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A N S W E R

TO THE

DISQUISITION

ON

GOVERNMENT and CIVIL LIBERTY, &c.

AN
ANSWER
TO THE
DISQUISITION
ON
GOVERNMENT and CIVIL LIBERTY;
IN A
LETTER
TO THE AUTHOR OF
DISQUISITIONS
ON
SEVERAL SUBJECTS.

LONDON:

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AC 911. 1782. W38

A N S W E R, &c.

S I R,

I Yesterday read your Disquisitions on several Subjects: I pass over them all without animadversion, except the seventh, which you have entitled — on government and civil liberty — nor would this have attracted my notice, but from its tendency to disseminate principles *absurd, false, mischievous, as inconsistent with common-sense as with all human society.* If you think these are hard terms, you must be

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content

content to submit to them; they are not of my coinage; they bear the stamp of your own authority, for they are the very terms you have thought proper to bestow on those who differ from you in opinion.

I make no question of your sincerity in what you write, nor do I question your ability, but you have given every body great occasion to question your modesty and good manners; the principles of Locke and Lord Somers, of Hooker, and of Puffendorf, to say nothing of living authors, as honest and as intelligent, probably, as yourself, deserved to be treated with respect; harsh language is a disgrace to a good cause, and the worst cannot
support

support a bad one : I will endeavour not to imitate your example.

You have undertaken to subvert the principles of Mr. Locke and his disciples by ridicule and by reason ; your ridicule is misplaced, and your reasoning is inconclusive : Your ridicule is misplaced, for the subject is of great importance ; whether your reasoning be inconclusive or not, let the public judge.

You have reduced your adversaries principles of government to the five following propositions :

I. That all men are born equal.

II. That all men are born free.

III. That all government is derived from the people.

B 2

IV. That

IV. That all government is a compact between the governors and the governed.

V. That no government ought to last any longer than it continues to be of equal advantage to the two contracting parties; that is, to the governed, as to the governors.

I acknowledge that most of these propositions are fairly and perspicuously stated; and I hope to shew that you have no other merit in treating them.

That all men are born equal. — This is the first proposition which you are determined to demolish; but you do not seem to me, from the nature of your attack, to comprehend

hend its meaning; if you cannot admit its truth, except upon the poor quibble of all men being equally born, you had better deny it altogether. You speak of the different situations in which men are born with respect to beauty, health, wisdom, genius, fortunes, and honours, and profess that you cannot understand how they can be said to be born equal; — nor was there ever a man of common sense who could understand it; nor can you produce a single author of any credit, or of no credit, from Aristotle to the newspaper politicians of the present times, who ever contended that men were born to this kind of equality. No, Sir, the state of equality we speak of is quite a different

ferent thing; it is that state “where-
 in all power and jurisdiction is re-
 ciprocal, no one having more than
 another,” it respects that freedom
 from subordination, which, ante-
 cedent to civil compact, belongs to
 every individual of our species, who
 is arrived at years of discretion; it
 has not the most distant relation to
 one man’s being two feet taller, or
 twice as strong as another; the tall
 man may overlook the little man,
 but he has not thereby acquired the
 right of prohibiting him the use of
 his eyes; the strong man may over-
 come the weak one in a single com-
 bat, but that gives him no right to
 commence it; he can have no right
 to kick and cuff his fellow, because
 he may be able to do it with im-
 punity.

Power,

Power, wealth, and wisdom may be the means of introducing a subordination amongst mankind, but this subordination must be *voluntary* on one side, or it will be nothing but *unjust force, rank tyranny*, on the other. You are born a duke, marquis, earl, viscount, baron, or what is more despotic than all these put together, a tory country gentleman; you have power enough to do a peasant, or a mechanic, any poor plebeian, an injury; — but did your birth, when it gave you the power, give you also the right of doing it. You are born to wealth; thank your ancestors for your good fortune, but do not think that it entitles you to domineer over him who was born to none. You are possessed of a great natural genius, your brain has been
cast

cast in a better mould than that of your neighbour ; thank God for your intellectual pre-eminence ; use your wisdom for your own benefit and the good of others ; but leave them to be judges of that good ; they may have no relish for the good which your wisdom may point out ; you can be no judge of their feelings, can have no right to compel them to be wise in your way, against their will.

