

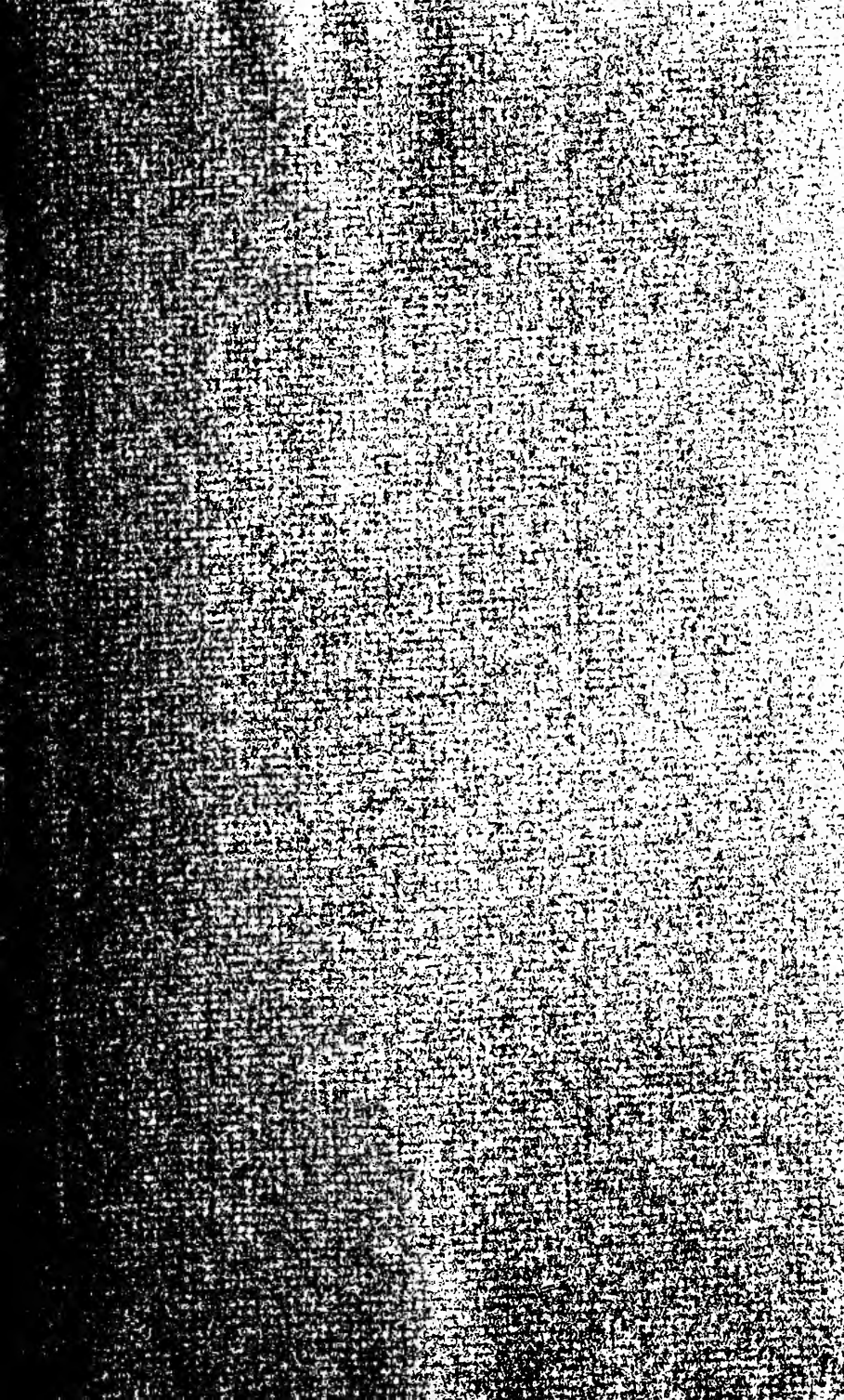


special
COLLECTIONS
DOUGLAS
LIBRARY



QUEEN'S UNIVERSITY
AT KINGSTON

KINGSTON ONTARIO CANADA





LETTERS

ON

PARLIAMENTARY AND ECCLESIASTICAL

REFORM.

BY

WILLIAM ROBERTS, ESQ.,

LINCOLN'S INN.

SECOND EDITION.

LONDON:

SAUNDERS AND BENNING, LAW BOOKSELLERS, 43, FLEET STREET;
AND J. HATCHARD AND SON, PICCADILLY.

1831.

LONDON :

IBOTSON AND PALMER, PRINTERS, SAVOY STREET, STRAND.

LETTERS.

LETTER I.

Clapham, January 1, 1831.

MY LORD;

What is called the Christmas recess has begun, and the labours of Parliament are suspended for an interval. The Members have dispersed themselves over the great area of society to act their various parts, and fill their several relations, as habit, fashion, taste, or principle, may dispose them. It is a momentous interval; and however checkered it may be, by the diversified occupations and objects to which our senators will now devote themselves, it has but one colour and character in the eyes of sober, thinking, and religious men. Its colour and character is truly that of awful expectation.

To the government of the country, more especially, it ought to be, and doubtless is, an interval of deep seriousness, and extensive solicitude; for the measures they are preparing are to travel the whole length and breadth of our polity, social, civil, and moral.

If I, methinks, were in your predicament of difficulty and responsibility, I would pray daily on my bended knees, before the throne of Omnipotence, in the language of our Liturgy in the rite of Confirmation, for the spirit of wisdom, understanding, and counsel; but being a mean man, and in no function to give me a right to dictate or suggest this or any

course of preparation to great men, for fitting them for great occasions, I shall content myself with throwing out, rather for the discharge of my own mind, than with any hope of informing, much less of directing the minds of others, such thoughts as have occurred to me on the momentous topics of Legislative Reform. It is, my Lord, the misfortune of the present crisis, that every man, woman, and child, high and low, erudite and ignorant, asserts a right to intermeddle with all, and all manner of, political questions, the simplest and the most complicate, the shallowest and the most profound. Nor was it to be expected that all the consequences resulting from the change in the condition of society, produced by the methods in operation for cheapening and diffusing knowledge, would be altogether innoxious. It may be ultimately rich in blessings, and will be so, if it be so conducted as to have the Almighty for its patron; but it is quite natural that its first displays should be seen in the disposition to find fault on partial grounds with things as they are; for to find fault is that exercise of the mind which agrees best with the propensities of knowledge in its first stages, and with the impatience of callow wisdom to try its plumage. We may observe, also, that the first essays in the art of reasoning are usually characterized by presumption, and a certain tendency to premature decision. When men think in a mass, a momentum of aggregate feeling hurries them into sudden judgments and passionate conclusions. The subject on which a community in its lowest grades, under the excitement of a strongly stimulating process of education, will naturally bring its new intelligence to bear with the greatest vivacity and force, is the system of government under which it lives. Thus our own system, which has been gradually shaped and modified, by time and emergency, to man's mixed condition, multiplied relations, and ordinary motives, in a complicated state of society, invites and attracts the criticisms and corrections of every sanguine and self-satisfied theorist. To the broad and

abstract notions of right and liberty, so easily apprehended, and so furiously proclaimed by the popular politician of the day, our constitution, as it practically exists and acts, will appear unsatisfactory, contradictory, and corrupt.

From this view of the present predicament of our country the inference forcibly follows—that it is the duty of our governors, and their great difficulty, to carry things so that popular clamour may not hurry them into adoptions recommended only by their professed tendency to an imaginary perfection, which captivates the multitude, and gives them over to the artifices of voluble or vicious declaimers.

