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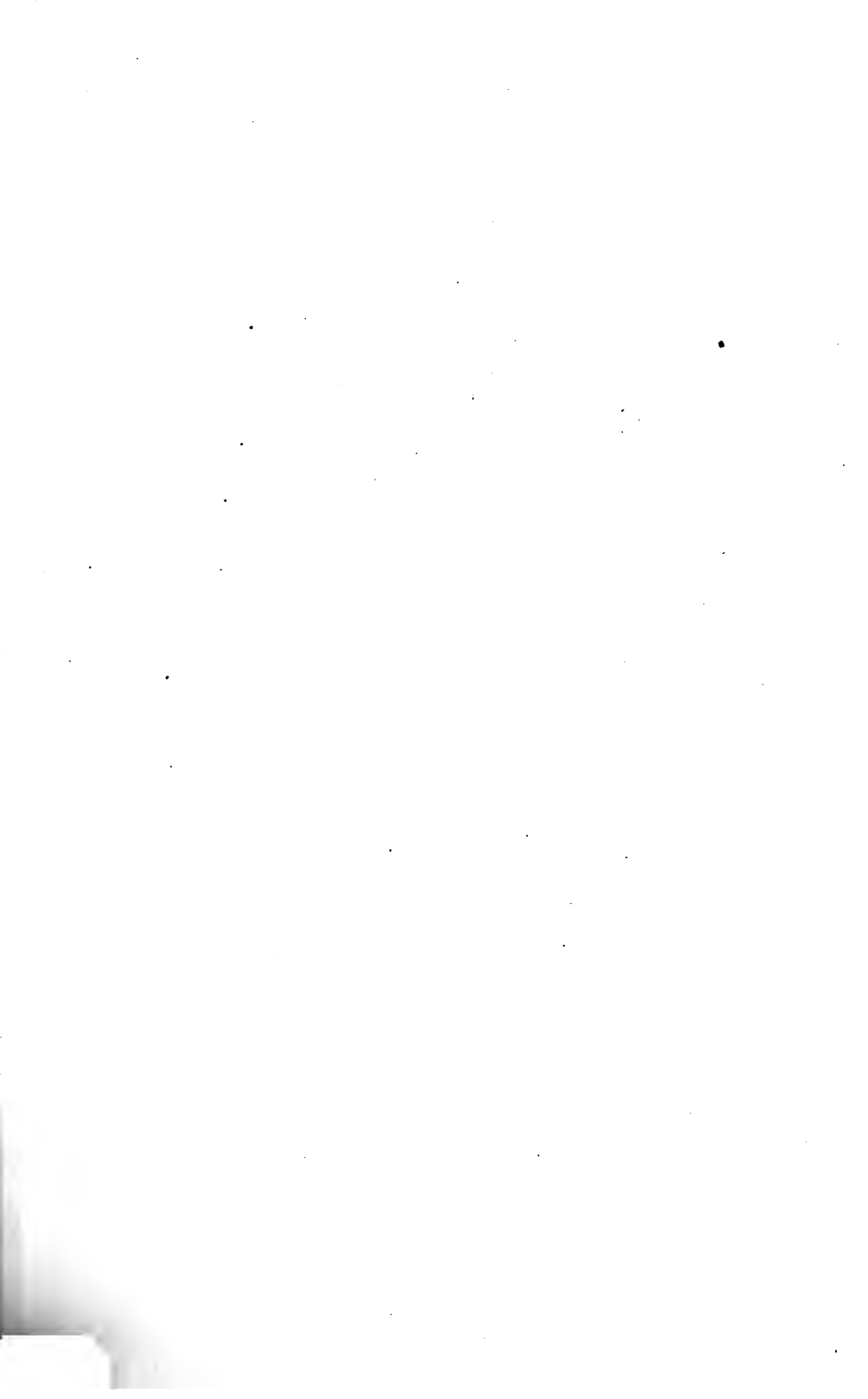
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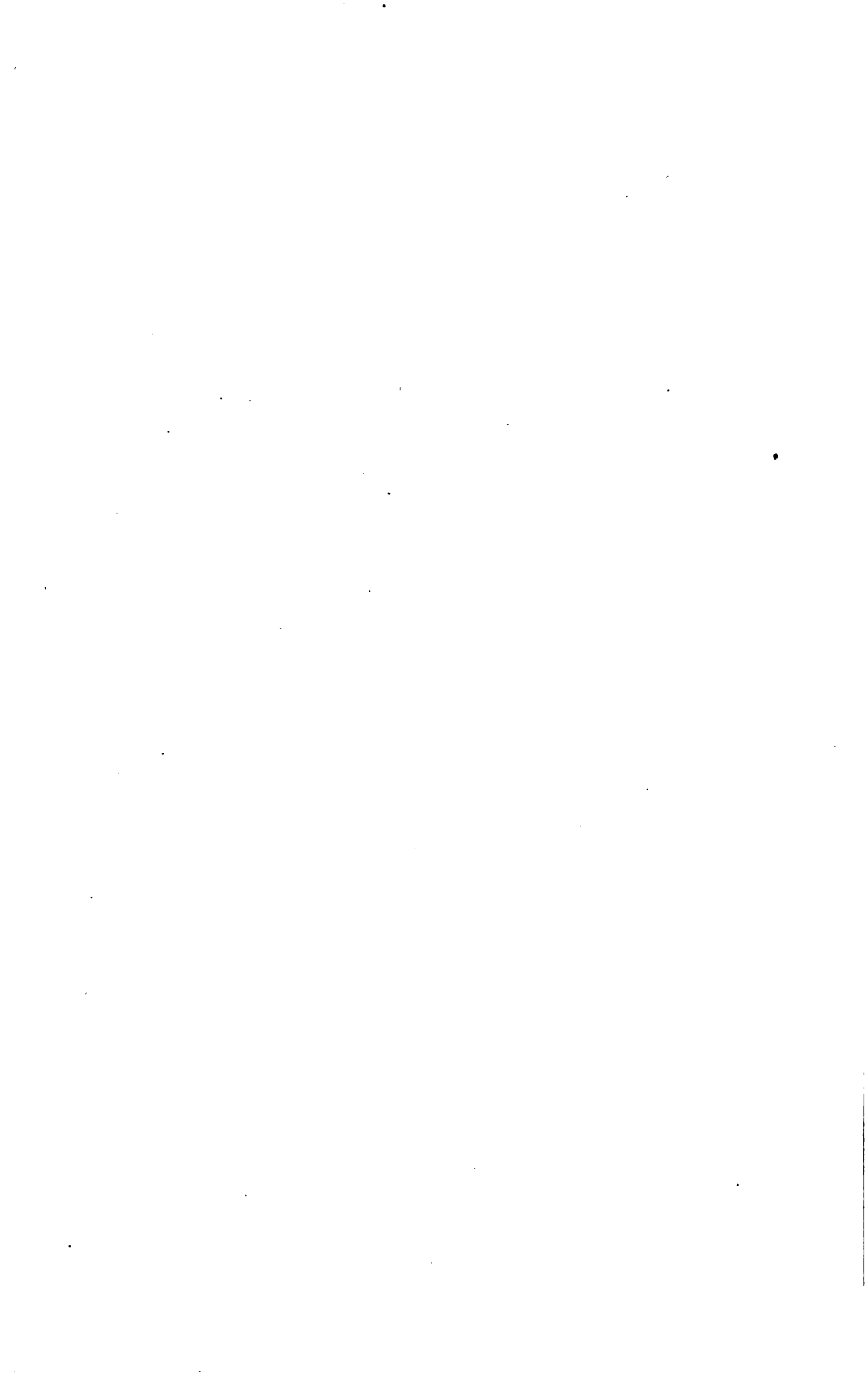
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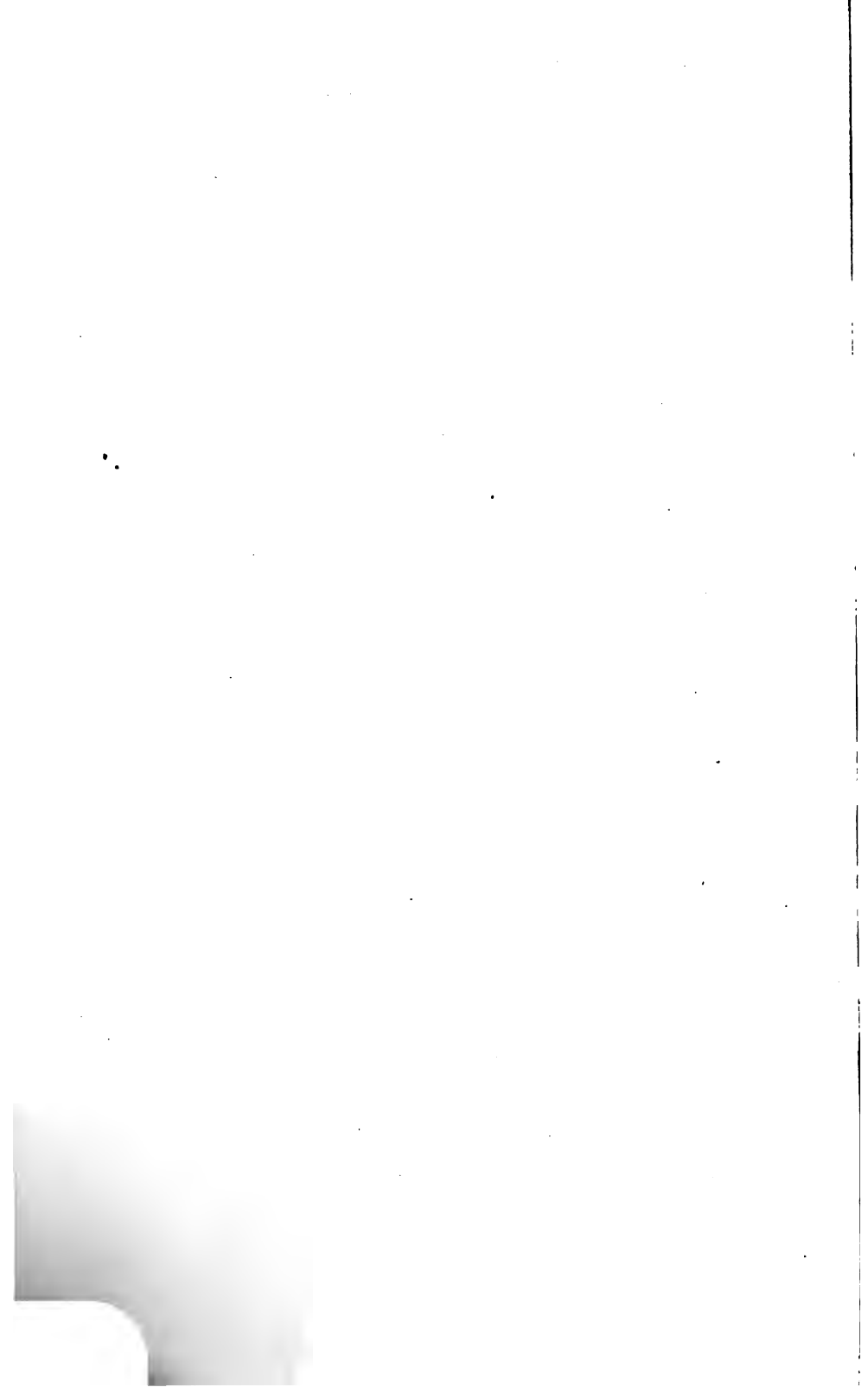
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**VINDICATION**  
**OF THE**  
**ENGLISH CONSTITUTION,**  
**&c.**



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VINDICATION

OF THE

ENGLISH CONSTITUTION

IN A

LETTER

TO A

NOBLE AND LEARNED LORD.

*Benj.*

BY  
DISRAELI THE YOUNGER.

LONDON  
SAUNDERS AND OTLEY, CONDUIT STREET.  
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# SYNOPSIS

OF THE

## FOLLOWING TREATISE.

---

Of Writers on the English Constitution . . .	<i>Page 2</i>
Of the Utilitarian System; its fallacies . . .	3—13
Of abstract principles in Politics, and of the degree of Theory that enters into Politics . . .	14—16
Of Magna Charta . . . . .	17—20
Petition of Right . . . . .	21
Of Precedent, Prescription, and Antiquity . . .	22—25
Of the formation of a free Constitution . . . .	26
Of the attempts of the French to form a free Constitution: Reasons of their failure: Fallacy of adopting the English Constitution in France . . . . .	27—35
Of the attempts to establish the English Constitution in the Sicilies and the Peninsula . . . . .	35—37
Of the last attempt of the French to form a free Govern- ment: La Fayette and Lord Somers compared . . .	38—45
Of the Constitutional developement of Prussia . . .	46—56
Constitution of the United States exercises the same fatal influence over America as that of England over Europe; Mexico, Chili, Peru, contrasted with France, Spain, and Portugal . . . . .	56—59

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Of the "Wisdom of our Ancestors" . . . . .	60—64
The "House of Commons" not the "House of the People" . . . . .	65—67
The Political Institutions of England, sprung from its legal Institutions . . . . .	68
Nature of the Representative principle . . . . .	69
Original character of the English Parliament . . . . .	70
Of the Estate of the Knights . . . . .	71—75
Rise of the Towns . . . . .	76 80
Creation of the Estate of the Commons . . . . .	81
The House of Commons an Equestrian Chamber . . . . .	81—84
Why the Equality of Civil Rights was established in England at so early a period of our History . . . . .	85—87
Why Liberty flourished under the Plantagenets . . . . .	88
Why Liberty declined under the Tudors . . . . .	90
Primary effect of Protestantism in England not favourable to our Civil Liberties . . . . .	92
Of the Constitution of the House of Commons under the Tudors, and of the system of Borough Representation . . . . .	93—102
Anecdote of the Pacha of Egypt: Representation without Election illustrated . . . . .	102—106
Why the Political Consequences of the Protestant Religion on the Continent were different to those in England, and why favourable to Civil Liberty: Protestantism creates a Republican Religion . . . . .	107
Introduction of the phrase "THE PEOPLE" into European Politics . . . . .	108
Attempts of the English Aristocracy to restore the Constitution of the Plantagenets under Charles the First . . . . .	111
Constitutional Reformers, and Root and Branch Reformers: the Root and Branch Reformers attack the Church, and alarm the Constitutional Reformers . . . . .	114
The Root and Branch Reformers deserted by the Con-	

stitutional Reformers form an anti-national alliance with the Scotch Covenanters . . . . .	115
Parallel between passing events and the reign of Charles the First . . . . .	116—117
Government of "THE PEOPLE" established in England. Its Practical consequences. THE NATION seeks refuge from "THE PEOPLE" . . . . .	118—121
Public Opinion not less influential in the age of Charles the First than at the present day: European Movement described . . . . .	122—124
Of the latter Stuarts . . . . .	125
Blunders of the Whigs in their Reform of the House of Commons; but the original character of the House of Commons still retained: not the House of the People . . . . .	127—129
Of the constitution of the House of Lords . . . . .	130—134
Of the Spiritual Lords: the Bench of Bishops a democratic Institution . . . . .	133—138
Of the Temporal Lords . . . . .	139
Of the Peerage Bill: Attempts of the Whigs to establish an Oligarchy . . . . .	140
Irresponsibility of the House of Lords considered: the Lords not more irresponsible than the Commons . . . . .	141—146
The Qualification of the Peers the same as the Commons, hereditary: Hereditary Legislators not more absurd than Hereditary Electors: The principle of Hereditary Legislation not constitutionally anomalous . . . . .	147—148
The principle of Hereditary Legislation not abstractedly absurd . . . . .	149—153
Political Institutions must be judged by their results: The Hereditary Peerage contributes to the stability of the State: the House of Lords in ability always equal to the House of Commons: superior since the Reform . . . . .	153—155

The principle of Hereditary Legislation prevalent in the House of Commons, and sanctioned by the national character . . . . .	156
The Hereditary principle must not be considered abstractedly: The French Senate examined: Why an Hereditary Senate, composed of the ablest men, may be a political non-entity: Necessary qualities of an assembly like the English House of Lords . . . . .	157—162
Causes of the Harmony between the two Houses . . . . .	163
The Hereditary principle must also be considered in reference to the system of parties in this country . . . . .	164
Summary: that the principle of Hereditary Legislation is neither constitutionally anomalous, nor abstractedly absurd, nor practically injurious, but the reverse . . . . .	165
Of the Kingly Office, . . . . .	166—167
Unsuccessful attempts of the Whigs to establish an Oligarchy under William the Third . . . . .	<u>168</u>
Reign of Anne; its influence on parties . . . . .	169
More successful attempts of the Whigs to establish an Oligarchy under George the First. They establish the Cabinet and banish the King from his own Council; pass the Septennial Act, and introduce the Peerage Bill. Oligarchical coups d'état . . . . .	<u>170</u>
Policy of the Whigs under George the First, compared with their Policy at the present day . . . . .	<u>172</u>
George the Second unsuccessfully struggles against the Whig Oligarchs . . . . .	<u>173</u>
George the Third emancipates the nation from them . . . . .	<u>173</u>
Of Whigs and Tories: their origin explained, and their real character ascertained . . . . .	174
Why the advocacy of divine right, non-resistance and passive obedience by the Tories in the reign of George the First, were evidences of the Democratic character of the party . . . . .	177

The Whigs an Oligarchical faction. The Tories a national party . . . . .	178
Why the Whigs are, ever have been, and ever must be, odious to the English nation . . . . .	181
Why the Whigs are hostile to the establishments of the country . . . . .	181
<del>Probable consequences of Whiggism, and degrading effects of</del>	

Page 115, first line, *read* and Root and Branch.  
160, last line, *for the read* their.

Three points to which the Tories must at the present moment apply themselves . . . . .	192
Tories vindicated from the charges of Corruption, Bigotry, and Hostility to Improvement . . . . .	193—197
Causes and consequences of Political Conciliation . . . . .	198
Vindication of the recent policy of Sir Robert Peel and his Cabinet . . . . .	199—201
The political power of the Tories distinguished from their social power: the political power maintained at present by a series of great Democratic measures . . . . .	202—203
General view of the English Constitution: shown to be a complete Democracy . . . . .	204
English and French Equality contrasted . . . . .	205—207
Conclusion . . . . .	208—210



## LETTER, &c.

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YOUR Lordship has honoured me by a wish that some observations which I have made in conversation on the character of our constitution might be expressed in a more formal and more public manner. When I transmit you this long letter, I fear you may repent your friendly suggestion; but the subject has given rise to so many reflections, that I did not anticipate, that what I originally intended for a pamphlet has, I fear, expanded almost into a volume.

The polity of England, which has established the most flourishing society of modern ages, and



regulated the destinies of a nation which, for many centuries, has made a progressive advance in the acquisition of freedom, wealth, and glory, undoubtedly presents one of the most interesting subjects of speculation in political philosophy. Nor is it one that has been neglected ; and illustrious foreigners have emulated our native authors in their treatises of the English Constitution. Our own constitutional writers may, in general, be divided into two classes : firstly, the mere antiquaries whose labours however are inestimable ; and, secondly, that order of political writers who have endeavoured, in an examination of what they style the theory of the Constitution, to promulgate the opinions and maintain the interests of the party in the state in whose ranks they have been enrolled : the dissertations upon our constitution have therefore been either archaiological treatises or party manifestoes.

Yet for many years the general result of these writings, whichever might be the quarter whence they emanated was, as far as their subject was concerned, one of unqualified panegyric. However the excesses of factions might be deplored,

or the misrepresentations of factious writers exposed and stigmatized, the English constitution was universally recognised as an august and admirable fabric, and counted among the choicest inventions of public intellect on record. That a very different tone has of late years been assumed by our public writers is a notorious circumstance. A political sect has sprung up avowedly adverse to the Estates of the realm, and seeking by means which, of course, it holds legal, the abrogation of a majority of them. These anti-constitutional writers, like all new votaries, are remarkable for their zeal and their activity. They omit no means of disseminating their creed : they are very active missionaries : there is no medium of the public press of which they do not avail themselves : they have their newspapers, daily and weekly, their magazines, and their reviews. The unstamped press takes the cue from them, and the members of the party who are in Parliament lose no opportunity of dilating on the congenial theme at the public meetings of their constituents.

The avowed object of this new sect of states-

men is to submit the institutions of the country to the test of UTILITY, and to form a new constitution on the abstract principles of theoretic science. / I think it is Voltaire who tells us, that there is nothing more common than to read and to converse to no purpose, and that in history, in morals, and in divinity we should beware of EQUIVOCAL TERMS. I do not think that politics should form an exception to this salutary rule ; and, for my own part, it appears to me that this term, UTILITY, is about as equivocal as any one which, from the time of the Nominalists and Realists, to our present equally controversial and equally indefinite days, hath been let loose to breed sects and set men a-brawling. The fitness of a material object for a material purpose is a test of its utility which our senses and necessities can decide ; but what other test there is of moral and political utility than the various and varying opinions of mankind, I am at a loss to discover ; and that this is utterly unsatisfactory and insufficient, all, I apprehend, must agree.

Indeed, I have hitherto searched in vain in the writings of the Utilitarian sect for any defi-

nition of their fundamental phrase with which it is possible to grapple. That they pretend to afford us a definition it would be disingenuous to conceal, and we are informed that Utility is "the principle which produces the greatest happiness of the greatest number." Does this advance us in comprehension? Who is to decide upon the greatest happiness of the greatest number? According to Prince Metternich, the government of Austria secures the greatest happiness of the greatest number : it is highly probable that the effect of the Austrian education and institutions may occasion the majority of the Austrian population to be of the same opinion. Yet the government of Austria is no favourite with the anti-constitutional writers of our own country. Gross superstition may secure the greatest happiness of the greatest number, as it has done in Spain and Portugal : a military empire may secure the greatest happiness of the greatest number, as it has done in Rome and France : a coarse and unmitigated despotism may secure the greatest happiness of the greatest number, as it does to this day in many regions of Asia and

Africa. Every government that ever existed, that has enjoyed any quality of duration, must have been founded on this "greatest happiness, principle," for had not the majority thought or felt that such were its result, the government could never have endured. There have been times, and those too not far gone, when the greatest happiness of Christian nations has been secured by burning men alive for their religious faith; and unless we are prepared to proclaim that all religious creeds, which differ from our own, are in fact not credited by their pretended votaries, we must admit that the greatest happiness of the greatest number of mankind is even now secured, by believing that which we know to be false. If the greatest happiness of the greatest number, therefore, be the only test of the excellence of political institutions, that may be the plea for institutions which, according to the Utilitarians especially, are monstrous or absurd: and if to avoid this conclusion we maintain that the greatest number are not the proper judges of the greatest happiness, we are only referred to the isolated opinions of solitary philo-

sophers, or at the best to the conceited conviction of some sectarian minority. UTILITY, in short, is a mere phrase, to which any man may ascribe any meaning that his interests prompt, or his passions dictate. With this plea, a nation may consider it in the highest degree useful, that all the statues scattered throughout the museums of Christendom should be collected in the same capital, and conquer Christendom in consequence to obtain their object; and by virtue of the same plea, some Iconoclastic enemy may declare war upon this nation of Dilettanti to-morrow, and dash into fragments their cosmopolite collection.