But this natural freedom from subordination, and that is the equality contended for, is so clear that no more need be said on the subject, and you yourself seem to admit it, when you ask, — “ but, supposing they were all born equal, would this prove what is always intended

tended to be proved by it, that they ought always to continue so?" — Intended! by whom? I never yet saw a writer on the subject who had any intention of the kind. You again mistake, I will not say misrepresent, for that implies a principle of which I hope you are incapable; but you mistake the meaning of your opponents, and display your valour in fighting a phantom of your own forming. Who has ever said that men, because they were born equal, *ought*, were under an obligation, to continue equal? Because we do not grant that any man has a *natural* right to rule over another, must we of necessity grant that he cannot have an adventitious one? You have no right to rule me,

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nor

nor have I any right to rule you ; we are at this instant in a state of equality with respect to each other, the next may introduce a state of subordination ; for my own advantage I make an agreement with you, for a sum of money, or other consideration, I give you a right to dispose of my time and labour ; I am no longer your equal, but it was my own voluntary act which made me your inferior. Men are born equal ; for their own advantage, for the sake of enjoying peace and protection, they elect a magistrate ; they are no longer his equals, but it was their own voluntary act which made them his inferiors ; and they *ought*, (if that be the meaning of your *ought*.) they
ought

ought to be permitted to continue equal till they have constituted to themselves a superior. — You triumphantly ask, “ must no man *assume* power over another because they were born equal?” I plainly tell you, no — he must not; — if he does, he *assumes* what he has no right to : God has not given him the right, man cannot give it him ; nor can he acquire it by any other means than the concession of him over whom it is to be exerted. This concession is the only firm and true principle of civil subordination ; it will last, and bow down a man’s neck to the *voluntary* yoke of legal government, when the struggles to shake off an *involuntary* bondage, shall burst into a thousand

pieces the chains of despotism. Thus may you see that this mighty argument, drawn from the equality of mankind, by which all powers and principalities are established on their surest bases, is entirely true, and cannot be too often or too solemnly introduced, especially when “ *many absurd principles concerning government and slavery, have of late been disseminated with unusual industry.*”

That all men are born free — is the second proposition which offends you. I think the proof of this is included in that of the former: For, if all men are born equal to each other, with respect to their want of power over each other, they certainly must be equally free: where

where there is no *natural* subordination, there can be no *natural* government, for government of every kind implies subordination, and where there is no natural government there is natural freedom. In your endeavours to refute this proposition, you have not, indeed, trifled with Sir Robert Filmer, by attempting to prove that men are not born naturally free, from children being born in subjection to their parents, or in deriving royal despotic authority from the paternal authority of Adam, you have not plagued your readers with this solemn nonsense; but you certainly do trifle with their patience, in proving the little claim man can have to freedom, from his being confined
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in the womb, swathed by his nurse, flogged by his schoolmaster, or hanged by his magistrate. All this is humour, but it is not argument : it is wit, but without judgment : I cannot employ my time in refuting it. — You grow serious, and represent a factious and turbulent disposition, and an impatience of controul, as disqualifying a man from being a member of a future celestial community. — So, then, the affair is quite over with us, both here and hereafter : The Tories only are to go to heaven : they have long shut the door of St. James in the face of the Whigs, and they think that St. Peter will be their porter, and perform the same service for them in an higher place. Sad reasoning
 this !

this! Is every man who raises a tumult, to tumble from his throne a tyrant or an usurper unfit for heaven? Is every man who groans when he is oppressed, or kicks when he is unjustly goaded, turbulent and unfit for heaven? Is an impatience of controul, which may neither be directed by wisdom, nor prompted by goodness, nor founded in justice, to be proscribed as unfit for the communion of the blessed? On this supposition what must become of St. Paul and the apostles, and all the Christian martyrs? they were men of turbulent dispositions, for they turned the world upside down! Be a little charitable, I beseech you, and do not so hastily consign to the company of the devil and his angels,

gels, those *factious* men, lords spiritual and temporal, knights and citizens, gentlemen and yeomen, who were *impatient of the controul* of James the Second, and who by that very impatience have seated the House of *Hanover* on the throne of *Great-Britain*.

