing funds; and in proportion as the negotiation approaches nearer and nearer, that effect must be, or at least is generally supposed to be, increased.

288. Can you state whether, since the 24th of November, the remaining scrip of the former Loan is fallen *one per cent.*?

I can't state it; because it did not occur to me that it would be necessary to declare any thing precisely on that point.

289. Have you disposed of the scrip which you stated to have been in your hands at that period?

I do not recollect to have disposed of any, but my house may have disposed of some, without my particular knowledge, during that period.

290. Was any application made to you by any of the subscribers on your list for the Loan of 1795, to be admitted to subscribe for the present Loan, on the ground of their having a claim on account of their former subscription?

No—I think I replied to that question yesterday.

291. Can you recollect whether any such application was made by Messrs. Newnham and Everitt?

No such application was made to me by them; these gentlemen did apply to me to be admitted on my list for this year's Loan for a very large sum, although they had no share whatever in my list for the Loan of last year: I allotted them a small portion of what they applied for, for which they have expressed themselves very grateful.

292. When did you make up your list in order to treat for the present Loan?

I had no occasion, in order to treat for the Loan, to make up any list; my house, with the other contractors for the Loan of last year, being perfectly equal to any loan that might have been proposed.

293. When, in point of fact, was your list made up?

The shares of the contractors were settled on the 6th of November, and with regard to the portions of my share in the contract which I meant to allot to the different friends who had solicited shares in it, they were settled finally at my house in the country on Sunday the 22d of November, and are the same which appear by the lists now before the Committee.

294. Will you state the names of all the contractors?

Boyd, Benfield, and Co.—Robarts, Curtis, and Co.—Benjamin and A. Goldmid—E. P. Solomons—Peter Thelusion, for self and sons—George Ward, Esq. Solomons Salomons—Rawson Aislabe. These were also the contractors of last year, and signed the contract.

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245. Do all these eight firms appear signed to this year's contract?

No—but the contractors who did sign this year signed for themselves and the other contractors; those who did sign were myself, Mr. Roberts, Mr. Goldsmid, Mr. E. P. Salomons, and Mr. Astlabie, and it is perfectly understood that the absent contractors were bound to sign the contract when required; I wish to read to the Committee the title or preamble of the list which my route sent to the bank, which is as follows:

Messrs. Boyd, Benfield, and Co. as one of the principal contracting parties with the Chancellor of the Exchequer for the loan of 18 millions for the service of the year 1796, requesting that Mr. Newland will direct the receipts for the first payments on the sum 5,704,000 *omnium*, allotted to them, to be made out and delivered as follows."

I wish to add, that my house made the payment to the bank upon the said sum of 5,704,000 in one sum, having received from the different parties the deposit due by each.

296. Is that usual?

Whenever it has been deviated from, I look upon it as a concession on the part of the principal.

297. Had you settled with your party any terms on which you thought the Loan ought to be accepted, supposing it to be put up to public competition?

No—my party had implicit confidence in what I should think proper to do, in that as well as in all other respects; but I beg it may not be understood, from what I have now said, that we had come to any resolution whatever with regard to a competition; seeing we conceived that we had a right to a preference.

298. Having agreed that the proposed Loan should be offered to competition, upon condition that the option should be expressly reserved to you and your party of taking the Loan at such a price as should be equal in value to one half *per cent.* on the whole sum borrowed above the highest offer of the competitors, had you settled with your party, or come to any determination in your own mind, as to the highest offer on which you would make that advance of half *per cent.*?

I had not; it would have been in good time to have come to that resolution when I should have seen the offer that was made; it was not understood that I was to make any offer.

299. What was the amount of four *per cent.* scrip, or nearly so, which you held in the former Loan at any time subsequent to the two first payments?

I certainly held none, as far as I can speak from memory.

300. Did the bank undertake to make any of the payments on the former Loan?

I understood they did, as I believe is generally their practice after two or three payments are made.

301. Had

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301. Had you ever any intimation that a part of the present Loan was to be in the four *per cent.*?

I don't recollect that I had any such intimation.

Then part of Mr Morgan's evidence, relative to a money transaction to the amount of 900,000*l.* supposed to have passed between Mr Boyd and the Chancellor of the Exchequer, being read to the witness:

He was asked?

302. Can you state any thing relative to any such transaction?

I can state every thing that related to that transaction.—Early in the month of August, if my memory serves me, the Chancellor of the Exchequer sent for me, and asked me if it would be quite convenient for me to anticipate certain portions of the payments on the Loan and Lottery, which remained unpaid up and to become due in the months of November, December, and January, in case the public service should find such anticipation necessary or convenient; I replied, that from the abundance of money which then prevailed, I had no doubt whatever of being able to make the anticipation proposed. He asked me at what rate of interest I should be able to make it, and I replied that I could not venture to undertake it at a lower rate than the usual rate of *five per cent.* for although I found that money was then abundant, for Bills of Exchange, at the rates of $4\frac{1}{2}$ and even *4 per cent.* that it would be dangerous for me to reckon upon that abundance while so large a sum of negotiations was in contemplation, and that besides, as I should probably be obliged to negotiate, such Effects as I might receive in return for the money so to be advanced, by the intervention of brokers to whom I must in that case pay commission, my undertaking it at a lower rate than *five per cent.* might expose me to actual loss upon this representation it was agreed, that if the anticipation should be required, the interest upon the advances should be calculated at the rate of *5 per cent.* As to the mode of reimbursement, the Chancellor of the Exchequer asked me, whether treasury warrants would answer my purpose? I replied, that in point of solidity he could give me nothing better or more satisfactory; but that in case I should wish to realize these warrants, I could not bring them into the market, nor would it be consistent with the respectability of my house, to endeavour to raise money upon these warrants, in case the advances should become inconvenient. At that interview between the Chancellor of the Exchequer and me, the only thing that was resolved upon was, that if the anticipation should be required, the money most assuredly should be found; that the rate of interest should be *five per cent.* and that I should consider of the mode of reimbursement which, under all the circumstances should appear to me the most convenient, provided that there was nothing in that mode incompatible with forms of the public offices.

I ought

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I ought to have stated, that at that first interview, I strongly recommended to the Chancellor of the Exchequer the propriety of secrecy with regard to the transaction proposed, giving as my reason, that the moment the public should discover that such a negotiation was going forward, in all probability that knowledge would produce a very great scarcity of money, and that thus the operation to which I consented with a view to the public service might be rendered extremely difficult, if not in some degree defeated.

It is necessary to say, that the Chancellor of the Exchequer gave me as a reason why the anticipation in question might be necessary, that perhaps the bank of England might not find it convenient to make it.

On the 25th of August I saw the Chancellor of the Exchequer again; when he told me, that he found he should not, in any case, have occasion for so large a sum as he had originally mentioned, which was from two millions to two millions and an half, if I am not mistaken; and he seemed to be rather uncertain as to the periods at which the money would be wanted? as he was at that time rather pressed for time, the interview was very short, and therefore the next day, to wit, the 26th of August, I addressed to him a letter on the subject, which I beg leave to read, and deliver in a copy.

I perceive that I ought to have mentioned, that I had suggested to the Chancellor of the Exchequer, as the mode which appeared to me the most convenient, and the least uncommon for the reimbursement of the advances which I might make, would be by bills of exchange upon the treasury.

[Then a copy of the said letter, dated 26th of August 1795, was delivered in, and read, and is inserted in Appendix, No. 7.]

I received no answer to this letter for a week or a fortnight, the Chancellor of the Exchequer having gone out of town; and upon his return early in September, he sent for me, and renewed the subject of the negotiation; when it was agreed that the sum wanted would not exceed one million, that 500,000*l.* of the money would be wanted about the 20th of that month, and the other 500,000*l.* about the 20th of October; and in consequence of this arrangement I received, on the 12th of September, an official letter from Mr. Long relative to the transaction, which I beg leave to read, and deliver in.

[And the said letter was accordingly delivered in, and read; copy whereof is inserted in Appendix, No. 8.]

In consequence of that Authority I addressed, on the 14th of September, a letter to Mr. Long, which I also beg leave to read, and deliver in a copy.

[And the said copy of the said letter was delivered in, and is inserted in Appendix, No. 9.]

I also desire to read and deliver in a second letter from Mr. Long, dated the 17th of September.

[And

[And the same was accordingly delivered in, and is inserted in Appendix, No. 10.]

These are all the circumstances which occur to me at present, as being necessary to mention relative to the transaction in question.

303. What was the amount of the sum actually advanced in this manner?

Not more than 700,000l.

304. Are you certain it was as much?

It certainly was not more.

305. Where was Mr. Walter Boyd, Junior, at the time these bills were drawn?

In London.

306. Where was he at the time the bills bear date?

He was at Hamburgh, as is mentioned in my letter to Mr. Lang.

307. What was the reason for antedating those bills?

Because if they had been dated at the time they were drawn they must have borne date at London, which would have immediately published the transaction, which for the best of all purposes (I mean the public service) I was so solicitous to conceal.

308. Were any of these bills offered for discount at the bank?

None of them were ever offered by me, or by my house. I cannot say whether after I had negotiated these bills, any of them were offered at the bank by the indorsees.

309. Do you consider it as a regular commercial transaction for a person to draw bills as from Hamburgh, when he is actually in London?

Certainly it is not the usual mode, and indeed cannot be that in which commercial transactions generally take place.

310. Is such a practice deemed among merchants a regular commercial transaction?

The question itself shews it is not, that it cannot be a regular commercial transaction; it is as regular as the circumstances of the case, with all the views which it was necessary to consider at the time, could admit of; it would have been easy for me to have rendered the transaction much more regular, by giving orders to a house at Hamburgh to draw these bills upon the treasury; but then I must have communicated to that house the object of the drafts, which I wished to confine as much as possible to the knowledge of my own house, and those immediately connected with it, and I must likewise have paid that house a commission for drawing the bills, which would have thus become a charge upon the treasury.

311. State to the Committee your reason for wishing to confine the knowledge of the transaction to your own house, and those connected with it.

I think

REPORT FROM THE SELECT COMMITTEE, &c. 13

I think the committee will find the account I gave in my conversation with the Chancellor of the Exchequer, the reason why I wished so particularly to keep this transaction a secret; *viz.* that the knowledge of it would have produced a scarcity of money.

312. Did you, previously to the 25th of November, receive any assurance whatsoever from the Chancellor of the Exchequer, or from any person authorized by him, that your House or party should have an offer of the Loan without competition?

No—never the most distant insinuation.

313. Did you think any part of your right to a preference, as a contractor to the new Loan, was grounded on this money transaction?

Most certainly not. I never had any expectation of the Loan, nor did there ever pass between the Chancellor of the Exchequer or any person authorized by him, any thing on which I could found any such expectation. When I consented to the proposed operation (I mean respecting the anticipation) I took no merit at all to myself in having consented to it. I said, that from the abundance of money there would be no difficulty in doing it; and in all my communications with the Chancellor of the Exchequer, the secretaries of the treasury, or any other person relative to that transaction, there will not be found, nor did there ever exist on my part, the most distant insinuation that I had any preferable right to the Loan on account of that transaction. I think proper to add, that the Chancellor of the Exchequer, having in some degree honoured me with confiding to me the secret of the public service requiring assistance, I should have considered myself as contemptible in my own eyes, if I had formed any pretensions in consequence of that confidence: I will add further, that I was extremely flattered with the idea of having thus had an opportunity of rendering a service to the public without any hope of reward whatever, and that it was such an opportunity as perhaps might never occur again.

314. Did any person, who you conceived was acquainted with the opinions of the Chancellor of the Exchequer, ever give you the smallest hint that such service would be acceptable, and would be considered as having been so upon subsequent occasions?

No, never: on this occasion I wish to add, that I discovered by occasional conversations with different people, that the public had taken up the idea, that the operation which had been animadverted upon had been entered into under the prospect or promise of being preferred for the next Loan: I spurned the idea, and never failed to express my indignation when it was mentioned.

315. Did not your knowledge that the first class of bills, dated Hamburg, August 7th, became due on the 10th of December, induce you to believe that the first payment on the new Loan would be required early in that month?

No, it did not. I beg leave to call to the recollection of the committee, that I did not understand I was lending money to government

vernment which had not been voted by parliament, but that I was anticipating to government the receipt of money which had been voted, and which would become payable in time for the discharge of the bills drawn.

316. Had you any other money transaction with government in the course of the year, besides those you have mentioned?

Yes: the letter which I had the honour to deliver, dated the 20th August shews that I had: and besides, I had at different times opened credits upon the continent for different sums, agreeably to the orders of government.

317. In what form was the condition expressed which is mentioned in your letter of the 24th of November, viz.—“that no other public Loan should be made until the period fixed for the last payment of the Loan then contracted for should be elapsed?”

If this condition had been reduced to any form, there could not have ever existed any doubt as to our claim; I have already stated, in the account I have given to the committee of my conversation with the Chancellor of the Exchequer on the 24th of November, in the presence of Mr. Robarts, in reply to the observation of the Chancellor of the Exchequer, that he did not recollect any positive engagement, as to the point on which I founded my claim, that that engagement was either positive or implied—and then I proceeded to demonstrate that the claim was founded on the nature of things.

318. You assert in your letter, that the contract was entered into under that condition; has the Chancellor of the Exchequer at any time acknowledged, upon being reminded of it by you, that he had agreed to that condition?

I beg leave to refer to the evidence, which I had the honour of giving yesterday, for an answer to this question.

Withdrew.

Mr. BOYD again called in, and examined,

319. If the money raised on the bills which have been mentioned, was only an anticipation of the Loan of 1795, why was the payment of the last class of them deferred to a period so much later than that fixed for the last payment of that Loan?

I beg leave to state to the committee, what passed between Mr. Long and me about the change in the period for the payment of these bills. Mr. Long mentioned upon that occasion, that there were certain forms which frequently produced delays with regard to the issuing of money, and that it was in order to be perfectly sure that no part of these forms could possibly be omitted, that the treasury wished so much latitude in point of time for the payment of the bills, beyond the periods at which the funds for discharging them would be received by the bank.

320. On what ground of calculation did you assure the Chancellor of the Exchequer, that if he consented to a private negotiation,

tion, your offer should be fully as liberal as if you had no preference, and that it should equal his expectation?

It was not on any ground of calculation that I assured the Chancellor of the Exchequer, that in the event of a private negotiation my offer should be as liberal as if I had no preference. It was from feeling in my own mind, that upon that as upon all occasions, I should be fully as liberal when any matters were left to my own decision, as I should be under any controul whatever.

321. Did you know what his expectation was?

No.

322. Did the preference proposed to be given to you, or, did it not, put an end to the competition?

The competitors certainly refused the competition as proposed.

323. Is it possible to reconcile a predetermined preference in favour of any one competitor, to the principle and effect of public competition?

Without pretending to decide what is possible in the abstract on that, or indeed on any case of competition, I can only say, that it was perfectly possible for the competitors to have offered agreeably to the mode proposed.

324. Has it been stated to you by the Chancellor of the Exchequer, or do you know on what principles his predilection in favour of public competition is founded?

I do not know the principles upon which that predilection is founded, though I have reason to believe that it must be founded upon a persuasion he must have, that the principle of competition gives the fairest chance of obtaining the best price.

325. Supposing the competition to have proceeded with the preference proposed in your favour, would you have outbid the following offer? viz.

£. 120	—	67 $\frac{1}{2}$	—			£. 81 $\frac{1}{4}$	—
25	—	66 $\frac{3}{4}$	—			16 13 9	
3s. 6d. annuity at 18 $\frac{1}{2}$			—			3 4 9	
						100 18 6	
					Discount 3 per cent.	3 — —	
						£. 103 18 6	

by bidding half per cent. above it?

If such an offer had been made, and had been found to be the highest, I should then, and only then, have determined what I had to do.

326. Do you know, or have you any ground for believing, that the number of persons holding portions of the five millions scrip, which were floating in the market on the 24th of Novem-

ber, was greater in your list than in the list of Mr. Morgan or Mr. Mellish?

I really know nothing about it.

Withdrew.

Mercurii, 20^o, die Januarii 1796.

Mr. ABRAHAM NEWLAND, called in, and examined.

327. ~~Are~~ you principal cashier of the bank?

" I am.

328. How long have you been in that situation?

Nineteen years,

329. From your situation are you not conversant with the transactions respecting Loans?

Yes.

330. From your experience in transactions of this nature, should you have thought, if a new Loan was made, the first payment of which was to take place previous to the last payment of a preceding one, such a circumstance would be a matter of just complaint to the contractors of such preceding Loan?

I believe they would in general have made such a complaint, because it is understood that an old Loan should be finished before a new one takes place.

331. Would the contractors in such case have any cause of complaint, supposing them to have disposed of the scrip of the former Loan?

I should apprehend not.

332. Do you conceive that the contractors would have any claim distinct from that of the original subscribers or scrip-holders?

No: I should think not.

333. Can you state, from your experience in the negotiation of former Loans, the time that has usually elapsed between making the contract with the Chancellor of the Exchequer, and the opening of the budget?

It varies sometimes: I believe three or four days, and sometimes only two days: I don't know but it may have been a week occasionally, but I can't speak with certainty?

334. Are you enabled, from your official situation, to know the different risks incurred by the contractors and the subscribers to a Loan?

I should apprehend that if the subscribers to the Loan do not fulfil their engagements with the contractors, that the contractors are still bound to fulfil theirs with the treasury.

Withdrew.

Mr.

Mr. B O Y D again called in, and examined.

335. Was your list ever called for by the Chancellor of the exchequer?

No.

336. Did the Chancellor of the Exchequer know the names of your list, at the time when the qualified bidding was decided upon?

No: he did not, and as far as I know, does not know them to this moment.