Viewed merely in relation to the science of government, the effect of the test of utility, as we have considered it, would in all probability be harmless, and its practical tendency, if any, would rather lead to a spirit of conservation and optimism than to one of discontent and change. But optimism is assuredly not the system of the Utilitarians: far from thinking every thing is for the best, they decidedly are of opinion that every thing is for the worst. . In order, therefore, that their test of utility should lead to

the political results which they desire, they have dove-tailed their peculiar system of government into a peculiar system of morals, in connexion with which we must alone subject it to our consideration. The same inventive sages, who have founded all political science on UTILITY, have founded all moral science on SELF INTEREST, and have then declared that a system of government should be deduced alone from the principles of human nature. If mankind could agree on a definition of Self-interest, I willingly admit that they would not be long in deciding upon a definition of Utility. But what do the Utilitarians mean by the term, Self-interest? I at once agree that man acts from no other principle than self-interest, but I include in self-interest, and I should think every accurate reasoner must do the same, every motive that can possibly influence man. If every motive, that can possibly influence man, be included in self-interest, then it is impossible to form a science on a principle, which includes the most contrary motives. If the Utilitarians will not admit all the motives, but only some of the

motives, then their science of government is not founded on human nature, but only on a part of human nature, and must be consequently and proportionately imperfect. But the Utilitarian only admits one or two of the motives that influence man ; a desire of power and a desire of property ; and therefore infers that it is the interest of man to tyrannize, and to rob. The blended Utilitarian system of morals and politics then runs thus :—man is only influenced by self-interest : it is the interest of man to be a tyrant and a robber : a man does not change his nature because he is a king ; therefore a king is a tyrant and a robber. If it be the interest of one man to be a tyrant and a robber, it is the interest of fifty or five thousand to be tyrants and robbers ; therefore we cannot trust an aristocracy more than a monarch. But the eternal principle of human nature must always hold good. A privileged class is always an aristocracy, whether it consists of five thousand or fifty thousand, a band of nobles or a favoured sect ; therefore the power of government should be entrusted to all ; therefore the only true and



useful government is a representative polity, founded on universal suffrage. This is the Utilitarian system of morals and government, drawn from their "great works," by one who has no wish to misrepresent them. Granting for a moment their premises, I do not see that their deduction, even then, is logically correct. It is possible to conceive a state of society where the government may be in the hands of a favoured majority ; a community of five millions, of which three might form a privileged class. Would not the greatest happiness of the greatest number be secured by such an arrangement? and, if so secured, would, or would not the Utilitarian, according to his theory, feel justified in disturbing it? If he oppose such a combination, he overthrows his theory; if he consents to such a combination, his theory may uphold tyranny and spoliation. But I will not press this point: it is enough for me to show, that to render their politics practical they are obliged to make their metaphysics impossible. Let the Utilitarian prove that the self-interest of man always leads him to be a tyrant and a robber, and I will grant

that universal suffrage is a necessary and useful institution. A nation that conquers the world, acts from self-interest ; a nation that submits to a conqueror acts from self-interest. A spend-thrift and a miser alike act from self-interest : the same principle animated Messalina and Lucretia, Bayard and Byng. To say that when a man acts, he acts from self-interest, is only to announce, that when a man does act, he acts. An important truth, a great discovery, calling assuredly for the appearance of prophets, or if necessary, even ghosts. But to announce, that when a man acts, he acts from self-interest, and that the self-interest of every man prompts him to be a tyrant and a robber, is to declare that which the experience of all human nature contradicts, because we all daily and hourly feel and see, that there are a thousand other motives which influence human conduct besides the idea of exercising power, and obtaining property ; every one of which motives must rank under the term self-interest, because every man who acts under their influence must necessarily believe that in so acting, he acts for his happiness, and

therefore for his self-interest. Utility, Pain, Power, Pleasure, Happiness, Self-interest, are all phrases to which any man may annex any meaning he pleases, and from which any acute and practised reasoner may most syllogistically deduce any theory he chooses. "Such words," says Locke, "no more improve our understanding, than the move of a jack will fill our bellies." This waste of ingenuity on nonsense is like the condescending union that occasionally occurs between some highbred steed and some long-eared beauty of the Pampas: the base and fantastical embrace only produces a barren and mulish progeny. /

We have before this had an *a-priori* system of celestial mechanics, and its votaries most syllogistically sent Galileo to a dungeon, after having triumphantly refuted him. We have before this had an *a-priori* system of metaphysics, but where now are the golden volumes of Erigena, and Occam, and Scotus, and Raymond Lully? And now we have an *a-priori* system of politics. The schoolmen are revived in the nineteenth century, and are going to settle the state with

their withering definitions, their fruitless logomachies, and barren dialectics.

I should suppose that there is no one of the Utilitarian sages who would not feel offended if I were to style him the Angelical Doctor, like Thomas Aquinas ; and I regret, from bitter experience, that they have not yet condescended sufficiently to cultivate the art of composition to entitle them to the style of the Perspicuous Doctor, like Walter Burley.

These reflections naturally lead me to a consideration of the great object of our new school of statesmen in general, which is to form political institutions on abstract principles of theoretic science, instead of permitting them to spring from the course of events, and to be naturally created by the necessities of nations. It would appear that this scheme originated in the fallacy of supposing that theories produce circumstances, whereas the very converse of the proposition is correct, and circumstances indeed produce theories. If we survey the career of an individual, we shall on the whole observe a remarkable consistency in his conduct ; yet it is more than pos-

sible, that this individual has never acted from that organized philosophy which we style *system*. What, then, has produced this consistency? what, then, has occasioned this harmony of purpose? His individual character. Nations have characters, as well as individuals, and national character is precisely the quality which the new sect of statesmen, in their schemes and speculations, either deny or overlook. The ruling passion, which is the result of organization, regulates the career of an individual, subject to those superior accidents of fortune, whose secondary influence is scarcely inferior to the impulse of his nature. The blended influences of nature and fortune form his character ;—'tis the same with nations. There are important events in the career of an individual which force the man to ponder over the past, and in these studies of experience and struggles for self-knowledge, to ascertain certain principles of conduct, which he recognises as the cause of past success, and anticipates as the guarantee of future prosperity : and there are great crises in the fortunes of an ancient people, which impel

them to examine the nature of the institutions which have gradually sprung up among them. In this great national review, duly and wisely separating the essential character of their history from that which is purely adventitious, they discover certain principles of ancestral conduct, which they acknowledge as the causes that these institutions have flourished and descended to them; and in their future career, and all changes, reforms, and alterations, that they may deem expedient, they resolve that these principles shall be their guides and their instructors. By these examinations they become more deeply intimate with their national character; and on this increased knowledge, and on this alone, they hold it wise to act. This, my, Lord, I apprehend to be the greatest amount of theory that ever enters into those political institutions, which, from their permanency, are alone entitled to the consideration of a philosophical statesman; and this moderate, prudent, sagacious, and eminently practical, application of principles to conduct has ever been, in the old time, the illustrious characteristic of our English politicians. / From the

days of Magna Charta to those of the Declaration of Right, the same wary boldness is perceptible in the conduct of our leaders. It is the fashion now-a-days to depreciate the value of the great charter ; an ominous sign of the times in my belief. For he runs a slight chance of being ultimately counted among the false prophets of the realm, who predicts, that when the mention of that blessed deed does not command the reverential gratitude of every Briton, evil fortunes are impending for this society. Despots may depreciate it, whether they assume the forms of crowned monarchs or popular tribunes, for it stands alike in their way ; but he who really loves freedom and his fatherland, will never forget that the signet of the tyrant, sealed alike our civil liberty and our national independence. They were great men, my Lord, that Archbishop of Canterbury, and that Earl of Pembroke, who, in the darkness of feudal ages, laid this bold and broad foundation of our national liberties ; they were great men, and they were great statesmen. They did not act upon abstract principles, luckily for us, principles

which the next age might have rejected, and the first schoolman, hired by the King, might have refuted ; they acted upon positive conventional right. They set up no new title : they claimed their inheritance. They established the liberties of Englishmen as a life estate, which their descendants might enjoy, but could not abuse by committing waste, or forfeit, by any false and fraudulent conveyance. They entailed our freedom. The Magna Charta, at which our new sect of statesmen, the admirers of abstractions, sneer, (it would be well if they read it oftener, or at all,) established an equality of civil rights to all classes of English freemen. It terminated arbitrary imprisonment, and arbitrary spoliation. It enacted that justice should neither be sold, nor denied, nor delayed. It virtually established Habeas Corpus. It eminently advanced civilisation by curtailing at the same time the most crying grievances of the feudal tenure, and rendering inviolate the franchises of all mural communities. It checked the forest laws, established the freedom of foreign commerce, and finally secured the speedy execution of jus-



tice, by virtually rendering the Court of Common Pleas permanent at Westminster, and independent of the sovereign.

But, my Lord, these great and manifold blessings were not wrested from the Norman oppressor by the Barons of England, under the plea of Utility, or with some windy and senseless cry of securing the greatest happiness of the greatest number. Stephen Langton knew the value of words as well as any clerk in Christendom; and he knew also, that the right that is founded on words, may be subverted by the same machinery; that what is incontestable in the twelfth century may be a subject of great discussion in the thirteenth; that a first principle in one age may become a second principle in a succeeding century, or a twenty-second principle. Whether there were any Utilitarians under the Plantagenets, I pretend not to decide. There is generally no lack of political sciolists, and, for aught I know, some predecessor of Condorcet or Bentham may have been innocently dreaming in a cloister; but if these abstract-principle gentlemen had been as active in the

reign of John, as in that of our own gracious Sovereign, I doubt our great Lord Primate would have placed the state in jeopardy to make it prove and square with their cockbrained fancies. The Barons wished that the liberties they secured for themselves should likewise descend to their posterity; and as therefore they were to become a matter of inheritance, as a matter of inheritance they claimed them. They claimed them as an inheritance which had been too long in abeyance; and not content with establishing their confirmation by Henry Beauclerk, they traced their glorious pedigree even to the Confessor.

I do not find, my Lord, that at a much late, but as momentous a, period of our history, Selden and Sir Edward Coke, though they lived in an age which, in the Protestant Reformation and the Revolt of the Netherlands, had witnessed revolutions as awful as any of those which we, or our fathers, can remember; and had, consequently, the advantage of a far vaster range of political experience than the Stephen Langtons and the great patriots of the reign of

John ; I do not find, my Lord, that these wise, and spirited, and learned personages, saw fit to question the propriety of their great ancestors' conduct. On the contrary, knowing that society is neither more nor less than a compact, and that no right can be long relied on that cannot boast a conventional origin, they were most jealous of our title to our liberties. They lavished all their learning in proving its perfection and completeness. They never condescended to argue ; they offered evidence. They were ever ready with their abstract of title, and with very slight alterations, the language of the famous Petition of Right itself might be transformed into a humble request to a sovereign for the restoration of some real estate ; some patrimony long withheld from a defrauded posterity. / In short, all our struggles for freedom smack of law. There is, throughout the whole current of our history, a most salutary legal flavour. And arbitrary monarchs and rebellious parliaments alike cloak their encroachments under the sacred veil of right, alike quote precedent and cling to prescription.

This respect for Precedent, this clinging to Prescription, this reverence for Antiquity, which are so often ridiculed by conceited and superficial minds, and move the especial contempt of the gentlemen who admire abstract principles, appear to me to have their origin in a profound knowledge of human nature, and in a fine observation of public affairs, and satisfactorily to account for the permanent character of our liberties. Those great men, who have periodically risen to guide the helm of our government in times of tumultuous and stormy exigency, knew that a State is a complicated creation of refined art, and they handled it with all the delicacy a piece of exquisite machinery requires. They knew that if once they admitted the abstract rights of subjects, they must inevitably advance to the abstract rights of men, and then that the very foundations of their civil polity would sink beneath them. They held this to be too dear a price for the barren fruition of a first principle. They knew that the foundation of civil polity is Convention, and that every thing and every person that springs from that foundation, must par-

take of that primary character. They held themselves bound by the contracts of their forefathers, because they wished their posterity to observe their own agreements. They did not comprehend how the perpetuity of a State could be otherwise preserved. They looked upon the nation as a family, and upon the country as a landed inheritance. Generation after generation were to succeed to it, with all its convenient buildings, and all its choice cultivation, its parks and gardens, as well as its fields and meads, its libraries and its collections of art, all its wealth, but all its incumbrances. Holding society to be as much an artificial creation as the fields and cities amid which they dwelt, they were of opinion that every subject was bound to respect the established constitution of his country, because, independent of all other advantages, to that constitution he was indebted even for his life. Had not the State been created, the subject would not have existed. Man with them, therefore, was the child of the State, and born with filial duties. To disobey the State, therefore, was a crime; to rebel against it,

treason; to overturn it, parricide. Our ancestors could not comprehend how this high spirit of loyalty could be more efficiently fostered and maintained, than by providing that the rights, privileges, and possessions, of all should rest on no better foundation than the State itself. They would permit no antagonist principle in their body politic. They would not tolerate nature struggling with art, or theory with habit. Hence their reverence for prescription, which they placed above law, and held superior to reason. It is to this deference to what Lord Coke finely styles, "reverend antiquity," that I ascribe the duration of our commonwealth, and it is this spirit which has prevented even our revolutions from being destructive.

I do not see, my Lord, that this reverence for antiquity has checked the progress of knowledge, or stunted the growth of liberty, in this island. We are universally held to be the freest people in Europe, and to have enjoyed our degree of freedom for a longer period than any existing state. I am not aware that any nation can fairly assert its claims to superior learning

or superior wisdom ; to a more renowned skill in arts or arms ; to a profounder scientific spirit ; to a more refined or comprehensive civilisation. I know that a year or two back the newspapers that are in the interest of the new sect of statesmen, were wont to twit and taunt us with the superior freedom of our neighbours. " The fact can no longer be concealed," announced the prime organ of the party, " the people of France are freer than the people of England. The consciousness of this fact will be the last blow to the oligarchy." Profound publicist ! The formation of a free government on an extensive scale, while it is assuredly one of the most interesting problems of humanity, is certainly the greatest achievement of human wit. Perhaps I should rather term it a superhuman achievement ; for it requires such refined prudence, such comprehensive knowledge, and such perspicacious sagacity, united with such almost illimitable powers of combination, that it is nearly in vain to hope for qualities so rare to be congregated in a solitary mind. Assuredly this *summum bonum* is not to be found ensconced

behind a revolutionary barricade, or floating in the bloody gutters of an incendiary metropolis. It cannot be scribbled down—this great invention—in a morning on the envelope of a letter by some charter-concocting monarch, or sketched with ludicrous facility in the conceited commonplace book of an Utilitarian sage. With us it has been the growth of ages, and brooding centuries have watched over and tended its perilous birth and feeble infancy. The noble offspring of liberty and law now flourishes in the full and lusty vigour of its proud and perfect manhood. Long may it flourish! Long be its life, venerable its age, and distant its beatified euthanasia! I offer this prayer for the sake of human nature, as much as for my country; not more for Britain, than for the world, of which it is the ornament and honour.

When the people of France, at the latter part of the last century, made their memorable effort for the formation of a free government, they acted on very different principles to those that guided Stephen Langton and Selden. Their principles, indeed, were as abstract as any Utilitarian could



desire. They built their fabric, not merely upon the abstract rights of subjects, but the abstract rights of men, and at once boldly seized equality for their basis. We know the result. Equality, anarchy, tyranny, were the necessary gradations of their philosophical system of political regeneration. Wearied with fruitless efforts, and exhausted by long suffering, they at length took refuge in the forced shade of exotic institutions. We witnessed the miserable, but inevitable fate of the constitutional studies of the groves of Hartwell; a fate which must ever attend institutions that have not been created by the genius of a country, and with which the national character can never sympathize. In France, previous to the great revolution, there existed all the elements of a free constitution, although not of the English constitution. In its old local divisions, indicated by nature, consecrated by custom, in its ancient states, its parliaments, its corporations, its various classes of inhabitants, its landed tenure, its ecclesiastical and chivalric orders, there might have been found all that variety of interests, whose balanced influences

would have sustained a free and durable constitution. The French leaders neglected these admirable materials. To secure equality, they decided on indiscriminate destruction : they not only destroyed law and custom, but they destroyed their country. They destroyed Normandy, they destroyed Provence, they destroyed Burgundy, they destroyed Gascony ; not in name alone, but in very deed and fact. They measured their land, and divided it into equal geometrical departments, without the slightest regard to difference of soil or population, variety of manners, or diversity of temperament ; and in this Laputan state that great country still remains. Why the name of France was preserved, it is difficult to comprehend. If, for its associations, could not these Utilitarian legislators understand, that in destroying the associations that clung to the name of Brittany and Burgundy, they were destroying so many wholesome elements of vigorous and enduring government ? Their sentiment required that they should still dwell in Paris, beautiful and famous Paris. Were they so blind

4 as not to see, that the outraged sympathy, which would have recoiled from styling the capital "the city of the Seine," was equally offended when the old dweller in Touraine found that he was suddenly transformed into an inhabitant of the department of the Loire? When Napoleon obtained supreme power, France was not a country—it was a camp—a lawless and disorderly camp. Napoleon disciplined it. He found the land geometrically parcelled out, and the French nation billeted on the soil. With such elements of government, even Napoleon could do no more; even with his unlimited authority and indomitable will, all that he could aspire to was to organize anarchy. The Emperor of the French was not one of your abstract-principle gentlemen. His was eminently a practical mind. He looked about for the elements of government, and he could discover no better than those which had been created by the national character, and hallowed by the national habits. Even his sagacious mind deferred to the experience of ages, and even his unconquerable will declined a rivalry with the pre-

scriptive conviction of an ancient people. He re-established the tribunals; he revived chivalry; he conjured up the vision of a nobility; he created the shadow of a church. He felt that his empire, like all others, must be supported by institutions. The rapid vicissitudes of his reign prevented these establishments from maturing into influence and power, and when Louis the Eighteenth returned to the throne of his fathers, he was called upon to establish a constitution without being furnished with the elements to form one. The puzzled monarch in despair, with some degree, one would think, of that Rabelaisian humour with which he was not altogether untinctured, presented his subjects with the constitution of another country. Could anything be conceived more supremely ludicrous? Was it in the power of the most ill-regulated mind to break into folly more flagrant? The lunatic with a crown of straw is as much a sovereign, as a country is a free country with a paper constitution. France, without an aristocracy of any kind, was ornamented with an upper chamber of hereditary peers, and a second chamber,

invested with all the powers with which, after more than five centuries of graduated practice, we ventured to entrust our House of Commons, was filled with some hundreds of individuals, who were less capable of governing a country than a debating society of ingenious youth at one of our universities. The good Louis presented his countrymen with a free constitution—drawn up in a morning. He did that which the great Napoleon never ventured to do. Louis the Eighteenth achieved that in one morning which in less favoured England has required nearly a thousand years for its accomplishment. This innocent monarch seems to have supposed that the English constitution consists merely of two rooms full of gentlemen, who discuss public questions, and make laws in the metropolis at a stated season of the year. The King of France had no idea that political institutions, to be effective, must be founded on the habits and opinions of the people whom they pretend to govern; that the members of a representative body must be composed of a class to which the people have long looked up with respect and confidence;

and that these representatives must carry on their affairs in a mode and spirit congenial and homogeneous with the prescriptive practice of the community. The King of France, good, easy man, had forgotten—M. De Lolme had not taught him—that the Parliament of England was only the last, though loftiest, gradation in a long flight and series of ascending establishments; that not a man was entrusted with the exercise of a political suffrage in England, who was not already invested with the most precious office in the realm, the duty of deciding upon the fortunes and the lives of his fellow-citizens, and was thus long, early, and accurately practised in the habits of judgment and examination; that nearly every member of the Houses of Parliament was an active magistrate of the realm, and in taking his legislative seat, bore his quota of local respect to the great aggregate of national reverence; that the vast institution of the Poor Laws alone connected the thoughts and feelings of the unrepresented peasants and populace of England with the Parliament in which the local executors of those statutes as magistrates, took their seats as

members. Louis the Eighteenth forgot, that in almost every town in England there were corporations which were the express image of the political constitution of the realm, and vestries in which the local interests were debated by a representative body with an affectation of all the forms and ceremonies of Westminster. Louis the Eighteenth had no idea that his two rooms full of gentlemen to be obeyed, must actually or virtually, directly or indirectly, represent every important interest in the kingdom. He had no suspicion that it is not in the power of any legislator that ever lived, or that ever will live, to frame a political assembly *a priori*, that shall represent all, or even a majority of, the interests of a complicated society. The French Chambers represented none—they were only fitted to be the tools of a faction, and the tools of a faction they became. The two Chambers constituted by the Charter were nothing more than two debating societies. I am only surprised that the ludicrous imposture lasted so long; but we must take into consideration the exhaustion of France when the exotic was introduced and planted in

its soil, and the unceasing vigilance and sleepless care with which the delicate graft was tended by the foreign powers, whose complacent approval had sanctioned its adoption.

If the barren adoption of a form of government by France, styled by courtesy the English constitution, must be classed among the prime follies of human conduct, what language are we to use when the Anglo-Gallic scheme is gravely introduced to the consideration of the Lazzaroni of Naples and the Hidalgos of Spain ; we seem to have arrived at the climax of human absurdity. The classical romance of Rienzi was not more ridiculous than the first instance ; there is no adventure in Don Quixote which can rival the frenzy of the second. In France, thanks to Equality and its crabbed fruits, there were no prejudices to shock ; but when we read of the sudden transplantation of institutions gradually established in the course of centuries by the phlegmatic experience of a Saxon people, into the most southern soils of Europe, the glittering and barbaric Sicilies, and a country which is the link between Europe and Africa, and which in the



fertility of its soil, the temperature of its climate, and the character of its inhabitants, resembles Morocco more than England, we seem to be perusing the mad pages of a political novel poured forth by the wild and mystic genius of some inmate of a German university. Ondine or Sintram are more real: the pages of Hoffman less shadowy and more probable. I have travelled over Andalusia and Sicily—I travelled on horseback, for there were no roads—I found a feudal nobility and a peasantry untinctured, even in the slightest degree, by letters, and steeped in the grossest superstition: I found agriculture generally neglected, or unchanged in its pursuit since the days of Theocritus; a teeming soil, no human energy; no manufactures, no police; mountainous districts swarming with bandits, plains whose vast stillness prepared me for the Syrian deserts; occasionally I reposed in cities where a comparative civilisation had been obtained under the influence of a despotic priesthood. And these are the regions to which it is thought fit suddenly to apply the institutions which regulate the civil

life of Yorkshire and of Kent! We may celebrate the constitutional coronation of a Bavarian in the Acropolis; and surround his free throne with the bayonets of his countrymen; we may hire Poles and Irishmen as a body-guard for the sovereign, who mimics the venerable ceremonies of Westminster as she opens the parliaments of Madrid or Lisbon; but invincible nature will reject the unnatural novelties, and history, instead of celebrating the victory of freedom, will only record the triumph of folly.

Charles the Tenth struggled with the futility of the Charter; he passed years in an impracticable attempt and fruitless effort to govern thirty-two millions of people with a silly piece of paper. With good intentions but with no talents, surrounded by creatures destitute of every quality of statesmen, the king at length attempted to rid himself, and the nation, of an imposture which only supplied a faction with a pretext. Charles failed, but even Charles the Tenth nearly succeeded. Louis Philippe at the head of a mob crying, "Vive la République!" established a despotism. Is there no moral in this

rapid catastrophe? Are we to be ever deaf and ever blind? Are we never to learn that a constitution, a real constitution, is the creation of ages, not of a day, and that when we destroy such a constitution, we in fact destroy a nation.