That all government is derived from the people — is the third proposition, which you take upon you to pronounce to be entirely false. I do not see that you bring any proof of what you assert, or refer us to any other origin of government. All government, you say, is power, with which some are *intrusted* to controul the actions of others. — Agreed — but tell us by whom they are intrusted with this
 2 power.

power. Trust is a relative term; it implies at least two persons, him who trusts, as well as him who is trusted; the governors you say are the persons intrusted, but you do not mention the persons who intrust. We say, the people are the persons who intrust; this you deny, but you do not substitute any other person in the place of the people. Perhaps, in your language, the governors *assumed* this trust, that is, they took it by force or by fraud; had they assumed your horse or your coat in the same way, I verily believe you would have said, they ought to have been hanged for their assumption; and yet, an assumption of power over your liberty and life is of more conse-

D

quence

quence to your felicity and well-being, than a thousand coats or horses. Perhaps they assumed it by divine appointment ; let them produce their title to it, and shew us, that God has conveyed by a deed of trust the lives and fortunes of millions of his creatures to be disposed of by the arbitrary wills of any of the sons of Adam : It is lucky for the defenders of this doctrine, that *Sir Robert Filmer's Patriarcha* has not yet been thrown into the flames by the common hangman. God, we acknowledge it with thankfulness and humility, has an unlimited right over us ; he has formed us with capacities for happiness which cannot be fully attained without society, and society

cannot subsist without some being intrusted with power to controul the actions of others; in this way government, as well as every other constitution of nature, may be truly said to be the appointment of God; but what has this to do with the form of any particular government, with the degree of trust, the extent of the controul necessary for the existence of government? these we know are infinitely various in different countries; and we contend, that in all *just* governments, the people have delegated to their governors the particular degree of trust with which they are invested, have limited the extent of the controul to which they are to be subjected. This truth forces itself upon your own mind, its

power is great, you cannot resist it ; you acknowledge in its full extent all that the warmest of your opponents ever contended for ; and you acknowledge it in the very place where you are reasoning against it. In one page you say, that “ the inference usually drawn from this proposition (that all government is derived from the people) is utterly false ; which is, that, because all government is derived from the people, the people have a right to resume it, and administer it themselves whenever they please.” In the opposite page you acknowledge, “ that the people in every country have a right to resist manifest grievances and oppressions, to *change* their governors, and even their con-
stituti-

stitution, on great and extraordinary occasions." Now what does this amount to, but a right to resume and administer the government as they shall see fit, and whenever they are *pleased* to think the occasion great and extraordinary? for if they are pleased to think it so, it is so in effect; their thinking it so does not make it so, but the consequence must be the same as if it was so; the governed may be in an error in thinking any particular occasion great and extraordinary, or the governors may be in an error in thinking it not so; but there being no judge on earth to decide which is in the right, the actions of both sides must be the same as if both were in the right. Thus you ac-
know-

knowledge, with the most zealous Lockian amongst us, the abstract right of the people ; as to the practicability of exercising it, that is quite another question, in the decision of which a great many circumstances may arise, which cannot be foreseen in speculation or generally estimated ; it was exercised at the Revolution ; and we trust that there will never, in this country, be occasion to exercise it again ; for we hope, and are persuaded, that the wisdom of the House of Hanover will keep at an awful distance from the throne, men professing principles which have levelled with the dust the House of Steuart.

You are very severe upon those, whom you are pleased to call our modern.

dem demagogues, because they have not explained to your satisfaction what they mean by the terms "the people." You represent them, injuriously enough, as excluding from that denomination the peers of the realm, and the representatives of the people, the pastors of the church, and the sages of the law, the magistrates, the land-holders, the stockholders, and the merchants, as expecting public spirit from the garrets of Grub-street, reformation from the purlieus of St. Giles, a Solon from the tin-mines of Cornwall, and a Lycurgus from the coal-pits of Newcastle. This is mere declamation, if not something worse, defamation. I never heard, nor, I will take upon me to say, did you ever

ever

ever hear any one of the demagogues you speak of, annexing to the terms “the people,” the sense you have here represented them as annexing. Your imagination has in this, as in other parts of your Disquisition, run away with your good sense; your description is lively, but it is not just; you may have supported your point, but you will have ruined, with thinking men, the opinion they might have been disposed to entertain of your candour. But that you may not be at a loss to know what your modern demagogues understand by the people; I will tell you what the Prince of Orange understood by them, for that, I take it, is the sense in which they understand the terms, and in which every

every

every man of sense must understand them. The Prince explains his sentiment, in the 25th paragraph of his declaration, wherein he invites and requires *all persons whatsoever*, (here is no exclusion even of tinnors and colliers) all the peers of the realm, both spiritual and temporal, all lords, lieutenants, deputy-lieutenants, and all gentlemen, citizens, and other *commons of all ranks*, to come and assist him in the execution of his design, to re-establish the constitution of the English government.