337 Do you think the contractors are bound to watch over the interests of the subscribers to their lists, as far as respects the performance of their conditions of the bargain?

The contractors certainly owe no particular duty to the subscribers, they on the contrary confer favors upon the subscribers, and in so far as the performance of the engagements is concerned, it is their own particular interest which the contractors watch over when they attend to the due performance of what the subscribers undertake.

338 Do you think the contractors are bound to insist upon government's performing their part of the conditions of the bargain?

Most undoubtedly.

339. Are they not bound so to do on account of the subscribers to their lists?

Not particularly on account of the subscribers, but generally for the interest of all concerned.

340 Did the case of the contractors for the Loan for the service of the year 1793, as it was made previous to the last payment of the preceding Loan, constitute a similar right to what you insisted upon in the case of the present Loan?

It is not for me to define what were the rights of the contractors for the Loan for the Service of the year 1794; all that I know of the matter is, that it is always understood, when the Loan for the year 1795 was negotiating, that the first payment on that Loan cou'd not take place until the last payment of the preceding loan was made.

341. Did the Chancellor of the Exchequer mention the names of the persons whom he mentioned to you, as necessary to be consulted by him on the nature of the claim of preference which you had set up?

No, he did not.

342. Did any thing particular pass between you and the other Parties, when you was waiting for the Chancellor of the Exchequer in Downing Street, on the 15th of November, relative to your claim?

Nothing.

343. Did the plan for the qualified bidding of one half *per cent*, in favour of the public wholly originate with you?

Entirely and exclusively.

344. Did any thing particular pass between you and the other parties, after your return to the room, and previous to the arrival of the Chancellor of the Exchequer, relative to your claim?

No.

345. Did the Chancellor of the Exchequer on this occasion, or on any other in which you have been concerned as contractor, ever recommend any name or names to be placed on your list of subscribers?

Never.

346. Did any other persons, whom you conceived to be connected with him, ever, directly, or indirectly, make any recommendation of any name or names to be placed in your list?

No—never.

347. Could you, as a man of business, have made up your mind on the precise price you would give relative to the Loan, without hearing all the circumstance the Chancellor of the Exchequer might wish to state previous to the binding?

To be sure I might have made up my mind upon the subject, without any explanation whatever, but I should in that case have acted very imprudently.

348. Would not the reservation for a possible Loan for the Emperor, and for a Loan for Ireland, and for the funding of the navy debt, make a very material part of your consideration in forming your judgment for a final offer?

Undoubtedly.

349. Are you certain that the other parties who came as competitors for the Loan, withdrew from Downing-street before any explanation of the preliminaries took place?

Yes.

350. Is three *per cent*. the usual discount upon all Loans?

I believe it has been the usual rate of discount upon the 90. *per cent* as any other part of the 90 *per cent* from the day on which the anticipated payment is made to the date of the last payment.

351. Were the reserves of last year's loans for public companies different from those of preceding years?

I believe not—but I can't speak to reserves of preceding years; having never, till December 1794, made any contract with government for a Loan.

352. If you had contracted for the English Loan, without being previously informed of the possibility of an Austrian Loan being wanted, and that an Austrian Loan was afterwards to take place with a different set of contractors, are you not of opinion that that event might prove very prejudicial to such a bargain for the English Loan?

The

The case supposed could not possibly happen, unless the Chancellor of the Exchequer had (which I conceive he could not have) the intention of drawing us into a bargain without the knowledge of all the circumstances likely to affect that bargain.

253. When the other competitors had left Downing-street, on the 25th of November, and the Chancellor of the Exchequer had withdrawn to consider on the terms of the Loan of the present year—did you, whilst he was absent, make any calculation to yourself of what those terms might probably be?

I did not, but some of my party did.

354. Do you know how near their calculations were to the terms offered by the Chancellor of the Exchequer?

I can't venture to say positively, but I perfectly recollect that we were struck with the wonderful coincidence of the calculations, and the terms offered by the Chancellor of the Exchequer.

355. Did you not contract for the Irish Loan of last year?

Yes.

356. Was not that Loan disposed of by public competition?

Yes.

357. Do you recollect what was the difference between the highest and lowest order made by the competitors for that Loan?

I do not recollect exactly, but I know that my offer was very much more in favour of the public than any one of the other offers; as far as my memory serves me, I think my offer exceeded the highest of the other offers by nearly five per cent. of the capital. perhaps, when I say so, I likewise take into consideration the price of the lottery, for which I also contracted, my opinion being, so far as I recollect, that the Irish government saved about 50,000*l.* by my having been a competitor.

358. You have spoken of a right in the contractors as distinguished from the right of the subscribers, do you conceive that it is competent to the contractors to exercise or surrender their right to the detriment of the subscribers?

I understand that in the exercise of any right which is possessed exclusively of the person so exercising it, he only follows what he conceives to be his own interest, or what happens to be the most agreeable to himself.

359. Do you mean to contend that the contractors for the present Loan may sanction or oppose, as of right, the introduction of a new Loan in the course of a month or two?

I really have not made up my mind on the subject; if such a case should occur, as it would be altogether new and unexpected, I should then consider what I had to do.

360. When you sell any proportion of your share in a Loan, is it not to be understood that you transfer to the buyer your whole interest in such proportions so sold?

Certainly—but I do not understand that while I sell or alienate a part of the Loan, I transfer any part of the inalienable and inherent right which belongs exclusively to me as a contractor.

361. You have said, that the proportions of the different subscribers were allotted to them in consequence of their most earnest solicitations, is that meant with regard to the subscribers both as to the last Loan and the present?

Yes.

362. When did the Governor of the Bank, whose name appears in your list, solicit to be put down for a share?

I don't recollect exactly, but I suppose it must have been some time in October.

363. When did you inform him of the share which you intended to grant him?

I don't recollect exactly—the general letter of advice was sent to all the friends to whom we had allotted portions of the Loan on the 25th of November.

364. Had you any conversation with the Governor of the Bank, on the subject of the share which he was to have in your list?

Yes—I certainly did say to him, some time in the month of October, when I met him accidentally in the street, that it would give me great pleasure to accommodate him as far as should be in my power, and this was the only answer which I gave to any body, previous to the 25th of November.

365. When did you first mention your intention of undertaking to contract for the present Loan, and to whom?

I never did formally announce any intention on the subject; I was applied to from all quarters, requesting to be admitted upon my list, if I should make one, and thus was as it were pointed out—called upon by the public to propose for the Loan.

366. When did you first engage any of your friends to take a part with you in contracting for the Loan?

I have already said, that I never engaged any of my friends to take a share.

367. Do you mean to state, that, without any assistance, your house was competent to advance upon a Loan the sum of \$,704,000?

I do mean it, and did say it—not precisely that we were able to advance the whole of that sum, but that we were perfectly able, and even provided with the means of making deposit upon the whole of that sum.

368. When did you first converse with the Chancellor of the Exchequer, or any confidential official person, on the subject of the Loan for 1796.

I recollect none, except the conversations I have already mentioned; and I am sure I had none with any other official person, but the Chancellor of the Exchequer.

369. Did you ever mention to Mr. Goldsmid, or to any other person, your expectation of having the Loan by a separate contract?

Néver, excepting so far as ^{the} ~~the~~ right upon which we finally did obtain it.

370. Having

370. Having stated that the Chancellor of the Exchequer gave you, as a reason why the anticipation on the last Loan might be necessary, that perhaps the Bank of England might not find it convenient to make it, do you not consider that a private house, which advances £. 700,000 to assist the Treasury when the Bank of England does not find it convenient to do so, confers an extraordinary favour on the Treasury so assisted?

I certainly do consider that in making that advance I did render a service to the Treasury, but it will be found in the account that I have given of the transaction, that I could render this service without risk, inconvenience, or loss, and that therefore I was happy in the opportunity of rendering it; with regard to its perhaps not being convenient for the bank to make that advance, I only considered that the Bank might at the time be under great advances in other respects for government, and I can easily conceive that it may sometimes happen that an individual may find it convenient to make an advance, which the Bank of England may not chuse to make.

371. At the time of contracting for the present Loan, were you in advance to government on any other account besides the anticipation on the last Loan?

I do not recollect that I was—I rather think not, and my advances for government on the anticipation were repaid by the acceptances of the Treasury.

372. Had you been, in the course of the year 1795, in advance on any other account?

Yes—I had occasionally, as I believe will be found in the account of the transaction relative to the anticipation.

373. Can you explain the nature and amount of those advances?

I can say from memory, and therefore not accurately, that occasionally I purchased dollars for the use of government, and established credits on the Continent at different times; I do not recollect the amount either of the one or the other—perhaps not exceeding in the whole, including credits and advances, 2 or £. 300,000.

374. Did you pay into the office of the Paymaster General £. 500,000 according to the directions of Mr. Long's letter of the 12th of September?

Yes.

375. Into whose hands did you pay it?

Mr. Richard Moleworth's, accountant to the Pay Office.

376. To whom did you pay the remainder of the sum advanced in anticipation of the Loan for 1795?

To Mr. Moleworth, excepting a part which I had previously furnished in dollars.

377. Have the bills drawn in the name of Mr. W. Boyd, jun. and dated at Hamburgh, 7th August 1795, which were accepted by

by the Treasury, and became due the 10th of December last, been paid?

I suppose so—otherwise I should have heard of it.

378. Were those bills on stamped paper?

I do not recollect—I rather think not, but it is clear the Bank must have considered them as complete and proper, otherwise they would not have paid them.

379. Do you think that the Bank would have considered them as complete and proper, if they had known that in point of fact they were drawn in England, and were not upon stamped paper?

I really don't know what to think on that subject, because it was a subject altogether foreign to them, and which nobody had any thing to do with.

380. Do you not know that there is an Act of Parliament, regarding all inland bills of exchange, not payable to bearer, to be on stamped paper?

Yes.—The reason why these bills, drawn as dated from Hamburg, may probably not be on stamp paper, is, because I intended the bills to have been actually drawn from Hamburg, by my relation Mr. Boyd, junior, and they would actually have been drawn from thence, if the final arrangement regarding the anticipation had taken place as early as I had originally expected—but Mr. Boyd, junior, having arrived in England before the transaction took place, drew in London the bills which he would otherwise have drawn from Hamburg.

381. Was there a payment on the last Loan due on the 27th of November?

I cannot say accurately, but I think there was about that time.

382. Was the amount of the Navy Debt floating in the market, known at the time of the negotiation for the Loan?

All that I know about the Navy Debt is contained in the account of the preliminaries given by the Chancellor of the Exchequer on the 25th of November.

383. Do you mean to say, that the amount of the Navy Debt was not at that time nearly ascertained, and well known to every person conversant in those matters?

I can only speak from my own knowledge.—I was not acquainted at that time with the amount of the Navy Debt, or Navy Bills—it was not of importance for me to know, but it was of great importance for me to be informed what part of that debt, whatever it might be, was in the course of the year to change its nature, and from a floating become a funded debt.

384. Do you conceive it was possible for any person likely to offer for the Loan, to know what part of those bills were likely to be paid in ready money, and what part it might be necessary to fund, till he should be told it by the Chancellor of the Exchequer?

I really know of no means by which such knowledge could be acquired.

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385. When did you first know that the Loan was to be for eighteen millions?

I think it was on the 23d of November, when the Governor of the Bank returned from Downing Street to the Bank.

386. Did you make it any condition with the persons you received on your list as subscribers, that their names should not be in any other list?

I did not make it any condition, but some time previous to the settlement of the bargain, when I was overwhelmed with demands for shares in the list, greatly beyond what it was in my power to give, I requested the several friends who had applied to me to inform me, as a means of relieving me in some degree from the embarrassment occasioned from the multiplicity of demands, whether they confined their prospects of success to the success of my list. Such friends as confessed they had not so confined their hopes of success, I conceived myself obliged to observe liberality with, than with those who had embarked all their hopes upon my success.

387. Was Mr. Morgan a competitor with you for the Loan of 1795?

I cannot say exactly whether he was or not; but I think he must have been interested in the offer made by Mr. Nesbit, because I understand they used to be concerned together; and particularly because I saw Mr. Nesbit and Mr. Morgan make an offer for the last English Lottery, which offer, if I am not mistaken, was considerably the least advantageous to the public of all that were made.

388. For how much was it understood or apprehended that the Loan would be previous to the 23d of November?

I think I had only heard of 16 or 17 millions.

389. Was there no addition made to the shares of the different subscribers, which had been allotted on the 23d of November, when you afterwards had it explained to you that the Loan was to be for a larger sum than you at that time expected it to be?

I certainly did make some additions, but no reductions. I did not recollect the circumstance of those additions when I gave my answer to a former question on this subject. By additions, I mean additional sums to some of the names already there—I added no new names.

390. Do you recollect whether the former distribution was made on 16 or 17 millions?

On 17 millions.

DANIEL GILES, Esq. called in, and examined.

391. Will you state to the Committee the circumstances which you know relative to the negotiation, and all the proceedings concerning the Loan for the service of the year 1796?

Yes; on the 25th of November 1795, the Governor and Deputy Governor waited on Mr. Pitt, in consequence of an appointment made by him, to be present at the arrangement of a Loan which he intended to settle with those persons who were disposed to be contractors for the same. The gentlemen who intended to bid for it were, Messrs. Boyd and Co.; Curtis and Co.; B. and A. Goldsmids; Aislabic and Salomons; (who had the Loan last year without competition) Messrs. John and William Mellish, and Mr. James Morgan.

The Chancellor of the Exchequer mentioned to the Governor and Deputy Governor that his intention was to make the Loan by competition, but he found himself embarrassed by a memorial which the contractors of the last Loan had presented him, and which he read to them, wherein they stated, that from what passed at the concluding of the last Loan, when Mr. Pitt gave his word that no fresh Loan for this country should be brought forward until all the payments on that engagement were completed, they therefore alleged that the Chancellor of the Exchequer was precluded from making any new Loan until the former one was paid in full; but adding, that if the public service absolutely required a new Loan to be made, they were willing, on behalf of themselves and the friends concerned with them, to wave their objection to the measure, *on this condition*, that each party desirous to bid for the Loan might give in their offer, and if the offer of any other party should be higher than theirs, they might have the option of taking the Loan at an advance of £. 90,000, or one half *per cent.* above those terms, in favour of the public.

The Chancellor of the Exchequer then referred to the Governor whether he recollected, that at the meeting and making of the last Loan he had committed himself to a promise of that kind. The Governor said, he thought Mr. Pitt had, in some measure, committed himself to a promise of that kind, stating a circumstance, that on the adjusting the days of payment for the then Loan, one of the contracting party had wished to have the last payment in February 1796, instead of January, but was answered by Mr. Pitt, that he could not assent to that, as he might possibly want to raise a new Loan in the month of January. The Deputy Governor said, that not being present at the settling the last Loan, he could not say any thing on the subject.

The Chancellor of the Exchequer then had Mr. Boyd and Mr. Roberts called in; and asked, if the Loan should be allotted to them without competition, whether they would consent to the terms he himself might fix? Their answer was, that they would trust to Mr. Pitt's candour in the matter, and take it on his own terms.

Mr. Pitt after this met all the gentlemen who meant to be contractors in another room, and stated the case to them; afterwards proposing to Messrs. Mellish and Mr. Morgan if they had any objection

objection to give in their proposals on those terms; adding, that as he did not wish to take them by surprize, if they desired a delay to consult their friends, and think further on it themselves, they might have it. Messrs. Mellishes said, that as delay might be prejudicial to public business, they now decided that they should not. Mr. Morgan also declined it.

The Chancellor of the Exchequer then retired with the Governor and Deputy Governor a few minutes, and settled it himself in the following manner:

For £. 100 - £. 120 3 per cent. Consolidated Annuities.
 25 Reduced Annuities 3 per cent.
 6/6 Long Annuity.

with the usual discounts for prompt payment, &c. &c. &c.

The contractors then claimed to know whether any farther sums would be raised within the terms of the payments of the Loan.

Mr. Pitt reserved to himself the power, if necessary, to permit a farther Loan for the Emperor as far as three millions, and said that he should probably issue one million and a half Exchequer Bills on the market if he wanted it; and he reserved also the power to fund Navy Bills towards the middle of the year to the amount of five millions, if he should find it necessary—He also added, that should he wish to add another million to the Loan, and make it in all nineteen millions; if in that case whether they would have any objection to take it also; to this they assented.

Withdrew.

Received and read a letter from Mr. Morgan to the chairman of the Committee, dated 17th January 1796, stating, that the subscribers to his list think it improper that he should deliver in their names; which letter is inserted in Appendix, No. 11.

Also, received and read another letter from Mr. Morgan, of the same date, respecting his proposal of the 7th of December, stating, that the gentlemen intending to be joint securities had cancelled their names; which letter is inserted in Appendix, No. 12.

Also, received and read another letter from Mr. Morgan dated 20th of January, containing his opinion respecting the difference between the offers likely to be made between the competitors for the Loan; which letter is also inserted in Appendix, No. 13.

Account of money received at the Bank on the Loan of 1795, on the 1st of August and 24th of November 1795, delivered in and read; and is inserted in Appendix, No. 14.

Jovis, 21^o die Januarii 1796.

GEORGE RIDGE, Esquire, called in, and examined.

392. **A**RE you a subscriber to the present Loan?
 Yes; in the list of Mr. Roberts, to the amount of
 £. 56,000.

393. Is that whole sum for yourself?
 For myself and partners—the house of Biddulph, Coeks, and
 Co.

394. Is the Committee then to understand that no other per-
 son whatever has any interest in the same, directly or indirectly,
 except the partners in the house?

The partners have not the whole of it.

395. Will you state to the Committee the names of the other
 persons, exclusive of the partners in the house, who have an in-
 terest in that sum?