Let us bestow a little more examination upon the conduct of the French nation during their last Revolution, their second great effort to establish a free government. Let us contrast La Fayette at the head of France in eighteen hundred and thirty, with Lord Somers at the head of England in sixteen hundred and eighty-eight. The parallel will be instructive. When La Fayette had got rid of Charles the Tenth, he found himself precisely in the same situation in which that unfortunate monarch had suffered throughout his reign; he found himself in the precise predicament in which Louis the Eighteenth was placed when he returned from Hartwell; he occupied the exact site of Napoleon when he declared himself First Consul. He found himself at the head of a people without a constitution, and not possessing any elements to form one. The creative genius of Napoleon

instantly devised some expedients, and until they could be called into action, he depended upon the teeming resources of his own strong mind, and the devotion of a victorious army. Louis the Eighteenth trusted to his allies for substantial support, and offered the written description of the constitution of another country as a pretext for the loyal allegiance of his own subjects. Charles the Tenth had neither a confiding army nor foreign allies; he had neither the creative genius of Napoleon, nor the epicurean adroitness of Louis. La Fayette called out the National Guard and changed the national colours for present support, and then, that his revolution might be something better than merely a revolution of ribbons, he took refuge again in abstract principles. Equality would not serve the purpose again; that blooming prostitute had shrunk by this time into a most shrivelled and drivelling harridan. For Equality the pupil of Washington substituted the SOVEREIGNTY OF THE PEOPLE. The people shouted in its honour, all was satisfactorily settled, and thirty-two millions were again to be governed by a phrase.

Let me recall to your Lordship the tone and temper with which the intelligence of these exploits was received in our own country. I was indeed then absent; but although the announcement of this millennium reached me in the shadow of the Pyramids, and two years elapsed before I returned to a country which I found so changed, I returned in time to witness the still exulting and still palpitating triumph of that party, who are now so anxious, and so active in their anxiety, to abrogate the clumsy and chance-born institutions of England, and substitute in their place their own modish inventions, formed on the irrefragable basis of Reason and Utility. There was no class of persons in England with whom the junior French Revolution—I mean the riot that placed the house of Valois on the throne of Paris—was so popular in this country as our own anti-constitutional writers. It was the avowed consummation of all their theoretical wishes: the practical adoption of the scheme in England, was all that was requisite to secure the completion of their patriotic satisfaction. I believe there was no individual in this country,

who more ardently admired the conduct of France at that period than Mr. Bentham. I have been assured this on good authority. Within these last twelvemonths even, the principal daily organ of this new sect of statesmen has more than once taunted Englishmen with the fact that the French were now freer than they, and has announced that the consciousness of this fact would be "the last blow to the oligarchy." I impute no bad motives to these writers; I condescend to none of those "vituperative personalities" which their apostle deprecates; I avoid the "*fallacies ad odium*" which their evangelist so successfully exposes by fallacies still more fallacious;\* I am content ever to take the motives of individuals as I find them. I give them full credit for sincerity. But judge, oh! judge by the result, of their capabilities for government; admire their political prescience, and trust, if you will, their practical ability.

The constitution founded on the Sovereignty of the People, has run even a shorter career than

\* Book of Fallacies, p. 127—133.

the constitution founded on the Equality of Man : one of the most gifted and civilized nations that ever existed, is enthralled by an iron despotism ; the liberty of the press is utterly destroyed ; trial by jury virtually abrogated ; arbitrary imprisonment in daily practice ; the country covered with Bastiles, and the Bastiles crowded with state victims.

I turn from France in 1830 to England in 1688 ; from La Fayette to Lord Somers ; from the abstract-principle politicians eulogised on all occasions by our anti-constitutional writers, to practical statesmen on all occasions the object of their sneers, and whom one of their number has recently published a quarto volume to decry. No sooner had the nation got rid of the Popish tyrant, than Lord Somers drew up the famous Declaration of Right. Mark that title. A Declaration of Right. This document enumerated and claimed for Englishmen all the rights and liberties to which they were entitled by laws which James the Second had violated. So careful were the leaders of 1688 of not vitiating or injuring the valued title to our liberties, that

they omitted in this great remedial statute all mention of those further guarantees of our freedom which they had already devised, and which they immediately afterwards proposed and passed in Parliament. First, and before they made any addition to their inheritance, they determined to secure themselves in the clear freehold of their rights. They were careful, while they were meditating improvements and increase, that they should not, from present neglect, be forced to bring actions of ejectment hereafter for property to which they had become entitled in the times of Charles the First or the Plantagenets, and which in their hot zeal and hurry they had now overlooked. The Declaration of Right connected the pedigree of our rights and liberties with the Petition of Right, which again carried them upwards to the great Charter, in like manner dependent on the charter of Henry Beauclerk, and the laws of the Confessor. Whether it ascended further, was now a matter of interest only to the antiquary. A pedigree of six centuries was proud enough even for our glorious British freedom. In all this, Lord Somers exhi-



bited the same practical wisdom as had animated Stephen Langton and guided Selden. Lord Somers, I doubt not, was as conversant with abstract principles of government as any writer in the "Westminster Review;" for, a quarter of a century before, they had been rife enough in England, but Lord Somers knew to what their adoption had eventually and speedily led. He knew that there was a stern necessity in society which would occasionally vindicate its way above all law; his recent experience would have taught him, if nothing else, that occasional revolutions in states were beyond the power of human prevention; but, like all other wise statesmen, he would not look upon these as the course of politics, any more than the earthquake, or the hurricane, as the course of nature. He blotted their possibility out of the statute book, however he might choose to speculate over them in a political treatise, in Sidney, or Harrington, or Locke. He wished to obliterate from the mind of the nation that awful truth, that a deed may sometimes be necessary which is not lawful. He knew very well that if a crisis were again to

occur, that should require such a sacrifice, the native instinct of men would prompt them to the exploit. They would read their purpose in each other's eyes, and do the deed. Far from braying out the sovereignty of the people, or any such perilous stuff, he and his great associates exerted themselves to the utmost to endow King William with a legal and hereditary title. They had consented to the necessary evil of a revolution, but then they had carved the state

“ As a dish fit for the Gods,  
Not hewed it as a carcase fit for hounds.”

An English revolution is at least a solemn sacrifice : a French revolution is an indecent massacre.

Lord Somers and the English nation were rewarded for their wisdom and their prudent carriage, by securing for this realm nearly a century and a half of the greatest order, prosperity, and glory, that this country, or any other country, ever enjoyed. And this leads me, my Lord, to another great event in our history : the Reform of the House of Commons, to which I shall presently advert.

6. / I wish however, previously, to call your Lordship's attention to the conduct of a sovereign, who was placed in the same situation as Louis the Eighteenth at the same period ; but whose policy, fortunately for himself and for his subjects, materially differed from that of the brother of the unhappy Charles the Tenth. The sovereign to whom I allude is the present King of Prussia. The King of Prussia, like the King of France, promised his subjects a Constitution ; and we all remember for how many rabid years this sovereign was the object of the virulent invective of our own disaffected writers, who, by-the-bye, seem equally anxious to destroy the English constitution in England, and to substitute it in every other country, for not redeeming his pledge and fulfilling his promise. No news arrived to the geniuses of our gazettes of the holding of any Parliament at Berlin ; no advices reached them of any Dukes of Potsdam or Posen moving constitutional addresses in the Prussian House of Lords ; there was not even a rumour of any frank having yet been seen in the handwriting of any honourable

representative of Koningsberg or Erfurt. What royal treachery! What base, despotic, holy-alliance perfidy! But nations are not to be deceived, and outraged, and trampled on with impunity. The day of retribution was at hand; sooner or later the hour of popular vengeance would arrive, and then the perfidious tyrant, in spite of his standing army, would learn how utterly vain is the struggle with the spirit of the age, and how futile the final rivalry of force and freedom. Prussia was undoubtedly to be the first victim. Now this is no misrepresentation, no exaggeration even of the tone in which the disaffected writers of this country indulged for a series of years against the King of Prussia. I think it expedient to seize an occasional opportunity of illustrating the sagacity and information which the disaffected writers in this country invariably bring to the consideration of public subjects, and especially to any speculations connected with foreign politics. Abstract principles and a daily and dexterous practice in the art of misrepresenting circumstances which, in the imperfect survey of gradual occurrence, cannot

always be fully comprehended even by the wisest heads and the calmest minds, carry these writers through their domestic lucubrations with a spanking breeze and flying colours; but when we catch them fishing in strange waters, we are better enabled to test the value of their barren axioms, and to gauge the depth and spirit of their acuteness and information. And so it happened, that when the party throughout Europe, who, to use the words of Locke, "are the popular asserters of public liberty and the greatest engrossers of it too, and not unfitly called its keepers—ambitious men who pull down well-framed constitutions, that out of the ruins they may build themselves fortunes,"—when, I say, it happened, that that restless and intriguing minority who ever have the greatest happiness of the greatest number on their lips, succeeded in 1830 in overthrowing the Bourbon government and embroiling Europe, in that period of general commotion, when every European state was more or less shaken with internal convulsions, when Belgium revolted from Holland and Poland from Russia, when the tricolor flag was hoisted

in Italy, when Spain summoned its Cortes, and Portugal expelled its sovereign with foreign bayonets, when even the Swiss Confederation shook to its centre, and every minor German state, from Baden to Brunswick, was the theatre of revolutionary riots,—and last of all, but, oh! indeed not least, when even Great Britain yielded to the tempest, and, at least, a branch of that mighty oak was severed from its vigorous though ancient trunk; Prussia, enslaved and indignant Prussia, governed by a perfidious despot, whose realm was surrounded and even divided in the midst of its territory by the very states which were most inflamed, alone sent forth neither a shout nor a murmur, and alone remained tranquil and undisturbed. How was this? How did this accord with the Utilitarian system of government? Was Prussia content because it was tranquil? Was it the general conviction that the greatest happiness of the greatest number was secured by the influence of its polity? But that polity was absolute. It is the interest of every man to be a tyrant and a robber. Was then the King of Prussia neither

a tyrant nor a robber? Was he mild, merciful, just, beneficent, useful? How did this accord with the Utilitarian system of morals?

It appears to me, that a study of the policy of Prussia during the last quarter of a century may tend more to a solution of the great problem of government than any exercise of reason with which I am acquainted. By it we may learn, how entirely the result of a principle depends upon its method of application, and that that method of application, to be beneficent, must be framed in very strict, though not absolute, deference to the existing civilisation of the country. That a reforming minister must, above all things, be skilful in adaptation, is perhaps but a barren phrase; but this I will observe, that a wise statesman will be careful that all new rights shall, as it were, spring from out old establishments. By this system alone can at the same time the old be purified and the new rendered permanent.

The French revolution was the death-blow in civilised Europe to the long-declining feudal system. An equality of civil rights was recog-

nised by the King of Prussia and his wise councillors as the basis of their new order of society. And how did they obtain this great end? Not by a bombastic decree from Potsdam suddenly braying the rights of man into the indefinite ears of the motley subjects of the Prussian government, and creating probably endless riots in consequence; but by a series of wise edicts which, in the course of twelve years, entirely abolished serfage, and effected a complete but gradual revolution in the tenure of land, so that at length the Prussian nobility found themselves with no other privilege but the prefixion of a definite article to their name. Almost simultaneously with the abolition of serfage among the rural population, the citizens were emancipated by a great municipal charter, which introduced the system of popular election into towns, and prepared the inhabitants for the function of even higher duties. I assure you, my Lord, that the municipal constitution of Prussia might have been referred to with profit in those memorable debates, in which you achieved so much general benefit and acquired so much personal



honour. I now arrive at the most important decree of the King of Prussia, and the establishment of which I hesitate not to class among the wisest, the most benevolent, and the most comprehensive institutions on record, and fairly to entitle its illustrious originator to rank among the most eminent legislators that have flourished. Convinced that a practical assembly of national representatives can never be collected except in a country in which the inhabitants have been long versed in the partial administration of affairs, and consequently habituated to the practice of public discussion, and anticipating that the hour would arrive when such an assembly might indeed be holden at Berlin, the king, in 1815, decreed the erection of Provincial States, to whose supervision the interests of their respective provinces were intrusted, with full power to take into consideration all measures, whether relating to persons, property, or taxation, and to advise with the king thereon, by the right and process of petition. Here the powers of these states ceased ; their province was merely consultative ; they were invested with no legislative functions.

In this great institution of consultative parliaments, the King of Prussia, by an analogous wisdom which cannot be too much admired, has adopted as the basis of the future constitution of his country that system of Remedial, as contradistinguished from Legislative Representation, which was long the custom of England, and to the influence of which upon the character of the nation we mainly owe our efficient legislative representation in the House of Commons.

There is no spectacle in the world more delightful than that of a wisely governed and well ordered community, and I could willingly dwell upon the consideration of Prussian policy, were the fortunes of that realm the sole subject of my remarks, instead of being the incidental illustration of an argument. I might show how one of the bravest, best disciplined, and most numerous, armies in the world, was a popular force; how the boasted career of merit of the French empire is reduced to such practical reality in Prussia, that to rise to the highest appointments in the state requires only a proportionate degree of talent, industry, honesty, and study; and lastly,

how the most philosophical system of national education with which we are acquainted, is preparing the rising generation of the realm for all the duties of good citizens, loyal subjects, and devoted patriots.

Having now I hope satisfactorily explained why in the heady tumult of 1830, the subjects of Prussia were alone loyal to their sovereign, I will ask your Lordship what would have been the situation of that country, then and now, had Frederick William, at the same time as Louis the Eighteenth, presented his subjects with the same constitution, and a free press, and thus avoided the diatribes of those enlightened journalists, who for so many years described and denounced this great and good man as a perfidious despot. / We know very well what would have happened. A nominally representative assembly would have met in Berlin, consisting of individuals totally inexperienced in the habits of discussion, the practice of legislation, and the art of government. Invested with power which they could not exercise for any beneficial purpose, and representing the nation in form only,

and not in spirit, they would have soon split into factions, having no other object but their own aggrandisement. An active click, through the agency of a violent press, would have enlisted the physical force of the people on their side, by affecting an extraordinary zeal for popular interests : having obtained a majority in the Chamber by repeated elections, rendered necessary by their factious conduct, they would have overthrown a series of administrations by a series of factious resolutions. When they had rendered the royal government impracticable, they would have forced the King, in defence of the nation and his crown, to some necessary, but unconstitutional decrees, and then we should have had "three glorious and beautiful days" at Berlin. Perhaps in such a vicinity the conspiracy would have been crushed, but where now would have been the prosperity and patriotism and philosophy and real freedom of Prussia? The bayonet would have been the only law, and a military dungeon the only school of national education. The King of Prussia was as careful that the rights of his subjects should flow from the royal will,

their ancient government, as Stephen Langton, Selden, and Lord Somers, that the liberties of their countrymen should be traced to a similar source. All were alike practical men; all avoided the barren assertion of abstract rights; and the same destiny of continued welfare in all probability awaits Prussia, that has long so blessed our native land.

It appears to me, my Lord, that it is destined to the free constitution of the United States of North America to exercise the same fatal influence over the political society of the New World, as the constitution of England has wielded over that of the old. The constitution of the United States was applied to the government of Mexico, Colombia, Peru, and Chili, by virtue of the same peremptory and abstract principles, that had selected the constitution of England for the government of France, Sicily, Spain, and Portugal; and the same results were acquired. The European and the American States, that have been the victims of this Quixotic spirit of political Propagandism, have vied with each other in successive revolutions, until at length

disorder, and even disorganization, have universally prevailed, except where anarchy has been arrested by despotism. Why is this? Why has the republican constitution flourished in New England, and failed in New Spain? Why has the congress of Washington commanded the respect of civilized Europe, and the congresses of Mexico, or Lima, or Santiago, gained only its derision or disgust? The answer is obvious: the constitution of the United States had no more root in the soil of Mexico, and Peru, and Chili, than the constitution of England in that of France, and Spain, and Portugal: it was not founded on the habits or the opinions of those whom it affected to guide, regulate, and control. There was no privity between the legislative institutions and the other establishments of these countries. The electors and the elected were both suddenly invested with offices, for the function of which they had received no previous education, and no proper training; and which they were summoned to exercise without any simultaneous experience of similar duties. Had it been the constitution of England, instead of that

of the United States, which they were seeking to establish, these disqualifying circumstances alone would have ensured failure ; but, in addition to these disadvantages, picture to yourself the frenzy of attempting to establish Republican institutions, invented by the Puritans, and maintained by their peculiar spirit, not only among an ignorant people educated in papal despotism, but in revolted colonies possessing a powerful church establishment and a wealthy aristocracy. In their haste to establish freedom, these rudderless states have not secured independence ; their revolutions have degenerated into riots ; and if they be not wise, may yet turn out to be only rebellions.

He is a short-sighted politician who dates the constitution of the United States from 1780. It was established by the pilgrim fathers a century and a half before, and influenced a people practised from their cradles in the duties of self-government. The pilgrim fathers brought to their land of promise the laws of England, and a republican religion ; and, blended together, these formed the old colonial constitution of

Anglo-America. The transition from such a government to the polity of Washington, was certainly not greater in degree, than the difference between Great Britain of 1829, and our country at this hour. The Anglo-Americans did not struggle for liberty: they struggled for independence; and the freedom and the free institutions they had long enjoyed, secured for them the great object of their severe exertions. He who looks upon the citizens of the United States as a new people, commits a moral, if not an historical anachronism. /

Of the Reform of our House of Commons, it is in this place only necessary to observe, that the alleged increase of democratic power was not founded on abstract rights, but that the leaders and advocates of the Reform ostentatiously, although ignorantly, recommended their scheme as a restoration of the ancient spirit, and a return to the ancient practice of the constitution. Whether that Reform originated in a continental or a national impulse; whether it were an expedient or an imprudent measure; whether it were framed in harmony, or in hostility,



to our existing institutions ; whether it really developed the democratic elements of the country in their true and comprehensive sense, or only increased the power and influence of a sectarian minority ; whether that great settlement, in short, will be conducive to the ultimate prosperity of the community, the happiness of the people, and the honour of the empire, are great questions, from the discussion of which I do not shrink, but they bear no reference to the point at present under our examination, and are fully treated in a work which for a long period has engaged my time and study. My object hitherto has been to prove by reference to the experience both of the Old and the New World, and of the several states of which they respectively consist, that political institutions, founded on abstract rights and principles, are mere nullities ; that the only certain and legitimate foundation of liberty is law ; that if there be no privity between the old legal constitution of a country and the new legislature, the latter must fall ; and that a free government on a great scale of national representation is the very gra-

dual work of time, and especially of preparatory institutions.

It was a conviction of the soundness of these principles that guided our forefathers in that prudent practice, which we have hitherto been in the habit of dignifying by the venerable title of the Wisdom of our Ancestors, a phrase once ever on the grateful lips of Englishmen, but now the object of scorn and ridicule by those who fancy themselves very profound, but who, in reality, are especially superficial. According to the most eminent of the Utilitarian schoolmen, in his Book of Fallacies, we have all the wisdom of our ancestors and our own into the bargain. The great detector of the deceits of political logic, has here, according to his custom, involved himself in a position as deceptive as any of those from which he intended to dislodge his opponents. The fallacy of the great Utilitarian schoolman consists in confounding wisdom with knowledge. We may have all the knowledge of our ancestors, and we may have more; but it does not follow that we have all the wisdom of our ancestors, and we may have less.

In using the phrase "wisdom of our ancestors," we, in fact, refer to the conduct of those of our ancestors who were wise, and when we have recourse to this phrase in reference to political conduct, we especially allude to those of our forefathers, those rare great men, who in seasons of singular emergency, difficulty, and peril, have maintained the state, and framed, fostered, developed, and established, our political institutions. Let us take a rapid survey of our wise ancestors in a political sense, since the Reformation. We will commence by a king, that extraordinary being, Henry the Eighth, for certainly he must not be omitted; Burleigh claims a place, and Cecil, and assuredly Walsingham; then we may count Sir Edward Coke, and Selden, Strafford, and Pym, the Protector, Lord Clarendon, Sir William Temple, King William, Lord Somers, the Duke of Marlborough, the Duke of Argyll, Sir Robert Walpole, Lord Mansfield, Lord Hardwicke, Edmund Burke. The name of a twentieth great statesman since the Reformation previous to our own age, does not easily occur to me, although I would include Lord Bolingbroke

for reasons I may hereafter offer ; and I have some doubt whether it would be possible, even with research, to fix upon another score. Now, it is possible, that having the benefit of all these men's knowledge, we may actually know more than these men ; but suppose we are called upon to act to-morrow, and act, as is very probable, very unwisely, we may then find that we have not all these men's wisdom.

M. Guizot, who is so learned in British history, who writes even our annals, and edits our political memoirs, doubtless, during the three glorious days, and the subsequent settlement, inwardly congratulated the French people on being directed by a statesman, who had all the knowledge of Lord Somers, "and something more." But, where are the French people now, and what is M. Guizot? A striking evidence that a man may be very knowing without being very wise. Throughout the whole of our history we observe, that the leading men who have guided the fortunes of our Commonwealth in times of great difficulty and danger, have invariably agreed in one line of policy, namely, to

eschew abstractions. This resolution is the distinguishing feature of English statesmanship ; it is the principal cause of the duration of the English state ; and herein eminently consists the "wisdom of our ancestors." /

4. But, my Lord, to confess the truth, I have my suspicions, that the new school of statesmen, with all their affected confidence in abstract principles, and all their valorous determination to construct our coming commonwealth on a basis of pure political science, have some misgivings that this great result is not to be entirely obtained by the virgin influence alone of their boasted philosophy ; and I am confirmed in this imagination by the distrustful circumstance of their simultaneously condescending, amid all their theory, to avail themselves for the purpose of advancing their object, of a great practical misrepresentation of the form and spirit of our constitution. / For it is curious to observe that while they pretend to offer us an unfailing test of the excellence and expediency of all political institutions, they are at the same time indefatigable in promulgating the creed that the branch of our

legislature, hitherto styled the House of Commons, is, in fact, the House of the People, and that the members of that assembly are consequently and absolutely representatives of the People. *VOX POPULI VOX DEI*, is a favourite adage, and ever on these persons' tongues : so that if the House of Commons be the House of the People, it is also the House of God ; it is omniscient and omnipotent ; —a convenient creed ! There was a time when our kings affected to rule by divine right. It cost our fathers dear to root out that fatal superstition. But all their heroic labours will prove worse than fruitless, if the divine right of kings is to be succeeded by the divine right of the House of Commons. In such a belief, I, for one, see no security for our cherished liberties ; and still less a guarantee for our boasted civilisation : in such a belief it seems to me the prolific seeds are deeply sown of tyranny and of barbarism, and if this principle is to be the foundation of our future polity, it requires, in my opinion, no great gift of inspiration to foretell, that all those evils are impending for this country which are the inevitable consequences of its destinies being

regulated by a vulgar and ignoble oligarchy. My Lord, I do not believe that the House of Commons is the House of the People, or that the members of the House of Commons are the representatives of the People. I do not believe that such ever were the characters, either of the House of Commons or the members of the House of Commons ; I am sure that such are not now the characters of that assembly, or of those who constitute it, and I ardently hope that such will never be the characters.