We come to the fourth proposition, that all government is a compact between the governors and the governed.—You would have better expressed our meaning had

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you

you put into your proposition one little word more, and instead of all government, said, all *just* government; for none of us are so ignorant as not to know the effects of conquest and violence, of circumvention and fraud, in the infringement or subversion of natural rights.

You have the modesty to stile all that has been written on this subject, by men of the most comprehensive intellects, and the deepest penetration, “ *a ridiculous fiction, intended only to subvert all government, and let mankind loose to prey upon each other.*” I do not believe that any one of those, in any age or country, who have embraced the opinion in question,
 ever

ever entertained the least particle of that *intention* which you have, with so much liberality, and so little delicacy, attributed to them all. I can certainly, however, answer for one of the chief supporters of this doctrine, that he had no *intention* to subvert government. Hear his own words when he is speaking of the papers which contained the beginning and end of his Treatise of Government; “ These (papers) which remain, I hope, are sufficient to *establish* the throne of our great restorer, our present king William; to make *good* his title in the *consent* of the people; which, being the only one of all *lawful* governments, he has more fully and clearly than any prince in

Christendom." I have so great an opinion of Mr. Locke's sincerity, that I cannot believe he speaks of a *ridiculous fiction*, when he derives the title of king William to the throne, from the consent of the people, and prefers it to that of every other prince in Christendom. I cannot believe that he *intended* to *subvert* all government, because he says, he hoped not to subvert, but to *establiſh* the throne of our great restorer. It would be easy to pursue this matter, and to shew that all the other distinguished patrons of a social compact had as little intention to let mankind loose to prey upon each other as Mr. Locke had.

You

You call this compact a fiction; an hundred instances might be produced of its reality, both in the history of our own and other countries, and the coronation-oath still subsists as a proof of it. But meaning to make this Answer as short as possible, I will not take up your time on this head, but refer you to the eighth chapter of the second book of Mr. Locke's Treatise on Government; and to a little book which has either never fallen into your hands, or you have forgotten its contents, and from the perusal of which, you will see abundant reason to retract your hasty assertion, that a compact between the people and their rulers is a ridiculous fiction. This book
is

is intitled, The Judgment of whole Kingdoms and Nations, concerning the Rights, Power, and Prerogative of Kings, and the Rights, Privileges, and Properties of the People. This book is said to be the work of Lord Somers; but whether it be so or not, I do not enquire; certain I am, that the learning and good reasoning contained in it would have done honour to him, or any other man.

In treating this fourth proposition, you seem not to comprehend its meaning; it is painful to me to make this remark;—on any other subject you would have reasoned better; but this is a subject which requires deep and serious reflection, more than a brilliancy of
fancy

fancy or expression. “ Compact, you say, is repugnant to the very nature of government, whose essence is compulsion.” The essence of government, *after it is established*, is compulsion; but the essence of the establishment of government is compact, tacit, or express. These are quite different things; you will presently understand the distinction. Suppose an hundred common sailors to be shipwrecked upon an island inhabited by savages, it is evident that there is no manner of government amongst these men; some may be taller, or stronger, or younger, or wiser, than the rest, but still they are all equal to each other with respect to subordination; no one has any authority to regulate

regulate the actions of his fellow. For mutual preservation they will soon wish to withdraw themselves from this state of equality, and, in the strictest sense of the word, anarchy; they will elect a leader; the wisest probably and the boldest man amongst them, will, by their common suffrage, be made their governor; and, in order that this governor may be of use to them, they will promise to obey him whilst he acts for the common good. Now begins compulsion, but it is compulsion arising from consent and compact; it is in its existence *subsequent* to the establishment of that government of which it constitutes the essence.