I beg leave to decline answering that question; but they are
 all customers of the banking house.

396. Have you any objection to state what part the house has,
 and what part is divided among the customers?

I beg to decline answering that question.

397. Would you object to ask permission of your customers to
 deliver in their names?

No.

Withdrew.

And the witness being again called in, and acquainted, that the
 Committee had resolved, “That it is of essential importance to the
 public, that the lists of the several gentlemen who are the sub-
 scribers to the present Loan, under the contractors for the said
 Loan, should be delivered in to the Committee:”

He was asked,

398. Do you persist to decline giving in their names now?

Yes; I wish first to mention it to my partners.

Withdrew.

GODSCHALL JOHNSON, Esquire, called in, and examined.

399. Are you a subscriber to the present Loan?

Yes; in the list of Boyd, Benfield, and Co. to the amount of
 £. 350,000.

400. Is that whole sum for yourself?

I took the whole subscription for myself, with a view of giving
 some to some particular friends.

401. Have you any objection to deliver in the names of those
 persons, to whom you distributed that part of the sum which you
 did not retain?

I can

I can have no possible objection, but I certainly wish to communicate with them before I deliver in their names; and I will consult them, and communicate the result thereof to the Committee.

Withdrew.

JOHN JULIUS ANGERSTEIN, Esquire, called in, and examined.

402. Are you a subscriber to the present Loan?

Yes; in the list of Boyd, Benfield, and Co. to the amount of £. 350,000.

403. Is that whole sum for yourself?

Part only, and part for friends.

404. Have you any objection to deliver in to the Committee the names of those friends, with the respective sums?

I am not at liberty to do that—I must consult my friends upon it, which I will take the earliest opportunity of doing, and will communicate the result to the Committee.

Withdrew.

CHARLES HERRIES, Esquire, called in, and examined.

405. Are you a subscriber to the present Loan?

Yes; in the list of Boyd, Benfield, and Co. to the amount of £. 250,000.

406. Is that whole sum for yourself?

No; there is £. 150,000 for my house, and £. 100,000 for friends, who applied to me to procure them some of the Loan.

407. Have you any objection to deliver in to the Committee the names of those friends, with the respective sums?

Personally I have none, but I do not conceive I am warranted to do so without asking their permission, which I will take the earliest opportunity of doing, and will communicate the result to the Committee.

Withdrew.

Mr. WILLIAM HANCOCK called in, and examined.

408. Are you a subscriber to the present Loan?

Not myself, but the quantity of the Loan which stands in my name, to the amount of £. 200,000, is the one half of the sum for which Smith, Payne, and Smiths, to whom I am clerk, were named in Mr. Boyd's list.

409. Do you know whether that sum was for the account of the house only, or was distributed among any other persons?

Not only the £. 200,000 in my name, but an additional sum of £. 200,000 in the name of Richard Oswin, was divided among 61 houses, customers and correspondents with Smith, Payne, and Smiths.

410. Have

410. Have you any objection to deliver in to the Committee the names of those customers and correspondents, with the respective sums?

No.

[And he delivered in the list.]

411. Do you know, of your own knowledge, that those sums were distributed in the precise manner as is stated in the list delivered in by you?

I do; and that the house did not retain any part for themselves.

412. Will you state the reason of the subscribers allotted to Messrs. Smith, Payne, and Smiths, being put into your name and Mr. Oswin's, and not in that of the house?

On account of the vast number of receipts of which the sum was composed, all of which required our indorsement; and in order to avoid to the partners the trouble of signing them, as it would have interfered with their more important engagements, and that the receipts having passed through Mr. Oswin's and my hands only, it would more certainly ascertain the regular delivery of them to the respective parties.

Withdrew.

THOMAS HAMMERSLEY, Esquire, called in, and examined.

413. Are you a subscriber to the present Loan?

Yes; in Mr. Boyd's list, to the amount of £. 100,000.

414. Is that whole sum for yourself?

No.

415. Have you any objection to deliver in to the Committee the names of those to whom you may have distributed a part of that sum?

I can have no objection in my own person, but as it is a matter of great delicacy, I should wish to consult the parties before I do it, which I will do immediately, and communicate the result to the Committee—I reserved to the house £. 16,000.

Withdrew.

Sir ROBERT HERRIES called in, and examined,

416. Are you a subscriber to the present Loan?

Yes; in Mr. Boyd's list, to the amount of £. 80,000.

417. Is that whole sum for yourself?

No; I asked for a larger sum in the name of my banking house, and for account of that house, its friends and Customers, but no more than £. 80,000 was granted me; and that sum was divided among those friends and employers of the house, and for account of the house itself, one third of the sum asked.

418. How much of that sum was kept for the house?

£. 15,000 and some odd hundreds.

419. Will

419. Will you state the names of those persons to whom the other parts of the sum were distributed?

I have not brought the list with me, because I considered it unnecessary, it being a general rule in the banking line of business, not to divulge any thing concerning that business without being forced so to do in the course of law, or without having the permission of the parties, and of the society of bankers in general, consisting of 49 houses, for departing from a general rule in that business.

420. Is there such a society of bankers, or where does it exist?

There is, and it meets generally at the London Coffee-House, Ludgate Hill.

421. Is the rule you allude to reduced to writing, and do you consider it as binding on the members of the society to which you allude?

It is not reduced to writing, nor is it any rule particularly of the society of bankers, which is instituted chiefly to prosecute forgers at the common expence of the society; but I understand it to have been a general rule time immemorial among bankers, not to divulge the situation of the accounts in their books without being forced so to do, or permitted as before-mentioned.

422. Will you desire the permission of the parties to whom the sums alluded to have been allotted, and on receiving such permission are you ready to deliver in a list of their names?

I have no objection to do so.

423. Had your house any, and what share in the Loan for the service of the year 1795?

Yes; the same sum.

424. Have you any share in the present Loan in any other name?

No.

Withdrawn.

PASCOE GRENFELL, Esquire, called in, and examined.

Are you a subscriber to the present Loan, in what list, and for what sum?

I am a subscriber in the list of Messrs. Robarts, Curtis, and Co. for the sum of £. 212,500—and in the list of Messrs. Thellussons I have £. 5,000—and as a director of the Royal Exchange Insurance I have £. 7,000.

426. Is the whole of that sum of £. 212,500 on your own account?

It is not.

427. State to the Committee the names of the parties among whom that sum is distributed?

It will be with great regret if I do not conform to the resolution of the Committee which has been just read to me—but as at the time

time when I agreed that certain gentlemen should hold certain portions of the sums which stand in my name, I promised not to mention their names—I respectfully trust the Committee will not press me so to do: I will however state that £. 90,000 of that sum belongs to my partners Thomas Williams, Owen Williams, William Grenfell, John Grenfell, and myself.

428. Will you solicit the permission of the persons among whom the remainder of that sum was distributed, to deliver in their names, and if obtained to deliver them?

I will, and will communicate the result to the Committee.

Withdrew.

JOHN WILLIAM KER, Esquire, called in, and examined.

429. Are you a subscriber to the present Loan, in what list, and for what sum?

I am, in Mr. Boyd's, for the sum of £. 150,000.

430. Is the whole of that sum on your own account?

The whole for my account and that of a relation of mine, my brother James Ker. £. 132,000 for myself, and the rest for my brother.

431. Had no other person but yourself a share in the £. 132,000?

No person whatsoever.

Withdrew.

GEORGE WOODFORD THELLUSSON, Esquire, called in, and examined.

432. Are you a subscriber in the present Loan, in what list, and for what sum?

I am, in the list of Peter Thellusson, for the sum of £. 245,000.

433. Is the whole of that sum on your own account?

Not entirely.

434. Will you state to the Committee to whom any part of that sum was allotted?

It was to myself, correspondents, and nobody else.

435. Have you any objection to deliver in a list of those correspondents, with the respective sums distributed to them?

I should wish not to deliver it without their permission.

436. Will you endeavour to obtain that permission, and then to deliver in to the Committee their names?

I certainly would; but it was all distributed to persons abroad.

437. What sum or sums stands in the name of any other part of your family of which you can give an account?

I believe only £. 200,000 in the name of my brother Charles, and I should wish to give an account of the whole £. 445,000 together, as the £. 300,000 was only put in the name of my brother for the convenience of endorsing the receipts, and he had no concern in the management of it.

438. How

438. How much of that £. 445,000 was retained for the House?

£. 400,000.

439. Had no other persons whatever any interest in that sum? No other person except we three brothers, unless some part of that, which we have made presents of to relations.

Withdrew.

WILLIAM MELLISH, Esq. called in, and examined.

440. Did you offer yourself to contract for the late Loan?

We attended in Downing Street on the 25th of November, with an intention of hearing Mr. Pitt's proposals for the ensuing Loan, and of going on Friday following to bid for it.

441. Will you state the circumstances which led you to wait on the Chancellor of the Exchequer with that intention, and what passed thereupon?

The last and the final determination of our going up to the Chancellor of the Exchequer on the Wednesday, was from a letter which we received from Mr. Rose the evening before, purporting, that if we wished to have any communication concerning the Loan we should attend as the next day; but we were always led to understand, from different circumstances, the Chancellor of the Exchequer intended to have a competition for the Loan.—We arrived in Downing Street, and were introduced into a room together, where we waited some time; during which time Mr. Boyd and Mr. Roberts were called out of the room, and, as I supposed, to have an interview with the Chancellor of the Exchequer. In a short time Mr. Roberts and also Mr. Boyd returned, and afterwards we were all introduced into another room; and a little time afterward, the Chancellor of the Exchequer, the Governor and Deputy Governor of the Bank, Mr. Rose, and Mr. Long, I believe, came into the room.—The Chancellor of the Exchequer mentioned, that before he could enter into any conversation in regard to what the Loan was to be composed of, or something to that purpose, he must first relate to us a circumstance which had happened.—He then took up a paper in his hand, and said, that the Gentlemen that had contracted for the last Loan, felt themselves aggrieved from his wishing to raise a new Loan before the payments on the last were fully made, as they understood, in the former contract for the last Loan, it was a condition, that there should be no new Loan raised before all the payments in that Loan were made.

I believe the Chancellor of the Exchequer then said, he had received a memorial from Messrs. Boyd, stating a proposition to the other competitors; and then applied to Messrs. Boyd, whether they had any objection to his reading it; to which they answered, that they had not.—The Chancellor of the Exchequer immediately then read the memorial, the purport of which was, that Mr.

Morgan and ourselves were to bid for the Loan; and that Messrs. Boyds were to have the refusal, upon the best offer, at one half *per cent.* better for the public—I believe I then said, immediately after the Chancellor of the Exchequer had read the paper, that it was impossible—I rather think I repeated the words, “It is impossible,” two or three times—The conversation that immediately afterwards ensued was, whether Messrs. Boyds ought to have that preference which they stated, and different opinions were expressed. Mr. Morgan appeared to wish to enter into the discussion with the Chancellor of the Exchequer, whether Messrs. Boyds were entitled to that preference; and I believe, I rather interrupted him, addressing myself to the Chancellor of the Exchequer, saying, that I really thought that was a point that should be settled between him and Messrs. Boyd; for that, not being present at the bargain of the preceding Loan, we could not be a judge of the propriety of their having a preference; and at any rate it was a point I thought ought not to be discussed by us; and I believe the Chancellor of the Exchequer acquiesced that I was right—Mr. Morgan appeared still to wish to enter into the discussion; and said, that it was not only Mr. Boyd, supposing that there was any preference, that should have it, but his whole list; and I think he went on and said, it would fall on the present stockholders. Some little conversation then ensued between Mr. Boyd and Mr. Morgan; and Mr. Boyd said, he was a great stockholder; I did not hear exactly what sum; but I afterwards heard that he said it was for a large amount. I think then Mr. Morgan still pursued his wish for a discussion, and said something in regard to Mr. Pitt’s conduct; and, from what Mr. Pitt replied to Mr. Morgan, the Chancellor of the Exchequer certainly did not seem to be pleased. I believe Mr. Pitt said to us, would you wish to have any time to consider of this proposal? I immediately answered, I think I said, “I was astonished,” I was surprised indeed, to have such a proposal made to us; and that as we (meaning myself and my brother) were of the same opinion, that we did not think it was material; at the same time, it would give us pleasure to consult our friends; for, turning to Mr. Pitt, I said, you must be sensible we do not come for 18 millions for ourselves—some altercation afterwards took place, the purport of which I do not think was material, whether Messrs. Boyd should have the preference. A little pause then took place, when Mr. Pitt turned unto my brother and me, and said would you wish to have two or three days? I believe I had said to him before, that we should be extremely sorry to be any detriment to his present Loan by any small delay, and that if he thought that it might be any injury to it, we did not think it was material to us to take the time for consideration, as it was so notorious to us both, turning round to my brother (who said refuse it, no, no) that we could not accept it, but that I must beg to say, I was astonished and surprised to hear such a proposal made from one set of mercantile men to another set;
for

for that in any large transaction, the moment it was concluded, several persons would be ready to give you a profit upon it, only upon the idea that it would be a good thing, or words to that effect—A pause here took place again, and in a short time Mr. Pitt looked at us as if he wished us to withdraw, on which we immediately left the room. In going through the passage, Mr. Morgan said, “a word with you,” and took me and my brother aside, and said, what do you think of sealing up proposals, or something to that effect? and I immediately answered, that I would not think of having any thing to do with it.

442. Have you ever heard it maintained, among persons in the habit of contracting for Loans, that Messrs. Boyd and Co. had any claim to the preference they demanded on the ground of common usage and practice, independent of any specific engagement?

It has happened on a former Loan that a minister declared, as well as I recollect, that he would not raise any more money before all the payments were made on the preceding Loan; and I certainly should think if a minister made me such a promise, that his attempting to make a fresh Loan before all the payments on a preceding one would not be right, but if it were absolutely necessary for the country, I do not think I should have reason myself, as the preceding contractor, to demand of him the preference, unless I was a great stockholder; but had I not any stock, I certainly think that every person upon my list who was possessed of any of the preceding Loan, would have great reason to complain, and would undoubtedly have a right to come to me, and beg my interference with the minister for the Loan not to take place, or to get whatever preference or benefit I could for the loss they might sustain as holders of the stock which they had purchased, on the ground that no new Loan would be made until a fixed period: but without a specific agreement that he would not raise another Loan before all the payments on the preceding one were made, I should certainly think he had a right to raise another whenever he thought proper, without the preceding contractors having a right to any preference whatever.

443. Before the day when you attended Mr. Pitt, had you any reason to doubt that the Loan would be open to computation on equal terms?

I certainly had some little suspicion that it would not be by competition, but was thoroughly convinced in my own mind before I went up that it would be; but when Mr. Boyd and Mr. Roberts were called out of the room at Mr. Pitt's, I had a suspicion that it would not be by competition, and said, “Hey day—a secret committee,”—on the morning before we went up some body said to me that he had still a suspicion, and I answered that it was impossible, for that we had received a letter from Mr. Rose desiring our attendance that morning.

444. At what time, and on what ground, did you first entertain the suspicion mentioned in the first words of your last answer?

I can't exactly state the time I had that suspicion, nor had I any other ground than the general conversation of my friends and the public—I should say, I believe one ground that was reported was, that he had promised Messrs. Boyd's party on the former Loan that he would not raise another till all the payments were made and as it would in all probability be necessary to make a fresh Loan before the termination of the payment on the preceding one, it could not be done without Mr. Boyd's acquiescence.

445. Had you no other grounds for entertaining that suspicion?

I had no other grounds than that single one which I have before related, as well as the general conversation of the public.

446. Can you recollect whether you ever received any intimation from the Governor of the Bank on this subject, namely, that the Loan would or would not be by competition?

Being intimate with the Governor, I certainly have had different conversations with him, and think I may safely say I have heard his doubts one way or the other.

447. Did the Governor of the Bank ever suggest to you any particular reason for thinking that the Loan would be given to Messrs. Boyd and Co.?

I do not think that I can say that he actually stated any absolute reason why Messrs. Boyd and Co. would get the Loan, but as it was said that Mr. Pitt had made a promise not to raise another Loan before the payments on the last were made, his conversations seemed to tend that it was likely Messrs. Boyd might get some preference.

448. Did the Governor of the Bank ever mention to you that a service had been rendered in the course of the summer to the treasury by Messrs. Boyd and Co. in a pecuniary transaction, which might influence the Chancellor of the Exchequer to give the preference in the Loan to those gentlemen?

I do not recollect any particular conversation with the Governor on this subject, but it is very probable, and indeed I may say more than probable, that he has been by when I have been in conversation with others on the subject of the drafts from Hamburgh, or that I may have had some conversation with him on that subject—I do not think that the Governor of the Bank ever said to me positively that he thought the minister had received accommodation from Messrs. Boyd and Co.; but I cannot say I ever knew him contradict the general report amongst my friends that it was supposed those drafts were an accommodation to the minister.

449. Can you recollect what he did say to you on this point?

I cannot exactly.

450. Will you state, as nearly as you can, the precise terms which you would have offered for the Loan on Wednesday the 25th of November?

It is impossible I can, for we did not on that day go up to Mr. Pitt's for the purpose of bidding for the Loan.

451. Did you, from the whole of what passed between you and the Governor of the Bank on the subject of the drafts from Hamburg, conclude that it was the opinion of the Governor that Mr. Boyd would have the Loan on that account?

I certainly did not.

452. Did your conversation with the Governor lead you to conclude, that the transaction of the bills from Hamburg would procure to Mr. Boyd any preference whatever, or be productive of any influence in his favour, in the negotiation of the Loan?

I do not think that any conversation I had with the Governor led me to suppose that any preference would be given to Messrs. Boyd more than the conversation with any other friend; but when, as I have before stated, I have been of different opinion, whether the Loan would be by competition or not, I certainly thought that that transaction might gain Mr. Boyd some influence with the minister to obtain a preference.