In the conduct of the great question of Reform in Parliament, it is to be hoped it will not be forgotten that our representation has a theory and a practice, between which there is an inevitable discrepancy arising out of the nature of things, and man's imperfect condition. The two things may admit of various degrees of approximation; but a discrepancy must ever exist until humanity shall be raised to the level of its own aspirations, and actual and ideal excellence be consolidated. It must be owned, however, that by the disagreement between the practice and theory of political institutions, although in the working the result may not be injurious, yet the sentiment which delights in symmetry may be too much offended; and without doubt it is the interest and duty of Government, if it be but to save appearances, and avoid a perpetual occasion of discontent, to bring the practice as much in harmony with the theory as will consist with the stability and efficiency of government and law: for it is in this gap between the speculative and the practical truth of the system, that the deluders of the people, and the workers of mischief, find a platform for their artillery, and space for their tumultuous operations.

There may be, and without controversy there often is, too wide an aberration in the practice from the theory of the constitution, and thence an urgent necessity may arise for making them square better together. Perhaps we are now arrived

at a crisis in which some adjustment is called for : time having aggravated some of the disproportions of the structure, and the information of experience having taught reasoning men to see more distinctly than heretofore their personal interests involved in the principle of political obedience.

His Majesty's Ministers, in the agitation of this great question, will assuredly not overlook the real process by which our constitution has become what it practically is at this hour. An examination into this gradual course of its development will manifest the connexion of many of its obnoxious parts, with the active existence of the whole ; and may at the same time satisfy the rational inquirer that the functions of the state, like the animal economy, must depend upon the impulse of a primary power, of sufficient energy to keep up the action of the system, or else upon those secondary powers which take its place in the event of its discontinuance, and which are generated by the effort of self-continuance, and that vital resource which is born of necessity.

The multitude wish for a reform in the constitution of the lower House, because, in their view of its consequences, it will infallibly raise the rate of wages, abolish tithes, dissipate monopolies, and scatter plenty. Another class, less numerous but more sagacious, look for the decline of aristocratic influence, and the permanence of popular ascendancy, as involved in the measure of reform : and among the higher orders of society there exists a third class, who consider the call for the measure as irresistible ; and regard it as a concession to popular importunity ; or at best as a tribute to justice and consistency ; rather than as a specific remedy for any of the evils of which the people complain. It is principally, I presume, among the last-mentioned description of reformists that the present Ministers are to be placed ; some of whom stand committed by former professions and declarations to the public ; and having for many years made this great measure the foundation on which they have based their political claims, feel them-

selves constrained either to redeem their pledges, or to forfeit the credit of sincerity.

We seem to stand in jeopardy between sound and seducing doctrines, between hypotheses and facts, between pictures and realities. The Government will find, if I mistake not, the greatest difficulty in their present labours, to arise from a certain blindness in those with whom they have to deal, to their own mixed and corrupt condition—as well as from that conceit which veils from the view of man the obliquity of his own mental constitution. So ready, indeed, are the vulgar majority to take credit for universal integrity, that great must be the oratory of him who could bring them to admit that a perfect scheme would be too good for them, or that a system framed for an unfallen nature would be unsuited to their case. They ask for what they cannot have, a government that works by philosophical and not by natural springs. They see not that a constitution founded on the presumption of the disinterested agency of moral and intelligent motives, would have the same security, and hope of continuance, as an ivory palace before a battery of cannon.

Our governors must know, for they are experienced men, from the testimony of their own observation, no less than from that of history, that our political system has grown with time and occasion out of the changes, chances, and conjunctures, of a very fluctuating order of things;—that it has been involuntarily, and without any clear contemplation of consequences, matured by the short-sighted agents of an Omniscient and controuling Providence;—and that travelling onwards with the wants and improvements of the social economy, it has arrived at a point, not indeed approaching or affecting perfection, but at a point of adaptation to its object, which settles it on the foundation of practical truth, and in substantial accordance with nature and experience.

If we look back upon the history of our country, and observe its stages from absolute power to defined prerogative,—

from the government by prerogative, to the substitution of direct influence, and from that hazardous resource of the state to the more effective administration of executive government, by the dispensation of patronage and favour, which may be called indirect influence,—we shall perceive that the system has become necessarily more and more tempered and qualified by an increasing supply of agencies and supports, generated and called into exercise by expedience, necessity, and the struggle for existence.

By the substitution of indirect, in the place of direct influence, a less ostensible but a more permanent, safe, and natural agency, has acceded to the executive power, in the contest which it has had to maintain with the tendencies of the democratic spirit of our polity. It has, indeed, now become the only countervailing force adequate to resist the pressure of that power in the state which has never ceased to contend for the mastery, and which, if the mastery shall be obtained, will never rest till it has merged it in a self-destructive excess of unprincipled domination.

LETTER II.

Clapham, January 3, 1831.

MY LORD;

I bring forward to the front of my argument the expedience of that indirect influence, which is incident to patronage and property, for securing the stability and continuance of our mixed constitution, because I conceive that the destruction of this influence is what is principally aimed at by our fundamental reformists; and because I consider that this influence must be an efficient in the practice of our constitution, or we must prepare for a revolution, and not a reformation of the state.

Let us pursue a little the course and development of this

resource of the Government, and then consider awhile its nature and operation.

Throughout the arbitrary reigns of the Tudors, the Commons, amidst affronts and contempts, were in a steady course of advancement; and the little consideration in which they were held, except when called upon to help the Crown in cutting down the crests of the nobles, permitted them to accumulate, without observation, their active force for that season of conflict which the circumstances of the country were preparing, and which the monarchs themselves were accelerating, in utter ignorance of the tendencies of the times. While the exemption from arrests, the exclusive jurisdiction of elections, the postponement of the royal veto to the termination of the question under debate, and the right of impeachment, were gradually filling out the measure and dimensions of this organ of popular strength, the kingly prerogative, though conceding nothing of its pretensions, was losing, by rapid decays, its substance and resources, till the inevitable hour arrived which brought the King and the people into conflict, without any interposing interests to save the country from the shock of the collision. The error of Charles the First was this—that he totally misapprehended the real condition, or rather position, of the country; nor perceived into what place the power of the state had insensibly been transferred.

While the sovereigns of the houses of Tudor and Stuart were vacillating between a system of terror and cajolement, the commons, in the guise of apparent humility, were extending their permanent and substantial privileges. The crown held fast its nominal power, and habitual grandeur, but its *natural* means, its hold upon the interests and fears of men, had, when Charles the First succeeded to the throne, become comparatively weak. The people were irritable, erect, and eager for change; the King was unobservant and unprepared. Ignorant of the moral attitude of the public mind, unconscious of his own weakness, and full of a stately reliance on the

sanctity of his cause, he vainly clung to the staff of his prerogative. After the fatal issue of the contest, and the short interval that succeeded, majesty recovered its splendour; its orb was again filled, but it shone with a reflected radiance, and its place in the system was altered.

The effects of the disturbance and dislocation were long felt, and the government proceeded with much unsteadiness; but in the midst of great disorder, a congruity of parts, and a general adjustment of powers, were in a train of procedure, conducted by events rather than by counsel. Inconsiderate men have been always apt to look upon liberty as the fruit of a great conventional effort, or, as the bold creation of genius, accomplished at its birth: or if their piety has induced them to ascribe it to invisible might, they have regarded it as an immediate gift, dropped like manna on the plain below; while the wiser few have recognized it as a product of a grosser element, slowly rising under a cultivation, of which God is the dispenser, and man the instrument, awaiting the development of time and the seasons, and displaying the characteristics of the soil and situation.

Under the second Charles, the commons were well acquainted with their own strength, and the weak places of their antagonist. One of their earliest proceedings, therefore, under this reign, was to despoil the crown of the prerogatives of wardship and marriage; preposterous privileges, of the bad influence of which, history is replete with instances; and soon after came the signal crash and demolition of the total apparatus of military tenures. The courts of Star Chamber and High Commission, and the vague jurisdiction of martial law in civil matters, sunk under deserved obloquy and disgrace; and every abusive trace of undefined authority gave place to the settled forms of distributive justice.