The Commons of England form an Estate of the realm, and the members of the House of Commons represent that Estate. They represent nothing more. It is a very important estate of the realm ; it may be the most important estate. Unquestionably, it has of late years greatly advanced in power ; but at this very moment, even with all the accession of influence conferred upon it by the act of Reform, it has not departed from the primary character contemplated in its original formation ; it consists of a very limited section of our fellow-subjects, invested, for the general advantage of the commonwealth, with certain high functions and

noble privileges. The House of Commons is no more the House of the People than is the House of Lords; and the Commons of England, as well as the Peers of England, are neither more nor less than a privileged class, privileged in both instances for the common good, unequal doubtless in number, yet both, in comparison with the whole nation, forming in a numerical estimation, only an insignificant fraction of the mass.

Throughout these observations, in speaking of the English constitution, I speak of that scheme of legislative and executive government consisting of the King and the two Houses of Parliament; but this is a very partial view of the English constitution, and I use the term rather in deference to established associations, than from being unconscious that the polity of our country consists of other institutions, not less precious and important than those of King, Lords, and Commons. Trial by Jury, Habeas Corpus, the Court of King's Bench, the Court of Quarter Sessions, the compulsory provision for the poor, however tampered with, the franchises



of municipal corporations, of late so recklessly regarded by short-sighted statesmen, are all essential portions of the English constitution, and have been among the principal causes of the excellent operation, and the singular durability of our legislative and executive Government. The political institutions of England have sprung from its legal institutions. They have their origin in our laws and customs. These have been the profound and perennial sources of their unexampled vigour and beneficence, and unless it had been fed by these clear and wholesome fountains, our boasted Parliament, like so many of its artificial brethren, would soon have dwindled and dried up, and, like some vast canal, filled merely with epidemic filth, only been looked upon as the fatal folly of a nation.

We talk much at the present day of the Representative principle; yet how little is that principle understood! An assembly may be representative without being elective. No one can deny that the Church of England is at this day, not only virtually, but absolutely, faithfully, and efficiently represented in the House of Lords by

the Bishops, yet these Lords of Parliament are not elected by their clergy. Previous to the Reformation, the mitred abbots took their seat in the Upper House. Who can deny that these great officers were the direct representatives of their powerful and wealthy institutions? If a representative assembly be not necessarily elective, so also it may be elective without being legislative. Representation may be purely remedial, and such for a long period was the character of English representation. This remedial representation arose out of some peculiar elements of our ancient parliament, an assembly which, besides being a great national council, was also a high court of justice. Our ancient parliaments, like those of other feudal countries, were formed by the simultaneous gathering of a vast number of estates, tribunals, and public officers, from all parts of the kingdom, who met to convey to the Sovereign information of the condition of his realm, and to assist him in the execution of justice between his subjects. Among those who mingled with the prelates of the land, and the earls and barons of the kingdom, were

certain chosen delegates of the counties, who were, in fact, elected by a particular order or estate of the kingdom, to act, not as their legislators, but as their judges. These personages were prepared to afford immediate information to the Sovereign of the state of their districts; and, previous to their arrival at the great council, they obtained, by the inquisitions of the juries of the hundreds, an accurate report of the condition of the county, of the necessities of the lieges, of the "oppressions" to be redressed, and of their ability to contribute to the exigencies of the state.

These deputies were members of a class of our population, which, from the important part it was subsequently destined to fill in the fortunes of our country, requires our particular attention. I allude to the estate of THE KNIGHTS. In spite of some cloudy cavils of Madox, our modern inquirers agree with the learned Selden, that every immediate tenant of the Crown in England was a baron by virtue of his tenure, and as such entitled to be personally summoned to the King's Great Court or Council of Parlia-

ment, and therein to take his seat. But in process of time these military tenants of the Crown had, by the alienation and splitting of feofs, become in number so considerable, and in personal influence, in comparison with their high privilege, so moderate, that the Crown neglected to summon them to its councils, and, indeed, the burthen of attendance in Parliament was so grievous to men, whose limited estates required their personal supervision, that the royal neglect was by themselves considered any thing but a grievance. In the thirteenth century, these royal tenants formed the great bulk of the freeholders of the kingdom, for I need not remind your Lordship that it was not then uncommon for a tenant in *capite* to hold even a fraction of a knight's fee. These lower nobility, or minor barons, as they were styled, in gradually ceasing to be insignificant peers, subsided however into a most powerful equestrian order, in which the lesser portion of the freeholders, who were only mesne tenants, by degrees also merged. And thus was established the ESTATE OF THE KNIGHTS.

The local government of the country was in

the hands of this order. In their county court, under the style and title of "The *Community* or Commonalty of the County," a phrase which has been so much misunderstood, but which originally implied nobility, this estate met to elect one of their number as the governor or guardian of the shire, their choice subject, however, to the royal ratification. When the King held his great council, he directed the sheriff of the county to return two or more knights to present to him the condition of their district. These knights, being sworn, summoned before them the jurors, as witnesses of the hundreds; and having obtained from these inquisitions all necessary information, repaired to the great council of the kingdom with their quota of statistical intelligence. The transition, from being merely the selected councillors of their Sovereign, to being the virtual representatives of their order, was natural, easy, and rapid; and thus this important and numerous estate of the kingdom was in fact represented by deputation in the great council—a representation, however, merely remedial, and not legislative: they came

to impart knowledge and inferentially to proffer counsel, to present to the King the state of his realm and the "grievances" of his subjects, and to assist the monarch in deciding suits arising in their districts, and in ascertaining the just apportionment of the general taxation. As from councillors and judges they became representatives, so also in time their sanction was held necessary to the tax which originally they had met only to estimate by their information. In time also their consent was equally held necessary to the laws, which, however, they never originated. It is, indeed, very questionable whether the great office of legislation was then exercised even by the more potent estates of the kingdom themselves, who appeared personally in Parliament, the Clergy, and the Peers. In those days legislation was the province of the clerk-like councillors of the Sovereign, and I do not myself infer any degrading inferiority in the estate of the knights, from the circumstance of their parliamentary attendance assuming merely a remedial character. Thus, gradually, a most important constituent portion of our House of

Commons developed itself, and so little has any preconceived theory ever influenced the formation of our political institutions, and so entirely have they emanated from the legal economy of the land, that I have myself little doubt that this convenient method, by which the English knights assumed their fitting place in the council of their Sovereign, was derived from ancient and analogous, though occasional, customs of our country, which prevailed in England before the Conquest, and which pervaded the Teutonic jurisprudence in every land. The Court of Echevins alone will occur to those who are learned in British history, and curious in constitutional inquiries.

Thus we find, in the thirteenth century, the King of England surrounded in his council by three estates of his realm—his Prelates, his Peers, and his Knights. We approach now an interesting period in the history of our political constitution. The reign of Henry the Third is one of the most important in our annals. The great struggle between the Norman king and the feudal aristocracy was at this time conducted

on both sides with unexampled energy. Undoubtedly, the great body of the nation in these struggles favoured the aristocracy. In England, unlike the Continent, the King was powerful. We owe our liberties to our nobility. But I am inclined to attribute the sympathy which has ever subsisted between the English and their aristocracy, to a more influential cause than the mere power and consequent tyranny of the Crown, and to this cause, which at present flourishes, and to which may be principally ascribed the singular prosperity of this country, I shall hereafter advert.

Under the Norman kings, and especially under Henry the Second, the English towns had made rapid advances in wealth and population. Charters of incorporation became frequent. In the latter part of the twelfth century, it was impossible for a sagacious politician not to perceive, that new and powerful interests were springing up in the Commonwealth, or to shut his eyes to the political privileges which awaited the growing wealth and increasing numbers of the citizens and burgesses of England. But as



from the very nature and origin of these mural communities, the sovereign had the undoubted and unquestioned prerogative of imposing tallages or taxes on cities and boroughs at pleasure, there existed no obvious or urgent inducement to summon the inhabitants to the great council of estates, which principally assembled to apportion the aids to be raised on their separate orders. Although the Earl of Leicester, who headed the rebellious barons, unquestionably possessed many of the eminent qualities becoming the leader of a great party, I am not disposed to behold any very revolutionary tendency in his conduct when, mighty as were the results, in his memorable Parliament of 1264, in addition to the Prelates, the Magnates, and the Knights, he decided to issue writs of summons to "two honest, lawful, and discreet" citizens and burgesses from every city and burgh. I am more inclined to believe, that this great movement was rather dictated by a politic apprehension that, however the nation might be disposed to view in complacent silence his assumption of many of the prerogatives of the King, who was his prisoner, they might per-

haps have expected that an exception would be made in favour of the royal right of arbitrary taxation. I suspect that he was of opinion, that the tallages would be forthcoming with more readiness if the citizens were flattered by granting those contributions as a favour, which were before exacted as a right. Certain it is, that De Montfort anticipated in some degree the necessities of his age ; for when, under the vigorous policy of the next reign, civil peace again flourished, and the legitimate sovereign found it convenient to avail himself of the new machinery which his rebellious subject had introduced, no privilege ever conferred by a king was ever received with more discontent than the right of returning members to his Parliament by his loyal towns. These honest burghers were loth to leave their homes and business for pursuits with which they were little acquainted, and society for which they were unfitted. Petitions to be exempted from the grievance of sending members to Parliament are not uncommon in our early records ; many burgesses when appointed, de-

clined to serve, and absented themselves from the council; and to remedy these inconveniences, the sheriff was invested with a discretionary power of omitting boroughs in his return. It would seem that from experience, the inhabitants of towns preferred the arbitrary taxation of their sovereign to the grants of their representatives, and that these worthy traders were generally cajoled by the great council into contributions more liberal, than their calmer moments in their stores and counting-houses approved.

We must however guard ourselves from supposing that these citizens and burgesses, who were summoned to Parliament, were absolutely elected by the inhabitants of the towns as their representatives. Their presence in Parliament is another instance of representation without election. They were often nominated by the sheriff of the county; and even when that great officer, from negligence or favour, permitted the return to be made by those more interested in the transaction, the nomination was confined to the

small governing body, who returned two of their members, in general very unwilling missionaries to the great council.

At first the three Estates of the realm held themselves aloof; the Knights by right and custom taking their seats among the Peers, while the citizens and burgesses remained in humble attendance, and after settling the amount of their tallages, gave themselves no further concern with the public business, but cheerfully returned to their homes and affairs. But the two great causes which had simultaneously degraded the lower nobility into mere gentry, and raised the burghers into comparative importance still operated : the increased division of land rendered the first class less influential and more numerous ; the increase of commerce, the last more powerful and more wealthy. The chasm between the magnates and the lower nobility or knights, became each year wider and more profound : the boundary that separated the knights from the burghers each year less marked and definite. It is impossible to fix nicely the period when Parliament was divided into two houses ; but I

am inclined to place it towards the end of the reign of Edward the First. It is easier to ascertain the principles on which the memorable division was established. Between the prelates and the magnates on the one hand, and the knights and burgesses on the other, there existed this memorable distinction. The first were in themselves estates of the realm; the last were only representatives of estates. To induce the knights, however, to quit their noble companions, of whom the law still held them as the personal equals, and mix with the humble burghers, required some politic dexterity. It was at length settled that a new estate of the realm should be created, styled the Estate of the Commons or Commonalty, a title, as I have before observed, of great dignity, implying nobility, and formerly confined to the landed proprietors. The burghers were flattered by merging into the landed gentry of the country, and thus obtaining the dignity of the lesser nobility, and the knights were compensated for the sullen sacrifice on their part, by giving their title to the new estate, and impressing their peculiar character

on the new chamber in which, for a very long period of our history, they naturally took the lead. Yet even then some time elapsed before the Knights condescended to renounce their old privilege of apportioning the tax of their original order, and blending the aids of the Lower House of Parliament.

Thus have I traced, my Lord, and I assure you not without some difficulty, the history of the formation of our House of Commons. And now to what did this great revolution in the constitution of our country amount? To nothing more nor less than the establishment of AN EQUESTRIAN CHAMBER. If such were its original character, that character has been maintained throughout the whole of our history, and that character, as I will shortly show, has not been affected by the recent Act of Reform. It never was the House of the People; it is not the House of the People. The members of the House of Commons never were the representatives of the people: they are not the representatives of the people. They always were, and they are still, the representatives of the Com-

mons, an estate of the realm privileged as the other estates, not meeting personally for the sake of convenience, but by its representatives, and constituting, even with its late considerable accession of members, only a small section of the nation. We have a curious instance how accurately this distinction was observed in the time of Henry the Fourth; and how perfect was the order of Parliament in that reign. For when the King met his Parliament, and having addressed the estates of the Lords Spiritual and Temporal, then turned to the House of Commons, he promised that he “would do nothing *against the liberty of the estate for which they had come to Parliament*, nor against the liberties of the Lords Spiritual and Temporal.” The impudent misrepresentation of our anti-constitutional writers, originates in an ignorant misconception of words. If the House had been called the House of Knights, or rather the House of Squires, which is the literal meaning of the word Commons, we should have heard nothing of this dangerous nonsense, by virtue of which it is sought that the whole power of the

realm shall be concentrated in one of the estates, and that too, one recently remodelled for factious purposes. An Estate of the People involves a contradiction in terms, for an estate is a popular class established into a political order. If, therefore, the Sovereign had established the Lower House as the estate of the people, he would have virtually declared that the clergy and the nobles, the most influential part of the nation, were not a portion of the people. Far from this, the cautious monarch refrained from even establishing the citizens into a separate estate; instead of doing this, he flattered their vanity while he checked their independence, and while he raised them to the rank of Commons, he secured, to use the epithet in its popular, not its correct sense, an aristocratic character for each estate of his realm. As the Upper House consisted of two estates of the realm, the Clergy and the Peers, so also the Lower House might equally have consisted of the representatives of two estates of the realm, the Knights and the Burgesses. But this was avoided. Yet suppose the Sovereign had thought fit to establish a sepa-



rate estate of the citizens, would the lower House any more have represented the people? By no means. Other classes of the people would still have remained unrepresented, and classes the most numerous; for instance, the peasantry. Such estates were not unknown in the middle ages, and even at this day an Estate of the Peasantry meets in the Diets of Sweden, and the Storthings of Norway.

By this final constitution of the English parliament, the seal was set to that glorious characteristic of our laws, which various causes had been for a long period silently combining to create; to which I mainly attribute the freedom, honour, and prosperity of our country, and our singular preservation from that whirlwind of outraged passion and opinion, which swept over Europe during the end of the last century, and still threatens Christendom with its wild and moaning wail. This glorious characteristic of our laws is our equality of civil rights. By the formation of the House of Commons, the great body of the lesser nobility of England formally renounced those rights of peerage, the practical

enjoyment of which had been long escaping them; and instead of that gallant, but adventurous swarm of personages, who, under the perplexing title of nobles, abounded in Europe before the great French revolution gave the last blow to the crumbling gothic edifice of feudal polity, men who were distinguished from ordinary freemen by privileges inherent in their blood, and held their pedigrees, often their only muniments, as valid exemptions from the toils and cares of honest industry; men who were free from contributing to the public burthens; who alone might draw the sword; and whose daughters were defended by law from profaning alliances with *roturiers*—arose in this our favoured land of Albion, a class of individuals noble without privilege, noble from the generosity of their nature, the inspiration of their lineage, and the refinement of their education; a class of individuals who, instead of meanly submitting to fiscal immunities, support upon their broad and cultivated lands all the burthens of the state; men who have conquered by land and sea, who have distinguished themselves in every honour-

able profession, and acquired fame in every department of learning, and in every province of science and of art; who support the poor instead of plundering them, and respect the court which they do not fear; friends alike to liberty and order, who execute justice and maintain truth—the gentlemen of England; a class of whom it is difficult to decide, whether their moral excellence or their political utility be most eminent, conspicuous, and inspiring.

In due and sympathising deference to the lesser nobility, their former equals who subsided into gentry, the magnates were careful to arrogate to themselves no privileges which were not necessary and incidental to them in their character of an estate of the realm, and their capacity of hereditary legislators of a free people. So that even their blood was not ennobled, and their children ranked only as Commons; thus distinctly announcing that their rank was a political institution for the public weal, and not a privilege for their private gratification. Indeed, it would not be too much to affirm, that the law of England does not recognise nobility. It re-

cognises the peerage, and it has invested that estate with august accessories; but to state that a man's blood is ennobled is neither legal nor correct, and the phrase, which has crept into our common parlance, is not borrowed from the lawyers, but from the heralds. Thus, I repeat, was consummated that glorious characteristic of our laws, the equality of our civil rights, and to this cause I refer the sympathy which has ever subsisted between the great body of the English nation and their aristocracy.

Liberty flourished under the Plantagenets—and for this reason, that the aristocracy headed the nation, and the House of Commons soon learnt to combine with the discontented party among the Peers. The remedial character of our representation rapidly expanded into the legislative; and the judge matured into a law-maker. Seldom has the crown of this realm circled a more able and vigorous brow than that of our third Edward: his reign too was long and eminently prosperous. Yet as early as this reign, the illegality of raising money without consent of Parliament was firmly and practically

established; as well as the necessity of the concurrence of the two Houses, in any alteration of the law. In this reign too, for the first time, the councilors of the crown were impeached by the Commons, though there is little doubt that the lower House would not have ventured on so bold an advance in authority, had they not been secretly stimulated by the Prince of Wales, and upheld by the majority of the Peers, jealous of the intrigues of the Duke of Lancaster against the interests of the heir apparent. The Parliament that had ventured to resist an Edward, dared to control a Richard. The Commons now inquired into the public expenditure, and even regulated the economy of the royal household. The Lancastrian kings owed their throne to the Parliament, and the Parliament was mindful of the obligation. Under these three sovereigns the present Constitution of England was amply, if not perfectly, developed. The right of taxation in the two Houses was never questioned; the direction of the public expenditure was claimed and practised; the illegality of royal ordinances declared; ministers too were im-

peached and punished, and finally the privileges of Parliament for the first time established. But perhaps the most important change in our constitutional system, was the introduction in the reign of Henry the Sixth, of complete statutes of the Commons, under the title of Bills, instead of their old method of Petitions; by these means the sovereign was obliged to sanction or to reject the propositions of his Parliament without qualification; and as it had been previously a maxim of parliamentary practice, that all laws should originate in the form of petitions from the lower House, the legislative right of the Commons was now completely and firmly established.

If liberty flourished under the Plantagenets, it faded under the Tudors. How was this? Compare the reigns of the third Edward, or the second Richard, with those of Henry the Eighth and Elizabeth, and no one can shut his eyes to the vast progression which our country had made in all the elements of civilisation. We were much more populous, infinitely wealthier. We enjoyed a great commerce, our manufactures were considerable, our ancient

military reputation maintained, our advance in arts indisputable. Why were we less free? Why had that bold House of Commons, to whom the warlike and impatient Edward had to bow before he could carry on a struggle flattering to the fame of England, sunk into a servile crew, who witnessed without a murmur the forced loans of a privy seal and a benevolence? Where were the men who, under the wily Henry the Fourth, had declared the royal ordinances illegal? Humbling themselves before royal proclamations, crushed by the oppression of the Star Chamber, and yielding without even a remonstrance to the enormity of the Council. Who now dared to inquire into the public administration? Why were not Wolsey and Burleigh impeached as well as Lord Latimer and Suffolk? Who remembered the statute of Henry the Sixth, "for the punishment of such as assault any on their way to the Parliament," when any member who offended the sovereign or the minister was, in scornful defiance of his privilege, instantly imprisoned; and Henry the Eighth vowed he would behead any of the Com-

mons who opposed his will? We cannot account for this extraordinary change in the character of our House of Commons by the usual reason of a standing army. Henry the Eighth commanded fifty beefeaters, and Elizabeth trusted to the guardianship of the trained bands. The truth is, the House of Commons was no longer supported by the peers, and the aristocracy no longer headed the nation. The great advance in public liberty under the Plantagenets, was carried on by a Parliament in which a perfect understanding subsisted between the two Houses. We owe that bold scheme of popular government to which Selden and Pym in other days were content to appeal, to "the wisdom of their ancestors," and to the united and harmonious efforts of the three estates of the realm.

The wars of the Roses were mortal to the great peers and chivalric commons of England, and the tints of those fatal flowers were only emblematic of the terror and the blood that they occasioned. Unquestionably these evils in the course of time might have been remedied, and, doubtless, in the natural order of events a new race



of great national leaders would have arisen, who might have restored that noble freedom and that sweet equality which rose under the Plantagenets, struggled under the Stuarts, and triumphed under the benignant sway of the House of Brunswick: but when, in the reign of Henry the Eighth, the aristocracy afforded some indications of reviving power, a new feature appeared in European, and especially in English politics, which changed the whole frame and coloured the complete aspect of our society—RELIGIOUS DISSENSION. It was by balancing the great parties in which this new spirit, so fertile in discord, divided the nation, that the Tudors, and especially Elizabeth and her statesmen, succeeded in establishing her power, until they delivered over to her successor the sceptre of a despot. I have myself no doubt that, although in its nature intimately and essentially connected with the cause of civil liberty, the immediate effect of the reformation on our English polity was anything but favourable to the growth of our liberties and the establishment of our political institutions. The civil despotism of the king was in that age

the consequence of his religious supremacy. The creation of the High Commission Court alone, and the sanction which the religious passions of a large party in the nation gave to that dark tribunal, afforded a fatal precedent for an application of analogous discipline to civil affairs, which in practice reduced our constitution to a polity befitting the meridian of Madrid, or even Constantinople.

If we survey the constitution of the House of Commons under the Tudors, we shall find that although it experienced several very considerable changes, they were far from effecting any departure from the original character of that assembly. It did not in any degree more become the House of the People. It still remained the representative of an estate of the realm, an estate in number, I apprehend, not very considerable ; inferior probably to the fleeting population of any of the large fairs then common in the country, and at this day not superior to the population of a second-rate capital. The House, when it was first established, consisted of seventy-four knights, and, for the causes I have before stated,

of a very fluctuating number of burgesses: in early times they amounted to two hundred and sixty. The knights, in spite of their minority, seem to have indulged in no jealousy of their humbler brethren, but appear to have exercised in the chamber which had derived from them its name, all that superior authority to which their noble lineage and territorial possessions entitled them. / It is curious that the idea of representation, as relative to population, never appears to have entered into the consideration of our ancestors: York and Rutland returned the same number of representatives. I ascribe the apparent anomaly to the circumstance of the constituent body being generally very limited, and particularly so in the northern counties. It was never intended that the population should be represented, but a particular class of it, and as the spirit of the body pervaded all the county representatives, a knight of Rutland doubtless considered himself virtually as much the guardian of the knights of the county of York or Lancaster as of his own shire or that of Huntingdon. Moreover, there are reasons to believe that ear-

lier than is usually imagined the English knights were in the habit of being returned for boroughs; and, I apprehend that the majority of the House of Commons in the reigns of the Lancastrian kings consisted of the descendants of our former minor barons.