453. Was this the opinion of your other friends?

I can't say, nor did I mean to say, that it was the opinion of any particular friend that Messrs. Boyd and Co. would get a preference on this account, but as the report prevailed that the minister had been assisted by these drafts from Hamburg, I rather thought some preference might be given.

454. Do you recollect the Chancellor of the Exchequer, at the meeting in Downing Street on the 25th November, repeatedly asking you whether you wished a further time to consult your friends on the proposal which he had made of the qualified competition, and your ultimately declining it?

I certainly do recollect, as before stated, that he made us the offer twice; but had Mr. Pitt said, will you have two or three days to consider of it? and explained that delay would not be an injury to the Loan, I certainly should have accepted of it, in order to have consulted my friends upon it, notwithstanding my brother and myself were so decided in our opinion upon it.

455. Do you conceive that Mr. Pitt expressed an opinion, that that delay would have been of any injury to the Loan?

I do not think that Mr. Pitt expressed any thing on the subject—indeed I am pretty sure he never did; but I implied, considering the answers I made to him, from his not saying, take two or three days to consider of it, that he thought it might be some injury to it—Had the minister reserved the power of raising a Loan of 3 millions for the Emperor, and I had thought that it was likely to take place, I think it would certainly make a difference as to the price.

456. Who alone does government look to for the performance of the contract?

I should suppose to the contractors only.

457. Are you aware that the contractors incur any greater risk, except that which is incurred by subscribers in general?

I am certainly aware that the contractors for the Loan are answerable for the whole, and that the subscribers are only answerable to them as a secondary transaction.

Withdrew.

GEORGE WARD, Esquire, called in, and examined.

458. Are you a subscriber to the present Loan?

Yes; for £. 685,000.

459. Was the whole of that sum for yourself only?

Certainly not.

460. Will you deliver in to the Committee the list of those among whom you have distributed any portions of that sum?

I am ready, under the requisition of the Committee, to deliver in that list.

[And the said list was delivered in accordingly.]

Withdrew.

Veneris, 22^o, die Januarii 1796.

PETER THELLUSSON, Esquire called in, and examined.

461. WERE you a contractor or subscriber to the present Loan, and for what sum?

I joined Mr. Roberts—I had £. 1,141,000, which includes the sums in the name of my two sons.

462. Does any part of the remainder of that £. 1,141,000 stand in your own name?

Yes, £. 430,000.

463. Was that £. 430,000 for yourself only?

No.

464. Will you state to the Committee the names of those persons among whom that £. 430,000, or any part of it, was distributed?

£. 400,000 was kept for some of my friends, and for myself.

[And he delivered in a list of the remainder.]

465. Are there any other persons among whom any part of your share was distributed, except your own relatives?

No.

Withdrew.

Mr.

Mr. GILES again called in, and examined.

466. Had you any conversations with Mr. Morgan, in October and November last, on the subject of the expected Loan?

As to the time I can't exactly speak, but I think it was in November, Mr. Morgan called upon me at the Bank, and told me he had an intention of making a list, and if I would be upon it; and my friends, he would be very glad to have my name; he then stated that in the formation of his list he should subject every subscriber to the signing a letter that they should not be in any other list but his—I told him that if that was the case I could not be in his list, for I had already engaged with the other two parties to be upon their list—he said he would exempt me and my friends from signing such a letter—and then, or soon after, I gave him the list which I now deliver in.

Mr. Morgan afterwards came and told me, if the Loan should be for seventeen millions I might take as far as £. 15,000 more; and if eighteen millions, £. 35,000 more; which I assented to, but not for myself.

467. Did you, in any of these conversations, give him an information respecting the manner in which (as you understood) the Chancellor of the Exchequer meant to settle the Loan, that is, whether by open competition or otherwise?

I could not do it when this matter was first talked of, because I did not know it; but till afterwards, I believe on the 22d or 23d of November, tell him that it was to be by competition, and we were to go up on Wednesday.

468. Did you at any time express to Mr. Morgan your opinion that the Loan would not be settled by open competition, but that it would be given to Messrs. Boyds?

Certainly not in such words as those—I confess that I did in private confidential conversation, which I apprehend with deference no gentleman could deem himself justified in divulging, tell him that I had my suspicions that Mr. Boyd's party would, or might, have a preference.

469. At what time?

I believe I did repeatedly, but I don't recollect the dates; but it was all previous to Monday the 23d day of November.

470. Upon what grounds were your suspicions formed?

My reasons were, that I conceived Mr. Boyd's party, in point of good faith, had a claim to some preference from the conditions stipulated at the making of the preceding Loan having been deviated from, and I thought them too sagacious to omit availing themselves of that circumstance.

471. Did you state that reason to Mr. Morgan?

No—I don't know that I ever mentioned it to any body—I did not to him.

472. Did you state to him any other reason for your suspicion?

No;

No; I don't recollect that I did; I had no other reason.

473. Did you state to him that there had been a money transaction in the course of the summer to the amount of £. 900,000, in which Messrs. Boyds had accommodated government?

Certainly not; whether Mr. Morgan first spoke to me of Treasury Bills, or I to him, I really don't know, but we had a conversation about them, and I believe it was Mr. Morgan who first mentioned them to me; I told him I knew nothing of the transaction officially, but I had a great many of the bills put into my hands, and had discounted two or three of them in my private capacity—Mr. Morgan knew as much or more of the transaction than I did, as it seemed to me by his conversation.

474. Of what nature were those Treasury Bills?

If I recollect right, they were drawn by Boyd, junior, dated at Hamburg to the order of Boyd, Benfield, and Company, on the Commissioners of the Treasury, of different dates, and accepted by Mr. Long.

475. Was your own private opinion, that a preference would be given to Mr. Boyd, in any degree founded upon this transaction?

Had there been no other reasons in my mind, I should certainly have not suspected that any preference would be given to Mr. Boyd on that account, but it was natural for me to think that it could not impede that preference; I mean simply this, that it could not put him in a worse situation.

476. Do you think it put him in a better situation?

I really did not turn this in my mind so as to have those distinct ideas about it; I never went further in conversation with Mr. Morgan, than to say, in effect, that I had my suspicions, which I did repeatedly.

477. Did you ever in conversation with Mr. Morgan, upon the subject of his intention to become a bidder for the Loan, say, that you thought that he would be tricked, or use words to that effect?

Never in my life, to my knowledge—but I can't be sure that I did not use such a word, but if I did, it certainly was in a joking way but I don't recollect it.

478. Did the Chancellor of the Exchequer, at any time in the course of the last year, apply to the Bank for money to be advanced in anticipation of the last Loan?

Neither last year nor ever; I never knew such a thing.

479. Do you recollect perfectly that Mr. Morgan said, he should subject every subscriber to the signing a letter that they should not be in any other list but his?

So I understood it, and he put a printed form of a letter in my hand, and left it with me.

480. Did you not understand Mr. Morgan to allow the same latitude or indulgence to the friends in your list, as to yourself, to be in the lists of the other parties offering for the Loan?

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481. Were the dividends sent list all directors of the Bank? No; about one-half were sent.

482. Did you ever tell Mr. Morgan that you did not consider any thing which passed at the issuing of the Loan in November 1794, for the service of the year 1795, as a pledge, or entitled to weight in favour of the propositions of Messrs. Boyd and Co. to have a preference to the negotiation for the Loan of 1796?

I don't recollect that I did—it is possible that I might say to Mr. Morgan, that Mr. Boyd's party had some right to claim a preference, owing to this Loan being made before the other, was extinct.

483. Did you ever say to Mr. Morgan that you thought they had not such a right?

No—never, certainly.

484. In any of those conversations with Mr. Morgan to which you have alluded, did he express to you his opinion, that the transaction of the Hamburgh Bills would be productive of any degree of preference to Messrs. Boyds in the negotiation for the Loan?

No, never; and I believe that Mr. Morgan never suspected that Messrs. Boyd would have a preference at all, I believe he always thought it would be by competition.

485. In the several public Loans which you have known, has it not been understood by the parties, that no second Loan should take place till after the last payment of the former, or that if political events should render such second Loan necessary, the former contractors had a right to a refusal of that second Loan, or to some other adequate compensation?

I don't recollect any Loan made for the receipt to come out before the others were totally extinct—Mr. Newland looked back a great way, but since the establishment of the Bank, no new Loan has been made when two payments of the preceding one were not fulfilled, as in the present case.

486. On what days were those two last payments to be made on the Loan for 1795?

On the 27th of November and the 15th of January—and there were £. 3,356,265 standing receipts, of the English and Imperial Loan, in the market on the 27th of November.

And the witness delivered in the following particulars of the Statement: &c.

£	Loan due to the Bank	24	November	1795.
“	“	280,500	“	3 per Cent.
“	“	642,750	“	4 per Cent.
“	“	4573	“	5 Long Anns.
“	“		“	£. 387,941”

The witness also delivered in a paper, intitled, “ Amount of stock created by Loan of 1795, which was entered in the books of the Bank, on the 1st of August and 24th

“ of November 1795, and likewise of the Stock of the said
 “ Loan not entered on those days :” Which paper is in-
 serted in Appendix, No. 17.

And being further examined, he was asked, &c.

497. Does the sum which you state to have remained payable on the 24th of November, of the Loan for the service of the year 1795, include the sum which the Bank had advanced for holders of receipts?

No—that is paid to the public—it is a private account between the Bank and holders of those receipts.

498. Then do you not conceive that the sum so advanced by the Bank, is a part of the Loan still outstanding as a load upon the public?

It is part of the floating receipt not made stock.

499. State the whole amount of that on the 24th of November?

It appears upon the account delivered in to be on the English Loan	_____	_____	£. 1,962,531 and
On the Imperial	_____	_____	1,393,734
Total	_____	_____	<u>3,356,265</u>

490. Are the two last payments on the money borrowed, for which this capital was created, the whole that then remained to be paid on the English and Imperial Loans for 1795?

Yes.

491. Do you know the amount which the Bank had advanced on the 24th of November, on the receipts pledged to them?

£. 387,941.

492. Do you know the amount in money which on the 24th of November remained unpaid upon the English Loan?

£. 445,718.

493. Do you know the amount in money which on the 24th of November remained unpaid upon the Austrian Loan?

No.

494. In the particular state of the Loan of 1795, do you think that a competition for the Loan lately settled would have been unfair, and an act of injustice to Messrs. Boyd and his party?

I think they would have had great reason to complain.

495. When did you first see Mr. Boyd's letter to the Chancellor of the Exchequer on this subject?

On the 25th of November.

496. Did you state this as your opinion to the Chancellor of the Exchequer at any time before you saw that letter?

No—I never mentioned such a thing to him in my life.

497. When the Chancellor of the Exchequer told Messrs. Morgan and Mellish that their offers must be subject to an optional advance on the part of Mr. Boyd, did you agree with them in thinking that there was an end of competition?

I had

I had no particular communication with them on that subject, I was in the room with the rest of the gentlemen; I thought in my own mind they would not accept of it; I should not in their place have accepted of the proposal.

498. Did the Chancellor of the Exchequer profess that he intended that preference to Mr. Boyd and his party individually, or as a compensation to the former subscribers generally, for his having brought forward the second Loan sooner than was expected?

I never heard the Chancellor of the Exchequer speak of any body but Mr. Boyd's party; they are the agents, the ostensible people; he never knows who the subscribers are.

499. Do the principal contractors for Loans ever deliver the scrip receipts to the persons on their list, till they have made the deposit on the first payment?

They have no receipts to deliver; they give the names of those gentlemen upon their lists to Mr. Newland, and those gentlemen pay in the deposit without receipts, and have a right to fetch the receipts away when delivered.

500. Is not all risk to the contractors from the subscribers at an end when that deposit has been made?

Certainly not, for if the Loan was to fall under 10 per cent. which is generally the amount of the first payment, the contractors would undoubtedly be responsible to the public; I have known it fall 6 per cent.

501. Do you consider that as a material risk to the contractors?

No risk at all; it is not worth mentioning; it is possible.

502. Do you consider the contractors, as to the claim which you have mentioned, possess that claim independently of the subscribers?

I really should think so.

503. What injury would the contractors sustain from the negotiation of a new Loan, previous to the last payments on the preceding one?

That would depend on the quantity of stock which they had left.

504. Would not that apply equally to the subscribers?

Yes, if they had their stock remaining.

505. Do you then think that the contractors have a right, on account of the superior risk which they incur, and of the duties which they perform, to sanction or oppose a new Loan, previous to the expiration of the term of their conduct, without any consideration of the subscribers?

I will not go so far as to say they have a right, but I, as a contractor, should think myself very unfairly dealt by, if conditions were proposed and made at making of the Loan, which should afterwards be broken through.

506. If Mr. Boyd had stated to you that, in the preference which he claimed for himself, he did not consider the subscribers

as entitled to any share, or to any compensation for any injury they might sustain from the introduction of a new Loan, should you have thought his claim to such a preference well founded?

I should, as the contractor for the last Loan.

507. Whether as a mere subscriber, not a contractor, if any of the conditions made at the time of making the Loan were broken through, should you not consider yourself in that case entitled to complain?

If I had sold my stock I should not trouble my head about it; if I had not I should.

508. Supposing the contractors to have sold all their stock, should you think that they had any reason to complain?

Certainly not; unless they felt for the rest of the people that had it; they could not be injured.

509. You have stated that Mr. Newland, having searched in the books of the Bank, had been able to find no instance in which a new Loan had been negotiated whilst two payments on the former Loan remained to be made; did he find any instance where only one payment remained to be made?

He could find none, where a new Loan was made, and the receipts came out before all the payments on the former.

510. When did you first converse with the Chancellor of the Exchequer on the subject of a Loan, for the service of the year 1796?

I believe it was on Monday the 23d of November.

511. Had the Chancellor of the Exchequer, in the months of October or November, made any reference to you on the subject of Mr. Boyd's claim?

Never till the 25th of November; I never heard of it before, nor ever suspected it; that is Mr. Boyd's claim; but I had the suspicion in my mind, as before stated, that he had a right to claim some preference.

512. On the 23d of November did the Chancellor of the Exchequer declare to you, for the information of the parties who might intend to bid for the Loan, that it should be disposed of by public competition?

I asked him pointedly the question, whether it was to be by competition, and he told me; certainly it would, and that I might tell the gentlemen; and then my suspicions were done away.

513. Did the Chancellor of the Exchequer at that time know who were to be competitors?

I told the Chancellor of the Exchequer there would be but three that I knew of; *viz.* Mr. Boyd's party; Mr. Mellish; and Mr. Morgan; and I added to him that Mr. Morgan was very respectable in point of solidity and character, but that he had not four people to subscribe to the obligation when he made the Loan and that in lieu thereof he would pay into Mr. Newland's hand £. 350,000 or £. 400,000, as a deposit, which the Chancellor of the Exchequer was perfectly satisfied with.

514. Did the Chancellor of the Exchequer then state to you, that he was under an engagement to admit Mr. Boyd and his party to a conference with him on the subject of their claim, previous to his receiving any other competitors?

No—he never said a word about it.

515. When did you first hear that Mr. Boyd intended to bid for the Loan?

I can't recollect the date, but as soon as of any body else—I think it was in the beginning of November that I received a note from Mr. Boyd, intimating that if I wished to be on his list, that he then received letters.

516. Did Mr. Boyd make you this offer previous to any solicitation from you?

I believe he did, but I am not sure; I had not seen Mr. Boyd for some time.

517. Did you, in point of fact, solicit to be on his list?

Certainly I did, by letter, but I was more on Mr. Morgan's list than upon any of the other two.

518. Did you at any time previous to the 23d of November, declare your persuasion that the Loan would be given exclusively to Mr. Boyd?

No otherways than as I have already stated that I had my suspicions.

519. Had you heard from Mr. Goldsmid, or any other person, that Mr. Boyd was sure of having the Loan?

Certainly not.

520. Was there any such rumour in the city?

I am not sure; people may have expressed their suspicions on the same ground as I did.

521. When you stated to Mr. Morgan your suspicions that a preference would be given to Mr. Boyd, did you at the same time say, that the Chancellor of the Exchequer always in his conversations with you declared for competition, or to that effect?

Certainly.

522. Had you any knowledge of the negotiation of the Loan for the service of the year 1794?

Yes—I was present officially as Deputy Governor of the Bank.

523. Do you recollect the sealed proposals of the terms offered by the Chancellor of the Exchequer in that year?

No—I never saw them.

524. Do you not suppose that the terms upon which that Loan was actually contracted for, were considerably more advantageous for the public than the terms contained in those sealed proposals?

I conclude from circumstances that it was; I have not a doubt about it.

525. Do you mean that you conclude it from circumstances that they were considerably more?

No—I had no guide to enable me to judge how much.

526. May it not frequently happen, the parties may be so situated as to make it an object to them to obtain the Loan on terms more advantageous to the public than the Chancellor of the Exchequer might propose?

Certainly.

527. When did you first understand that the Chancellor of the Exchequer meant finally to settle the Loan on the 25th instead of the 27th of November?

I understood it first on the 25th of November.

528. Was that intention declared to Mr. Mellish and Mr. Morgan before they left Downing-street on that day?

No—no otherwise than the Chancellor of the Exchequer coming in the room, and then settling it; no such declaration was made to them, that I knew of, after their refusal to accede to the proposal of a qualified competition.

529. Did you assist the Chancellor of the Exchequer in calculating the terms upon which the Loan was contracted for with Messrs. Boyd?