Charles the Second and his ministers were unblushing in the use of influence. His objects were without wisdom, and his means were destitute of virtue. But he served the cause

of freedom by his efforts to destroy it. His careless abuse of such resources as remained to him, revealed, in their true character and tendency, his ends and his means ; and served as an index of the points of attack, and the sources of danger : so that every fresh budding of the old, illegitimate prerogative was cut off as it sprouted, and the sceptre came leafless and sapless into the hand of William, but seasoned and tempered to resist the injuries of time and exposure.

Still, however, till the 7th of William the Third, there was no direct and positive law against bribery at elections ; and during the reign of that prince, in whose time the dependance of the crown upon the people for its effective strength was fully manifested, the effort of government to maintain its balance, and its efficiency in the system, was displayed in the exercise of an avowed, open, and direct influence ; while the prerogative of the veto, though twice hazarded, fell into disuse, and has since lain quiescent in the archives of government, as a resource of extraordinary exigence. But its disappearance left a void which a practical change in the constitution was necessary to supply. We have ground enough in man's nature, in the histories of empires and commonwealths, and in the obvious tendencies of all social estates and communities, for asserting, that had not *indirect* influence been the consequence of the struggle of the constitution for existence, had not that engine been critically supplied out of the patronage and wealth of society, the gaping and gloomy void would have been filled, in succession, by democracy, anarchy, and military domination. It is in virtue of this indirect and natural influence, that the government still lives, and moves, and has its being. The stream of executive power, checked in its ancient current, has worn itself a new channel ; and has kept, and long may it keep, " the noiseless tenour of its way."

Every government, to be truly of that mixed species, which, according to the views of the most correct philosophy on this

subject, is the best for man, must have in its composition the elements of force and favour. If it rests upon power alone, however legitimate and wherever lodged, whether in one, in few, or in many, there will be found, in the present state of society throughout the civilized world, a reaction too strong for it;—too strong for it, if it venture itself alone upon the guarantee and support even of the soundest reason and principles. It must have the security of favour as well as force. No optimist, if he retains his senses, can be so happy in his opinion of his species, as to think that men in the gross are to be governed by truth and argument, without any hold upon their passions, their prejudices, or their self-love, in its ordinary influence upon the character. Such a doctrine may be popular with the many, and therefore it is the eternal theme of those who compliment only to betray. Still, however, when the tide of opinion has been at its strongest against influence, it has been acknowledged by some of the declaimers against it, that in proportion as the support of influence was withdrawn from the Government of this country, it might be expedient to widen the range of prerogative. And where the subtraction of influence has been insisted upon as involved in the proposition of reform in the representation, statesmen have surmised the necessity of restoring the exercise of the royal veto;—a proposal visionary in respect of its execution, and dangerous enough in the experiment; but showing how influence and prerogative balance each other, and are required to supply each other's absence, for a government to be effectively carried on. Thus Lord Shelburne, in the year 1782, in lieu of the influence which the proposed reform was to abolish, surmised the necessity of reviving the veto; and modern reformers sometimes harangue in a similar strain; proposing to take from the crown the influence which may be safely used, and to give it an authority which it possesses already, but cannot safely use until national sentiment can be altered by an act of parliament. The legislative interference

of the crown, in point of prerogative, has practically no existence: in its capacity of influence it has its proper scope and real action: which influence may be hurtful by its excess, and is fairly open to the question of degree; but if wholly destroyed, what we now call the Government, must cease to exist, except in name;—a mere phantom of power, like the consular function under the sceptre of the Cæsars.

LETTER III.

Clapham, 6th January, 1831.

MY LORD;

It is the infirmity of the human mind to rest satisfied with names in the place of things; and reform is a term of very seducing sound. I admit that a reform in the structure of our representative system is, in the present juncture, and to a certain extent, expedient. It is expedient for the sake of satisfying the people, and because nothing else will. It is expedient because the practice of the constitution is too much at variance with the theory. And it is expedient because the avowed principle of the representative government, is too much sinned against in the case of proprietary boroughs. But it is a miserably fallacious hope, propagated by imposture, in its impure commerce with credulity and discontent, to look for many specific benefits as the result of any plan of reform that the wisest heads can invent.

More will occur to be said by-and-by on the nature and principle and extent of the reform which may be fit and safe to be adopted under existing circumstances, but it seems in this place that the point most important for us to be reminded of is this—that if the plan of reform about to be proposed to the legislature should go so far as to involve the violent purpose of excluding all influence of the crown, of the

aristocracy, and of the men of property, from the constitution of the House of Commons, it will, if carried into effect, withdraw from the councils of the nation all steadiness of operation, and all permanence of principle, and leave it to the mercy of physical force under the worst of all influences—the influence of fraud, and falsehood, and popular delusion.

Retrenchments are good, as far as they are consistent with the service of the state and just and liberal remuneration, and as long as they are limited to the object of economy; but if to cut down patronage, and dry up the sources of influence, be the leading motive of the measure, it is a motive full of the seeds of that destruction, which the fraud and folly of our political regenerators appear to be preparing for us. For where in truth does the constitution of the country morally reside and develop its strength?—Is it in the balancing equality of its distinct provinces and powers, acting upon each other by their opposing and correcting agencies, without intermixture or confusion? To a certain degree doubtless this is so. But is it not emphatically on the great floor of the Commons House of Parliament? Is it not there that the springs of government,—is it not there that the arm of the lever is stationed? And should not the aristocracy have some share in the action imparted to the machine? Should not all orders of the State be virtually and to a certain degree, there? And was not such practically the predicament of the country contemplated in the preamble to the Bill of Rights, when it declared the legislative body of the lower House fully and freely to represent *all the estates* of the people of this realm?

I am not contending that the amount of influence, as of all other agents, latent or manifest, in the complex machine of government, may not be, and has not been excessive; or that it is not constitutionally wise to watch it with jealousy? It is, however, on general principles, difficult, or impossible to assign the salutary limit, or settle the degree allowable on the

ground of expediency. Hardly a man capable of turning the question in his mind can doubt that some there must be. Of the difficulty concerning the reasonable quantum to be cherished, privileged, or tolerated in a state, experience alone suggests the solution. It is a moral subject, and as such, dependent on public sentiment; always liable, on being too much urged, to the reaction of opinion, and amenable to the constant check of a free press and free inquiry.

It is much to be doubted whether the influence of the crown or of the aristocracy has kept pace with the increasing weight which a multitude of causes have thrown into the popular scale. Education and intelligence, and the consequent diffusion of political inquiry, are not the predicaments which enable governments to dispense with any of their collateral supports. They create, rather, an antagonist influence, which requires a more wakeful attention of the sovereign power to the means of its preservation, and the sources of its efficiency. A *small* portion, I fear, of this vulgar learning enters into the healthful circulation of the body politic, producing attachment to the laws, and loyalty to the sovereign. The far larger part is converted into the nutriment of faction or discontent. Those mixed regards by which a mixed government can alone be properly appreciated, and its process be understood, ask for more reflection, and more patience of investigation, than the conceit of new-born intelligence is willing to submit to. Of the parts of the system of our polity, separately taken, and as they appear in their immediate effects, men of every station possess in common a quick, and perhaps an accurate sense; but in reasoning from these parts to the whole, popular knowledge, at its best, is the prolific parent of rash and precipitate judgments; while by raising expectation, it embitters disappointment, and by multiplying wants, it accumulates discontent; so that in a just view of consequences and compensations, it must be considered as calling for a countervailing measure of what we denominate

influence; not to neutralize; but to temper its activity. For this knowledge so liberally diffused among the people, what power less than divine can keep the channel clear, or prevent the stream from flowing in a counter-direction to the prosperity of establishments, the benefits of which are faintly discerned, while the sacrifices they call for are sensibly and experimentally understood?