You say, by way of invalidating the notion of compact, that “if every man had a right to surrender his independence on bargain, he must have an equal right to retain it.” I admit that he has that right, but it is a right which his interest will not suffer him to retain for any length of time; or if he does retain it, it must be at his own peril. Suppose one of our hundred sailors should refuse to elect any leader, that one is in a state of natural independence with respect to all the rest; the leader has no authority over him; he is at liberty to protect himself, by his own strength, from the attacks of savages and wild beasts; but a very few days experience would con-

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vince

vince him, that his protection would be better secured by an hundred arms than by one; he would soon be induced to become a member of that community into which the rest had entered; he would be *induced* to it, but he ought not to be *compelled* to it.

You seem to apprehend that robberies, and murders, rapine and bloodshed, would universally take place if this right of retaining their independence belonged to mankind; this is an idle fear. Men would not retain it, because it would be for their interest to give it up; they would not retain it, because, instead of their not being amenable to any human tribunal for their enormities, as you assert, they

they would be answerable for them to every man they met. Every man would have a right to kill a murderer, to apprehend a robber, and to inflict an adequate punishment upon every other violator of the law of nature. This right which, in the words of Mr. Locke, "every man hath to punish the offender, and to be the executioner of the law of nature," removes at once all the absurdities you think your opponents have fallen into; and had you read often, and thoroughly digested, the writings of that great man, who stands unmoved as a rock of adamant amid the frothy ebullitions of censure which have of late been levelled at his principles,

you would neither have been so free in the use of such unbecoming terms, as absurdities, ridiculous fictions, extravagant principles, fallacious propositions, &c. nor have thereby set an example which the writer of this Letter disdains to imitate, though you have afforded him abundant opportunity of doing it with success.

That no government ought to subsist any longer than it continues to be of equal advantage to the governed as to the governors. — This is the last proposition which has become the object of your animadversion; it is not so clearly stated as the preceding ones; nor does your attempt to refute it, render it more intelligible; it
 makes

makes a distinction where there ought to be no difference; it intimates that the advantage of a governor may be different from that of the governed, whereas they ought always to be the same; but should the case happen to be otherwise, who can have any hesitation in saying, that the advantage of the governor will be as light as air, when weighed against that of the people; the *salus populi* is, and ought to be, the supreme law. Consider the advantage which each of the contracting parties expects to enjoy. The people look for the protection of their persons and properties, not only from foreign and domestic violence, but from the encroachments of the prince himself.

self. The prince expects pre-eminence; it may be a painful pre-eminence, but he deems it desirable, and accepts it. Put the pre-eminence of the prince, and the means of sustaining it, to become incompatible with the protection of the people and the common safety, and shew us, if you can, the nature of the chain which, in such a circumstance, will bind the people to their prince; it will be a chain unjustly formed, by the will of one, to gall the necks of millions. The standing armies of France, or Spain, or Russia, or Prussia, or Germany, or Turkey, may rivet it in their respective countries, but in all of them (for all these kinds of government are the

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the offsprings of force or fraud) according to your own most just; candid, and liberal concession, “the people have an equal right to preserve or regain their liberty whenever they are able.” Whose principles now, think you, lay a foundation for sedition, treason, tumult, rebellion, and subversion of government? Those of the man who asserts, that “all the governments we see (no exception, you perceive, for our own) are the offsprings of force or fraud, of accident, and the circumstances of the times, and must perpetually change with those circumstances; that in all of them, the people have an equal right to preserve or regain their liberty whenever they are able.”

able;" or those of him who contends, that the House of Hanover reigns here by the consent of the people, and that whilst it maintains the conditions on which it was exalted to the throne inviolate, the compact ought to be perpetual.