No otherwise than by giving him the price of the stock of the day; the Chancellor of the exchequer then referred to some papers, which I did not see; and then asked the Deputy Governor and me whether £.65 was not a fair price to put the 3 per cents. at; I think I might say it was a fair price; the quantum of long annuities he settled himself; I think then the Chancellor of the Exchequer mentioned it would be raising the money at about £.4 13s. or 14s. per cent. interest; I can't say exactly.

530. Have you not uniformly professed an opinion, that the terms of a Loan ought always to be made greatly in favour of the subscribers?

No, not greatly; I think it ought always to be in their favour.

531. Did you, when the terms of the Loan were settled, believe that an Austrian Loan would be proposed to Parliament?

The Chancellor of the Exchequer had the reserve, and mentioned it.

532. Did you believe that it would actually take place?

I could not tell; the Chancellor of the Exchequer had the reserve of making it.

533. Should you, supposing it to have been your intention to bid for the present Loan, with your own opinion of the probability of an Austrian Loan, have been induced to offer for the English Loan, upon terms less advantageous for the public on account of the reserve made by the minister in favour of an Austrian Loan?

Certainly something less.

534. Did you then believe in point of fact that an Austrian Loan was likely to take place?

I did

I did not know but it might.

Withdrew.

Received, and read, Mr. Charles Harrise's list.

Sabbati, 23^o die Januarii 1796.

Mr. GILES again called in, and examined.

[And he delivered in an account of stock created by Loan of 1795, which was entered in the books of the Bank on the 5th of December 1795; and likewise of the stock of the said Loan not entered on that day; which account is annexed in appendix No. 16.]

And he was asked,

535. **D**ID you in point of fact believe, on the 25th of November, that an Austrian Loan was likely to take place?

I was naturally inclined to think the Chancellor of the Exchequer meant to have one; I really did think so.

536. When you mentioned to the Chancellor of the Exchequer, on the 25th of November, that he had objected to fixing the last payment on the former Loan to some day in February, saying that he might have occasion to raise another Loan in January, were the parties intending to bid present?

No.—Nobody but the Deputy Governor and myself, unless the two secretaries of the treasury were there.

537. Did the Chancellor of the Exchequer make any reply to you when you stated that to him?

I don't recollect any particular reply, but he seemed to me that he comprehended by that, he had in some measure committed himself; nothing further passed on that subject.

538. Do you remember whether the whole of Messrs. Boyd's memorial was read to Messrs. Mellish and Morgan?

I believe not; I saw no part of it read to them; he stated the case in the room.

539. Do you recollect any of the particular expressions made use of by the Chancellor of the Exchequer on so stating the case, with respect to the strength of Messrs. Boyd's claim?

No.—I do not.

540. Were you acquainted with the particular funds in which the new capital was intended to be created, any time previous to the 23d of November?

Not by any communication from Mr. Pitt; but some of the parties who meant to offer, had told me they wished to have 3 per cent. consols. and reduced and long annuities, which I communicated to him on the 23d, and he did not object to it.

541. Did

541. Did you ever in conversation either with the persons who intended to bid, or with the Chancellor of the Exchequer, express an opinion respecting the time from which the interest should commence?

No; and I knew nothing of that till the 25th of November, when the Chancellor of the Exchequer mentioned it.

542. Was it not pretty generally understood, previous to the 23d of November, that the Loan would be for 16 millions and upwards?

I never heard of more than 16 millions; I heard it would be for that sum.

543. Was not the amount of the navy debt floating in the market, generally understood about that time to be about five millions?

I never made a calculation in my own mind; if I had guessed it, I should have thought it more; I never thought about it.

544. What effect do you think the power reserved of funding five millions of navy bills during the current year, instead of paying them in money, ought to have on the terms of the Loan?

I don't think it would have had much; perhaps one half per cent.—but I don't know what exact sum to say.

545. Do you think that funding five millions of the navy bills payable in the course of this year out of the money voted for the services of the year, instead of their being paid in ready money, would have an effect on the terms of the Loan; and to what extent?

Certainly that would; but to what extent I am not competent to say.

546. Do you mean to say more than one half per cent.?

Yes—I think so; much more.

547. Do you consider it to be the knowledge that a Loan, to any given extent, is coming into the market, which affects the price of the existing funds, or merely the making the first payment on such Loan after it is sealed?

The knowledge certainly.

548. Would the bargain for a new Loan being concluded before the making of the last payment on the preceding Loan, although the first payment on that new Loan was not to take place some time after all the payments on the former Loan should be completed, operate as strongly in affecting the value of the funds, as if the first payment on such a new Loan were to take place before those on the previous Loan should be completed?

Certainly not.

549. Would not that depend chiefly on the sum which remained to be paid upon the old Loan?

In a degree, certainly.

550. Are you, as a Director of the Bank, acquainted with any thing

thing which passed there respecting the Bills drawn from Hamburg on the treasury, before alluded to?

I never knew any thing of them officially; I am not a director, and do not perform the functions of one.

551. Has the sum of Loan, allotted to be divided between the Governor and Deputy Governor of the Bank of England, been always the same as the present?

For the three or four last Loans they have been the same; about three or four years ago, a sum of £.50,000 each was given to them by the contractors, independent of their share of what is given to the Bank, and that has been continued ever since.

552. Are you, in your private capacity, a subscriber to the present Loan, and for what sum, and in what list?

I believe £.255,000; the whole will appear by the list delivered in by Mr. Newland.

553. Is that whole sum for yourself?

No.

554. What part is for yourself?

£.240,000, not more.

555. Will you state the names of the persons to whom the remaining £15,000 has been distributed?

[List delivered in.]

556. It has been stated, that the Chancellor of the Exchequer gave as a reason why he applied to Mr. Boyd for an anticipation of the payments of the last Loan, that perhaps the Bank of England might not find it convenient to make it; do you understand what is meant by that expression?

As the Chancellor of the Exchequer never made an application, I do not.

557. Do you think, from your knowledge of the circumstances attending the advance made by Mr. Boyd, that the treasury must have considered themselves as much indebted to him for the accommodation?

I don't know how to answer that question; I fancy Mr. Boyd was most benefited by the transaction; as I naturally apprehend, though I knew nothing of the matter, that Mr. Boyd might have some commission, or other profit.

558. Do you know whether any of the Hamburg Bills were received as cash in making the deposit of the present Loan?

Certainly not; they could not have been; the Act of Parliament requires money.

559. To the best of your knowledge, were not the transactions with respect to the Hamburg Bills new and unprecedented?

I never saw or knew of any such before.

560. Would or would not the credit of any private house be thought to suffer from bills pretended to be drawn at Hamburg, if such bills were actually drawn in London?

I should think so; and the bills themselves I should think are invalid, by not being stamped.

561. Do you know whether any of those bills were presented to the Bank to be discounted?

I really can't tell.

562. Have you had occasions to advert to the circumstances relating to public loans for some time past?

Yes—at different times.

563. Do you recollect what has been the usual interval between the fixing the bargain and opening the Budget?

I believe in general two or three days; sometimes a day more; and sometimes a day less.

564. Before the two last Loans, do you ever recollect so long an interval as 12 days?

Certainly not.

565. Does it occur to you, that an advantage is likely to accrue to the public from an interval so unusually long?

I do not conceive there can.

566. Are you acquainted with the particular circumstances which occasioned those bills which were in fact drawn or written in London, to be dated as from Hamburgh?

I know no more of that, than what has been read to me as part of Mr. Boyd's evidence.

567. Do you mean to say that bills bearing date as at Hamburgh, though actually written in London, under all the circumstances belonging to those particular bills in question, would be injurious to the credit of a private mercantile house?

I have not heard all the circumstances.

568. Have you heard any circumstances relative to the transaction of these Hamburgh bills, that would make you think differently with respect to them, from what you have expressed yourself to think of other transactions of the like description?

No.

569. Would the Bank discount for any commercial house whatever, bills which were known to be drawn under the circumstances which have been stated to belong to the Hamburgh bills?

I believe not.

570. Do you think that it is one of the advantages attending Loans by competition, that the public generally obtain the sum to be borrowed upon better terms?

I should think so.

Withdraw.

Lunæ 25^o die Januarii 1796.

RECEIVED, and read, a letter, from Sir Robert Herries, respecting his list.
Also received a letter from Mr. Angerstein, respecting his list.

Also

Also received, and read, a letter from Mr. Morgan, dated Kensington Gore, January 25th, 1795, on the subject of his examination; which letter is inserted in Appendix, No. 17; to which it was agreed by the Committee, that an answer should be sent to him by the Chairman; which is also inserted in Appendix No. 18.

EDWARD M'CULLOCH, Esquire, called in, and examined.

571. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am a subscriber to Mr. Boyd's list for £.100,000.

572. Is that whole sum for yourself?

It is.

573. Do you mean that no other person whatever has any interest, directly or indirectly, in that sum?

No person whatever.

Withdrew.

JAMES CRAUFURD, Esquire, called in, and examined.

574. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, in Mr. Boyd's list, for £.100,000.

575. Is that whole sum for yourself?

No.

576. Will you state to the Committee how much of that sum was for yourself, and the names of the persons among whom the rest was distributed?

£.20,000 was for myself; the rest of it was distributed amongst my friends, the names of whom I do not think myself at liberty to mention.

577. Will you ask permission of those friends to disclose their names, and communicate the result to the Committee?

I will; but some of them are abroad.

578. How much of the remaining sum of £.80,000 belongs to persons abroad?

£.20,000.

Withdrew.

ANDREW LOUGHAN, Esquire, called in, and examined.

579. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, in Mr. Boyd's list, for the sum of £.50,000.

580. Is that whole sum for yourself?

No.

581. Will you state how much of that sum was for yourself, and the names of the persons among whom the remainder was distributed?

Yes.

£.36,000

£.36,000 for myself and partner, Mr. Andrew Cheap.

[List delivered in of the remainder.]

Withdrew.

JOHN PARKINSON, Esquire, called in, and examined.

582. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, in Mr. Roberts list, for 61,000.

583. Is that whole sum for yourself?

No.

584. Will you state to the Committee how much of that sum is for yourself, and the names of the persons amongst whom the remainder is distributed?

£.56,000 for Mr. Reed, my partner, and self.

[List delivered in of the remainder.]

Withdrew.

ABRAHAM ROBARTS, Esquire, called in, and examined.

585. Are you a subscriber of the late Loan, in whose list, and for what sum?

I am a subscriber in my own list for the sum of £.79,000.

586. Is that whole sum for yourself?

No.

587. Will you state to the Committee how much of that sum is for yourself, and the names of the persons among whom the remainder is distributed?

£.49,000 for myself, and

34,000 for the house of Henry Francis Brooke and Company, of Bristol, with whom I am concerned.

Withdrew.

JOSEPH BERWICK, Esquire, called in, and examined.

588. Are you a subscriber of the late Loan, in whose list, and for what sum?

I am, in the list of Robarts, Curtis, and and Co. to the amount of £.501,500.

589. Is that whole sum for yourself?

No.

590. Will you state to the Committee how much of that sum is for yourself, and the names of the persons amongst whom the remainder is distributed?

It is for the partners of the house, namely, Abraham Robarts, William Curtis, Ellis Wéré, Charles Hornyold, and myself.

591. Do you mean to state that no person has any interest, directly, or indirectly, in the above sum?

I do.

Withdrew.

RAWSON

RAWSON AISLABIE, Esquire, called in, and examined

592. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am an original contractor for the sum of £.342,000.

593. Was the whole of that sum for yourself?

No.

594. Will you state to the Committee how much of that sum is for yourself, and the names of the persons among whom the remainder is distributed?

£.87,000 for myself—I consider it as a kind of hardship that I should deliver in the remainder, as trespassing on my private concerns; but I am ready to deliver it in.

[And the said list was delivered in, and read.]

Withdrew.

JOHN NESBIT, Esquire, a member of the House, consents to be examined.

595. Are you a subscriber to the late Loan, in whose list, and for what sum?

Yes—in Mr. Boyd's list, for £.50,000.

496. Is that whole sum for yourself?

It is.

Withdrew.

RICHARD BULLER, Esquire, called in, and examined.

597. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, in Solomon Salomon's list, for £.80,000.

598. Is that whole sum for yourself?

Yes, all for myself.

Withdrew.

WALTER BOYD, Junior, Esquire, called in, and examined.

599. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, in Mr. Boyd's list, for £.150,000.

600. Is that whole sum for yourself?

Yes.

601. Has any other person any interest, directly or indirectly, in that sum?

No.

602. Are you not engaged in a house of business at Hamburg?

No.

Withdrew.

JOHN

JOHN PETRIE, Esquire, called in, and examined.

603. Are you a subscriber in the last Loan, in whose list, and for what sum?

I am, on account of the house of Petrie, Campbell, and Co. in Mr. Boyd's list, for the sum of £. 50,000.

604. Is that whole sum entirely on account of the house?

No.

605. Will you state to the Committee how much of that sum is for the house, and the names of the persons to whom the remainder is distributed?

£. 30,000 for the house.

[List delivered in of the remainder.]

There is another sum of £. 50,000 in the name of John and William Petrie, which was divided amongst the partners in the house of my brother William and myself; namely James Walwyn, John Ward, William M'George, John Petrie, and William Petrie.

Withdrew.

JASPER ATKINSON, Esquire, called in, and examined.

606. Are you a subscriber to the late Loan, in whose list, and for what sum?

Our house, consisting of William Smith, Sir Francis Ford, George Smith, and myself, are subscribers to the amount of £. 250,000.

607. Is that whole sum for yourselves only?

No.

608. Will you state to the Committee how much of that sum is for the house, and the names of the persons among whom the remainder is distributed?

The sum for ourselves is £. 50,000 each—With respect to the remaining £. 50,000, it has been given to a few private Friends, to whom we were under no previous engagement, and it was a voluntary act of our own.

609. Will you give in an account of the names of the persons holding the remaining sum of £. 50,000?

I am not prepared to give in that list.

610. Will you transmit to the chairman of this Committee the said list?

I have no objection to apply to the parties for their consent to do so.

611. Has any other person, directly or indirectly, any interest in the £. 200,000 divided amongst the house?

No.

Withdrew.

HENRY

HENRY DAVIDSON, Esquire, called in, and examined.

612. Are you a subscriber to the late Loan, in whose list, and for what sum?

The house of Davidson's and Graham, namely Duncan Davidson, Henry Davidson, and Charles Graham, are subscribers, in Mr. Boyd's list, to the amount of £. 75,000.

613. Is the whole of that sum for yourselves alone?

No.

614. Will you state to the Committee how much of that sum is for the house, and the names of the persons amongst whom the remainder is distributed?

For ourselves £. 33,000; and as to the remainder, I will endeavour to obtain the permission of the parties to whom it was given, and will deliver in their names.

Withdrew.

JOHN BATTYE, Esquire, called in, and examined.

615. Are you a subscriber to the late Loan, in whose list and for what sum?

I am, in Mr. Boyd's list for £. 50,000; and in Mr. Thellusson's list for £. 7,000.

616. Are the whole of those sums for yourself alone?

The £. 7,000 is for myself and partner, Edward Whittenhall; and of the £. 50,000 I gave £. 5,000 only to a Mr. Thomas Hawkes; the whole of the remainder was for myself alone.

Withdrew.

JAMES BROGDEN, Esquire, called in, and examined.

617. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, in Mr. Boyd's list, in my own name for £. 30,000; and in the firm of Petchell and Brogden, £. 50,000.

618. Are the whole of those sums for yourselves only?

Yes; except £. 10,000, which was given to a foreign house.

Withdrew.

EMANUEL BARUH LOUSADA, Esquire, called in, and examined.

619. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, in Mr. Goldsmid's list, to the amount of £. 50,000.

620. Is that whole sum for yourself?

Yes; but I have since disposed of part of it amongst my own relations.

Withdrew.

WIL-

WILLIAM MATHEW RAIKES, Esquire, called in, and examined.

621. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, for £. 57,000; £. 50,000 in Mr. Goldsmid's list, and 7,000, as a Director of the Royal Exchange Assurance Company.

622. Are those sums for yourself alone?

No.

623. Will you state how much of those sums is for yourself, and the names of the persons amongst whom the remainder is distributed?

£. 7,000 for myself.

[List delivered in of the remainder.]

Withdrew.

JOB MATHEW RAIKES, Esquire, called in, and examined.

624. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, for £. 50,000, in Mr. Goldsmid's list.

625. Is that whole sum for yourself?

No.

626. Will you state to the Committee how much of that sum is for yourself, and the names of the persons amongst whom the remainder is distributed?

The whole of it was for the house of William and Thomas Raikes, and Co.; to wit, William Raikes, Thomas Raikes, William Mathew Raikes, and Job Mathew Raikes; of which I am a partner.

Withdrew.

CLAUDE SCOTT, Esquire, called in, and examined.

627. Are you a subscriber to the late Loan, in whose list, and for what sum?

Yes; for £. 50,000, in Mr. Goldsmid's list.

629. Is that whole sum for yourself?

Yes; wholly for myself, and no other person is concerned.

Withdrew.

CORNWALL SMALLEY, Esquire, called in, and examined.

629. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, in Mr. Thellusson's list for £. 50,000, and in Mr. Goldsmid's for £. 10,000.

630. Ate

630. Are those whole sums for yourself?

No.

631. Will you state to the Committee how much of those sums is for yourself, and the names of the persons amongst whom the remainder is distributed?

£. 58,000 on account of myself and partners, namely, Samuel Thornton and Robert Thornton; and £. 2,000 on account of a friend.

Withdrew.

ROBERT WATTS, Esquire, called in, and examined.

632. Are you a subscriber to the late Loan, in whose list, and for what sum?

Yes, in the list of Mr. Boyd, £. 50,000, and in Mr. Goldsmid's £. 7,000.

633. Are those whole sums for yourself?

No.