When our thoughts are turned to the progress and vicissitudes of our constitution, in arriving at the state in which we now find it, we must regard with no small mistrust and uneasiness the bearing of this *improved intelligence* upon it. In truth, it is not to the purblind intelligence of man, that we owe this constitution. The intelligence of man is indeed never more misemployed, than in decomposing it for making it up anew. It is a mixed economy, made by the plastic hand of time, in a long course of co-operation with accidents, emergencies, unforeseen occurrences, and variously-disposing causes, beyond calculation, and referable to that invisible agency to which all things are subservient. I should entertain no high respect for any government which is afraid of the advancement of intelligence in the governed; or which does not move together with the moral progression of society: but when that spirit is abroad, which the diffused privileges of education naturally, perhaps necessarily produce, I do not conceive that the mildest government can safely assume an attitude of independence, upon the securities and cements which always grow out of the relations and dispositions of society, when they encounter no unwise disturbance of their proper tendencies.

LETTER IV.

Clapham, 10th January, 1831.

MY LORD;

The Duke of Richmond, in his celebrated letter to Colonel Sharman, thus delivered his opinion on the eligibility of the ballot form of election of representatives:—"With regard to the question if voting by ballot is advisable, I am clearly of opinion that it is not. The idea of a ballot can have arisen only to avoid the effect of some improper influence; and I conceive it much more noble directly to check that influence, than indirectly to evade it by concealment and deceit. I am convinced that trivial circumstances in things like these, tend greatly to form the national character; and it is most consistent with that of a British or Irish freeman, that all his actions should be open and avowed, and that he should not be ashamed of declaring, in the face of his country, whom he wishes to entrust with his interests. Upon the same idea that ballots may be a cover for independence, they must be also a cloak for bribery, and a school for lying and deceit." Thus even the Duke of Richmond, of ultra-reforming memory—he to whom it seemed fitting that "every man not labouring under natural or moral disability, had an inherent right of suffrage, paramount to all considerations of civil or political expediency,"—even *he* regarded the voting by ballot as an innovation, pregnant with pernicious consequences to the character and principles of his countrymen; because his reason and observation told him, that under such a shelter, propensities might be indulged, which it might be dangerous or disgraceful to avow, and that under the veil of treacherous assurances, public and private duties might securely be sacrificed to the gratification of mischievous or malicious motives. The ballot would not prevent canvassing; and canvassing

would beget promising ; and promises, that may be broken with impunity, would, to an unlimited extent, facilitate fraud, engender suspicion, adulterate the intercourse of friends, and give to the whole of society a character of hypocrisy, dissimulation, and masked malignity. Besides that, it is the part of an honest Englishman, to avow his reasons and motives for his approbation and disapprobation of public men ; and to show to his fellows how he exercises his privileges ; to bring his own principles forward, and to do what concerns all, in the view of all. If a man were individually represented, and his suffrage only concerned himself, his solitary right to his own secret could not be disputed ; but as the vote of each concerns every other, what is done *for* the public should be done *before* the public, in the broad daylight of general observation, with the whole community looking on, or at liberty to look on, with praise or censure. Votes given in breach of promise, or which men are afraid or ashamed to avow, or that wound in secret a friend or patron, or that belong to motives which lurk in the thievish corners of the mind, are not the materials for composing a British House of Commons, if it is to be the mirror in which a brave and manly people are to be reflected.

I agree, therefore, with the Duke of Richmond, that when influence is proper to be checked, it should be done *directly*, and not by the indirect and cowardly method of voting by ballot. But I hesitate not to say, that the voting by ballot, besides its own particular and immediate mischief alluded to above, and which is full enough to sentence it to perpetual proscription from among a people who consider character and integrity as the great springs of national glory, has this consequential evil among others in its train,—that while the influence of intelligence, property, and station, would be destroyed by its operation, the influence of the selfish passions would be protected in their fullest and foulest activity.

But if the curse of universal suffrage be to be inflicted upon us, or any thing approaching universal suffrage, I should

say, let us, in the name of consistency, and as a mithridate or counterpoison, have the ballot along with it; for the effect of influence, in such a condition of the country, would only be to quicken and aggravate the ruin that must befall us. Universal suffrage would be undoubtedly a great evil; and not the less an evil, as calling imperiously for the voting by ballot, as its necessary concomitant. The ballot would be a great evil; universal suffrage would be a great evil; and added together, or rather, multiplied into each other, they would form an amount of mischief, that is best expressed by the term absolute ruin—ruin wrought by the destruction of every element of our free constitution. Let us view the picture of universal suffrage without its lying associate, the system of ballot.

I cannot treat universal suffrage as a form of representation. Representation properly understood, and universal suffrage, can only be brought together in the general wreck of all just ideas;—“in ruin reconciled.” The Commons might consist of deputies, always on wheels, between the House and their constituents, to take what is called their sense by acclamation, and convey the instructions of paupers, and peasants, and working men, on every question as it arises; but is this a representation? Of such descriptions of persons, indeed, there cannot be a representation, except as their interests are included in the moral faculty and feeling of the thinking and considerate part of the population. Their interests may, and should be, widely and efficiently represented; but their opinions cannot be represented. No honest man will tell them they can be. A numerical, or an individual representation, is nonsense. All that can be done, is to take off an impression of that which alone has unity, body, and substance—the leading opinions of men of thought. The representation is in the whole House; and whether this collective representation is sufficient or not, depends upon the question, whether it is a fair, moral, average specimen of the feeling, character, and mind of the country; or, in the terms of the preamble to the

Bill of Rights, whether “all the estates (*i. e.* orders, classes, and degrees) of the people of the realm,” are represented.

Though I admit that the representation should be as broad as it can be consistently with its being what it ought to be—a depository of the sense, that is, the good sense of the country; yet after all, representation can only be virtual, and the widest virtual representation is that which brings the largest portion of the mind and intelligence of the country into operation; or, in other words, encompasses the greatest variety of interest, thought, experience, and capacity, that can be drawn from the various modifications of society, in its decent and educated departments. The narrowest of all representations would be that which universal suffrage would produce.

We have heard of plans which, excluding all consideration of the varieties of capacity, station, interest, property, and intelligence, propose mechanical, geographical, or numerical divisions and subdivisions, as an expedient preparatory to a representation of the country commensurate with its population; and we have heard of plans which ground upon the right to be protected, (to which those who live by labour, or by charity, have doubtless a claim,) the right to choose their protectors; but neither such calculations, nor such logic, will, we are sure, find any place in the reasonings or arrangements of any of the King’s ministers, or be recognized in any part of their forthcoming scheme of reform, to justify the too near approach to that awful barrier which stands between the constitution, and the mouth of that pit into which if it falls, it falls to rise no more.

There is this difficulty, also, in the way of universal suffrage; that it is not possible to give it a real existence. It may exist in name, but it cannot in operation. The condition of man, with the relations of civil society acting upon him, is under an appointment, which no artificial arrangements, or means of counteraction can over-rule. It is impossible to give any permanent advantage to numerical over moral strength.