On the accession of Henry the Eighth, the burgesses were in number two hundred and twenty-four. Henry extended county representation to Wales, Chester, and Monmouth, and even summoned burgesses from his Scotch town of Berwick, and his French garrison of Calais. Edward the Sixth created fourteen boroughs and revived ten: Mary added twenty-one, and Elizabeth sixty. In most of these instances the right of representation was conceded to insignificant places and confined to mere nomination. Elizabeth was the first who worked on an extensive scale the great parliamentary mine of Cornwall, and liberally enfranchised fishing-towns and miserable villages. The object of the Tudor sovereigns in this increase of the House of Commons was, to command majorities on the great religious questions. Arbitrary in

every other respect, they were not unwilling to share with the compliant orthodoxy of their Parliament the responsibility of those extraordinary statutes which form an epoch in the philosophy of legislation.

But the Tudors, in this extensive exercise of the power of parliamentary appointment, introduced no heretical elements into the constitution of our House of Commons. As early as Edward the Second the representatives of more than twenty boroughs had been added by the King to the members of that assembly. I do not believe that the representation of our boroughs was originally elective. Far from being of opinion that the popular character of the third estate had gradually become corrupt and diminished previous to the late Act of Reform, I believe, on the contrary, that since the accession of the Stuarts it had gradually become more vigorous and more comprehensive. Our Parliament long possessed, and indeed in some degree still retains, its original character of a royal council. The object of our Sovereigns was to surround themselves by the notable subjects of their realm, and

they proceeded in the shortest and simplest manner to obtain their purpose. The elective character of the parliamentary Knights arose from the peculiar circumstances of their order and the ancient juridical customs of their shires. But these circumstances bore no relation to the parliamentary burgesses, and although, *honoris causâ*, they were incorporated with the noble Commons of the realm, the machinery of their selection was far less nice and complicated. In general these returns were made by the small governing body which must exist in all mural communities, whether incorporated or not; probably in corporations the aldermen or capital burgesses served by rotation. Sometimes, when no leading member of the society could be induced to undergo the inconvenience of quitting his home and neglecting his affairs, a neighbouring squire was substituted: sometimes the return was at once made by the sheriff from his knowledge of the leading personages of the borough; sometimes the future members were recommended by the privy council; sometimes the same representatives at once returned to a new Parliament

without any intervening ceremony, who had been seated in the last. The towns in royal demesne were probably always represented by officers of the crown, and indeed this class of individuals abounded in the Tudor Parliaments. If this loose practice of borough representation were occasionally in turbulent or careless times drawn into a dangerous precedent for the return of Knights for shires without the due and legal convocation of the county court, it is certain that eventually the more formal and comprehensive scheme of county representation exercised a far more decided influence on that of the boroughs. As these increased in population and intelligence, and the privilege of being represented in the royal council became to be more generally understood and more finely appreciated, the system of representation by election, always more or less maintained by the return of the Knights, afforded, as the origin of institutions became darker, at the same time a precedent for those inhabitants who sought a participation in the now envied privilege, and a plan by which their wishes might be accomplished. Thus the free-

holders in boroughs by the right of their burgage tenure, the freemen of the corporations, and sometimes the inhabitants at large, where burgage tenure was rare, and the towns, though flourishing, had not been incorporated, gradually established their right to the exercise of a suffrage, and thus in the course of time, the House of Commons came to consist of county members elected by the freeholders ; representatives of cities and boroughs chosen by a popular constituency where a popular constituency existed ; and representatives of the same class who retained the old exemption from election, because, in fact, the unimportant places for which they appeared in Parliament had never emerged from their original insignificance, or produced a population bold and flourishing enough to usurp the return of their representatives from the hands of the governing body. /

This I believe to be a very just, as I am sure it is a very impartial, view of the formation of our House of Commons ; and if the history of our country and our constitution had ever been anything better than a turbulent theatre for the gla-



diatorial struggle of party writers, it is one, I believe, which long ere this would have been adopted : for it has the merit of being not only consistent with human nature and consonant with that profounder knowledge of the origin of our political institutions which is the privilege of the present day, but it reconciles all the characteristics and all the difficulties which have been proved and promulgated by the four great theories of borough representation, that have so long puzzled our lawyers and perplexed our antiquaries.

Those who may imagine that I derive any satisfaction in establishing the narrow origin of our present more popular representation, greatly mistake my feelings and opinions. I am not one of those who believe that the safety of the Constitution is consulted by encouraging an exclusive principle in the formation of the constituency of our third estate. It is not the supposed democratic character which it has assumed under the new arrangement—I wish I could call it settlement—that fills me with any apprehensions. On the contrary, I wish it were even

W. H. L.

more catholic, though certainly not more Papist. It is its sectarian quality in which I discover just cause of alarm. But it has been necessary for me to show what was the original character of our Lower House, and the primary intention of the founders of our constitution. In creating a third estate of the realm, they established an order of men, limited in number and highly privileged, styled the Commons. Although we have increased the number of these Commons, we have not increased their privileges, or enlarged their political capacity. They still remain an estate of the realm, and only an estate of the realm; in spirit as well as in law. For although their representatives may be chosen by three hundred thousand men instead of one hundred thousand, they are still only the representatives of a limited and favoured class of the kingdom. The House of Commons is not a jot more the House of the People, unless we exclude from our definition of the people many of the most essential and most important elements of a nation. I shall have occasion, in due season, to speak further of the great reforming

scheme of 1830. Here I will only observe, that in a hasty and factious effort to get rid of representation without election, it will be as well if eventually we do not discover, that we have only obtained election without representation.

The current of these observations reminds me of an anecdote which may perhaps amuse your Lordship, nor be found altogether devoid of instruction. When I was in Egypt, the pacha of that country, a personage, as is well known, of rare capacity, and influenced by an almost morbid desire of achieving in an instant the great and gradual results of European civilisation, was extremely desirous, among other objects of passion or of fancy, of obtaining a Parliament. Emulous of the prosperity and popular power of our Kings, his Highness was eager to obtain the means by which, on reflection, he was convinced not only that our country so eminently flourished, but by which our Sovereign succeeded in commanding at the same time obedience and affection. It so happened, that a young English gentleman, who was on his travels, was at this period resident in Cairo, and as he had

more than once had the good fortune in an audience of engaging the attention of the pacha by the readiness or patience of his replies, his Highness determined to do the young Englishman the honour of consulting him.

Our countryman received the summons, which all instantly obey, and immediately repaired to the Divan of the citadel. He found the pacha surrounded by his courtiers, his engineers, his colonels, and his eunuchs. At length his Highness clapped his hands and the chamber was cleared, with the exception of a favourite minister and a faithful dragoman. The surprise of our countryman, when he received the communication of the pacha, was not inconsiderable; but he was one of those, who had seen sufficient of the world never to be astonished, not altogether untinctured with political knowledge, and gifted with that philosophical exemption from prejudice, which is one of the most certain and the most valuable results of extensive travel. Our countryman communicated to the Egyptian ruler with calmness and with precision the immediate difficulties that occurred to him, explained to

the successor of the Pharaohs and the Ptolemies that the political institutions of England had been the gradual growth of ages, and that there is no political function which demands a finer discipline, or a more regulated preparation, than the exercise of popular suffrage. The pacha listened in silence, nodding his head in occasional approbation: then calling for coffee, instead of looking at his watch like an European sovereign, delicately terminated the interview.

Some short time afterwards the young Englishman repaired, as was his occasional custom, to the levee of the Egyptian ruler. When the pacha perceived him, he welcomed him with a favouring smile, and beckoned to him to advance to the contiguous divan.

“God is great!” said Mehemet Ali to the traveller; “you are a wise man—Allah! kerim, but you spit pearls. Nevertheless I will have a parliament, and I will have as many parliaments as the King of England himself. See here!” So saying, his Highness produced two lists of names, containing those of the most wealthy and influential personages of every town and

district in his dominions. "See here!" said he, "here are my parliaments; but I have made up my mind, to prevent inconvenience, to elect them myself."

Behold, my Lord, a splendid instance of representation without election! In pursuance of this resolution of Mehemet Ali, two chambers met at Cairo: called in the jargon of the Levant, the *alto Parlamento*, and the *basso Parlamento*. The first consisted of the pachas and chief officers of the capital: the second really of the most respectable of the provincial population. Who can doubt that the *basso Parlamento* of Cairo, if the invasion of Syria had not diverted the attention of Mehemet Ali from domestic politics, might have proved a very faithful and efficient national council, and afforded the governor of the country very important information as to the resources, necessities, and grievances of his subjects? Who can hesitate in believing that there was a much greater chance of its efficiency and duration when appointed by the pacha himself, than when elected by his subjects in their present condition? Who does not

recognise in such an assembly the healthy seeds of a popular government? I for one should have much more confidence in the utility and duration of the Parliament of Cairo, than in that of Naples or Madrid; especially as, it is but candid to confess, Mehemet Ali had further secured a practical term of political initiation for his future legislators by two capital rules; first, that the *basso Parlamento* should only petition and not debate; and secondly, that the *alto Parlamento* should only debate, and not vote!

The Protestant Reformation, which, in a political point of view, had only succeeded in dividing England into two parties, and establishing arbitrary power, had produced far different effects on the continent of Europe. There it had created a Republican religion: for such was the ecclesiastical polity of Calvin. The English Protestants, who, flying from the Marian persecution, sought refuge at Geneva, in the agony of their outraged loyalty, renounced their old allegiance, applied to civil polity the religious discipline of their great apostle, and returned to their native country political republicans. Kings

were the enemies of Protestantism, and Protestants naturally became the enemies of monarchy. The Hebrew history which they studied, as intently as the Christian gospels, furnished them with a precedent and a model for a religious republic. Judges ruled in Israel before the royal dynasties of Saul or David. The anti-monarchical spirit of Protestant Europe was notorious and incontestable as early as the middle of the sixteenth century. The regicides of Holy Writ are the heroes of the turbulent tractates of the early missionaries of spiritual democracy: the slayer of Sisera, or he who stabbed the fat king of Moab in his chamber. Samuel, the prophet of the Lord, deposed kings: Calvin and Knox were the successors of Samuel. The bloody massacre of Saint Bartholomew, occasioned by the promulgation of this dangerous political religionism, aggravated the danger and determination of its votaries. The press of Europe swarmed with republican treatises, composed by the ablest writers. Books are great landmarks in the history of human nature. Now was heard, for the first time, of the paramount



authority of "THE PEOPLE." This is the era of the introduction into European politics of that insidious phrase, by virtue of which an active and unprincipled minority have ever since sought to rule and hoodwink a nation. In 1579, appeared the famous "*Vindiciæ contra Tyrannos*" of Languet, and the revolt of Holland and the league of Utrecht, which terminated in the establishment of the Dutch Republic, formed a practical commentary on its virulent and fervent pages.

The Republican Religion, which revolutionised Holland, triumphed in Scotland under Knox, and in France long balanced the united influence of the crown and the tiara. Even as late as 1621, the genius of Richelieu alone prevented France from being formed into a Federal Republic, and from being divided into circles.

Such was the spirit of the European movement when the aristocracy of England, refreshed and renovated by more than half a century of prosperity and peace, deemed the accession of Charles the First a fitting season for a struggle to restore the ancient liberties of the nation, and

to regain and complete the constitution of the Plantagenets. For nearly two centuries that constitution had been suspended, like an old suit of armour, crusted with the blood of the civil wars, and covered with the dust of theologic logomachies : but the great spirits of the seventeenth century recognised the suit as of good proof, and though somewhat antiquated in its style and fashion, possessing all necessary powers of protection and offence. The history of the age of Charles the First has been the literary arena of the passions of all parties. The far vaster range of political experience, which from the great French Revolution and its consequences, we enjoy than our forefathers, our increased, yet not too considerable, distance from the passionate period in question, and our decreased dependance upon its incidents as the once solitary precedents for all popular movements, the researches of ingenious scholars, and the publication of contemporary memoirs, have all combined to render us more competent to decide upon the character of the most memorable transactions of our annals.

Until the meeting of the Long Parliament, the king appears to have had no party in the nation, and solely to have depended upon his courtiers and his bishops. There was a general feeling throughout the leading classes of the country, that the time had arrived when the settlement of the state on a broad basis of constitutional liberty was indispensable. The aristocracy of England also was no longer that unlettered class of mere warriors, who, however great might be their political power, or ardent their love of public liberty, were necessarily debarred, by their habits and want of education, from practising the arts of government and legislation. The cultivated intellect of England required a theatre for its display and exercise; it found this in some degree in its Parliament, but sought it more decidedly in the administration of the empire. The time had arrived when a prelate could no longer conduct the affairs of the realm from his monopoly of learning. The age of royal favourites was about to be closed for ever. The monarch, though apparently almost a despot, was fast approaching the simplicity of

his executive capacity : it not only might be then obvious to the contemplative, but it was absolutely determined by practical men, that the administration of the kingdom should soon be conducted by those of the subjects who were most eminent and distinguished in the great national council.

The two Houses of the first Parliament, summoned by Charles, contained the flower of his kingdom—men of the highest lineage, the largest estates, the most distinguished learning, and the most illustrious accomplishments. The opposition in the House of Commons, led by Eliot, and supported by the Peers, succeeded, as early as the third year of Charles's reign, in obtaining the Petition of Right. But this concession did not satisfy the Parliament ; they wished to dislodge the favourite ; to change the ministry as well as establish the Constitution. Charles recoiled from the novel heresy of not being the master of his own servant, a heresy soon doomed to become orthodox : he determined to support his friend, and the King resolved to reign without a Parliament.

It is singular that the King could have contrived to reign ten years without one, but the truth is, the state of the country, as is admitted and celebrated by all foreign writers, was of a prosperity so extraordinary, that it was difficult to excite discontents among the great body of the nation. In this dilemma, the leaders of the Opposition among the Commons, Hampden and Pym, but concealing their masterly machinations from the more numerous and moderate portion of their party, intrigued with the Scotch, and held out to the Presbyterian leaders of that nation the prospect of the English Opposition assisting them in their favourite project, the overthrow of the Church of England in Scotland. The consequent troubles in Scotland plunged the King in a war, and was the occasion of the summons of the Long Parliament.

The spirit of the King, when he met this famous assembly, was quite broken. He was ready to make any concession consistent with the maintenance of a limited monarchy. Experience had taught him that the whole body of the aristocracy was opposed to him, and we know that Charles

was perfectly aware of the sacrifices which would be demanded of him, and which he was prepared to grant without resistance. The objects of the king at this time were to obtain the establishment of a limited monarchy by constitutional concessions, and then to form a parliamentary administration from the most eminent of his previous opponents, in which conduct alone he recognised any security for a strong government, and the only prevention of further movement.

The Long Parliament in a few months restored the constitution of the Plantagenets. It secured the frequent assemblage of Parliaments : it terminated for ever arbitrary taxation : it abolished the Star Chamber and the High Commission Court. The concessions of Charles the First during the two sessions of this Parliament, previous to the civil war, were so ample that the revolution of 1688 added no important feature to our political system. Faithful to their purpose, the leaders of this famous opposition, not only established our liberties, but impeached the ministers, and this brought about a result not less anxiously and eagerly sought after than the abolition of Ship

Money : a formal attempt by the King, for which he had been long prepared, to form a government of the more moderate portion of the parliamentary party. I cannot believe that the death of the Earl of Bedford could alone have occasioned the failure of this intended arrangement : it is more probable that the dissensions which soon broke out in the great body of the Commons had already covertly appeared. The Parliament, although both Houses, and the vast majority of the Lower, had been previously opposed to the King, for we must not forget that even Hyde and Falkland were originally members of opposition, had now become divided into two parties, the Constitutional Reformers, and the Root and Branch Reformers : Pym and Hampden headed the latter. The Constitutional Reformers were alarmed by the attack on the Church : the Lords threw out the Bill which sought to deprive the Bishops of their Parliamentary suffrage. This was the first check that the Commons had received from the Upper House. Pym and Hampden, deserted by the Constitutional Reformers, had thrown themselves

into the hands of the Puritans, Root and Branch men. Instead of political unions, they appealed to the city apprentices, and the trained bands; mobs were hired, petitions forged, all the arts of insurgency practised. The Peers were daunted, the King frightened; Strafford was executed, the Bishops expelled the House of Lords, the House of Commons itself rendered independent of the King and its constituents by the act which made its dissolution consequent on its own pleasure. At length, by the Remonstrance and the Propositions, the very abrogation of the monarchy being attempted, the king raised his standard, and so completely had the unhappy monarch by his conduct placed the Commons in the wrong, that the very personage who, two years before, had absolutely no party in the nation, found himself supported by a considerable majority of his people, and nearly the whole of the Peerage, while the vote which virtually occasioned the struggle, and was the trial of strength of the two parties in the House of Commons, was only carried by a majority of eleven. The success of the royal arms, and the unexpected strength



of the royal party, filled the Commons with consternation. The moderate members continued to flock to the King. Pym and Hampden, finding that they were deserted by their aristocratic companions, and that the Puritans and Root and Branch men were not powerful enough to support them, made an open and absolute alliance with the Scotch presbyterians, with whom they had always had a secret understanding, swallowed the Covenant which they had before disfavoured, decreed the extermination of the Church of England, beheaded Laud, called in a Scotch army, and maintained their cause by a connexion offensive to their countrymen.

Am I indeed treating of the reign of Charles the First? or is it some nearer epoch that I am commemorating? Am I writing of the affairs of the seventeenth or the nineteenth century? There is such a marvellous similarity between the periods, that, for my part, I find great difficulty in discriminating between the two Dromios. In both instances the Church of England is the great victim, and at both seasons the vast majority of the English people were warmly and

tenderly attached to their establishment. In both cases the aristocratic leaders of the movement, thought fit to secede from their own party, while in both cases their more determined or desperate associates compensate themselves for the desertion by the alliance of revolutionary or anti-national support. In one instance the Radicals, in the other the Root and Branch men; in one instance the Dissenters, in the other the Puritans. And in both instances, when Radicals and Dissenters in the one case, and Puritans and Root and Branch men in the other, fail in making up with their influence for the loss of the aristocratic connexions of the leaders who had summoned them, we find the same desperate and treasonable compact, made in one age with the Scotch Presbyterians, and in the other, with the Irish Papists; the solemn league and covenant so long repudiated, swallowed as the condition in the first instance, and the Irish Church scheme, once so warmly opposed, gulped down in the other.

The Bishops expelled from the House of Lords, the King defied, then imprisoned, and

then decapitated, the House of Lords disregarded, and then formally abolished, voted "a nuisance, and of no use"—you see, my Lord, there were Utilitarians even in those days,—behold the great object at length consummated of concentrating the whole power and authority of the government in one estate of the realm. The verbal process by which the revolution was effected, was very simple and very logical, if we only grant the premises; the schoolmen, themselves could not have reasoned with more invincible accuracy. The House of Commons having first declared "that the people are the origin of all just power," an axiom to which any person may annex any meaning of his fancy; next enunciated that the House of Commons being chosen by the people and representing them, are the supreme authority of the nation, and that consequently whatever is declared to be law by the House of Commons, hath the force of law without the consent of the King or the House of Peers. First, the constituency of the House of Commons, a small fraction of the nation, is declared to be the People; their

power then becomes invested in their representatives; the majority of those representatives acting by their supreme authority, then expel from their numbers the minority, who oppose their projects; and then, still acting by their supreme authority, vote the power of the triumphant majority perpetual. This is the simple process by which we at length obtain a tolerably definite idea of what is meant by the phrase "the People," and the easy machinery by which a band of two or three hundred individuals obtain and exercise despotic power over the lives, liberties, and property of a whole nation.

We still remember in this country the tender and happy consequences of being governed by "the People." We have not forgotten that "the People" established Courts more infamous than the Star Chamber in every county of England, with power of fining, sequestrating, imprisoning, and corporally punishing all who opposed, or even murmured against their decrees; that under the plea of malignancy "the People" avenged their private hatreds, and seized for their private gain and gratification any estates or

property to which they took a fancy ; that “ the People ” consigned to Bastilles and perpetual imprisonment all those who refused to answer their illegal inquiries, and bored red-hot irons through the tongues of the contumacious ; that not an appearance of law or liberty remained in the land ; that “ the People ” enlarged the laws of high treason, so that they comprehended verbal offences, and even intentions ; that “ the People ” practised decimation ; that “ the People ” voted trial by Jury a breach of parliamentary privilege ; that “ the People ” deprived of authority all persons of family and distinction who had originally adhered to their party, because men of blood and breeding would not submit to be their disgraceful and ignoble tools, and filled every office under them with the scum of the nation ; that the very individuals who had suffered and struggled under the Star Chamber were visited by “ the People ” with punishments and imprisonments infinitely more bloody and more grievous ; that “ the People ” sequestered nearly one half of the goods and chattels of the nation, and at least one-half of its rents and re-

venues; that in seven years "the People" raised the taxation of the country from eight hundred thousand pounds per annum, to seven millions per annum; that "the People" invented the Excise, and applied that odious impost even to provisions and the common necessities of life; that "the People" became so barefaced in their vile extortions, that one morning they openly divided three hundred thousand pounds amongst themselves, and settled an annuity of four pounds a day on each of their number; that "the People" committed all these enormities in the teeth of outraged England, by the aid of an anti-national compact with the Scottish Covenanters; and that, finally, the Nation, the insulted and exhausted Nation, sought refuge from the government of "the People" in the arms of a military despot. /

I hear much in the present day of the march of intellect, and the diffusion of knowledge, and the influence of public opinion, and there are those who would assure us that in these circumstances and qualities, we may safely count upon finding ample guarantees for, not only the maintenance, but the increase of our liberties, and

very able securities for every species of good government. It will be as well for us, however, to turn aside, if possible, for a moment from the exciting tumult in which it is the destiny of the present age to flourish, and calmly condescend to spare a few moments of consideration to the history of that not less agitated and consequential age, which elapsed, from 1550 to the middle of the seventeenth century. The Protestant Reformation, and its great political consequences, especially the formation of the Dutch Republic, had agitated men's minds in a degree not inferior to the influence exercised over the spirit of the eighteenth and present centuries by the French Revolution. The nature and origin of Power were not less severely scrutinized ; the object and influence of Establishments not less sharply canvassed. There was as much public intelligence, as much public opinion, and as much public spirit in Europe then, as at the present hour. The exclusive and local character of nations was fast disappearing ; patriotism was fast merging into philanthropy ; a cosmopolite spirit pervaded Christendom : Geneva communicated with Edin-

burgh or Paris; there was a constant spiritual correspondence between Amsterdam and La Rochelle and London. The political movement in England originated with the aristocracy; it was supported and advanced by the great body of the nation. If the influence of the press were less considerable than at the present day, though I much doubt it, and the British Museum, which contains so many thousand pamphlets of the times of Charles the First, a fraction only of the fugitive effusions, confirms my scepticism,—Public Opinion had yet another, and more powerful organ, and was influenced by even a more potent and passionate medium. If there were ten thousand pamphlets, certainly there were ten thousand pulpits. There was as much communication in 1640 as there is likely to be in 1840; if we had no rail-roads, we had men who rode “post haste;” there were as many committees, there was as complete an organization; the arts of insurgency reached such a zenith of perfection that the unlicensed imagination and unbridled devices of Jacobinical France only imitated, and never surpassed them; and more important



than all, the Government was much weaker. Yet, although the flame of popular liberty was fed by such various and vigorous fuel, and although the ranks of the popular party were marshalled, and led on during the contest by statesmen inferior in station, capacity, and accomplishment, to none who ever figured in this land, the mighty impulse, like the most beautiful river of Germany, which, after renovating a country, and commanding the admiration of a nation, never reaches the ocean, but sinks into the swamps of Brabant, the mighty impulse achieved only destruction, and the movement ended in mud.