634. Will you state to the Committee how much of those sums is for yourself, and the names of the persons amongst whom the remainder is distributed?

The sum on my own account was only £. 7,000; the £. 50,000 was for the account of Mr. Shaw, of Dublin.

Withdrew.

Martis, 26^o, die Januarii 1796.

[Copies of the contracts or agreements for the Loans for the services of the years 1794, 1795, and 1796, were delivered in to the Committee; and are inserted in Appendix, Nos. 19, 20, 21, 22, 23, 24, and 25.]

LACHLAN ROBERT MACKINTOSH, Esquire called in, and examined.

635. ARE you a subscriber to the late Loan, in whose list, and for what sum?

I am, in Mr. Boyd's list, for the sum of £. 70,000.

636. Is that whole sum for yourself?

No.

637. Will you state to the Committee how much of that sum is for yourself, and the names of the persons amongst whom the remainder is distributed?

£. 20,000 for myself; the remainder was divided among three different persons; one for £. 30,000. and two for £. 10,000 each; the names of whom I am not at liberty to mention, but I will apply to them for their consent so to do.

Withdrew.

ELLIS WERE, Esquire, called in, and examined.

638. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, in the general list, for £.100,000.

639. Is that whole sum for yourself?

No part of it.

640. Will you state the names of the persons among whom that sum is distributed?

I am under some difficulty about that; many of our customers, who did not choose to have their names mentioned, are included under the names of Mrs. Hornyold and myself; and of course we stand pledged not to disclose their names, and it would interfere with the interest of our business: I have no other reason to assign than that we are bound by honour and promise, and that it would interfere with the interest of many of them who are foreigners.

641. What part of the sum is for foreigners?

That I cannot explain.

642. Will you state to the Committee, as soon as you can inform yourself properly on the subject, how much of that sum is for foreigners, without reference to names?

I cannot give that information; I believe Mr. Hornyold can.

643. Was the sum of £.235,000, which stands in the name of Charles Hornyold, who has been stated to be a partner in your house, distributed in the same manner as the £.100,000?

Yes, it was distributed amongst the customers or correspondents of our house.

Withdrew.

CHARLES HORNYOLD, Esquire, called in and examined.

644. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, in Robarts and Co's list, to the amount of £.235,000.

645. Is that whole sum for yourself?

No.

646. Are you acquainted with the distribution of the sum of £.100,000 which stands in the name of Ellis Were?

No—I am not.

647. How much of the sum of £.235,000 in your own name is for yourself?

£.100,000 for the house exclusively.

648. Will you state to the Committee the names of those among whom the remaining £.135,000 is distributed?

It is distributed between three foreigners, whose names I am not at liberty to mention.

649. Do you speak of your own knowledge, that that sum was distributed among foreigners only?

Yes.

650. Do you know of whom information can be obtained respecting the distribution of 100,000*l.* standing in the name of Ellis Were?

No, I do not.

Withdrew.

Mr. WERE again called in, and examined.

651. Will you endeavour to inform yourself of the names of the persons among whom the 100,000*l.* is distributed, and deliver in a list of them to the Committee?

Yes—I will, if they consent.

Withdrew.

SOLOMON SALOMONS, Esquire, called in, and examined.

652. Are you a subscriber to the late Loan, in whose list, and for what sum?

I stand as a contractor in the list, for the sum of 685,000*l.*

653. How much of that sum stands in your own name?

520,000*l.*

654. Is that whole sum for yourself only?

No.

655. Will you state to the Committee how much of that sum is for yourself, and the names of the persons among whom the remainder is distributed?

I will state what was for myself, to wit. 160,000*l.* as to the remainder I am not at liberty to mention it; and I should not like to betray a trust which has been committed to me.

656. Will you endeavour to obtain their permission to mention their names, and deliver in the list to the Committee?

Yes.

Withdrew.

ELEAZER PHILIP SALOMONS, Esquire, called in, and examined.

657. Are you a contractor to the late Loan, in whose list, and for what sum?

Yes, for the sum of 1,711,000*l.*

658. How much of that sum stands in your own name?

Only 358,000*l.* but there is a further sum 800,000*l.* in my own list, in the name of Benjamin and Abraham Goldsmid, which belongs to me.

659. Is the whole of that sum of 1,158,000*l.* for yourself only?

No.

660. Will you state to the Committee how much of that sum is for yourself, and the names of the persons among whom the remainder is distributed?

About

About 530 or 540,000*l.* was for myself—respecting the remainder I am not at liberty to state the distribution.

661. Will you endeavour to obtain permission of the persons among whom that remaining sum was distributed, and deliver in a list of their names to the Committee?

I will make a point of it.

662. Has any other person, directly or indirectly, any interest in that sum of 530 or 540,000*l.* before mentioned?

No, it is all my own.

Withdrew.

JUDAH PHILIP SALOMONS, called in, and examined.

663. Are you a subscriber to the late Loan, in whose list, and for what sum?

I am, in the list of Solomon Salomons, for the sum of 55,000*l.*

664. Is that whole sum for yourself?

Yes—and no other person has any interest in it whatsoever.

Withdrew.

ABRAHAM GOLDSMID, Esq. called in, and examined.

665. Are you a contractor to the late Loan, in whose list, and for what sum?

I am, for the sum of 2,966,000*l.*

666. Are you a subscriber for any further sums in the lists of the other contractors?

Yes.—

In Mr. Roberts's list for	£.70,000
In Mr. Aislabic's	— 30,000
In Mr. Solomon Salomon's	20,000
In E. P. Salomon's	— 930,000

1,050,000

2,966,000

4,016,000

667. For how much of the several sums for which you appear as a contractor or subscriber, amounting to 4,016,000*l.*, have you delivered in the names of any other persons as subscribers?

To the best of my recollection 524,000*l.*

668. Is the whole of the remainder, amounting to 3,492,000*l.* for yourself only?

No.

669. Will you state to the Committee how much of that sum is for yourself, and the names of the persons among whom the remainder is distributed?

£.482,000 for my brother Benjamin Goldsmid and myself; as to the remaining 3,010,000 I can't give up a list, as I was in honour

nour bound not to do so; I could furnish the Committee with several names of persons to whom I did not make that precise promise; but as there are several gentlemen concerned, such as bankers, it would prove an inconveniency to them, for fear they might be called on by their customers for not having allowed them shares; but I can assure the Committee, that there is no gentleman concerned who has any thing to do in political matters.

670. Will you endeavour to obtain the consent of the persons to whom you have alluded, and with their permission deliver in a list of their names to the Committee?

I have applied to the major part of them, and they have universally disapproved of my publishing their names.

671. Will you then deliver in a list of the names as perfect as you shall be able to make it, and assigning reasons where the names do not appear?

I will.

Withdrew.

CHRISTOPHER TERRY, Esquire, called in, and examined.

672. Were you included in the list of persons who intended to subscribe for the Loan under Mr. James Morgan?

I was.

673. In consequence of Mr. Morgan's disappointment, were you deputed by any of the subscribers to his list to wait on the Chancellor of the Exchequer?

At a general meeting, a Committee was appointed, which Committee deputed me and Mr. Brown to wait on the Chancellor of the Exchequer.

674. Can you state what passed at that meeting?

I went with Mr. Brown, on or about the second of December, to the Chancellor of the Exchequer; we stated to him the reason of our attendance, which was, that the gentlemen of the Committee wished to represent their grievances, owing to his not having allowed a competition for the Loan. The Chancellor of the Exchequer, in reply, related what had passed at the meeting when Mr. Morgan attended for settling the preliminaries; and said, he wished to satisfy Mr. Brown and me, that what he did was for the benefit of the public at large; he also read the letter that he had received from Mr. Boyd, the night previous to the intended meeting: he said, after reading and considering it, he thought "that Mr. Boyd's claim deserved some degree of attention"—I think those were his very words; but he acknowledged that, in his opinion, Mr. Boyd had no legal preference. The Chancellor of the Exchequer said, he had wished to ascertain, whether any agreement had been made, at the time of making the former Loan, respecting Mr. Boyd's claim; on which he consulted with the Governor of the Bank, with respect to any conversation which had passed at the former Loan. That the Governor of the

the Bank informed him, that it had not been usual to make a new Loan till the last payment of the former one was made. The Chancellor of the Exchequer was asked, whether it was his intention to have settled the Loan on that day?—he said, that it was not; that his reason for settling it on that day was, that Mr. Morgan and Mr. Mellish having refused to become competitors, he was left with the other parties only; that he first consulted with the Governor and Deputy Governor of the Bank on the terms, and then closed with Mr. Boyd.

675. Have you any reason to apprehend, that a better bargain would have been made for the public, if Mr. Morgan had been admitted to a competition for the Loan?

I have reason to think so.

676. Did you give to any gentleman authority to state in parliament, that Mr. Morgan would have made an offer by at least two *per cent.* more advantageous for the public had he then been permitted to bid?

I did.

677. Was not that authority derived in part from conversations with Mr. Morgan?

It was.

678. At what time had you that conversation with Mr. Morgan, which led you to suppose that he would offer terms of two *per cent.* more favourable to the public?

The day after the Loan was agreed upon.

679. Was it not then publicly known what the terms were?

Yes.

Withdrew.

Received, and read, a letter from Mr. Pascoe Grenfell, dated Spring Garden, 25th January 1796; on the subject of his list.

Also, received, and read, a note from Mr. Godschall Johnson, dated Albemarle-street, 25th January 1796, on the subject of his list.

Lunæ, die 18 Februarii 1796.

Mr. ABRAHAM GOLDSMID again Called in, and examined; and delivered in his list.

AND he was asked;

680. It appearing that the sum 1,253,000 yet remains unaccounted for, how is that sum distributed?

Among different persons, to whom I am under restrictions not to mention their names, of which the greatest part are bankers.

681. Whether.

681. Whether, among the persons whose names you state yourself to be under an engagement to conceal, is there any one whom you considered as authorized by the Chancellor of the Exchequer to apply to you to be put on your list, or who is in any way connected with him?

No one whatsoever—I beg leave to repeat that there is no one in a political character (unless there should be any member of parliament concerned as a partner in any banking or mercantile house) or in any way whatever connected with the treasury, that has any share or interest whatever in my list; and this I should be ready at any time to attest upon oath.

682. Do you know whether the sum of 130,000*l.* standing in the name of Goldsmid, Son, and Co. is on their sole account?

I know it to be entirely so.

683. Do you know whether the sum of 60,000*l.* standing in the name of N. Levin. is on his own account?

Yes; and that the 55,000*l.* which stands in his name in the list which I now deliver in for Mr. E. P. Salomons, is also on his own account entirely.

[And the said list was delivered in.]

684. Do you know whether the sum of 50,000*l.* standing in the name of L. D. Symons, is on his own account?

I know it is.

Withdrew.

Received, and read, a letter from Mr. Boyd, dated Sackville Street, 30th January 1796; and also,

A letter from Mr. James Drummond, dated 27th January 1796, on the subject of Mr. Mackintosh's List.

Also received, and read, a letter from Judah Ph. Salomons, dated 30th January 1796, stating his having 6,000*l.* in the list of E. P. Salomons, esquire.

Mr. GRENFELL again called in, and examined.

685. Do you persist in declining to give in a list of the names of the persons upon your list?

I do: my reason is, I could not do it without being guilty of a breach of promise.

686. Whether, among the persons whose names you state yourself to be under an engagement to conceal, is there any one whom you considered as authorized by the Chancellor of the Exchequer to apply to you to be put on your list, or who is in any way connected with him?

Certainly not: and I should be ready to attest this upon oath, if called upon.

Withdrew.

Martin,

Martis, 2^o die Februarii 1796.

Mr. JAMES CRAUFURD attended, and delivered in his List.

MEYER COHEN, esquire, called in, and examined.

687. **I**T appears that you are a subscriber on Mr. E. P. Solomon's list for the sum of 200,000*l.* is that sum entirely on your own account?

It is: no other person is directly or indirectly concerned, or has any interest therein.

Withdrew.

Mr. JOHN BATTYE again called in, and examined;

And he desired to give the following explanation to his former evidence;

My name stands on Mr. Thelluson's list for 43,000*l.*—I before informed the committee that 7,000*l.* of that sum was for myself and partner—the other 36,000*l.* (not being immediately concerned in it) had escaped my recollection when I was last before the committee: it was thus divided.

[List delivered in.]

Mr. THOMAS HAMMERSLEY attended, and delivered in his list.

And he was asked,

688. Did the Chancellor of the Exchequer, or any person whom you considered as authorized by him, make any application to you respecting the distribution of that share of the Loan of which you had the disposal?

Certainly not.

Withdrew.

Mr. ELLIS WERE again called in, and examined.

689. Have you brought the list with you of the 100,000*l.* which remained unaccounted for, of that part of the Loan which was distributed by the House of Messrs Roberts, Curtis, and Co.; to wit, 3,066,000*l.*?

I have not.

690. State your reason why you persist in your refusal?

I have recurred to the gentlemen, who will not permit it.

691. Did the Chancellor of the Exchequer, or any person whom you considered as authorized by him, make any application to you respecting the distribution of that share of the Loan of which you had the disposal?

No; and I should have no objection to make an affirmation to the truth of that assertion.

Withdrew.

Received, and read, a letter from Mr. George Ridge, dated Charing Cross, February 2, 1796, inclosing his list,

Also,

Also, received, and read, a letter from Mr. James Atkinson, dated Lombard Street, 2nd February 1796, inclosing his list.

Also, received, and read, a Letter from Henry Davidson, dated Bedford Square, Monday, 1st February, inclosing his list.

Also, received, and read, a letter from Sir Robert Herries, dated St. James's Street, 1st February 1796, inclosing his list.

A P P E N D I X.

Appendix, N^o I.

Kennington Gore, Nov. 16, 1795.

SIR,

I HAVE the honor to acquaint you, that, considering it to be your fixed principle in all possible cases to dispose of Loans by competition; I have formed a list to enable me to offer for the ensuing Loan, to the amount of 15 millions, and to be extended if necessary—The subscribers are about 400 real stockholders, and monied men, and are prepared to make the payment.—I have at my banker's upwards of 300,000*l.* and can have 200,000*l.* more at a moment's notice, to deposit as a security.—It has been my aim to have no subscribers for large sums, but to diffuse the subscription; and I can with confidence assure you, Sir, that the list is complete and proper for the purpose, and will tend to advance the price of the contract—And considering, that, in conducting so important a concern, it is proper for me to be prepared to meet all possible events; and reflecting, that circumstances may make it necessary, and parliament may agree to guarantee a further Loan to be raised in England for his Majesty the emperor; in that case, I am ready, on behalf of my list of subscribers, to conform to your own conditions, by a positive or eventual agreement; having entire confidence that you always act with the best intentions, and conformable to justice.—I have the honor to be,

S I R,

Your most,

The Right Hon. Wm. Pitt.

Also, received, and read, a letter from Mr. James Atkinson, dated Lombard Street, 2nd February 1796, inclosing his list.

Also, received, and read, a Letter from Henry Davidson, dated Bedford Square, Monday, 1st February, inclosing his list.

Also, received, and read, a letter from Sir Robert Herries, dated St. James's Street, 1st February 1796, inclosing his list.

A P P E N D I X.

Appendix, N^o I.

Kennington Gore, Nov. 16, 1795.

SIR,

I HAVE the honor to acquaint you, that, considering it to be your fixed principle in all possible cases to dispose of Loans by competition; I have formed a list to enable me to offer for the ensuing Loan, to the amount of 15 millions, and to be extended if necessary—The subscribers are about 400 real stockholders, and monied men, and are prepared to make the payment.—I have at my banker's upwards of 300,000*l.* and can have 200,000*l.* more at a moment's notice, to deposit as a security.—It has been my aim to have no subscribers for large sums, but to diffuse the subscription; and I can with confidence assure you, Sir, that the list is complete and proper for the purpose, and will tend to advance the price of the contract—And considering, that, in conducting so important a concern, it is proper for me to be prepared to meet all possible events; and reflecting, that circumstances may make it necessary, and parliament may agree to guarantee a further Loan to be raised in England for his Majesty the emperor; in that case, I am ready, on behalf of my list of subscribers, to conform to your own conditions, by a positive or eventual agreement; having entire confidence that you always act with the best intentions, and conformable to justice.—I have the honor to be,

S I R,

Your most,

The Right Hon. Wm. Pitt.

Appendix, No. 2.

Bank of England, Dec. 17, 1795.

COPIES of the different LISTS of the SUBSCRIBERS
to the LOAN of the present Year (for the Service of the Year
1796) as sent into the Bank by the Contractors for the same.

	£.
Governor and Dep. Governor of the Bank —	100,000
Governor, Dep. Governor, and Direct. of the Bank	400,000
The East India Company —	300,000
Royal Exchange Assurance Company —	200,000
London Assurance Company —	200,000
South Sea Company —	200,000
Trinity House —	100,000
Abraham Newland, for himself and Office —	100,000
Paicoc Grenfell, Esq. —	100,000
Ellis Were, Esq. —	100,000

Mess. Boyd, Benfield, and Co. £. 5,704,000; viz.