Knowledge, and wealth, and talent, will always be disturbing the economy of such a distribution. Men cannot be dealt with as counters. Dispose them as you will, the tendencies of natural inequality will soon turn them into figures, standing for more or less, according to their places in the series. No force of human contrivance can associate independence with indigence, unless in extraordinary cases: the birth-right of the hungry would soon be exchanged for something more tangible than a privilege, though that privilege be traceable with the greatest clearness to the Saxon Wittenagamote. Every vote given to a man who lives by the labour of his hands, or in want, or dependence, is a vote given in effect to him to whom he looks for employment or support. The real effect of universal suffrage would be to send corruption through the whole breadth and length of the land. Bloated wealth, with oppression by its side, would stalk through the country in mockery of its institutions. Without a due consideration of these consequences, it is difficult to explain the inclination of some of the men of rank and riches among us, to what is called radical reform—taking the same to involve the principle of universal suffrage. They see in this franchised beggary the source, not of democratic but of aristocratic ascendancy; and show that they comprehend the important fact, that the more diffusively below the point of independence the franchise is bestowed, the more contracted will be the real representation of the people in Parliament. They know that the constituent body, thus dilated and swollen, will soon resign its passive and ponderous strength into the hands of those who command employment and dispense subsistence. A system of representation more close than that of venal boroughs, would soon arise out of this plausible scheme; and that middle body which, by its present weight and influence, prevents the jar of discordant masses;—which serves as the reconciling medium by which opposite things are softened into agreement and relation;—which is the natural place of virtue and intelligence;—

where liberty, disturbed and vibrating at its extremities, finds a central repose, and moral stay, would vanish from the scene, and leave society to the conflicts of rival opulence, and mercenary ambition. These great men and their low friends would soon fall out. The people would feel and measure their numerical strength in the midst of their moral degradation; and the commerce of high and low, on a footing of unprincipled negotiation, would probably end in mutual distrust, mutual contempt, and common ruin. An equality of suffrage implies a community of political capacities, and is no more capable of continuance than a community of goods. The people could not use the one, nor hold the other. The one would be as sure to sell itself to the best bidder, as the other would be to run into new masses of accumulation. The difference between the two things is, in truth, no more than this,—that the mischief of the one is somewhat more plain to common sense than the other. The propositions are equally vain and violent. In their progress and development they would probably coalesce, ripen, and rot together on the dunghill of their common baseness, amidst waste and want, and anarchy and plunder.

Not only does universal suffrage carry fraud and folly in its front; but every proposition proceeding upon the principle of individual right by birth, or any other natural privilege, wears, in a greater or less degree, the character of absurdity. Ignorance cannot be represented, poverty cannot be represented, by persons of their own choosing. They have the highest title to be protected; and, in one sense of the word, to be represented too;—that is, to be furnished with an organ by which they may at all times bring their claims before the proper redressers of wrongs, and the great overseers of the public. But the only specific representation that can exist under a system of liberty the most perfect, is that of the thinking part of a man, qualified by education to see his own interest in connexion with the common good, and pledged

to the maintenance of that common good by his place in society.

I am not contending that we have as good a House of Commons as any system of parliamentary representation could give us; I am not asserting that there are not many blemishes and much imperfection in the system that exists: let the bad influence of bribery and corruption be shut out as much as may be; let as much as may be of the deformity and disproportion which the aspect of the present system presents, and which, whatever be its practical good or evil, offends against truth and principle, be removed or corrected; since whatever has a tendency, however well it may work in practice, to wound the sense of congruity, consistency, and morality, works ill by example and habit, and produces much collateral mischief: let those things be placed in truer accordance with the character of a Christian community; but let not the people be amused with visions of equality which can never be realized: for of this we may be very sure, that whatever approaches are made to what is called a full representation, they will fail in accomplishing the remedy proposed, or the relief expected.

Those who reason from the stomach (and this is the organ of intelligence with the mass of human beings—the vulgar poor, and the vulgar rich—of all in our own country not taught to feel the social sentiment in its due expansion), will never acquiesce in any thing short of what they have been made to suppose is their full complement of right; such as they have been told was once theirs till they lost it, nobody knows how or when;—something belonging to them by descent from their Saxon ancestors, and which, if they could recover it, would relieve them at once from the burthen of taxes and tithes. To satisfy the multitude would be impossible, and to attempt it would be preposterous and pernicious; and still more preposterous and more pernicious would it be, to affect to satisfy those who apply to the subject rules derived from general theory, or

metaphysical reasoning. Grounding their proceedings upon facts, and extracting their rules from experience, our Government will, it is to be hoped, conduct their grand process, in this most momentous experiment, upon those principles, and with that cautious tact, by which alone, in every province of intellectual culture, fresh territory is to be won from the domains of nature and truth.

An ingeniously absurd writer, who maintains in a singular style his singular dogmas on general polity, and more particularly on the constitution of parliaments, is full of contempt for the notion of a mixed representation, or any mixture of interests or powers in the system of government. He delights to designate the people as a *simple substance*—a phrase which, in his opinion, involves a very useful discovery—the product of his mysterious alembic. This *simple substance* he desires to see in acting and absorbing operation, till it accomplishes what he intends by his other favourite phrase, *democratic ascendancy*—that infallible remedy for all the diseases of the body politic. His theory has this defect, in common with most theories of government concocted in the teeming brains of philosophers, it assumes for its foundation that which has no real existence *there*, at least, where the fancy of the projector has placed it. If this *simple substance* has any place in society, it must be looked for among that denomination where all is simplified into the sameness of ignorance and animal appetite; not certainly among that order of rational agents which is properly denoted by the word *people*. That name comprises, in its proper import, an endless variety of shades and distinctions, of grades and qualities; and the higher the degree to which national civility and refinement have arisen, the more multifarious and complex is that moral mixture. If such a society is to legislate by representatives, surely the representative body, to be in correspondence and sympathy with those they represent, must admit into its composition similar

characteristic varieties. What the above-mentioned writer chooses to understand as meant by the word *mixture*, is an amalgamation and confusion of degrees and distinctions; which is, in truth, the condition of a people under a despotic government; but what is really intended by the word, in the political sense in which it is used by the writers who have, by their use of it, incurred his contempt, is the co-existence and co-efficiency of various estates, interests, and attainments, linked in subordination, connected by mutual dependence, and moving on the same area in masses, separated or associated, united or opposed, as the objects which incite them to action are of partial or general concern. Whether we describe this condition of society by the word *mixture*, or any other term of similar import, it matters not: it is clearly any thing but a *simple substance*. It is an aggregation of moral constituents, varied by all the diversities of place and relations which arise out of the complex frame of civil society; and if a people in such a state are to be adequately represented, they must be reflected by the representative body under the same variety of shades and colours of character. Beneath all these varieties produced by education, station, and habit, there lies, it is true, a vast homogeneous mass of simple humanity, *into* which religion should distil its balm, *round* which law should raise its protection, and *through* which, in all its compass and extent, charity should dispense its consolations; but of which, with respect be it spoken, there can be neither moral nor mental representation, until instruction shall have invested it with a moral competency of choice, and opened, between their nominees and themselves, a medium of mental communication. And yet where, but in this substratum of society, can the simple substance be found to which Mr. Bentham would impart the whole power of the state, in the form of what he calls *democratic ascendancy*? Of this *simple substance*, who can dispute the value; but it is quite another

thing to talk of its capacity for legislation by the representatives of its choice.

In illustration of what he means by *simple substance*, Mr. Bentham compares it to a sack of flour pure from the mill. "Make bread of it—there you have the simple substance. In making your bread, add now to the flour some powder of chalk, with or without some powder of burnt bones: in either case you have a *mixture*." We may multiply similitudes unceasingly without establishing any thing; but if I were to choose any mixture of substances wherewith to compare the mixed state of the civil and social composition to be represented by the great organ of the people—the Commons House of Parliament, I think that the air which we breathe would occur to my mind as affording a pretty fair resemblance; inasmuch as it is constituted of various elements so mixed and associated as to form one body, fitted by its very diversity of parts to its purposed end—the service and supply of man; and the fructification of those seeds of celestial beneficence scattered over the world he inhabits.

But the writer above alluded to, seems at variance, not so much with the general idea of a *mixture*, as with the intrusion of two foreign elements into his simple substance—the Monarchy and the Aristocracy; and yet, methinks, many sober and wise men have been of opinion, that not only must we have a mixture, but that the *mixture* would lack some essential ingredients, if the monarchy and aristocracy did not in part influence and characterize the compound.