You have not well explained the nature of the advantage which governors and the governed derive from the instituted relation which they bear to each other; it does not consist in the possessing, or not possessing, wealth and power. The poorest man has some property; he has a person at least which he wishes to protect from violence. It is the security of this little property, the protection of limb and
 life

life from pain and extinction, which constitute the advantage he hopes to obtain by entering into society; he knows that wealth either descends from ancestry, is flung into his lap by Fortune, or is to be acquired by industry; he expects that government will secure to him the possession of what he can honestly get, but he is not wild enough to expect that it will put him in possession of what does not belong to him. The principal advantage which the governor derives from his station, is the consciousness of discharging his high trust with fidelity. His power of executing, or even of ordaining laws, of making war or peace, of conferring honours or rewarding merit; these

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and

and other appendages of his high office, can be of no sort of advantage to him as an individual, except so far as they are exerted in perfect coincidence with the advantage of the community, as they enable him to fulfil the greatest of all human duties, the duty of the supreme magistrate to the people, over whom he presides. In the discussion of this last question I really expected, for the subject naturally led to it, that you would have taken a larger field, that you would have entered upon our Irish or American disputes, and shewn that it was the duty of both these people to have suffered our government over them to subsist, when the advantages resulting to them
the

the governed, and to us the governors, were no longer equal, or, which may be as true, were thought to be no longer equal: I expected that you would have cleared up a doubt which has occupied the minds of our best politicians,—whether men have a natural right, a civil right is nothing to the purpose, to withdraw themselves from any civil community, when they are of opinion they can better secure to themselves the advantages of civil society elsewhere. Had you taken such a route as this, you might probably have bewildered me in brakes and thickets; I might have lost both sight and scent of you; but as you have contented yourself with running on in the

beaten track ; there is no need why upon this occasion ; I should entangle myself in thorns and briers which lie out of my way.

Having done with the propositions, you come to general observations, and descend, I fear, from reasoning to railing, for what other name will the world give to the following extract, — “ In short, all these wild and extravagant principles are the production of *ignorance* or *ambition*, invented and propagated, either by those who are unacquainted with human nature and human government, or those who endeavour to render it impracticable in the hands of others, that it may fall into their own.” — I can hardly forbear the use of some
of

of *your* appellations. — Consider, Sir, what you have said; — were all those illustrious men, who by the most consummate virtue, and at the hazard of every thing that was dear to them, accomplished the Revolution, *ignorant* or *ambitious*? Are the lords and commons of the present times, their number is not small, who resolutely maintain those principles, *ignorant* or *ambitious*? Is there not one grain of public virtue, one spark of pure patriotism amongst them? Are they distinguished by nothing but *ignorance* or *ambition*? Do you think that they are not as well acquainted with human nature and human government as yourself? Must every man be a fool or a knave, ignorant
of

of mankind, or desirous of rendering government impracticable in the hands of others, that it may fall into his own, who cannot subscribe to the political creed of the author of *Disquisitions on several Subjects*?

But you seem to me to entertain a bad opinion of human kind; this appears in many parts of your *Disquisition*, but in none more remarkably than where you say you are persuaded, that if an angel were sent from heaven, vested with irresistible power to govern any country upon earth, and was to execute his commission with the utmost degree of wisdom, justice, and benevolence, his dominions would very soon be deserted by most of the inhabitants; who would rather choose to
suffer

suffer mutual injuries and oppressions, however grievous, under any government in which they themselves had a share, than to be compelled to be virtuous and happy by any superior authority whatever." What, if I should simply say, that compulsion and happiness could not exist together, there would be an end of your fine period; and yet it is true, you may as soon compel a man not to feel compulsion, as to be happy when he is compelled to be so. But the whole observation is without foundation; I conceive, that in the government you describe there would not be a single murmur, there would be no compelling men to be virtuous, they would be virtuous out of choice; their

their virtue would consist in a perfect obedience to this angel, and they could have no temptation to be disobedient. The angel, on your supposition, would have the utmost wisdom to provide for the happiness of each individual, the utmost benevolence to induce him to make this provision, and irresistible power to effect his purpose. Shew me in all the world a prince with the perfections of this angel, and I will shew you a people happy, content, grateful, and obedient, even to a degree beyond the passive conceptions of the most determined Tory.

I have not wilfully misrepresented any thing you have said, or designedly treated you with disrespect;

pect; I have, therefore, no apologies to make to you on that score; but I ought to beg your pardon for my presumption on another. — I have indulged a fond hope, that by printing this *Brochure* in the manner I have done, it may have some chance of arresting the curiosity of posterity, by its existence being continued to it under the covering and protection of your book; that the feeble antidote it contains may restore the constitution of some Whig succumbing under the virulence of your poison, when this mortal coil shall be no more, and the authors of the poison and its antidote shall sleep in peace.

London, March 16, 1782.

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