To John Julius Angerstein, Esq.	350,000
Godichall Johnson, Esq. —	350,000
Cha. Herries, Esq. and Co. —	250,000
Sir Francis Ford, Bart. —	100,000
{ William Smith, Esq. Lombard Street,	50,000
{ George Smith, Esq. ditto	50,000
{ Jasper Atkinson, J. Esq. ditto	50,000
Edward M'Culloch, Esq. and Co.	100,000
Thomas Hammerley, Esq. —	100,000
Sir Robert Herries and Co. { 2 of 10 m.	80,000
{ 6 of 5 m.	
{ 6 of 3 m.	
{ 12 of 1 m.	
Messrs. Walwyn, Wm. Petrie, and Co.	50,000
John Petrie, Esq. —	25,000
William Petrie, Esq. —	25,000
Messrs. J. Petrie, Campbell, and Co.	50,000
Messrs. Davidsons and Graham —	75,000
James Carey, Esq. —	20,000
John Battye, Esq. —	50,000
Daniel Giles, Esq. —	90,000
Daniel Giles, jun. Esq. —	20,000
Edward Mason, Esq. —	10,000

Carried over 1,895,000 1,800,000

REPORT FROM THE SELECT COMMITTEE, &c. 211

	£.	£.
Brought forward	1,895,000	1,890,000
Samuel Beachcroft, Esq.	10,000	
Samuel Bosanquet, Esq.	10,000	
Brook Watson, Esq.	20,000	
Peter Desbrosses, Esq.	3,000	
John Shoobred, Esq.	8,000	
Gilbert Young, Esq.	5,000	
Cu lbert Rippon, Esq.	5,000	
Messrs. Cheap and Loughnan	50,000	
James Arthur, Esq.	25,000	
Edmund Larken, Esq.	18,000	
Thomas Higgins, Esq.	12,500	
J. P. Hankey, Esq.	10,000	
John Rae, Esq.	8,000	
Messrs. Caldeleugh and Boyd	10,000	
Edward Vaux, Esq. { 10 m. 5 m. }	15,000	
John and Alexander Anderson, Esqrs.	10,000	
George Yelverton, Kendal, Esq.	25,000	
James Brogden, Esq.	30,000	
Messrs. Pieschell and Brogden { 30 m. 20 m. }	50,000	
Alexander Baxter, Esq.	10,000	
John Taylor Vaughan, Esq.	20,000	
William Gemmell, Esq.	20,000	
Robert Watts, Esq.	50,000	
Messrs. Newnham, Everett, and Co.	30,000	
George Wheatley, Esq.	10,000	
Messrs. Kymer, M'c'Laggart and Co.	10,000	
R. L. Willis, Esq.	3,000	
William Bell, Jun. Esq.	8,000	
Isaac Minet, Esq.	20,000	
Messrs. Milligan and Mitchell	10,000	
James Burn, Esq.	10,000	
John Pasley, Esq.	15,000	
Francis Melvil, Esq.	10,000	
James Sibbald, Esq.	30,000	
Messrs. Marm, and George Peacock	5,000	
John Anthony Rucker, Esq.	15,000	
Daniel Henry Rucker, Esq.	5,000	
Godfrey Thornton, Esq. and Son	30,000	
Abraham Newland, Esq.	20,000	
Messrs. Biddulph, Cocks and Co.	15,000	
William Lushington Esq.	40,000	
Messrs. Boldero and Co.	20,000	
James Craufurd, Esq.	100,000	
Carried over	1,740,000	1,890,000

REPORT FROM THE SELECT COMMITTEE, & 213

	£.	£.								
	Brought over	1,842,000								
Thomas Watfon, Esq. (Aldermanbury)	5,000	1,800,000								
Messrs. Senior and Mandes	10,000									
Messrs. Mac. Tavish, Frafer, and Co.	10,000									
William Sharp, Esq.	4,000									
John Mackay, Esq.	5,000									
Robert Slade, Esq.	3,000									
Messrs. J. M. Siorret and Co.	10,000									
James Seton, Esq.	3,000									
James Mackenzic, Esq.	5,000									
J. A. Dubuiffon, Esq.	2,000									
Messrs. Barclay's and Tritton	30,000									
William Ward, Esq.	10,000									
John Chalie, Esq.	10,000									
Mr. Hosten	5,000									
Sir Andrew Hammond	5,000									
Tho. Read, Esq. (Imperial Ann. Office)	5,000									
Anthony Mangin, Esq.	12,000									
Edward Maxwell, Esq.	25,000									
Mrs. Anne Renée Bontems-Achard	10,000									
Henry Hoyle Oddie, Esq.	5,000									
Messrs. Lockharts & Co. (for Mr. Hogdan)	5,000									
William Adam, Esq.	5,000									
L. R. Mackintosh, Esq.	<table border="0" style="display: inline-table; vertical-align: middle;"> <tr> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="padding: 0 5px;">20 m.</td> </tr> <tr> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="padding: 0 5px;">30 m.</td> </tr> <tr> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="padding: 0 5px;">10 m.</td> </tr> <tr> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="padding: 0 5px;">10 m.</td> </tr> </table>	}	20 m.	}	30 m.	}	10 m.	}	10 m.	70,000
}	20 m.									
}	30 m.									
}	10 m.									
}	10 m.									
John William Ker, Esq.	150,000									
Walter Boyd, Junr. Esq.	150,000									
John Stockwell, Esq.	20,000									
Boyd, Benfield, and Co.	1,593,000									

Messrs. Robarts, Curtis, and Co. £.2,966,000; viz.

Charles Brooke	11,000
John Strother Ancrum	3,000
Edward Aulsen	3,000
James Arthur	11,000
William Atkinson	22,500
Benjamin Babbage	3,000
John Bolland	11,000
John Brazier	5,500
James Bidden	3,000
Charles Brunfson	10,000
Le Meile De Beaufond	4,000

Carried forward 930,000 7,504,000

274 REPORT FROM THE SECRET COMMITTEE, &c.

	Brought over	£.	£.
Joseph Berwick	_____	930,000	7,504,000
William Barker	_____	45,000	
George Bogg	_____	11,000	
Jere Batley	_____	5,500	
Benjamin Batley	_____	5,500	
Joseph Bushnan	_____	9,000	
Thomas Berwick	_____	5,500	
William Borradaile	_____	11,000	
Robert Crafton	_____	11,000	
Benjamin Collier	_____	5,500	
Charles Clark	_____	5,500	
John Cousins	_____	9,000	
Peter Clark	_____	5,500	
William Chatteris	_____	11,000	
Harvey Christian Combe	_____	11,000	
William Coningham	_____	16,500	
John Carbin	_____	5,500	
Charles De Croix	_____	22,500	
Timothy Curtis	_____	45,000	
George Curtis	_____	9,000	
James Curtis	_____	9,000	
William Christopher	_____	9,000	
John Champion	_____	3,000	
Sir Lionel Darrell, Bart.	_____	11,000	
Rice Davies	_____	3,000	
John Dunkin, Junr.	_____	11,000	
Thomas Browne	_____	5,500	
Christopher Dunkin	_____	11,000	
James Shaw	_____	22,500	
James Douglas	_____	11,000	
John Delor	_____	2,000	
Thomas Dykes	_____	11,000	
Cornelius Donovan	_____	5,500	
James Evans	_____	5,500	
Samuel Edwards	_____	5,500	
Charles Flower	_____	22,500	
William Fenning	_____	5,500	
Thomas Flint	_____	9,000	
John Farley	_____	5,500	
Christopher Fowler	_____	2,000	
Moses Fernandes	_____	5,500	
John Fryer	_____	11,000	
John Gillon	_____	11,000	
Abraham Goldsmid	_____	50,000	
Benjamin Goldsmid	_____	20,000	
Edward Wigan	_____	16,500	
Carried forward		618,500	7,504,000

	£.	£.
	Brought over 618,500	7,504,000
John Gray	11,000	
William Gelston	6,500	
Asher Goldsmid	22,500	
G. T. Goodenough	11,000	
John Vincent Gandolfi	33,500	
Stephen Griffin	5,500	
P. Gregfon	5,500	
Anthony Geledneki	5,500	
George Thickner Hardy	5,500	
Thomas Higgins	11,000	
John Hellear	11,000	
John Hunter, of Gubbins	11,000	
Charles Hippuff	5,500	
Richard Holbeirt	22,500	
William Hall	9,000	
Honourable Henry Hobart	5,000	
John Hunter, of Tax Office	12,000	
William Hunt.	3,000	
John Humble	9,000	
William Havard	33,500	
William Hobson	5,500	
George Hobson	28,000	
John Thacker Jennings	5,500	
John Jones	22,500	
Joseph James	5,500	
Thomas Kingfley	5,500	
Thomas Leverton	3,000	
George Louch	5,500	
Thomas Lewis	22,500	
Joseph Lancaster	9,000	
John Lightfoot	6,500	
Joseph Philip Le Jeune	2,000	
Leonard Lazenby	3,000	
Angel Levy	3,000	
Gabriel Leekie	2,000	
John M'Nabb	5,500	
William Mitchel	9,000	
Israel Moravia	2,000	
Barnaby Murphy	5,500	
Samuel John Maud	5,500	
Jacob Montefiere	5,500	
Thomas Margary	11,000	
William Yarnton Mills	33,500	
Thomas Mankin	9,000	
Abraham Mocatta	45,000	
Jacob Mocatta	7,500	
	Carried forward 517,000	7,504,000

	Brought over	£.	£.
		517,000	7,504,000
Moses Mocatta	—	7,500	
Daniel Mocatta	—	7,500	
John Mason	—	11,000	
William Menish	—	5,500	
Robert Maitland	—	16,500	
Samuel Marshall	—	4,500	
Charles M'Carthy	—	5,500	
Joseph Metcalfe	—	9,000	
John Naylor	—	16,500	
Thomas Nesbitt	—	5,500	
William Nanson	—	11,000	
Charles Norris, Junr.	—	2,000	
Thomas Plumner	—	11,000	
Mark Prager, Senr.	—	22,500	
Thomas Plant	—	5,500	
Edward Perkes	—	5,500	
Ebenezer Maitland	—	5,500	
Thomas Place	—	5,500	
Edward Allfrey	—	11,000	
John Richard Ripley	—	11,000	
William Robbins	—	11,000	
Jeremiah Royds	—	11,000	
Shakspear Reed	—	11,000	
Daniel Stephens	—	9,000	
William Shepherd	—	11,000	
John Henry Schneider	—	11,000	
John Spicer	—	11,000	
William Sutton	—	28,000	
St. Andrew St. John	—	5,000	
Sawyer Spence	—	5,500	
Robert Scott	—	5,500	
William Scott	—	11,000	
John Scott	—	5,500	
Richard Smales	—	22,500	
Arthur Shakspear	—	11,000	
Jeremiah Snow	—	3,000	
John Shephard	—	5,500	
Thomas Sanders	—	5,500	
William Thompson	—	3,000	
Wingfield Turner, Junr.	—	5,500	
Francis Town	—	3,000	
J. G. Tawney	—	3,500	
George Tierney	—	9,000	
J. Taverner	—	3,000	
George Vaux	—	5,500	
William Wilson	—	5,500	
		Carried forward 239,500	7,504,000

	£.	£.
Brought over	239,500	7,504,000
Charles Edward Wilfonn	16,500	
Rowland Webfter	5,500	
Pafcoe Grenfell	112,500	
Samuel Weyman Wadefon	5,500	
H. C. Woolrych	5,500	
Richard Williams	9,000	
Alexander Watfon	3,000	
James Woodbridge	5,500	
William Walker	11,000	
Thomas Jacob White	10,000	
George Wood	3,000	
Abraham Robarts	79,000	
John Parkinson	61,500	
Henry Wheeler	16,500	
Thomas Kemble	22,500	
Thomas King	5,500	
William Cooke	2,000	
George Ridge	56,000	
Henry Wakeman	33,500	
Anthony Lechmere	22,500	
John Walker Wilfon	9,000	
Benjamin Wilfon	9,000	
John Tweedy	22,500	
William Walter	5,500	
Thomas Eyton	22,500	
John Perfect	16,500	
James Pillinger	33,500	
Charles Hornyold	235,000	
Hugh Bell	11,000	
William Clay	5,500	
Thomas John Taylor	5,500	
Edward Warner	28,000	
William Galley	33,500	
Joseph Berwick	501,500	

Messrs. Benj. and Abraham Goldsmid £.2,966,000; viz.

William Matthew Raikes	50,000	
Job Matthew Raikes	50,000	
Daniel Mefnan	10,000	
Joshua Knowles	10,000	
Edward Mafon	5,000	
John Milward	10,000	
Carried over	135,000	7,504,000

	Brought over	£.	£.
Samuel Bofanquet	— —	135,000	7,504 000
Daniel Giles	— —	70,000	
Joseph Kaye	— —	25,000	
William Alers	— —	10,000	
Richard Buller	— —	33,000	
Alexander Champion	— —	10,000	
E. B. Loufada	— —	12,000	
Job Mathew	— —	50,000	
Francis Martin	— —	15,000	
Abraham Mocatta	— —	5,000	
Joseph Nutt	— —	10,000	
Sir Richard Neave	— —	12,000	
Abraham Newland	— —	15,000	
John Puget	— —	10,000	
Godfrey Thornton	— —	30,000	
Charles and Stephan Tciffier	— —	10,000	
Brook Watton	— —	30,000	
Benjamin Winthrop	— —	10,000	
Claude Scott	— —	10,000	
John Pearse	— —	50,000	
William Steer, Junr.	— —	10,000	
Cornwall Smalley	— —	12,000	
Benjamin and Abraham Goldsmid	— —	10,000	
		2,442,000	

Mr. E. P. Salomons — — £.1,711,000; viz.

Messrs. Boyd, Benfield, and Co.	—	285,000	
Philip Antrobus, Esq.	—	25,000	
P. and C. Van Notten, and Co. Esquires	—	28,000	
Daniel Giles, Esq.	—	50,000	
Charles Steers, Esq.	—	17,000	
Job Mathew, Esq.	—	3,000	
William Raikes, Esq.	—	15,000	
Benj. and Abraham Goldsmid, Esq.	—	130,000	
— — Ditto	—	800,000	
E. P. Salmons	—	358,000	
			1,711,000

Mr. Peter Telluffon, for himself & Sons £-1,141,000; viz.

G. W. Telluffon	—	245,000	
Charles Telluffon	—	200,000	
H. T. Churchill	—	40,000	
			9,115,000

Carried Over 485 000

REPORT FROM THE SELECT COMMITTEE, &c. 319

	Brought over	£.	£.
		485,000	9,115,000
Thomas Moore	—	20,000	
B. D. Floud	—	10,000	
Cornwall Smalley	—	50,000	
A. F. Haldimand	—	45,000	
John Battye	—	43,000	
P. H. Kuhff	—	15,000	
Samuel Horn	—	10,000	
Edward Gwatkin	—	5,000	
Charles Teiffier	—	5,000	
I. L. Andre	—	5,000	
P. Grenfell	—	5,000	
J. R. Ripley	—	3,000	
T. J. and P. Coffart	—	2,000	
David Piffard	—	8,000	
Peter Thelluffon	—	430,000	
		<u>1,141,000</u>	
George Ward, Esq.	—	—	685,000

Solomon Salomons	—	£.685,000; viz.	
Richard Buller, Esq.	—	70,000	
Judah Philip Salomons	—	55,000	
Joseph Salomons	—	20,000	
B. and A. Goldsmid	—	20,000	
Solomon Salomons	—	520,000	
		<u>685,000</u>	
Rawson Aislabic, Esq.	—	—	343,000
		<u>£.18,000,000</u>	

A. Newland, Chief Cashier.

Appendix, No. 3.

Sackville Street, 24 November 1795.

SIR,

WE beg leave to represent to you, on behalf of ourselves and the other contractors for the Loan of last year, that the contract was entered into under the condition that no other public

public Loan for this Country should be made, until the period fixed for the last payment of the Loan then contracted for should have elapsed.

We conceive, that on this account, we have an undoubted right to object to the negotiation of the Loan now proposed to be contracted for, until the period assigned us for the sale of our scrip, shall expire, viz. the 15th of January next. This is not one of those rights of which litigious people sometimes avail themselves, for the mere purpose of giving trouble: it is a right which is founded in justice, and the nature of things, recognized by constant practice and public opinion, and which we cannot relinquish without evident loss. That this may appear to you perfectly clear, we beg leave to state, that there is at this moment still floating in the market the value of five millions of money in scrip, which remains to be converted into stock. Several of the contractors for the last Loan are holders of this scrip, and they must inevitably suffer by the introduction of eighteen millions more into the market, while so large a portion of last year's scrip is still on hand.

While we thus assert our right to prevent the negotiation of the Loan now in contemplation, we are loath to exercise this right to your inconvenience, or to the detriment of the public, and are therefore willing to waive it, upon condition that the injury which must result from the introduction of so large a sum of scrip into the market, before (if we may so express ourselves) our exclusive lease of the market expires, be compensated to us by the chance of advantage to raise from the new Loan, on which ground we presume to claim the preference of contracting for it.

By the monied powers of our party we are enabled to give the highest price that ought to be given, and we can assure you, with great sincerity, that in the event of your consenting to a private negotiation, our offer shall be fully as liberal as if we had no preference whatever, and that it shall equal your expectations.

We are aware that your acquiescence in this proposal must meet with difficulty in your own mind, on account of your predilection in favour of public competition; but to reconcile as much as possible the principle of competition with what we conceive to be our undoubted right, we are willing to admit of it on the present occasion to a certain degree.

We are willing to allow the proposed Loan to be exposed to competition, upon condition that the option shall be expressly reserved to our party of taking the Loan at such a price as shall be equal in value to one half *per cent.* upon the whole sum borrowed above the highest offer of the competitors.

If any solid objections can be made to both these proposals, we shall be happy to adopt any other measure more agreeable to you, by which you may on the one hand be secured against undue advantage

vantage on our part, and on the other we may preserve our right or obtain in lieu of it such a preference as we conceive to be justly due to our particular situation.

We have the honour to be, with great respect,

Sir,

Your most obedient
humble Servants,

Walter Boyd.

Abram Roberts.

Rt. hon. *William Pitt*, &c. &c.

Appendix, No. 4.

(Copy)

London, December 7th, 1795.