The reigns of the latter Stuarts are the most disgraceful in our annals, but as much from the character of the nation, as the character of those monarchs. The public spirit was broken, and the public mind corrupted. Good laws are of little avail without good manners, and unless there be a wholesome state of mind in the nation to regulate their exercise. Trial by Jury in the time of Charles the Second was a tyranny as fearful as the Star Chamber; and without any

formal violation of our written constitution, it is probable that the government of the Tudors would have been re-established in England, had not James the Second alarmed the Protestant spirit of the country, and the aristocracy seized the opportunity of again establishing our liberties.

The consequences of the famous revolution which raised the Prince of Orange to the throne of these realms were very important, but as they did not affect the form or elements of the House of Commons, the remarks which it may be necessary to make upon that event will more naturally occur to me when I come to consider the nature of the executive branch of our Constitution, and the character of the kingly office. The history of England from that period until 1830, is rather political than constitutional, and although extremely interesting to a statesman, relates to the struggles of rival parties for power instead of the more inspiring contest between royal prerogative and parliamentary privilege, and that more noble conflict for their liberties between a nation and a sovereign.

The struggles of parties also, as connected with ministerial responsibility, are naturally linked with the yet untouched topic of the Crown.

Viewing the Reform Bill of 1830, as the *coup d'état* of a party, who having obtained power, found themselves opposed by all the estates of the realm, and supposing that their only object was to establish themselves in power by conceding a preponderating influence in the constituency to a sectarian minority in the State favourable to their views and policy, the intended measure is very intelligible; but dismissing for the moment from our consideration all factious imputations, it must be admitted that this reform was conceived and prosecuted in a profound ignorance of the nature of our constitution, to which we may ascribe all the mischiefs that have occurred, and that threaten us.

1 2. That the re-construction of the third estate of the realm was necessary, is an intelligible proposition; and had it been proved, all that we had to consider was the mode by which it should be attained. But the Whigs set out with reforming the representatives of the estate, instead of the

estate itself, and the consequences of this capital blunder pervade the whole of their arrangement. If the proposition of the necessity had been proved, then we had to consider the principle on which the Reform should be conducted, as population, fiscal contribution, or peculiar class. But by reforming the representatives instead of the estate, no principle could be adopted, or at least could only partially be applied. Hence the present system is as anomalous as the late one : communities of two or three hundred electors return as many representatives as communities of fourteen thousand ; a man who rents a ten pound house in a town enjoys a suffrage, a man who lives in a forty pound house out of a town is not an elector. It might be undeniable, that if the third estate were to be reformed, the principle of representation without election no longer suited the present state of society : but why then cling to that part of the ancient scheme which gave a preponderating influence in numbers to the citizens and burgesses because, in fact, they were not elected, but only nominated ? All this originated in the fallacy of sup-

posing that the state of our representation in many towns was the consequence of decay, instead of original intention. Thus whole and important districts of the country, and considerable classes of the community, are not represented, and the land which originally formed the third estate, assumes only a secondary character in its present elements. /

Nevertheless, constituted as the third estate now is, and changed as may be its elements, has it in a political capacity, deviated from its original character? The Commons form still only an estate of the realm, a privileged and limited order of the nation, in numbers a fraction of the mass, and their representatives can only be invested with the qualities of their constituents. To maintain that an estate of the realm is the People, involves a contradiction in terms, for an estate implies a class of the people. The Commons of England are not the People, unless we declare that every person who is not a parliamentary constituent, is without the pale of national definition. If we agree to this, the people of England consists of three or four hun-

dred thousand persons, divided into almost equal classes professing the most contrary opinions. The absurdity of such a conclusion is evident. The House of Commons is not the House of the People, and the members of the House of Commons are not the representatives of the People.

/ I proceed to consider the constitution and the character of the Upper House of Parliament. The House of Lords is the most eminent existing example of representation without election. As an estate of the realm which, from its limited numbers, can with convenience personally appear and assemble, the Peers of England do not meet at Westminster by their trustees, or deputies, or delegates. But this House is nevertheless representative. The House of Lords represents the Church in the Lord Bishops, the law in the Lord Chancellor, and often the Lord Chief Justice, the counties in the Lord Lieutenants, the boroughs in their noble Recorders. This estate from the character of the property of its members, is also essentially the representative chamber of the land; and as the hereditary leaders of the nation, especially of the

cultivators of the land, the genuine and permanent population of England, its peasantry.

In ruder times, when the King desired to call a great council, which should represent the interests and consult over the welfare of his kingdom, he summoned the barons or chief subjects of his realm. These great councils, which were the origin of our Parliaments, and so styled before they assumed a legislative character, assembled for the administration of justice. They formed a high court of law whither in time repaired, as I have before described, deputations of the provincial tribunals, and the local executors of the law. The Barons originally held their parliamentary privilege by tenure, but the King soon mingled among them by his writ of summons such individuals as he deemed fit and competent to assist them in their great office. Such was the origin of baronies by writ; and peerages by patent were also introduced as early as the reign of Richard the Second. Gradually, as the country advanced in civilisation, and the affairs of its population became more complicated, the Sovereign delegated portions of his

judicial power to appointed and permanent tribunals of his palace, presided over by his selected councillors, and in time by professional lawyers. Such was the origin of our great courts of law ; of King's Bench, of Common Pleas, and of Exchequer ; but the House of Lords, even when the formal and present constitution of Parliament occurred, still retained, independent of the legislative functions of their estate, their original character of a high court of justice, which has descended to their successors, who to this day form the supreme and efficient court of appeal of the kingdom. It was this character, indeed, which rendered, in old days, the intermission of Parliaments so great a grievance. By not assembling the House of Lords, justice was delayed, and when we read in the reigns of the Plantagenets of the murmurs of the nation at the King not calling his Parliament, it was, in fact, the meeting of the Peers which the nation invoked with such loud complaints. /

The House of Lords strictly consists of two estates of the realm ; the Lords Spiritual and Temporal. Originally, the Lords Spiritual ex-



ceeded the Temporal Peers in number. In the last Parliament that was held before the struggles between the houses of York and Lancaster, so fatal to our ancient Peerage, only fifty-three Temporal Lords appeared in Parliament: the Spiritual Lords, on the other hand, numbered twenty-one Bishops, and thirty-six mitred Abbots and Priors. Henry the Seventh could only summon to his first Parliament twenty-nine temporal Lords, and even in the reign of Henry the Eighth, the temporal Peers did not equal the representatives of the Church and the great ecclesiastical corporations. The dissolution of the monasteries, which expelled the mitred Abbots and Priors from the Upper House, reduced the number of the spiritual Peers to twenty-six, five new bishoprics having been created as a species of representative compensation to the new Church. From this period the political influence of the Lords Spiritual in the Upper House has never been of a preponderating character, and although they retained their ancient privilege as a separate estate, and the precedence to which they were originally entitled, they have in fact, by

blending their votes with their temporal brethren, contributed to the formation of one estate of the realm, in which they have long virtually, although not formally, merged.

I think, my Lord, this is not an inconvenient opportunity of considering the policy of the presence of these right reverend personages in the Upper House of Parliament, a policy so unpopular with the anti-constitutional party of this country. Whenever the factious leaders of the third estate attempt to obtain a preponderating influence in the constitution for the House in which they sit as representatives of their order, and to usurp the entire government of the country, and exercise despotic control over the lives and liberties, the persons and properties of their fellow-subjects, the attack upon the independence and influence of the House of Lords is invariably commenced by an assault upon the ecclesiastical elements of its composition. Thus in the time of Charles the First, the factious leaders of a majority of the representatives of that limited and privileged order of the nation, called the Commons, succeeded, after repeated efforts,

in expelling the Bishops, or first estate, from the Upper House; and thus certain persons at the present day, who inherit all the faction of Pym and Hampden, though none of their genius, being as like to them as Butler's Hudibras is like to Milton's Satan, have, in a manner at once indecent and unconstitutional, and which, if I have any knowledge of the laws of my country, subjects them to a *præmunire*—soiled the notice book of the proceedings of the next session of the House of Commons with a vile and vulgar menace of this exalted order.

The great art in creating an efficient Representative Government is, to secure its representation of those interests of the country which are at the same time not only considerable, but in their nature permanent. To bind up with our form of polity the feelings of vast and influential classes of the nation, obviously tends to the perpetuity of the State; though the danger of making sudden and slightly considered additions to the elements of our political estates need not be enlarged upon, nor the fatal blunder of mistaking an evanescent for a permanent interest.

Independent of all those spiritual considerations, which hitherto have been held as justly and wisely influencing the elements and character of the English constitution ; dismissing for a moment from our thoughts that union of Church and State which hitherto has consecrated the commonwealth of England ; granting for an instant, that that religious connexion, which has so long tempered power, and so often elevated its exercise, should indeed cease, and that the authority of the Church of England should only be supported by the affections and voluntary succour of its votaries ; I have yet to learn that the presence in the House of Peers, of an order of individuals, who, in the independence of their means, I may say the vastness of their possessions, are inferior to none, can be enumerated among the less desirable elements of a Senate. To me it seems that a Bishop of Durham, or of Winchester, affords, from his position, the probable materials of as efficient a member of the Upper House as any Earl or Marquis who bears those names.

14,

/But when I recall to my recollection the viru-

lent antipathy of the anti-constitutional writers of the present day, against what they style the Hereditary Peerage, and the unqualified legislators, whom they pretend must be the inevitable consequences of its institution, I confess that I am somewhat astonished that their first and fiercest attack should be made on that portion of the House of Lords whose office is not hereditary, who in general spring from the humbler classes of the community, and who, from the nature of their qualification to sit in that august assembly, must necessarily be men distinguished for their learning, their talents, and their virtues. Of the many popular elements of the House of Lords, I have always considered that the bench of Bishops was the most democratic. /

I have not concealed my conviction, for I plead only the cause of Truth, that the Protestant Reformation in England originally tended to the establishment of arbitrary power, and of that despotism of the Tudors of which Charles the First was the victim. The Church transferred their allegiance from the Tiara to the Crown ; the people followed the example of their

national ecclesiastics. But these were the inevitable consequences of unparalleled events. The Church is part of our Constitution, and its character has changed in unison with that Constitution; the clergy in this country, thanks to that Reformation whose good fruits we have long enjoyed, both political and spiritual, are national; they are our fellow-subjects, and they have changed with their fellow-countrymen. Their errors were the errors of their age, and of their nation; they were no more. The Bishops who, under James the First, maintained the High Commission Court, under James the Second were the first champions of our liberties; the Establishment which, under Laud, persecuted to obtain Conformity, is now certainly our surest, perhaps our only guarantee of Toleration.

The English Constitution, while it has secured that toleration, absolute and illimitable, has also consecrated the State; it has proved that religious government and religious liberty are not incompatible. It is one of the leading principles of our polity that the religious discipline and future welfare of our citizens are even

of greater importance than their political and present well-being. And although the pious and private munificence of an ancient people has, in the course of ages, relieved the State from the fiscal burthen of a dependent Clergy, invested that godly, and learned, and devoted body with a noble and decorous inheritance, and covered our land with schools and churches, with sublime temples, and august and unrivalled universities; the State has, nevertheless, stepped in as the trustee and guardian of the ministers of our religion, adopted them as its children, and established their order into an estate of the kingdom.

The Stuarts were prodigal in the creation of temporal Peers; one hundred and nineteen met in the Parliament of 1640, but in 1661 the number had scarcely increased. The Peers of England led the movement against the unhappy son of James the First. A Peer was one of the five members whom the King attempted to seize; but when all those concessions were obtained from the Sovereign, which would have left the estates, and the nation at large, in the possession

of even greater privileges than we enjoy at this day ; when it was discovered that the monarchy itself was aimed at, and that Reform was fast approaching Revolution, the great body of the Peerage, in unison with the great body of their fellow-subjects, withdrew themselves from the Parliament and adhered to the King. So that when the Upper House was formally abolished by the vote of the House of Commons, the customary attendance of Lords was not more than six or eight. Little more than a quarter of a century after the restoration of the Stuarts, the nation, headed by the Peers, expelled them, and established the security of a Protestant throne.

From the accession of William the Third, to the accession of William the Fourth, a period of upwards of one hundred and forty years, the House of Lords has not only exercised an independent, but a considerable, and, as some have held, a preponderating influence, in the government of the country. The Whigs, under George the First, in pursuance of their plan of reducing the English monarch to the character of a Venetian Doge, succeeded in carrying a bill through



the Upper House to deprive the King of his prerogative of creating further Peers, and thus to convert the free and democratic Peerage of England into an odious oligarchy of exclusive privilege ; but the House of Commons, led by the Tory country gentlemen, rejected the proposition with becoming decision. Since that time, and especially during the active reigns of the Third and Fourth Georges, the royal prerogative has been exercised with a liberality, which, by some has been warmly, but I think unwisely, stigmatized. The ranks of our second estate have been periodically strengthened by an accession of some of the best blood, the greatest wealth, and the most distinguished talent of the community, and its due influence alike in the legislature, and in national opinion, has thus been efficiently maintained.

The increased strength of the third estate, in consequence of its recent reconstruction, having filled the imaginations of certain factious leaders with the old and disastrous machination of establishing the supremacy of its representative chamber, and that result not being possible un-

less the independence of the Upper House of Parliament is first destroyed, an attack is now made with equal violence and perseverance upon the hereditary principle of its institution, as productive of irresponsibility, and thus affording, not only a most injurious, but an anomalous, feature in the scheme of our legislative and executive government.

Who has not heard of the fatal and anomalous irresponsibility of the House of Lords? Of what Whig Journal does it not form the subject of the choice and cockbrained leading article? Is there a tavern Cleon, from whose foaming lips its anathema does not flow in rabid sentences of seditious folly? Is there a plebeian oracle of a metropolitan vestry, who does not warn the Peers of England with the solemn stolidity of his Delphic utterance? Nay, the authorized agitator of the administration itself, is sent upon a provincial tour of treason to open the minds of the King's lieges on this urgent point of constitutional revelation—the vagabond and over-rated rebel—vomiting his infamous insolence in language mean as his own soul!

And yet this fatal and anomalous irresponsibility is no more the characteristic of the House of Lords, than of that third estate itself, in whose supremacy the anti-constitutional writers teach us we are alone to find a security for good government.

15 / The estate of the Peers is in no greater degree irresponsible than the estate of the Commons. Both are alike popular classes, that is, sections of the nation, established for the public and common good, into political orders or estates. For this reason are they privileged, and for no other ; nor is there any privilege of importance which the Lords enjoy which the Commons do not share ; though there are very many, and those too very important privileges, which the Commons in the course of time have acquired, and which they have jealously monopolized. The Commons, for their own convenience, meet in Parliament by their representatives ; the Lords, from their limited number, meet personally. Yet a Peer is allowed to vote by proxy on the same principle that the Commons are allowed to vote by their proxies or

representatives ; it ever being the wish and intention, and génius of our Constitution, that the three estates should be as completely and constantly consulted on all subjects, and their consent to all laws as perfectly obtained as human wit could devise. This is the real and original cause of the Peers voting by proxy, an analogous privilege with that enjoyed by the Commons ; yet in these days of profound constitutional learning even this vote by proxy is held “ an anomaly,” and no less a personage than an exalted member of the Upper House itself, eager to obtain a little vulgar popularity by falling in with the superficial humours of the day, has been found anxious to deprive his own order of an ancient and, as I have shown, not a peculiar privilege.

A political estate is in its nature complete, and, therefore, whatever may be the amount of privileges, or the degree of power with which it is invested, it is necessarily independent. Now all power that is independent must be irresponsible. If the estate of the Peers be independent and irresponsible, and undoubtedly and necessarily it is so, to whom is the estate of the

Commons responsible? To whom is that privileged order of the kingdom, who at the last general election, to the amount of three hundred thousand men, voted for the representatives of their order in Parliament, to whom are they responsible? What political dependence have they upon the nation at large? What do they care for what the unrepresented mass may think of their resolves and conduct? Are they amenable for their political behaviour to any public tribunal? Have they not, if they agree among themselves and return their representatives to that effect, the power, as far as the assent of their estate is concerned, the power to deprive all those who are not of their privileged order of their rights and liberties? What lawyer can doubt such a right in the Commons, or dispute their power, if they choose to exercise it? Have not the majority of their representatives, in fact, often exercised the delegated power of their order to this effect? Why has the House of Commons often been unpopular with the great body of the nation? Because their conduct opposed its interests or inclinations. Was the

House of Comuions dependent on the nation? No! They were dependent on their order, on their privileged constituents, who sent them to their chamber, and who, in their turn, are responsible to no class whatever. If the question of responsibility be mooted, what satisfaction or increased security to a nation of many millions is it, that the privileged order of Commons consists of three hundred thousand, instead of two hundred thousand, or even one hundred thousand persons? Is a privileged order of three hundred thousand individuals, represented by their deputies, likely to be more responsible than a privileged order of three hundred individuals appearing by themselves? On the contrary, every one sees and feels in an instant, that, as far as the nation is concerned, the more limited order, who appear for themselves, and are more in the eye of the world, are in fact in a moral point of view much more responsible to the general body of the people, than the more numerous and more obscure class, who shuffle off that moral responsibility on their representatives. /

So much for the anomalous irresponsibility of the House of Lords. You will perceive, my Lord, that nothing but the two capital blunders prevalent among the anti-constitutional writers of the present day, namely, in the first place confounding the representatives of an estate with that estate itself, and secondly, supposing that their presumed estate was in fact representative of no less a body than the nation itself, between whom and the House of Commons there really exists no privity ; I repeat, nothing but these two capital blunders in our profound political instructors, can account for the perverse absurdities of their lucubrations, or the conceited complacency with which they develop their ill-seasoned theories.

If the estate of the Peers be not more irresponsible in the exercise of the power with which it is invested than the estate of the Commons, so also the qualification by which the Peers exercise their power is in its nature the same as the qualification by which the Commons exercise their power. If the institution of hereditary legislators be absurd, I do not see that that of

hereditary electors is less so. If it be absurd to enact that a man in the most elevated and cultivated class of the community should be born with the right of becoming, at a legal age, an English legislator, so is it equally absurd to maintain that a man in one of the humbler and less educated classes of the community, should be born with the right of becoming, at a legal age, the nominator of a legislator. Yet the qualification of a majority of the English Commons is hereditary.

So you see, my lord, it turns out on a little dispassionate examination, that the "anomalous" institution of the House of Lords is not quite so irregular, so flagrantly out of rule, so absolutely alien to the genius of our Constitution, as, were we to place credit in our profound disquisitionists and reformers, we might too hastily imagine.

The Lords, it seems, in a legal point of view, are not a jot more irresponsible than the other limited, and privileged, and purely conventional order of the State; in a mere moral point of view, indeed, are more amenable to the influence of public opinion than their obscurer rivals; while



the qualification both of the Lords and Commons is, to a great amount, identical, and the Commons hold and enjoy their privileges by the very same odious principle, which frights the orators of the Crown and Anchor from their propriety, and stimulates the kennel orators of Westminster and Marylebone, in the enthusiasm of their rhetoric slang, to denounce the “absurd and anomalous authority of the Lords ;” to wit, that very same, that odious hereditary principle, which pervades the whole frame of our society, which has conduced more than any other principle to the perpetuity of our state, and which at the present day is so greatly abused, and so little understood.

But although the exposition into which I have entered of the real principles and the genuine nature of the English Constitution has destroyed for ever, as far as reason can influence, and truth prevail, the revolutionary objection which it is now the fashion to urge against the hereditary principle of the second estate of this kingdom, I am far from wishing to avoid the abstract discussion of the fitting elements of a senate, in

which our modern anti-constitutional writers, the gentlemen who admire abstract principles, and would build up their political fabric on a system of pure science, so freely and frequently indulge, / And therefore I will at once admit, that if I were called upon to construct a Constitution *a priori* for this country, of which a senate, or superior chamber, was to be a constituent part, I am at a loss to conceive where I could obtain more suitable materials for its construction than in the body of our hereditary Peerage. So far from considering that there is any thing absurd or objectionable in the principle of political inheritance, as a statesman, who wished to study the perpetuity of his state, it is the very principle of which I should eagerly avail myself, and to which I should cling. Assuredly I cannot understand how an efficient senate is to be secured by merely instituting another elective chamber, the members of which being the deputies of their constituents, must either be the echo of the Lower House, or if returned by a different class, the factious delegates of an envious and hostile section of the commu-

nity. Would the difficulty be removed, and the object obtained, by allowing the members of the senate to be chosen from the body of the Lower House itself? The trial of strength then would be elevated from the choice of a Speaker, to the election of a House of Lords. This would indeed be a struggle! What a prize for an ambitious minister! What a noble quarry for the falcon glance of a keen opposition! After the division, after the high blood excited by such an encounter, we might, I think, retire to our homes, and return to our constituents at once, and leave the victorious party to record their decrees without the affectation of discussion, and the mockery of control.

What chance do these wild schemes hold out of an effective senate? But would you then cling to your hereditary legislators? Why not? But the very idea of an hereditary legislator is absurd; who ever heard of an hereditary physician, or an hereditary surgeon, or an hereditary apothecary? Such an idea would be absurd; therefore the idea of an hereditary legislator is absurd. Granted, if legislators be apothecaries.

Before we can decide whether the idea of an hereditary legislator be absurd, we must first ascertain what is meant by the word legislator, and what are the public duties of this personage, which we are about to make a matter of inheritance to his posterity. If by the word legislator, we mean one of those original and organising minds who occasionally arise to frame commonwealths, and to mould the minds of nations, I willingly concede that it would be very absurd to invest such a character with the necessary power to fulfil his grand objects, and simultaneously to entail the enjoyment of the same power on his posterity : I freely admit, that it is not very probable that the entailed legislator, like his sire, would prove either a Moses or a Minos, a Numa or a Solon, a Saxon Alfred, or a Russian Peter. But at the same time I am equally of opinion, that it is just as probable that the legislative descendant of the great legislator would rival his powers, as that a Moses or a Minos, a Numa or a Solon, a Saxon Alfred or a Czar Peter should be returned to Parliament as their representative, by any body of ten pound-

ers in the kingdom. Such characters are so rare that we do not count upon their force and impulse in arranging the economy of a State. If the conduct of public affairs depended upon the constant presence in the commonwealth of such characters, the State would enjoy no quality of duration. It seems, therefore, that we must be content to require from our legislators a somewhat more moderate portion of sagacity and science. And the question then naturally arises, what portion? Whether in fact the qualities of a legislator in an ancient, and free, and highly civilized and experienced State, will not be necessarily found among individuals of average intelligence and high education; and whether an order of men, who from their vast possessions, have not only a great, a palpable, and immediate interest in the welfare of a country, but by ease, and leisure, and freedom from anxiety, are encouraged to the humanising pursuits of learning and the liberal love of arts; an order of men who are born honoured, and taught to respect themselves by the good fame and glory of their ancestors; who from the womb to the grave are

trained to loathe and recoil from every thing that is mean and sordid, and whose honour is a more precious possession than their parks and palaces ; the question is, whether an order of men thus set apart in a state, men refined, serene, and courteous, learned, brave, travelled, charitable, and magnificent ; do not afford the choicest elements of a senate, especially when they are distinguished from their fellow-citizens by no civil privileges, and the supreme power in the State has the capacity of adding to their numbers at his will, any individuals, however humble and plebeian their origin, whose wisdom will in his opinion swell the aggregate capacity of their assembly ?