The sum of this writer's arguments and opinions appears, as far as it can be educed from his mystical phraseology, to be this—that our best and happiest condition would be that of a pure democracy; into the shoreless sea of which antiquated discussion we have no spirit, in this nineteenth century, to embark with Mr. Bentham; but shall close this part of the subject with a fine remark of a foreigner, who studied to good

effect the constitution of our government. “All the political passions of mankind are satisfied and provided for in the English government. And whether we look at the monarchical, or the aristocratical, or the democratical part of it, we find all those powers already settled in it in a regular manner, which have an unavoidable tendency to arise at one time or other, in all human societies.” I cannot but add, in conclusion, that such a mixture or intertexture, however ludicrous in the judgment of Mr. Bentham, offers to my humble conceptions a predicament both rational and practical, and, surely, far more intelligible than the “universal—interest—comprehension—principle” of that gentleman; and of more virtue and efficacy than all the *isms* which throng his pages—those ragged ends and selvages, out of which I suspect that no art could manufacture a covering for poor naked human nature. For my own part, I would resort rather for warmth and comfort to the linsey-woolsey of our plain progenitors.

LETTER V.

Clapham, January 20, 1831.

MY LORD;

I have no doubt that your Lordship and your noble and honourable colleagues in administration, have carried with you into all your deliberations, on the great work of reform which you have in hand, a just sense not only of what the crisis demands, but also of what it imposes. When society vacillates, it behoves the ruling powers to exhibit more than ordinary firmness. You have, without doubt, looked dispassionately abroad: and in so doing have observed, that on every side hostility to a settled state of things, contumacy against antiquity, and all tried institutions, blundering enthusiasm, and hypocritical philanthropy, covering the selfish

appetite of change, and the secret march of spoliation, with unnumbered means of moral perversion and mischief in their train, are in motion or preparation throughout the whole compass of the kingdom. For I consider it as clear that the late disturbances are not the disease, but the symptoms of the disease, which has infected a large part of the country. At such a time, to remove from the constitution what disparages it in the eyes of moderate men, (whose opinions are alone to be consulted,) and to bring it into better practical accordance with its acknowledged principles, may be, as a measure of anticipation at least, if not of necessity, a proper homage to consistency and right sentiment; but, alas! every step of the procedure has this evil attending it—it advances on the direct route, which beyond a certain stage opens a vista, at the further end whereof is that blank and dreary sojourn which closes the last scene of liberty and order.

I should humbly think that every inch given to popular clamour at this critical period, and on this critical occasion, would be so much of radical and permanent injury to the principles of social order, and the health of the constitution. And that whatever is done should be done upon a principle which may determine for good the extent of the concession, by restricting the reform within the range of the real exigence, that it may take its quiet place in history, as a healthy crisis of the constitution.

“ Periculosum plenum opus aleæ
 Tractas : et incedis per ignes
 Suppositos cineri doloso.”

It has been considered as a fact very decisive of the soundness of the constitution, that the political changes of our fundamental polity have, during the last hundred years, been very rare, although during all that period the legislature has been in a continual state of action; and no dispassionate man can deny that public good has been in the mean time greatly

promoted. I am not offering these statements as objections to the Reform of Parliament; I know there must be a reform, and a reform of some extent; but as reasons against such a reform as would answer the hopes of those who are deluding others for sinister ends, or the expectations of those who have unreflectingly lent their minds to the delusion. As we stand upon the threshold of this great proceeding, in which, for aught we know, a catastrophe far out of our controul to avert or moderate may be involved, let the responsible conductors of it ask themselves the following questions. Are we, as we stand at present, morally and politically low or high in the scale of nations? Are we stationary or in a course of improvement? In commerce and war what have been our spirit and success? In philosophy and the arts, what our comparative progress? For religious worship and instruction, what have been the national provisions? What have been the consequences of our victories? Spoliation or restitution, chains or chartered security? Are our tribunals stained with partiality or oppression? Have the poor been forgotten, or are our charities upon a par with the wealth of the country? Are person and property protected? is speech unfettered; and the press free? And if to these questions the conscience and understanding return a favourable answer; and honesty and candour proclaim that we are still in the broad way of improvement, except when the sowers of sedition raise obstacles in the path of this felicity; then let it be prudently considered whether a system of practical polity under which all these advantages have been developed, should be made to undergo the hazard and concussion of violent remedies. Remember the sobriety of Lord Chatham's proposal, to "infuse a portion of new health into the constitution, to enable it to bear its infirmities." "A brilliant expression, and full of intrinsic wisdom," even in the opinion of Junius. And listen to that same Junius when he thus expresses himself: "That the people are not equally and fully represented, is unquestion-

able; but let us take care what we attempt. We may demolish the venerable fabric we intend to repair; and where is the strength and virtue to erect a better in its stead?"

The outcry for *annual* Parliaments has assuredly not the weight of a feather with his Majesty's ministers. Even Junius saw and deprecated the folly of such a project. It would be odious enough, if considered only as favouring what Mr. Bentham calls his "sole remedy in principle, *democratic ascendancy*;"—that drug of sovereign efficacy in setting afloat all the humours of the body politic. But it is even doubtful whether, in the end, this annual renewal of the Commons would close its noisy career in democratic ascendancy. How the foolish experiment would end, is of "ominous conjecture." It might not *end* at all, but float for ages, tossed to and fro, like the sea-weed on the foamy surface of the deep waters. It might possibly end in an aristocratic ascendancy of wealth; for what small proprietor, or man of mediocrity, could sustain such often-recurring expenditure. From an annual, it might become a perennial, or perhaps an ephemeral; nobody could calculate, or with any assurance foretell, what would be the final catastrophe of these "arrangements for general confusion."

We are reminded by some of our reformists that by a law of Edward the First, Parliaments were decreed to be holden annually, or oftener if need may be. But so to construe that statute is a fraud upon common sense. The words of the 4th Edward I. c. 14, are these: "Ensement est accorde que Parliament soit tenu chescun an une foitz ou plus si mestier soit." Not that a Parliament shall be elected, but that a Parliament shall be holden once, in every year, or oftener, if need be. Nor can an instance be produced of an *ipso facto* dissolution of Parliament at the end of the year from its election. The royal authority has often put an abrupt end to the Parliament before it has lived through a year; but in no instance does it appear that when the Parliament has ex-

ceeded its year, such continuance has been treated as an infringement of the constitution by the king and the nation. Parliaments, or national councils, it is true, were in early times of short duration—annual, ephemeral, indefinite. The business was generally short; and the matters for discussion few and simple. Occurrences and occasions varied the length of the sittings; till as the popular part of the constitution rose in importance, Parliaments assumed a more permanent character, and usually continued sitting until dissolved. Before the reign of King William they had no fixed or regular periods; but it seemed good to the wisdom of that day to fix their duration to three years, and so the law was settled by 6th W. and M. c. 2, and so it remained till, in the first year of George the First, the three years were enlarged to seven; with a view to the prevention of an unceasing canvass, a too frequent agitation of the kingdom, and an instability in the public councils, and the conduct of affairs.

It is a fearful thing to meddle with that which time and the hour have gradually developed and matured. As long as the principle of improvement, which makes a part of the constitution itself, is temperately acted upon, things may go on safely and well: but the moment the business of reform assumes, if it ever assume, the character and pretensions of a new work, by taking down and rebuilding, a course of operation is commenced of which none can see the end, or compute the magnitude. Even Junius trembled on the verge of a substantial alteration of our system of representation. His democratical courage seemed to stop at triennial Parliaments, and the increase of the number of county members, as the *flammantia mœnia* of the constitution. Beyond that barrier he probably thought there lies a land of storms, where mists, and meteors, and shadows ominous and dire appal the bosom, and deceive the senses—where chance, high arbiter, governs all, amidst

“ An universal hubbub wild
Of stunning sounds and voices all confused
Borne through the hollow dark.”