SIR,

I Beg leave to offer to contract for the intended Loan, whatever the amount may be, for the service of the year 1796, on the following terms, *viz.*

For every 100l. to receive 120l. three *per cent.* consols.

25 reduced three *per cents.*

and 4s. 6d. long ann.

the interest on the consolidated three *per cents.* to commence from the 5th July last, and on the reduced the 10th October last, and the long annuities to commence also on the 10th October last, the first payment of 10 *per cent.* to be made on Thursday next the 10th instant, and the other payments according to the regulation already at the bank of England.

I have the honour to be, Sir,

Your most obedient

and most humble Servant,

James Morgan.

Right hon. *Will. Pitt*, &c. &c.

I have not mentioned any sum for the amount of the Loan, because I am not exactly informed, but I understand it is expected to be eighteen or nineteen millions, or thereabouts.

James Morgan.

Appendix, No. 5.

(Copy)

Sackville Street, 23 November 1795.

SIR,

HAVING heard that this day had been appointed for an interview between you and the persons intending to offer for the ensuing Loan, Mr. Roberts and I were upon our way from the

the city to desire an audience of you previous to your receiving the candidates, when we learned at the Bank that the meeting was put off till Wednesday.

I beg leave to solicit, on the part of Mr. Roberts and myself, as representing the whole contractors for last year's Loan, the honour of an interview with you as early to-morrow as may be consistent with your convenience, that we may have an opportunity of stating certain circumstances peculiar to our situation, which it is of great importance should be well understood before any public interview respecting another Loan takes place. I had, upon the assurance that you gave me that you would send for our party previous to any such interview, acquainted them that they would not be deprived of a proper opportunity of stating what they had to say, before any other steps would be taken about another Loan; and I was therefore mortified to find that a meeting was on the point of taking place, without any such previous opportunity having been afforded them.

I have the honour to be &c.

(Signed)

Walter Boyd.

The right hon. *William Pitt.*

Appendix, No. 6.

Kensington Gore, December 22, 1792.

SIR,

REFLECTING on the question, if I would ask the gentleman that I expected an answer from on the 29th October, for leave to give in his name; it now appears to me, as the circumstance was mentioned merely to account for my stopping on that day to receive subscriptions, that it is improper for me to make any application, or in any manner endeavour to involve persons in questions arising from a transaction in which they have not been concerned, and have not the least knowledge of. There were a great many offers and applications as well as that attended to, which were refused or rejected on various grounds, and which I consider as private and confidential; and therefore I humbly hope the honourable committee will not press such questions to me.

I have the honour to be, Sir,

Your most obedient

humble Servant,

James Morgan.

William Smith, Esq. Chairman of the Committee
of the honourable house of Commons.

Appendix, No. 7.

(Copy)

Sackville Street, 26 August, 1795.

S I R,

WHEN I had the honour to suggest to you the plan by which I proposed to give the treasury the anticipation of that part of the Loan which becomes due in November, December, and January, I fully explained that it was by means of acceptances of the treasury for these periods that I could accomplish this anticipation: I stated to you the necessity there would be (however full of money my house might happen to be occasionally) for me to have in hand negotiable effects, by which I might at any time be able to replace the money which we might have advanced, declaring however my readiness to make the first advance without any such effects, because I imagined they could not be prepared before the first advance might be wanted.

Agreeably to this explanation, and the arrangements that seemed to be understood between us, I expected to have made the first payment last week, and to have been authorized to order drafts to be made upon the treasury, in the proportions and at the periods that might have best suited the purposes of the arrangement for the first and future payments, by which means, while I should have had the satisfaction of promoting the public service, I should also have been sure that no possible inconvenience could result to myself from it: such having been my ideas of the arrangement, you will not be surprized, that the uncertainty as to the periods of making the advances, which you appeared to be in yesterday, should lead me to fear that you may not have precisely the same ideas of it; and that thus unpleasant disappointments might arise to both parties. It is to prevent the possibility of any such disappointments that I trouble you with this letter.

My only object in this business, is to accomplish in a satisfactory manner the wish of government, and taking beforehand the necessary steps for insuring success; if upon examination you find you can dispense with the *whole* as you have already found means to dispense with the *half* of the original sum, I shall be extremely happy at it, because the business is by no means so much an object of *desire* as of *care* and *anxiety*; 'tis not an advantage that I long to reap, but a service of some difficulty and delicacy which I am solicitous to perform with success; 'tis not a thing that can be done at any time on the shortest notice, but an operation that, with the necessary previous concert of measures, may be carried through with success.--It is not necessary that government should sustain the loss of a single day's interest more than their occasions require, although the acceptances of the treasury may be granted before they receive the value of them in money.

What

What I wish particularly to be at a certainty about, is, whether or not the anticipation will be wanted; when the different Instalments will be required; and if I may positively reckon upon receiving the acceptances of the treasury as I may call for them, in return for money or effects falling due at the particular periods, when the money happens to be wanted---If the business is to go on; official letters on these points will be necessary, because, in an affair of so vast a magnitude for one House, there must not exist a possibility of mistake or delay.

I have the Honour, &c.

(Signed)

Walter Boyd.

To the Right honourable *William Pitt.*

Appendix, No. 8.

(Copy.)

S I R,

I AM commanded by the Lords Commissioners of his Majesty's treasury to inform you, that the public service requiring the anticipation of the receipt of those parts of the instalments of the last Loan, and of the payments to the lottery, which are not yet due, it is their lordships desire that you should make these anticipations, by paying into the office of the paymaster general of his Majesty's forces the following sums:

£. 500,000 on or before the 20th instant.
 £. 500,000 on or before the 20th October.

And in order to reimburse the advances so to be made, it is their lordships order that you should draw or cause to be drawn, at such times and in such sums as you may find most convenient to you, bills of exchange upon their lordships, payable at the following periods; *viz.*

To the Amount of £. 500,000 payable 30th November 1795*
 500,000 24th January 1796.

1,000,000

Together with interest at 5 per cent. upon the advances you may have made from the dates of these advances, untill the dates at which the bills upon their lordships become payable.

Should circumstances happen to render any change necessary in
 this

this proposed arrangement, there will be time to give you notice of it before you order drafts for the payment in October.

I am, Sir,

Your very obedient Servant,

Treasury Chambers,

Charles Lang.

September 12th, 1795.

Walter Boyd, Esq.

It is perfectly understood, that you are to be allowed interest at the rate of 5 *per cent.* upon such sums as your house shall have been, or in future may be in advance for the service of government.

Appendix, No. 9.

(Copy.)

Sackville Street, 14 September 1795.

S I R,

I N consequence of the letter with which you have honoured me on the 12th instant, I beg leave to inclose bills of exchange on the lords commissioners of his Majesty's treasury, for £.505,668 10: dated Hamburg, 31st August, at three months date, which I request you will have the goodness to accept, and return me tomorrow. The value shall be paid on Saturday into the office of the paymaster general of his Majesty's forces, agreeably to your directions.

My cousin, Mr. Boyd, jun. having been at Hamburg the 30th August, I thought proper to get him to draw the bills, in order to keep the operation as much as possible within the knowledge of my own house, and to save the expence of a commission, which we must have paid had we employed any house to draw on their lordships.

I am, &c.

(Signed)

Charles Long, Esq.
Secretary to the treasury.

Walter Boyd.

N. B.—The bills mentioned in the above letter, it was afterwards agreed should be dated the 7th of August, and made payable at 4 instead of 3 months after date.

Appendix, No. 10.

S I R,

I AM commanded by the lords commissioners of the treasury to acquaint you, that it is their wish that the bills of exchange to be drawn by you upon their lordships, to reimburse the sums desired to be advanced for the public service, by my letter of the 12th instant, should be made payable at the following periods, instead of those mentioned in my said letter; *viz.* to the amount of

£. 500,000 payable 7th December 1795.
 500,000 payable 31st January 1796.

1,000,000

I am, Sir,

Your very obedient servant,

Treasury Chambers,
 Sept. 17th.

Charles Long.

Appendix, No. 11.

Kenington Gore, January 16th, 1796.

S I R,

I HAVE the honour to acquaint you, that, at a meeting of the subscribers in the list formed to enable me to bid for the Loan, it was their opinion that the public interest is not connected with the making of the said list, and that it will be improper for me, as a confidential agent, to produce the same in any manner. And I beg leave to observe, that it is the principle of free and open competition, not to give room for suspicion, or occasion for scrutiny. The responsibility of the contractors to secure the deposit is the only object on the part of the public; and, I believe, it was particularly so declared by the right honourable the Chancellor of the Exchequer, on the opening to parliament the terms of the contract for the Loan for 1794, which was the last disposed of by fair competition. I have the honour to be,

Sir,

Your most obedient humble servant,

*James Morgan.**William Smith, Esq.*

Chairman of the committee of the honourable House of Commons, appointed to enquire into the circumstances of the negotiation of the late Loan.

Appendix

Appendix, No. 12.

Kensington Gore, January 16th 1796.

S I R,

I HAVE the honour to acquaint you, that the gentlemen who offered to be the securities with me for making the deposit, in case the proposal I made the 7th December last to contract for the Loan had been approved and accepted, have severally cancelled their names, and consider the purpose to be entirely at an end, as the proposal was rejected. And they now think it will be improper for me to produce their names in any manner, as it may tend to involve them in questions, concerning which they are totally uninformed. I have the honour to be.

Sir,

Your most obedient and humble Servant,

*James Morgan.**William Smith, Esq.*

Chairman of the committee of the Honourable House of Commons, appointed to enquire into the circumstances of the negotiation of the late Loan.

Appendix, No. 13.

Kensington Gore, January 20th, 1796.

S I R,

THE committee having asked me, what I thought would have been the difference between the offers likely to have been made by the parties at the bidding, in case it had taken place; I have the honour to acquaint you for their information, that the Irish Loan for £. 1,100,000 sterling was disposed of by fair competition the 7th March last, and that the greatest difference in the offers was 12s. 7d. *per cent.* annuity for 15 years, which, valued at 10 years purchase is 6l. 5s. 10d. *per cent.* and the least difference was 7s. 1d. *per cent.* annuity, amounting to 3l. 10s. 10d. *per cent.*

And I beg leave, sir, to take this opportunity to recommend to the attention of the committee, the proposal from the government of Ireland for making the Loan, because I know it is essential to the public interest, and can with the greatest confidence declare, that proposal was the best possible that could be offered under the the then circumstances, although the great merit of it has not been noticed by the public. When the printed proposal was sent over, I read it with astonishment, because the principle was

28 REPORT FROM THE SELECT COMMITTEE, &c.

the direct reverse to the ruinous system followed here, in making Loans in capitals at a great discount, and thereby unnecessarily accumulating immense sums to the debt to be redeemed. I have the honour to be,

Sir,

Your most obedient and most humble Servant,

James Morgan.

William Smith, Esq.

Chairman of the committee of the honourable House of Commons, appointed to enquire into the circumstances of the negotiation of the late Loan.

Appendix, No. 14.

Bank of England, January 20th 1796.

An ACCOUNT of money received at the bank on the Loan of 1795, on the 1st of August and 24th of November 1795; distinguishing the sums which had been received up to each of those days.

On the 1st August, 1795	—	£. 15,853,923 10
On the 24th November, 1795	—	£. 17,554,282 10

A. Newland, Chief Cashier.

Appendix, No. 15.

AMOUNT of the Stock created by the Loan of 1795, which was entered in the Books of the Bank on the 1st of August and 24th of November 1795; and likewise of the Stock of the said Loan not entered on those respective Days.

	Stock entered in the Books, on which the full Payments were made.			Stock not entered.		
	£.	s.	d.	£.	s.	d.
On the 1st August, 1795						
Consol. 3 per Ct. Ann.	15,061,250	0	0	2,938,750	0	0
£.4 per Ct. Ann. - -	4,280,041	13	4	1,719,958	6	8
Long Ann. - - -	61,544	15	11	14,955	4	1
	<hr/>			<hr/>		
£.	19,402,836	9	3	4,675,663	10	9
	<hr/>			<hr/>		
On the 24th Nov. 1795						
Consol. 3 per Ct. Ann.	17,017,245	0	0	982,755	0	0
£.4 per Ct. Ann. - -	5,025,875	0	0	974,125	0	0
Long Ann. - - -	70,848	0	5	5,651	19	7
	<hr/>			<hr/>		
	22,113,968	0	5	1,962,531	19	7

On Imperial Annuities of the Loan 1775.

	Stock entered in the Books, on which the full Payments were made.			Stock not entered.		
	£.	s.	d.	£.	s.	d.
On the 1st August 1795						
Imp. £.3 per Ct. Ann.	2,218,061	18	1	1,615,271	8	7
Ditto Ann. for 25 years	173,913	10	10	56,086	9	2
	<hr/>			<hr/>		
On the 24th Nov. 1795.						
Imp. £.3 per Ct. Ann.	2,247,415	18	3	1,358,917	8	5
Ditto Ann. for 25 years	195,083	2	6	34,816	17	6

Appendix, No. 16.

An ACCOUNT of the Stock created by the Loan of 1795, which was entered into the Books of the Bank on the 5th December 1795; and likewise of the Stock of the said Loan not entered on that Day.

	Stock entered in the Books.			Stock not entered in the Books.		
	£.	s.	d.	£.	s.	d.
Confol. 3 per Ct. Ann.	17,307,750	0	0	692,250	0	0
£.4 per Ct. Ann. - - -	5,124,958	6	8	875,041	13	4
Long Ann. - - - - -	73,471	6	9	3,028	13	3
£.	22,506,179	13	5	1,570,320	6	7
Imp. 3 per Ct. Ann. -	277,249	5	7	1,056,084	7	9
Ditto Ann. for 25 years	213,013	10	10	16,986	9	2
	2,990,262	10	5	1,073,070	16	11

Bank of England,
Jan. 23, 1796.

A. NEWLAND, Chief Cashier.

Appendix, N8. 17.

Kenfington Gore, Jan. 25, 1796.

SIR,

IN the minutes of my examination before the Committee, it appears from my answer to a question as if it meant to state, "that the Governor of the Bank had mentioned the money transaction for £.900,000 as the ground for Mr. Boyd's having the loan," without the necessary explanation, that I conceived it to allude to his doubts of the competition, and to the confidence he observed in Mr. Boyd's party that they should have the loan. I

beg

beg leave to acquaint you, sir, that I am very desirous to explain and correct that answer before the Committee, and I am,

Sir,
Your most obedient humble servant,
James Morgan.

Wm. Smith, Esq.
Chairman of the Committee of the Honourable
House of Commons for enquiring into the
circumstances of the late Loan.

Appendix, No. 18.

SIR,
I AM directed by the Committee to inform you, that they are sorry to feel it inconsistent with their duty, under all the circumstances of the case, to comply with the request expressed in your letter to me, dated Kenfington Gore, the 25th January 1796.

I am, Sir,
Your obedient humble Servant,
W. Smith.

Committee Room,
25th Jan. 1796.

Appendix, No. 19.

February 3d, 1794.

WE hereby engage on our own parts, and on the behalf of the gentlemen authorizing us to sign for them, to subscribe eleven millions in money for the Loan of the present year on the following terms viz. for every £.100 subscribed to receive

£.100 of 3 per cents to be consolidated with the present £. per cent. consol.
£.25 of £. 4 per cents.

A long annuity of 11s. 5d. to determine with the present long annuities.

A discount to be allowed of £.3 per cent. on the whole money advanced beyond the instalments up to the latest period of them :— the dates of payments to be as follow :

1794	February	11th	---	a deposit of	---	£.10 per cent.
	April	15	---	a payment of	---	10
	June	6	---	ditto	---	10
	July	18	---	ditto	---	10
	August	29	---	ditto	---	15
	October	17	---	ditto	---	15
	Novem.	28	---	ditto	---	15
1795	January	13	---	ditto	---	15

£.100

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The interest on the 3 per cent. consols to commence from 5th January. On the 4 per cent. from 10th October, 1793, and the first half yearly payment on the long annuity to be made on 5th April 1794.

(Signed)

*John Julius Angerstein,
James Morgan,
Godschall Johnson.
Nesbitt and Stewards,*

Appendix, No. 20.

WE the undersigned undertake and agree, that we will make good the payments on a Loan of £.18,000,000 for the service of government for the year 1795, in case the same shall receive the sanction of parliament, and likewise on a Loan of £.6,000,000 for the service of the Emperor, in case parliament shall think proper to make provision, that if the whole, or any part of the dividends, payable on the said Loan in May and November respectively in the said year, shall not be punctually paid on the part of the Emperor, the sums so due shall be payable on the 5th day of July and the 5th day of January respectively following, out of the consolidated fund, or out of the supplies of the year: the said Loan (if both of them take place) to be on the conditions following, viz. That for every £.100 of Money advanced on the Loan of £. 18,000,000, the subscribers shall be entitled to

£.100 — — 3 per cent. con ann.
33 6 8 4 per cent. ann.,
— 8 6 Long ann.

That the interest on the 3 per cent. annuities shall commence from the 5th day of January 1795, and the interest on the 4 per cent. and the long annuities on the 10th day of October 1794.

That £.10, per cent. shall be paid on or before the 6th day after the terms of the Loan shall have been approved by a resolution of the House of Commons; that the next three payments shall be of 10 per cent. each; and the four following payments shall be of fifteen per cent. each; the last to take place on the Friday succeeding the 10th day of January 1796.

And that every person making any payment in advance or completing his contribution, shall be entitled to an allowance at the rate of £.3 per centum on such sum so advanced, from the day of completing the contribution to the Friday succeeding the said 10th day of January 1796.

And that for the Austrian Loan, such conditions shall be stipulated on the part of the Emperor as were stipulated for the Loan of £. 6,000,000, which are to make part of the £.6,000,000 above mentioned.

We