Political institutions must be judged by their results. For nearly five centuries the hereditary Peerage, as at present constituted, has formed an active and powerful branch of our legislature. Five centuries of progressive welfare are good evidence of the efficient polity of the advancing country. No statesman can doubt that the peculiar character of the hereditary branch of our legislature has mainly contributed to the

stability of our institutions, and to the order and prosperous security which that stability has produced. Nor can we forget that the hereditary principle has at all times secured a senate for this country inferior in intelligence to no political assembly on record. If we survey the illustrious history of our Parliament since 1688, whether we consider its career in reference to the patriotic energy that has at all times distinguished its councils, its unceasing vigilance, its indefatigable industry, its vast and various knowledge, its courageous firmness, its comprehensive sympathy with all classes of the community, its prescient and imperial ambition, or the luminous and accomplished eloquence in which its counsels and resolves have been recommended and expressed; assuredly the hereditary branch of our legislature need not shrink from a comparison with its elective rival. I do not think, my Lord, that any one will be bold enough to assert, or if bold enough to assert, skilful enough to maintain, that the late Reform, which was to open the doors of the House of Commons to all the unearthed genius of the

country, has indicated as yet any tendency to render this rivalry on the part of the Peers of England a matter of greater venture. If, in old times, the hereditary Senate has at least equalled in capacity the elective chamber, no impartial observer at the present day can for a moment hesitate in declaring, that not only in the higher accomplishments of statesmen, in elevation of thought and feeling, in learning and in eloquence, does the hereditary assembly excel the elective; but, in truth, that for those very qualities, for the possession of which at first sight we should be most disposed to give a House of Commons credit, that mastery of detail and management of complicated common-places, which we style in this country "business-like habits," the Peers of England are absolutely more distinguished than the humbler representatives of the third estate.

But the truth is, my Lord, that the practical good sense of this country has long ago disposed of the question of the principle of hereditary legislation, even if its defence merely depended on its abstract propriety. For, if we



examine the elements of the House of Commons with a little attention, we shall soon discover that hereditary legislators are not confined to the House of Lords, and that the inclination of the represented to make representation hereditary, is very obvious and very natural. The representative of a county is selected from one of the first families in the shire, and ten years after, the son of this member, a candidate for the same honour, adduces the very circumstance of his succession to his father as an increased claim upon the confidence of the constituency. Those who are versed in elections know that there is no plea so common and so popular. Such elections prove, that far from holding the principle of hereditary legislation absurd, public opinion has decided that the duties of an English legislator are such, as, on an average of human capacity, may descend from sire to son; and that while there is nothing to shock their reason in the circumstance, there is much at the same time to gratify the feelings and please the associations of an ancient people, who have made inheritance the pervading principle of their

social polity, who are proud of their old families, and fond of their old laws.

The hereditary character of our Peerage must be considered in relation to the other qualities of that illustrious body. No one competent to form an opinion upon public affairs can doubt for an instant that whether the nominal honours of those insignificant personages, who at this present hour meet in the senatorial chamber of the Luxembourg, devolve upon their posterity or not, the circumstance one way or the other, can neither increase nor diminish their public and political authority. The Peers of France are nonentities, and nonentities they have ever been, as insignificant before the junior French Revolution, as they are after that bloody riot. If the hereditary principle could not render the French Peerage more powerful, it is equally true that the intellectual qualifications of its members, however eminent, were equally unproductive of that result. The Chamber of Peers in France since the Restoration has numbered amongst its members the most illustrious warriors, and the most celebrated diplomatists of the kingdom, the

ablest writers of the day, the most distinguished scientific men, marshals, ambassadors, editors of newspapers, wits, travellers, authors, mathematicians, chemists : had it been selected by a Westminster Reviewer himself, the Senate of France could not have consisted of men more qualified to develope and demonstrate all "the science of legislation." Why then are they so insignificant ? Formed of all the talent of the country, the Chamber has no authority. What can be the cause ? The hereditary principle, to be sure ; the fatal, the absurd, the anomalous hereditary principle. The hereditary principle is destroyed ! Yes, a revolution is got up to achieve, among other great objects, the destruction of the fatal, absurd, and anomalous principle of hereditary legislation in the French Charter ; and the French House of Peers in consequence becomes, if possible, more odious and more contemptible.

It is not then necessarily the hereditary principle which renders the influence of our House of Lords so injurious to the commonweal ; and it is not then a collection of all the clever men

of a country, under the august title of a Senate, which necessarily must be productive of good government. The truth is, a nation will not allow three hundred men, however ingenious, to make laws for them, because the sovereign power of the state chooses to appoint that such a number of its subjects shall possess this privilege, and meet in a room to register their decrees. The King of England may make Peers, but he cannot make a House of Lords. The order of men, of whom such an assembly is formed, is the creation of ages. In the first place, they must really be an estate of the realm, a class of individuals who from their property and personal influence alone, form an important section of the whole nation. The laws and customs of England have compensated its Peers for the loss of their feudal splendour. A strong current of property and influence from the wide ocean of national prosperity perpetually flows into our House of Lords. They still form the most eminent class in the State ; and, instead of the position of the Peers, at the present day, bearing a diminished importance, compared with the attitude of the

remaining classes of the community, as the superficial vulgarly imagine, I shall be surprised that, if the subject be more profoundly inquired into, if the power and privileges with which the Constitution has invested him be duly considered, and the indirect support which he receives from his alliances with the great Commons, and the aristocratic classes which have sprung up around him, be not omitted in the estimate, the influence of a great Peer of the present day, a Duke of Buccleugh, or a Duke of Devonshire, be ascertained to be much inferior to that of an Earl of Pembroke in the time of John, or an Earl of Leicester in the reign of his successor. A House of Lords must consist of men whose influence is not felt merely in their chamber of Parliament. They must be an order of individuals, whose personal importance crosses us in all the transactions of life, and pervades the remotest nook and corner of the country, an importance also which we find to arise as much from the hallowed associations, or even the inveterate prejudices of society, as from ~~the~~ mere public privileges and constitu-

*their*

tional and territorial importance. Their names, office, and character, and the ennobling achievements of their order, must be blended with our history, and bound up with our hereditary sentiment. They must be felt and recognised as the not unworthy descendants or successors of a class that has always taken the lead in civilisation, and formed the advanced guard in the march of national progress. Vast property, and the complicated duties which great possessions entail upon their owners, the inspiring traditions of a heroic history, the legendary respect of ages, the fair maintenance in the order itself of that civility of manners, that love of liberal pursuits and that publicspirit which become the leaders of a free people, and a strong conviction in the nation generally that under the constitution of which this order forms a branch, they have flourished for a longer period, and in a greater degree, than any existing commonwealth,—such are some of the elements of which a Senate must be formed, that attempts to cope with the House of Lords of England.

The English nation has thought that there is

a greater certainty of securing a Senate of this high character, by entailing its functions on the most important order of its members, than by trusting to the periodical selection of any body of individuals whatsoever. It has supposed that the chance production of its carefully cultivated aristocracy may offer, on the whole, senatorial elements preferable to the selected materials of popular choice. It has desired that there should be one portion of its legislature free from the turbulent and overwhelming passions that occasionally assail the less guarded structure of its more popular assembly; and to secure all these great purposes, to contrive at the same time, in establishing this chamber, its power and its perpetuity, its independence and its ability, it has not comprehended how a more practical system could be adopted than to establish the hereditary legislation of a democratic Peerage.

This, my Lord, is, I think, one of those cases in which “the wisdom of our ancestors” has been conspicuous, and the harmony which throughout our history has on the whole so remarkably subsisted between our two Houses of

Parliament, and the effective manner in which the machinery of our legislature has consequently operated, prove the sound judgment of the national mind, that has required and sanctioned a Senate thus constituted. So profound, indeed is, and ever must be, the reciprocal sympathy between the Peers and Commons of England, that even after the late factious reconstruction of the third estate, a majority of the representatives of the English Commons upheld the independence of our august Senate. I ascribe this sympathy to a cause I have before indicated, to the principle which is the basis of our social fabric, our civil equality. It is this great principle which has prevented the nobility of England from degenerating into a favoured and odious sect; it is this great principle which has placed the Peers at the head of the People, which has surrounded them with a popular aristocracy, and filled the chamber of the third estate with representatives connected with our senators, not only by sympathy of feeling and similarity of pursuits, but by the most intimate relations of birth and blood.



Again, my Lord, the question of our hereditary Peerage must be viewed in reference to the state and system of parties in this country. It results from the system of parties in this country, that both Houses of Parliament are led and directed by a very few members, and those the most eminent for talents, and character, and station, in the respective assemblies. Thus the extreme cases, which the anti-constitutional writers are ever urging of the legislative function devolving through the medium of an hereditary institution to individuals incompetent to discharge this high office, never, in fact, practically occur. By ranging himself under one of the political banners of the State, every legislator avails himself of the intelligence of his leaders; to guide his judgment and form his opinion, he has the advantage of the finest talents in the country. Thus an individual, abstractedly very incompetent may become practically very useful, and thus even a weak brain may assist in passing a wise law.

Thus have we seen, my Lord, that viewed in reference to the complete scheme of our legis-

lature, the hereditary principle of the House of Lords, far from being "anomalous," is in perfect harmony with the constitution of the other estate of the realm ; that if it were as "anomalous" as it is regular and consistent, far from being "absurd," the application of the principle is extremely rational ; and that, inasmuch as it is not either constitutionally "anomalous," or abstractedly "absurd," its practical results have been such as might have been anticipated from an institution suited to the genius of the country, in harmony with all its political establishments, and founded not only on an intimate acquaintance with the national character, but a profound knowledge of human nature in general.

In these observations on the character and history of our two Houses of Parliament, I have already incidentally traced, or referred to, the character and history of the monarchy. We have seen the Kings of England, in the reigns of the Plantagenets, exercising a sovereign power, limited however in its use, by the privileged estates of the kingdom, who, although

they held the right of legislation in its fullest extent, from the imperfect civilisation of the times, assumed, on the whole, rather the office of powerful councillors of the Sovereign, than that of the administrators of the kingdom. We have seen the same King, in the reigns of the Tudors, an arbitrary monarch. We have witnessed the same King, in the reigns of the Stuarts, engaged in a continual struggle with the reviving, and at length preponderating, power of the long dormant and paralysed estates. From the accession of the Prince of Orange, the character of our history changes. The old contest between prerogative and privilege, between the power of the Crown and the liberty of the subject ceases for ever, and the war of parties succeeds to the struggles of Kings and Parliaments.

The English constitution under William the Third, did not secure greater power and privileges to our Parliament than it possessed under the reign of Henry the Fourth; but the Lords and great Commons of England had since that time become the most civilized and highly cul-

tured body in Europe ; men exceeding the superior classes of all nations in learning, eloquence, and public spirit, in practical skill, and theoretic wisdom. It is not difficult to comprehend that such a body of men in absolute and unquestioned possession of the legislature, should no longer be content that the executive and administrative province of the constitution, with all its pomp and circumstance, should be monopolised by a single individual and his personal retainers. Here, then, commences the age when the influence of the Court rapidly declined, when ministers were virtually appointed by the Parliament instead of the Sovereign, and when, by the institution of the Cabinet, the scheme and policy of the administration devolved upon a parliamentary committee, and the King was, in fact, excluded from his own council.

If it be perhaps too strong an expression to say that William the Third was called to the throne by the voice of the whole nation, it is certain that the whole nation ratified the abdication of James the Second. Whig and Tory, Churchman and Dissenter, had alike required,

and alike assisted in, his expulsion. When the excitement of this great event had a little subsided, when the rights and liberties of the nation had been secured by its Parliament, the leaders of the Whigs, including many of the most powerful and ancient families of the kingdom, commenced a favourite scheme of that party, which was to reduce the King of England to the situation of a Venetian Doge. But William the Third, like Louis Philippe, was resolved to be his own minister, and it is not very easy to comprehend how in a perilous and revolutionary period, a sovereign of great capacity will consent to be deprived of the benefit of his own sagacity. The Whigs, therefore, were obliged to postpone until a more favourable opportunity, the series of measures by which their great result was to be obtained; and for the present indicated their spleen, by opposing the Sovereign, to whom certainly that party had originally attracted the attention of the English nation. But William, whose administrative talents were of a high order, succeeded, by his adroit balance of parties, in keeping the Whigs in check; and throughout his reign in maintaining his authority.

The reign of Anne, which proved that the reign of a Stuart might at the same time be glorious, Protestant, and prosperous, completely unsettled the public mind of England, and made nine-tenths of the people yearn after the lost dynasty of their native sovereigns. The leaders of both parties were in secret communication with St. Germain, and one circumstance alone prevented the son of James the Second from regaining the throne of his ancestors—his absolute incompetence. The Pretender was an incapable bigot, totally devoid of that talent, which in some degree had always characterized his family.

The Hanoverian accession was secured by the bold conduct of the Dukes of Somerset and Argyle. These great Whig Peers had the hardihood to attend a privy council, without being summoned, while the Queen was lying in a state almost of lethargy, and absolutely forced her Majesty to appoint the Duke of Shrewsbury Lord Treasurer. This is one of the most dramatic scenes in our political history : the unexpected arrival of the two Dukes, the Queen's

desperate state, Bolingbroke's baffled hopes, the troops summoned to London, the heralds kept in waiting with a company of guards to proclaim the new King the moment the throne was vacant. The Elector of Hanover ascended the throne of England by the sufferance, rather than the consent, of the nation. Unsupported by the mass of the people, ignorant of our language, phlegmatic in temperament, George the First entirely depended upon the Whig Peers, and the Whig Peers resolved to compensate themselves for the disappointment they had experienced under William the Third. They at once established the Cabinet on its present basis. It is curious to trace the kingly office from the era of the Plantagenets, when the characters of a royal council and a legislative chamber were so blended together in the House of Lords, that the monarch always presided over his Parliament, to the moment when the Sovereign under the Brunswicks was virtually excluded from his own council. Having thus by the establishment of the Cabinet obtained in a great degree the executive power of the State, the Whig Peers

ventured to propose a measure in order to consolidate and confirm their strength, which is perhaps unequalled by any of the machinations of a party so remarkable in all periods of our history for the unscrupulous means with which they satisfy their lust of power. This measure was the famous Peerage Bill, proposed and supported in the House of Lords by those very Dukes of Somerset and Argyle, who had forced a Queen to appoint a prime minister on her death-bed. This Bill, if passed into a law, would have deprived the King of his prerogative of making further Peers, and would have occasioned a virtual revolution in our government, which from that moment would have become oligarchical. George the First assented to the Bill, and the House of Lords passed it; but the Tory country gentlemen in the House of Commons, aided on this occasion by some unusual allies, succeeded in rejecting the measure. The Peerage Bill, my Lord, made as much noise in its day, as the Reform Bill in our own. There was as great a "crisis," as vehement a "collision" in 1718, as any we have lately



witnessed stalking about in their lions' skins ; and the press teemed then with more pamphlets about " the Lords " than even at this hour, when every briefless barrister smells out that the surest road to a commissionership or other base job, is to denounce that House of Parliament which will not truckle to a rapacious and unprincipled faction. The Whigs in 1718 sought to govern the country by "swamping" the House of Commons : in 1835 it is the House of Lords that is to be "swamped." In 1718 the *coup d'état* was to prevent any further increase of the Lords ; in 1835 the Lords are to be outnumbered. Different tactics to obtain the same purpose ; and the variance to be accounted for by the simple circumstance that the party which has recourse to these desperate expedients, is not a national party influenced by any great and avowed principles of public policy and conduct, but a small knot of great families, who have no other object but their own aggrandisement, and who seek to gratify it by all possible means.

1 / Although the House of Commons, supported by a roused and indignant nation, rejected the

Peerage Bill, still the power of the Whig aristocracy, increased by the Septennial Act, was so considerable that they monopolised the administration of this realm for upwards of half a century. George the Second, indeed, struggled for a time against these Venetian magnificoes, but when he found himself forced to resign his favourite minister, the brilliant Carteret, to the demands of the Pelhams and their well-organized connexions, the King gave up the effort in despair. It was the clear sense and the strong spirit of his able grandson that emancipated this country from the government of "the great families." The King put himself at the head of the nation; and, encouraged by the example of a popular monarch in George the Third, and a democratic minister in Mr. Pitt, the nation elevated to power the Tory, or national party of England, under whose comprehensive and consistent, vigorous and strictly democratic system, this island has become the metropolis of a mighty empire, its Sovereign at the same time the most powerful and its people the most free, and second

to no existing nation in arts or arms, in internal prosperity, or exterior splendour. /

15 / There is no political subject, my Lord, on which a greater confusion of ideas exists, and none on which it is more desirable that we should possess very accurate conceptions, than respecting the nature and character of the two great political parties in which England, for the last century and a half, has been divided—the WHIGS and the TORIES. The people of England in the reign of George the First formed a community as distinguished for their public spirit as any people with which we are acquainted. How happened it then that nine-tenths of the nation were the avowed admirers of arbitrary power, of the divine right of kings, of the doctrine of non-resistance, and of the duties of passive obedience? How came it that the upholders of this servile creed, instead of imbibing it from the Court, maintained it in defiance of the Court? How happened it that the supporters of the Court themselves were the avowed admirers of the most popular opinions, of the sovereignty of the

people, of the right and duty of resistance, of toleration, and of the cause of civil and religious liberty? How came it that the upholders of these popular opinions, instead of adopting them to flatter the bulk of the people, maintained them in defiance of the people? And, lastly, how came it that while the professors of arbitrary opinions exhibited on every great occasion an unquestioned and undisguised love of freedom and their rights, and expelled from the throne the sovereign who menaced them, the professors of popular opinions, on the other hand, seized every opportunity of curtailing popular power and abridging popular privileges, introduced a Peerage Bill in the House of Lords, carried a Septennial Act in the House of Commons, and finally organized a system of political corruption throughout the Parliament and the country, from the taint of which, it is not too much to assert, the national character has never absolutely recovered?/

The consequences of the Great Rebellion, parliamentary tyranny, and sectarian fanaticism, had occasioned in due season a strong re-action

throughout the country in favour of the Crown and the Church. Gradually there developed themselves two sections of the nation respectively hostile to one of these institutions—sections connected together by no other similarity of feeling or situation, yet finally co-operating for the purpose of reciprocal assistance in an united attack upon the Monarchy and the Establishment: these were a powerful party of the Lords and the Non-conformists. A republican feeling united the haughtiest of the Peers with the lowest of the Puritans; but the republican model of the house of Russell was Venice; of their plebeian allies, Geneva. The Peers, to reduce the power of the Crown, now supported by the great majority of the nation, called in the aid of the Puritans, and to obtain the aid of the Puritans attacked the Church: the Puritans, to insure the destruction of the religious establishment, allied themselves with the Peers in their assault upon the King, whose office, apart from the ecclesiastical polity, they were inclined to respect, and even to reverence. The Puritans headed by the Peers formed a small minority of

the nation, but at the same time a party formidable from their leaders and their organization, for the Non-conformists abounded in the metropolis, and were chiefly resident in towns. Their cry was, Civil and Religious Freedom—that is, a doge and no bishops: advocating the liberty of the subject, the Peers would have established an oligarchy; upholding toleration, the Puritans aimed at supremacy. This is the origin of the Whig party in our country.

The mass of the nation still smarting under the sequestrations and imprisonments of parliamentary committees, and loathing the recollection of the fanaticism and the hypocrisy of the Roundhead apostles of the tub, clung to the national institutions. The clergy, jealous of the Non-conformists, and fearful of another deprivation, exaggerated the power and character of the Crown, in which they recognised their only safeguard. Hence divine right and passive obedience resounded from our Protestant pulpits, echoed with enthusiasm by a free and spirited people who acknowledged in these phrases only a determination to maintain the

mild authority of their King and of their Church. This is the origin of the Tory party in our country.

On the one hand civil and religious liberty; on the other, divine right and passive obedience; both mere phrases, both the sheer cries of a party, both the mystifying pretexts that concealed a pregnant cause. The avowed upholders of divine right and passive obedience, headed by the national clergy that promulgated these doctrines, were the first to expel the sovereign who aimed at their rights and liberties; the avowed advocates of civil and religious freedom, when they finally obtained power, hazarded a blow at the only foundation of freedom, the equality of civil rights, "swamped" the House of Commons by the Septennial Act, and nearly concentrated the whole powers of the State in the House of Lords by the Peerage Bill.

It was the intention of the Whigs to have raised the Prince of Orange to the throne by the aid of a cabal. By this means the Sovereign would have been in their power, and they could have realized the object at which they had been

long aiming. The insurrection of the Tories or the national party against James frustrated this project : the movement became national, and the settlement, instead of being factious, was patriotic. The powerful capacity of William III. was not content with the limited authority destined for him : he encouraged the Tories, he balanced parties, and he maintained his throne with all the artifices of a practised politician. The reign of Anne, a Stuart, yet strictly Protestant and eminently prosperous, broke up in a great degree the strong lines of political demarcation, and occasioned the blending of parties. In spite of the Act of Settlement, the whole nation was prepared for the restoration of the ancient line; Whigs and Tories alike corresponded with St. Germans, and served together in the same administration at home. So weak was the tie of party in this reign, that it was not then considered a point of political honour to resign your post on a change of administration which substituted a prime minister of different opinions to your own, and to those through whose influence you had yourself acceded to office.



18 The Whigs secured the Hanoverian succession by a *coup d'état*. But when the nation had recovered from its surprise, the rage of parties increased to a degree unprecedented in our history, and that formal and organized division of public men occurred which has ever since been observed in the world of politics. The dislike of the Tories to the new dynasty was, if possible, aggravated by the conviction of the impolicy of recalling the old. The truly Protestant spirit of England forbade such a recourse. The House of Brunswick was supported by the great Whig families, the Non-conformists, and what was then for the first time called "the money interest," the fungus spawn of public loans, who began to elbow the country-gentlemen, and beat them out of the representation of their boroughs by the long purses of a Plutocracy. The rest of the nation, that is to say, nine-tenths of the people of England, formed the Tory party, the landed proprietors and peasantry of the kingdom, headed by a spirited and popular Church, and looking to the kingly power in the abstract, though not to the reigning king, as their only pro-

tection from an impending oligarchy. The Whig party has ever been odious to the English people, and in spite of all their devices and combinations it may ever be observed, that in the long run, the English nation declares against them. Even now, after their recent and most comprehensive *coup d'état*, they are only maintained in power by the votes of the Irish and the Scotch members. The reason of this is, that the Whigs are an anti-national party. In order to accomplish their object of establishing an oligarchical republic, and of concentrating the government of the state in the hands of a few great families, the Whigs are compelled to declare war against all those great national institutions, the power and influence of which, present obstacles to the fulfilment of their purpose. It is these institutions which make us a nation. Without our Crown, our Church, our Universities, our great municipal and commercial Corporations, our Magistracy, and its dependent scheme of provincial polity, the inhabitants of England, instead of being a nation, would present only a mass of individuals governed by a metropolis,

whence an arbitrary senate would issue the stern decrees of its harsh and heartless despotism. A class of the subjects, indeed, might still possess the fruitless privilege of electing its representatives in Parliament, but without any machinery to foster public spirit and maintain popular power, the whole land a prey to the most degrading equality, the equality that levels, not the equality that elevates, we should soon see these mock representatives the mere nominees of a Præfect, and the very first to tamper with our privileges and barter away our freedom. In such a state of society, a state of society which France has accomplished, and to which the Whigs are hurrying us, no public avenues to wealth and honour would subsist save through the government. To that government all the ambition and aspirations, all the talent and the energy of the subject would be devoted; and from the harsh seat of the provincial governor, to the vile office of the provincial spy, every place would be filled by the ablest and most unprincipled of a corrupted people.