Touching universal suffrage Junius was silent. He probably esteemed it a subject that ought not to enter into the contemplation of an honest man. Even of the rotten boroughs he declared himself to think the amputation hazardous. Nay further, he questioned the power *de jure* of the whole legislature to disfranchise them. Adding, that “ there could not be a doctrine more fatal to liberty and property, than that which confounds the idea of a supreme, and an arbitrary legislature. If we are sincere in the political creed we profess,” (he is addressing Mr. Wilkes), “ there are many things which we ought to affirm *cannot* be done by King, Lords, and Commons.”

Junius has certainly gone, in many things, much further than I should choose to accompany him, especially in the licence of personal and political vituperation, and in speaking evil of dignities; but concerning the rotten boroughs, he seemed to be seized with a paroxysm of delicacy not easy to be explained. It is the prevailing expectation, that his Majesty’s Ministers contemplate, with moral courage and moderate purpose, the amputation which shook the nerves of Junius. In my own poor judgment, I think the excision to a certain extent must and will be made; but I look for compensations, such as in the human frame are furnished from the latent resources of nature, to supply the loss of an organ. What in this anxious case the compensations may be, has not reached my obscurity even in the form of probable conjecture. They may be found, possibly, in the increase of knights of shires, and of the amount of qualification for the elective franchise; accompanied with the communication of the privilege to some of the trading towns—the most considerable: and if so, the forthcoming reform will be car-

ried beyond the daring of Junius, who would by no means “give representatives to those great trading towns,” which had none when he wrote. “For you will find,” says he, “the interruption of business in those towns by the riots and cabals of election,” (looking, as he then did, to triennial parliaments,) “too dear a price for the nugatory privilege of sending members to Parliament.”

LETTER VI.

Clapham, Jan. 21st, 1831.

MY LORD ;

Whether Junius was right or wrong in his tenderness for the close boroughs, I presume not to give an opinion. Much less am I intending to enter any protest or plea against their abolition. But if they are doomed to die, let their epitaph fairly record their titles. Let it not be forgotten that the representatives of these close boroughs have often been the wisest and most honest trustees of the public: being independent of local connexion and clamorous influence: and is it so clearly a disadvantage to the public interest, supposing the real power of the state to be chiefly in the House of Commons, and the main strength of the executive to reside in the majorities of that assembly, that some access should be open for the aristocratical portion of the people to the place where its counterpoise can be exerted with the least violence to the action of the great machine of the state? Is it quite clear that if the elections were wholly popular, we should have as many men of business, of laborious habits, of calm reflection, of moderate minds, in the House, as have found admission there under the present system? If the franchise taken from these close boroughs should be given all to the large and populous towns, what will be the chance of success for a man with truth on his lips, and

religion in his heart, among such appreciators of merit? Where have bribery, and corruption, and flattery, and falsehood, and every form of mean intrigue and poisonous influence so prevailed as in the borough towns of this kingdom? Must not the suppliant at this shrine be perpetually offering what Lord Bacon calls the “unclean sacrifice of a lie?” Dare he intimate so preposterous a thing as that any gentleman of the mob has any of the infirmities of our nature? Dare he suppose the rabble to be defective in penetration? or even subject to error as others? Dare he surmise they are well governed? that they have as much alcohol as is good for them, or as much of any other comfort, enjoyment, or privilege, as they are entitled to? Dare he speak in commendation of law, or authority, or magistracy, or obedience, or sobriety? It is plain he could not do any of these things, without forfeiting his pretensions to the post of honour, and all credit for tact or discernment. Some avenue, therefore, men who love their country, and love its mind more especially, may consistently wish to see remaining, through which those that cannot lie, or flatter, or cajole, may walk erect into the House of Representatives:—some entrance, not secret nor tortuous, but public and direct, by which men of large discourse, and meditative habits, and religious honour, men without electioneering arts, but with an elegant and high cast of thought, may come into the place where the ark of the constitution rests, and minister in all that affects

“Her magnificent and awful cause.”

But as I have before said, I do not offer myself to your Lordship as an advocate for rotten boroughs. I know that they must go. But the term *rotten* may not apply to every borough where the influence of property may exist. The great wish of my mind is this, that whatever is done in this respect, may be grounded upon the principle of expediency, and without

the slightest regard to that barbarous prejudice, which looks for the place of the constitution in some early period of our history, and considers whatever has been established by statutes or charters, in abridgement of the right of suffrage, or the enfranchisement of cities and towns, as superseded and vacated by a fancied priority of title. Whereas, in truth, the constitution has never been left to an indiscriminate franchise, or without the qualification by property being, either by usage or statute, the test of the right of suffrage. To talk to the people of their lost privileges, or of any natural or imprescriptible rights withheld from them, is equally to deceive them and perplex a subject already difficult enough. There is no proper ground of reform but the existing exigence and expedience; beyond is a wilderness of controversy, conjecture, and hazard.

All antiquarian research, therefore, into the foundation of our liberties, will be productive of little advantage. What we have, we hold by a title older than antiquity itself. What we have not, is not shown to be desirable by proving that they once existed. Present institutions may certainly be demonstrated to be very short of speculative purity; but let them not be brought into discredit with the multitude, by accusing them of departing from a supposititious model, assigned by dreaming ignorance, or delirious philosophy, to unknown and unrecorded antiquity.

There is no Saxon model of our constitution, except in the brains of our furious reformists: though something, doubtless, there existed in the circumstances of our ancestors of the earliest age, that gave the first start to our liberties, and put them in a train of involuntary progression. To succeeding generations let credit be given for meditated improvements; but the best part of our liberties is due, under Providence, to events producing consequences unforeseen, and perhaps contradicting all contemporary speculation. The real state of the Anglo-Saxon establishments is covered by a dense obscu-

rity, much increased by studied misrepresentation. That the power of the monarch was subject to great limitations, there is abundance of proof in the events of those times; but that it was limited more by custom and accident than settled law, is shown by its fluctuations and inconsistencies—on some occasions, despotically overbearing—on others, obsequious to the will of a haughty nobility. A similar mutability was characteristic of the whole of society in those desultory times, disclosing a general view of affairs, in which power, neither defined nor restrained by law, was left to run at random into the vagrant channels of property and personal ability.

The question respecting the constitution of the Wittenagemot has been incessantly agitated, not as a mere question of curiosity, as it really ought, but as a point materially affecting the legitimacy of the constitution we possess, and as the standard to which it should be recalled from its deviations. Monarchical zealots have asserted it to have been a vassal appendage to the crown; while politicians of a contrary cast have clothed it with the character of a pure representative body. Equally violent, and at equal distances from the truth, these respective opinions have been supported with much idle vehemence. Each set of combatants has maintained its side of the dispute by a garbled selection of incidents, affording, as is commonly the case in unsettled times, contradictory inferences, and by straining the interpretation of vague and general terms used by ancient writers; while both have overlooked the plain conclusions from those undisputed facts, which hold up to view the actual situation of the country, and show that in the best times of that obscure period, the science of legislation was in its cradle. One thing is most clear—that if a representative system of legislation had really existed in the times preceding the reign of Henry the Third, so marked a feature would have obviated all conjectures founded upon dubious facts, and scraps of testimony threaded inconsequentially together with a childish inattention to the

general bearing and context. Thus the well-informed writer of the "Observations on the Ancient Statutes" has remarked, that "no one who reads the old histories and chronicles, will discern any strong allusion to, or trace of, the interference of the Commons in the legislature, if he does not sit down to the perusal with an intention of proving that they formed a component part of it."

What is apt to perplex inquiry, and confound the judgment, in investigating the political condition of the people, during the period that intervened between the reign of the Conqueror and that of Henry the Third, is the strange mixture of boldness and submissiveness, of arbitrary encroachment and sudden relinquishment, which characterized those days, both in relation to the prince and the people. The feudal system was in constant vibration between these contrary tendencies. Its genius was at once proud and obedient, combining loyal servitude with martial independence, freedom with fidelity, and the principle of honour with the spirit of disorder. So that the speculative politician, to whichever side he inclines, may select instances at will to prove his adopted theory. The error, or the imposition, consists in assuming insulated facts, or particular conjunctures, as the ordinary condition of the country; neglecting that under-working process which alters, by degrees, the frame and position of society, and silently prepares a new arrangement of property and power. The fact is curious— that while this nation appeared to be going on in a rapid course towards arbitrary rule, liberty was secretly accumulating strength; in some manner similar to those contrary currents of air, which, in a direction opposed to the wind, conduct in solemn stillness the march of the thunder-storm.