The Tory party in this country is the na-

tionál party ; it is the really democratic party ( of England. It supports the institutions of the country, because they have been established for the common good, and because they secure the equality of civil rights, without which, whatever may be its name, no government can be free, and based upon which principle, every government, however it may be styled, is, in fact, a Democracy. The Whig leaders at the commencement of the last century, men of consummate ability and great experience in affairs, were not blind to the advantage which might be obtained by enlarging on the apparent unpopular character of Tory tenets. In the reign of George the First, both parties in their eagerness had recourse to their old cries, without reflecting that the circumstances of their respective positions had considerably changed ; that the advocates of enlarged and comprehensive freedom were now attempting to establish an oligarchy on the ruins of the national institutions, and that the votaries of divine right and passive obedience were prepared to rebel against the Sovereign whose authority,

by the original Act of Settlement, they themselves had mainly contributed to establish. However inconsistent might be the practice and the professions of the respective parties, it was obvious that, in the mutual misrepresentations, the Whigs had the advantage. An oligarchy sought to establish itself by the plea of public freedom ; a nation struggled to maintain its rights on the principles of arbitrary power. This was, indeed, a false position ; yet so clear-sighted was the people of England, and so apt to distinguish their cause from their pretext, that its inconvenience was for a long time unfelt, and in the preceding reign the nation had sympathized with the triumph of Sacheverell, and ridiculed the false pretensions of the Whigs to the advocacy and trusteeship of the popular cause. /

When, however, the Tory party, that is, the English nation, had renounced all hope or wish for the restoration of their native sovereigns ; when, in their Protestant feeling, they had taught themselves to look upon the establishment of the Hanoverian succession as indispensable to the maintenance of their liberties, and

had thus authorized and ratified, without redress or appeal, the very political opinions which they had hitherto opposed, the inconvenience became more apparent. / There are periods when the titles and watchwords of political parties become obsolete; and when, by adhering to an ancient and accustomed cry, a party often appears to profess opinions less popular than it really practises, and yields a proportionate advantage to its more dexterous competitor. In times of great political change, and rapid political transition, it will generally be observed that political parties find it convenient to re-baptize themselves. Thus, in the present day, Whigs have become Reformers, and Tories Conservatives. In the early part of the last century, the Tory party required a similar re-organization to that which it has lately undergone; and as it is in the nature of human affairs that the individual that is required shall not long be wanting, so in the season of which I am treating, arose a man remarkable in an illustrious age, who, with the splendor of an organizing genius, settled the confused and discordant materials of English

faction, and reduced them into a clear and systematic order. This was Lord Bolingbroke.

Gifted with that fiery imagination, the teeming fertility of whose inventive resources is as necessary to a great statesman or a great general, as to a great poet, the ablest writer and the most accomplished orator of his age, that rare union that in a country of free parliaments and a free press, insures to its possessor the privilege of exercising a constant influence over the mind of his country, that rare union that has rendered Burke so memorable; blending with that intuitive knowledge of his race which creative minds alone enjoy, all the wisdom which can be derived from literature, and a comprehensive experience of human affairs;—no one was better qualified to be the minister of a free and powerful nation than Henry St. John; and Destiny at first appeared to combine with Nature in the elevation of his fortunes. Opposed to the Whigs from principle, for an oligarchy is hostile to genius, and recoiling from the Tory tenets, which his unprejudiced and vigorous mind taught him at the same time to

dread and to contemn, Lord Bolingbroke, at the outset of his career, incurred the common-place imputation of insincerity and inconsistency, because in an age of unsettled parties with professions contradictory of their conduct, he maintained that vigilant and meditative independence which is the privilege of an original and determined spirit. It is probable that in the earlier years of his career he meditated over the formation of a new party, that dream of youthful ambition in a perplexed and discordant age, but destined in English politics to be nevermore substantial than a vision. More experienced in political life, he became aware that he had only to choose between the Whigs and the Tories, and his sagacious intellect not satisfied with the superficial character of these celebrated divisions, penetrated their interior and essential qualities, and discovered, in spite of all the affectation of popular sympathy on one side, and of admiration of arbitrary power on the other, that this choice was in fact a choice between oligarchy and democracy. From the moment that Lord Bolingbroke, in becoming a Tory, embraced the na-



tional cause, he devoted himself absolutely to his party : all the energies of his Protean mind were lavished in their service ; and although the ignoble prudence of the Whig minister restrained him from advocating the cause of the nation in the senate, it was his inspiring pen that made Walpole tremble in the recesses of the Treasury, and in a series of writings, unequalled in our literature for their spirited patriotism, their just and profound views, and the golden eloquence in which they are expressed, eradicated from Toryism all those absurd and odious doctrines which Toryism had adventitiously adopted, clearly developed its essential and permanent character, discarded *jure divino*, demolished passive obedience, threw to the winds the doctrine of non-resistance, placed the abolition of James and the accession of George on their right basis, and in the complete re-organization of the public mind, laid the foundation for the future accession of the Tory party to power, and to that popular and triumphant career which must ever await the policy of an administration inspired by the spirit of our free and ancient institutions.

Upwards of a century has elapsed since the Whigs, by a series of *coups d'état*, attempted to transform the English constitution into an oligarchy. George the Third routed the Whigs; but had their India Bill been more fortunate than their Peerage Bill, all the energy of that spirited sovereign would have been fruitless. Stung to the quick by their long and merited exclusion from power, the Whigs are now playing the same great game which was partially successful at the commencement of the last century. They have again formed a close and open alliance with the Dissenters, and again declared war against the national institutions. Instead of "swamping" the Tory House of Commons by a Septennial Act, they have moulded it to their use and fancy by a re-construction, which has secured a preponderating influence to their sectarian allies: instead of restricting the royal prerogative in the creation of Peers, they have counselled its prodigal exercise; but before they had only to confirm their power in the House of Lords, now they have to create their power. They boast that they hold the King in *duress*, and probably

their boast is not ill-founded, but let us hope that our gracious sovereign may take warning from the first of his house that ruled these realms, and follow the example of George the Third rather than George the First. The House of Commons remodelled, the House of Lords menaced, the King unconstitutionally controlled, the Church is next attacked, then the Corporations, and they do not conceal that the Magistracy is to be the next victim : and the nation is thus mangled and torn to pieces, its most sacred feelings outraged, its most important interests destroyed, by a miserable minority arrogating to themselves the bewildering title of "the People," and achieving all this misery and misfortune, all this havoc and degradation in the sacred name of liberty, and under the impudent pretence of advancing the great cause of popular amelioration, and securing the common good and general happiness. My Lord, the Whigs invoke "the people," let us appeal to the nation.

Mark these friends of "the people" installed in power. What are their great measures? The Poor Law Bill and the projected disfranchisement

of all the freemen of England. Is this their service to the "people?" Are these their measures of popular amelioration? Is this their scheme to secure the happiness and increase the power of "the people?" Who does not in an instant detect that "the people" of the Whigs, is that part of the constituency or commons of England who yield them the advantage of their suffrages? Now, at the last general election, warm as was the contest, there were not more, I doubt whether as many, than one hundred and fifty thousand votes polled in favour of the Whigs. And this, too, after they had remodelled the third estate with a mere view to the consolidation of their own interest. So then "the people" of the Whigs is about one hundred and fifty thousand persons, and of these too the great majority sectarians, a class necessarily hostile to our constitution, and long excluded by the nation from the exercise of political power for that very reason. It might have been very odious, it might have been very illiberal, it might have been very unwise to exclude the Dissenters from the exercise of political power; but is it less odious, is it

more liberal, is it wiser to carry on the government of the State by the aid of the Dissenters alone?

21 / If the Whigs at this moment be pursuing the same desperate and determined policy that they prosecuted so vigorously a century back, it will be well for their rivals to adopt the same cautious yet energetic system of conduct which, developed at the same period by the genius of a Bolingbroke, led in due season to the administration of a Pitt. In the conduct of the Tory party at this moment, it appears to me, that there are three points to the furtherance of which we should principally apply ourselves: 1st. That the real character and nature of Toryism should be generally and clearly comprehended: 2ndly. That Toryism should be divested of all those qualities which are adventitious and not essential, and which having been produced by that course of circumstances which are constantly changing, become in time obsolete, inconvenient, and by the dexterous misrepresentation of our opponents even odious: 3rdly. That the efficient organization of the party should be secured and maintained.

The necessity of the third point has already been anticipated by the party ; but they have blundered in the second, and totally neglected the first.

Toryism, or the policy of the Tories, being the proposed or practised embodiment, as the case may be, of the national will and character, it follows that Toryism must occasionally represent and reflect the passions and prejudices of the nation, as well as its purer energies, and its more enlarged and philosophic views. In a perilous age of war and revolution, throughout the most terrible struggle of modern history, the destiny of England was regulated by the Tories. They carried us through the sharp and flaming ordeal to transcendent triumph and unparalleled prosperity. A factious and anti-national opposition, who predicted our discomfiture in every engagement, and exaggerated and extolled on every occasion the power and pre-eminence of our foe, raised a cry of corruption against the Tories during this mighty contest, because in the creation of our colonial empire immense establishments were necessarily raised,

the details of which in the desperate heat of war could not be severely scanned ; raised a cry of enmity to improvement against the Tories during this mighty contest, because they opposed any examination or remodelling of our ancient institutions and domestic polity, at a time when all the attention and energies of the nation and its rulers should be devoted to their foreign enemy, the most terrible for his power, his resources, his talents, and his activity, which England had ever encountered : raised a cry of narrow-minded bigotry and hostility to civil and religious liberty against the Tories during this mighty contest, because at such a moment they refused to sanction extensive alterations in the constitution of the country, and declined the responsibility of entrusting, at a season ill-suited for experiments, new classes of their fellow-subjects with the exercise of political power. Corruption, bigotry, hostility to all improvement—these were the false cries raised by the Whigs against the national party during the immortal struggle between Toryism and Napoleon. Yet were the Tories advocates of corruption when

they introduced a bill into the House of Commons for the banishment of all placemen from that assembly, and denounced Walpole? Were the Tories hostile to civil and religious liberty when they crushed the Papacy, opposed a standing army, cherished free elections, upheld short Parliaments? Were the Tories inimical to national improvement when under Pitt they first applied philosophy to commerce, and science to finance; when under their auspices the most severe retrenchment was practised in every department of the public expenditure; when a bill for the Commutation of Tithes was not only planned but printed; and when nothing but the violence of the French Revolution prevented the adoption of a matured scheme of Ecclesiastical Reform, which would not have left our revolutionary oligarchs a single pretext to veil their present plundering purpose? Why! the cry of Parliamentary Reform was first raised by a Tory minister, struggling against the bigoted and corrupt authority of the Whig oligarchy; and it was not until the united efforts of the sovereign, the minister, and the nation, succeeded



in piercing the serried ranks of the anti-national faction, that the Whigs, alarmed at the Tories beginning, by their acquisitions, to neutralize the only ill-effects of the close borough system, borrowed the watchword of their patriotic opponents, became friends of "the People" and Parliamentary Reformers. Corruption, bigotry, hostility to improvement, may be but other names for the just and decent influence of a vigorous government, a determination to uphold the religious establishment of the country, and a resolution to oppose the crude and indigested schemes of adventurous charlatans. However this may be, it is sufficient for me to show that the qualities popularly associated with these titles, are not peculiar to Toryism, that they form no essential portion of that national policy, and that when from the course of circumstances they have been temporarily adopted by the Tories in power, it has been in deference to the national voice, of which Toryism is the echo; for we must not forget that the war, and all its concomitant expenditure, was heartily sanctioned by the English nation, and that that sagacious com-

munity discountenanced with an almost unanimous expression any experimental tampering with our civil or religious establishments, or the general scheme of our domestic polity, during the war of the Revolution.

When that war terminated, the alleged advocates of "corruption" pursued so vigorous a system of retrenchment, that when their rivals entered office, pledged to such marvels of financial regeneration, they were absolutely baffled to surpass their misrepresented predecessors; the opposers of "national improvement" reformed our criminal code, revised our currency, remodelled our commercial system; the enemies of civil and religious freedom relieved the Dissenters, and emancipated the Papists. Far from being corrupt, far from cherishing abuses, far from withstanding improvement, and upholding a system of exclusive bigotry, we know now, and we know it too well, that Toryism had unwisely weakened the indispensable influence of government, that it indulged in a dangerous liberality, in a fallacious conciliation, in fantastic empiricism, and unnecessary concession.

But this was not the fault of the Tory leaders; it was the fault of the party—of Toryism—of the nation. The triumph of the national party at the peace of Paris over their anti-English opponents, was so complete, that they fancied, in the fulness of their pride, that all future competition was impossible, so the Tories became merciful and condescendingly lenient. Conciliation was the national motto from the Parliament to the Vestry, and Conciliation conducted us in due time to a Revolution. The supineness of the nation forced its Tory leaders to yield much of which they disapproved. At length the reconstruction of the third estate was demanded, and of such a change, the Tory leaders would not incur the responsibility. The old Whig party took advantage of the dissensions which it had deeply sown and sedulously watched, and appeared again upon the public stage to play the old game of a century back, with their mouths full of the People, Reform, and Liberty, and their portfolios bursting with oligarchical *coups d'état*.

The English nation has now recovered its

senses, and Toryism has resumed its old healthy complexion. The social power of a national party can never be destroyed, but a state trick may terribly curtail its political power. So it is with the Tories. I do not think there ever was a period in our history when the English nation was so intensely Tory in feeling as at the present moment ; but the Reform act has placed the power of the country in the hands of a small body of persons hostile to the nation, and therefore there is no due proportion between the social and the political power of the national party.

If, in confirmation of the argument which I have been pursuing, I appeal to the measures brought forward by Sir Robert Peel and the Cabinet, in which your Lordship held the Great Seal of England, as evidence that the Tories are not opposed to measures of political amelioration, I shall perhaps be met with that famous dilemma of insincerity or apostasy which was urged during the last general election on the Whig hustings, with an air of irrefutable triumph, which, had it been better grounded, had been less amusing. I will grant that Sir

Robert Peel and his colleagues had previously resisted the measures which they then proposed. But, in the interval, the third estate of the realm had been reconstructed, and a preponderating influence had been given to a small class who would not support any ministry unprepared to carry such measures. If once the Tories admitted that it was impossible for them to propose the adoption of these measures, they simultaneously admitted that they could never again exercise power; they conceded to the Whigs a monopoly of power, under the specious title of a monopoly of Reform; and the oligarchy against which we had so long struggled would finally have been established. Was this the duty of Sir Robert Peel and his colleagues? If they had held it to be such, the nation would have rejected them for its leaders. The nation, struggling with a sect, menaced by an insolent minority of its members, recognised the absolute necessity of such concessions on the part of its leaders, as would deprive this hostile and privileged minority of every just or plausible ground of opposition to the national will. The deter-

mination of Sir Robert Peel and his colleagues to carry these measures has already shaken the oligarchy to its centre ; it has forced it, only four years after having reconstructed the third estate for its purposes, to rely upon the treasonable support of a foreign priesthood ; and it has prepared the way for the regeneration of the national character. This great deed therefore, instead of being an act of insincerity, or apostasy, was conceived in good faith, and in perfect harmony with the previous policy of the party : it was at the same time indispensable, and urged alike by the national voice and the national interests, and history will record it as the conduct of patriotic wisdom.

I think, my Lord, that I have now shown how unjust are those, and how liable to error, who form their opinion of Toryism from those accidental qualities which are inseparable from all political parties that have been long in power, and have exercised that prolonged authority under circumstances of extreme difficulty and danger. And it is curious to observe, that so difficult is it to destroy the original character and eradicate

the first principles of human affairs, that those very members of the Tory party who were loudest in upbraiding the Whig Reform Act as a democratic measure, were simultaneously, and have ever since been, urging and prosecuting measures infinitely more democratic than that cunning oligarchical device. However irresistible may be the social power of the Tory party, their political power, since 1831, has only been preserved and maintained by a series of democratic measures of the greatest importance and most comprehensive character. No sooner was the passing of the Whig Reform Act inevitable, than the Tories introduced a clause into it which added many thousand members to the estate of the Commons. No sooner was the Whig Reform Act passed, and circumstances had proved that with all their machinations, the oligarchy was not yet secure, than the Whigs, under the pretence of reforming the corporations, attempted to compensate themselves for the democratic increase of the third estate, through the Chandos clause, by the political destruction of all the freemen of England; but the Tories again stepped in to the rescue of the nation

from the oligarchy, and now preserved the rights of eighty thousand members of the third estate. And not content with adding many thousands to its numbers, and preserving eighty thousand, the Tories, ever since the passing of the oligarchical Reform Act of the Whigs, have organized societies throughout the country for the great democratic purpose of increasing to the utmost possible extent the numbers of the third estate of the realm. The clause of Lord Chandos, your Lordship's triumphant defence of the freemen of England, and the last Registration, are three great democratic movements, and quite in keeping with the original and genuine character of Toryism.

If we take a superficial view of the nature of the English constitution, we shall perceive that the government of the country is carried on by a king and two limited orders of his subjects: but if we indulge in a more profound and comprehensive survey—if we examine not only the political constitution, but the political condition of the country, we shall in truth discover that the state of our society is that of a complete democracy, headed by an hereditary chief, the execu-



tive and legislative functions performed by two privileged classes of the community, but the whole body of the nation entitled, if duly qualified, to participate in the exercise of those functions, and constantly participating in them.

21

/ The basis of English society is Equality. But here let us distinguish: there are two kinds of equality; there is the equality that levels and destroys, and the equality that elevates and creates. It is this last, this sublime, this celestial equality, that animates the laws of England. The principle of the first equality, base, terrestrial, Gallic, and grovelling, is that no one should be privileged; the principle of English equality is that every one should be privileged. Thus the meanest subject of our King is born to great and important privileges; an Englishman, however humble may be his birth, whether he be doomed to the plough or destined to the loom, is born to the noblest of all inheritances, the equality of civil rights; he is born to freedom, he is born to justice, and he is born to property. There is no station to which he may not aspire; there is no master whom he is obliged to serve;

there is no magistrate who dares imprison him against the law ; and the soil on which he labours must supply him with an honest and decorous maintenance. These are rights and privileges as valuable as King, Lords, and Commons ; and it is only a nation thus schooled and cradled in the principles and practice of freedom, which, indeed, could maintain such institutions. Thus the English in politics are as the old Hebrews in religion, “ a favoured and peculiar people.” As Equality is the basis, so Gradation is the superstructure ; and the English nation is essentially a nation of classes, but not of castes. Hence that admirable order, which is the characteristic of our society ; for in England every man knows or finds his place ; the law has supplied every man with a position, and nature has a liberal charter to amend the arrangement of the law. Our equality is the safety valve of tumultuous spirits ; our gradation the security of the humble and the meek. The latter take refuge in their order ; the former seek relief in emancipating themselves from its rank. English equality calls upon the

subject to aspire ; French equality summons him to abase himself. In England the subject is invited to become an object of admiration or respect ; in France he is warned lest he become an object of envy or of ridicule. The law of England has invested the subject with equality in order that if entitled to eminence, he should rise superior to the mass. The law of France has invested the subject with equality, on condition that he prevent the elevation of his fellow. English equality blends every man's ambition with the perpetuity of the state ; French equality, which has reduced the subject into a mere individual, has degraded the state into a mere society. English equality governs the subject by the united and mingled influences of reason and imagination ; French equality having rejected imagination and aspiring to reason, has in reality, only resolved itself into a barren fantasy. The constitution of England is founded not only on a profound knowledge of human nature, but of human nature in England ; the political scheme of France originates not only in a profound ignorance of human nature in ge-

neral, but of French human nature in particular : thus in England, however vast and violent may be our revolutions, the Constitution ever becomes more firm and vigorous, while in France a riot oversets the government, and after half a century of political experiments, one of the most intellectual of human races has succeeded in losing every attribute of a nation, and has sought refuge from anarchy in a despotism without lustre, which contradicts all its theories, and violates all the principles for which it has ever affected to struggle. /

✓ The English nation, to obtain the convenience of monarchy, have established a popular throne, and to enjoy the security of aristocracy, have invested certain orders of their fellow subjects with legislative functions: but these estates, however highly privileged, are invested with no quality of exclusion; and the Peers and the Commons of England are the trustees of the nation, not its masters. The country where the legislative and even the executive office may be constitutionally obtained by every subject of the land, is a democracy, and a democracy of the

noblest character. / If neither ancient ages, nor the more recent experience of our newer time, can supply us with a parallel instance of a free government, founded on the broadest basis of popular rights, yet combining with democratic liberty, aristocratic security, and monarchical convenience ; if the refined spirit of Greece, if the great Roman soul, if the brilliant genius of feudal Italy, alike failed in realizing this great result, let us cling with increased devotion to the matchless creation of our ancestors, and honour with still deeper feelings of gratitude and veneration, the English Constitution. That Constitution, my Lord, established civil equality in a rude age, and anticipated by centuries, in its beneficent practice, the sublime theories of modern philosophy : having made us equal, it has kept us free. If it have united equality with freedom, so also has it connected freedom with glory. It has established an empire which combines the durability of Rome with the adventure of Carthage. It has, at the same time, secured us the most skilful agriculture, the most extended commerce, the most inge-

nious manufactures, victorious armies, and invincible fleets. Nor has the intellectual might of England, under its fostering auspices, been less distinguished than its imperial spirit, its manly heart, or its national energy. The authors of England have formed the mind of Europe, and stamped the breathing impression of their genius on the vigorous character of a new world. Under that Constitution the administration of justice has become so pure, that its exercise has realized the dreams of some Utopian romance. That Constitution has struggled successfully with the Papacy, and finally, and for the first time, proved the compatibility of sectarian toleration and national orthodoxy. It has made private ambition conducive to public welfare, it has baffled the machinations of factions and of parties, and when those more violent convulsions have arisen, from whose periodic visitations no human institutions can be exempt, the English Constitution has survived the moral earthquake, and outlived the mental hurricane, and been sedulous that the natural course of our prosperity should only be disturbed, and not de-

stroyed. Finally, it has secured for every man the career to which he is adapted, and the reward to which he is entitled; it has summoned your Lordship to preside over Courts and Parliaments, to maintain law by learning, and to recommend wisdom by eloquence: and it has secured to me, in common with every subject of this realm, a right, the enjoyment of which I would not exchange even for—

“ The ermined stole,  
The starry breast, and coroneted brow ”—

the right of expressing my free thoughts to a free people.

THE END.

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3