The feudal system was a great anomaly. It comprised elements the most jarring and discordant. It was diversified by every variety of state and temper. Impatient and submissive, disorderly and disciplined, devout and turbulent,

volatile and severe: encircled with brass, yet always bursting its confinement; agitated by fits and starts of freedom and slavery, prostration and power; at once the ruin and the stay of empire; and shaking with incessant vibration the battlements of its restless abode. During the intensity of that system, mind and property were stationary, but still it supplied a stimulus that kept the faculties awake. Knowledge and discovery led, by degrees, to improvement; wants became multiplied; intercourse expanded; till at length commerce and enterprise opened a passage for property to spread itself in all directions.

But still the progress of constitutional liberty was imperceptibly slow and gradual. It waited for the effects of the profusion, ambition, and enthusiasm of the Norman kings, which engaged them in exhausting expeditions and wars, continued beyond the period of the feudal service, and compelled them to borrow aid from their subjects on terms of compromise and concession; until the monarchs began to feel their dependance, and the people their power; a power that in the reign of Henry the Third acquired a basis, upon which the edifice of our constitution has been reared and completed. In that reign the participation of the Commons in the business of legislation, properly began; and thence it was carried forward till, about the middle of the reign of his son, the popular part of our constitution had its outline traced, its principles acknowledged, and its general theory established. How long it had to struggle, after it was thus auspicated, before it was efficient in the full exercise of its privileges, is matter of distinct record. The great start was made by the statute which took from the crown, while it was on the head of the first Edward, the power of taxing the royal demesnes; since which time, though with very unequal progress—sometimes unobserved, sometimes seeming to stop, and sometimes to retrograde, firm or trembling, tumultuous or steady—it reached the epoch of its triumph in the settlement of the

Protestant succession; when temper, prudence, and patriotism prevailing over bigotry, superstition, and the arbitrary abuse of power, achieved one of the greatest moral victories which, without miraculous interposition, has been gained in Christendom.

Entertaining this view of the progress of our liberties, and feeling perfectly assured by the sober page of history, that there never was a period in which our constitution had a better theory or practice than in the present, I cannot hold in much respect the writings or speeches of men, who clamour for “the ancient practice of our constitution to be restored;” call the statute of qualification (8 H. 6) a statute of disfranchisement; complain that the continuance of the same parliament beyond a single session, is a virtual annihilation of the Commons of England; and demand that the fabric of the present House of Commons may be abolished; with other dogmas of the like tendency, composing the creed of the committees and sub-committees of reform, the proceedings of which are to be found in the Rev. C. Wyvill’s collection of political papers. Resolutions, comprising or importing the above appalling aphorisms, were adopted by the Yorkshire Committee in 1798—a committee composed of men of station and influence—and received the signature of an eminent statesman, who must have known that they were in reality such, that even if the Government of the day had been disposed to carry them into practice, the good sense of the nation would have risen against them.

Far be it from his Majesty’s present Ministers to tread in such steps. They will assuredly deal somewhat tenderly with a House of Commons, the counterpart of which, composed in the same way, having nearly the same proportion of members from counties, cities, and boroughs, and sent thither under the same distribution of the elective franchise, in the memorable crisis of our national danger from superstition and arbitrary power, turned the fate of the country,

forced the abdication of the prince, and settled a basis, on which all the grandeur of the last and present century has been reared.

I hardly conceive that any reflecting, experienced, honest man, can lay his hand upon his bosom and say, that he really thinks that any material change in the composition of the House of Commons, effected by means of a more expanded representation, will increase its stock of deliberative and active wisdom. Yet the question of reform or not reform is decided. It has been so long the cabala of candidates for popular favour, that it has at length acquired a traditionary and mystical authority. Its esoteric virtue has been so long in possession of the faith of the numerical majority of the nation, that the potency of the charm must be tried upon the diseases common to our frame of polity with every other institution of man. We live in an era of extreme opinions, and wild experiment : a period in which any theory will float upon the agitated surface of the public mind. But still there is a large proportion of wise and moderate men in the country, made more wise and moderate by the very want of stability in the surrounding appearances. To these we trust the Ministers will pay the respect which is due to them ;—that they will lean upon them as the great arm of the country ; and, with such a force, present the fronts of an impenetrable square, (within the hollow of which, whatever is most precious to the true patriot may be placed,) to assaults however furious, or however imposingly powerful.

I am unable adequately to represent the opinions of the moderate and middle class of society upon this great question ; but if I may humbly conjecture what their wishes may be, I should conceive, that if our government, regarding the extension of the right of suffrage to men of no property, or next to none, as virtually depriving of their suffrage the men who have this stake, by overwhelming them with a triumphant numerical superiority, shall so regulate the qualification for voting as to

place the institutions of the country in the hands of those who have a substantial interest in their preservation, and minds qualified by education for the apprehension of that interest:—that if the intended plan of reform shall contain no propositions for “excluding the effect of influence and favour on human actions,” which was an object condemned even by the petition of the friends of the people in 1793; and in that flaming document confessed to be *impossible*:—that if copyholders and leaseholders, not without a certain amount of qualification, shall be proposed to be admitted to the right of suffrage, (which is surely not unreasonable:)—that if close boroughs, to a certain extent, upon a sound and satisfactory principle, shall be proposed to be disfranchised; (a measure strong, but perhaps necessary:)—that if some large trading towns now without the franchise, shall have that privilege granted to them, (an infliction upon those towns, whatever they may think of it now:)—that if knights of shires are increased to supply the vacancy produced by the disfranchisement of boroughs:—that if operative means are adopted for shortening the continuance of the poll and canvass, so as to check as much as may be, the demoralizing tendency of the proceedings at elections:—that if without artificial divisions, made by rule and measure, and the sacrifice of local ties and connexions, the right of suffrage shall be placed above a jobbing, clandestine, and corrupt influence; above the reach of corporate and municipal interference; and out of danger from the conversion of charitable institutions into instruments of solicitation or coercion:—that if in the plan which shall be presented, there shall be no tendency to bring into question the competency of former legislative enactments, (which, indeed, would be a suicidal proceeding,) or the legal exercise of royal prerogative, or any title of constitutional usage or prescription, to which our representative system owes its present existence and form; nor proceed upon any professed reference to supposed ancient models, which have no warrant

from express records; nor assume any ground of justification but the exigence of the times, and the strong call of expediency:—that if, in fine, the whole forthcoming measure shall be accommodated to man and his nature, (meaning that hypothetical nature, with which the complicated relations of an advanced state of society invest him,) and agreeable to practical plain sense and experience;—then that those moderate and middle men of reflection would wish, under all circumstances, that the legislature as now subsisting, in unison with the voice of a great people, may entertain favourably the propositions of the King's Ministers, for improving the system of election to the Commons House of Parliament. Their acquiescence may be the means, perhaps, of saving the shrine of the constitution from the touch of profane hands, and the violence of an incendiary reformation. It is wisdom of a high kind, “well to know the best time and manner of yielding what it is impossible to keep.” But there is a limbo beyond this boundary, to the edge of which if our government should carry us, it is to be hoped that the same class of moderate and middle men, to which allusion has above been made, will arrest their further progress; and to this stable part of society must, in such a case, the last awful appeal be made. If they should be too small a number to answer such appeal, it will be my desire to follow their destiny, and to be found in their thin but determined ranks. They are our real country; and when they shall cease to raise their voice with effect, England will be no more.

LETTER VII.

Clapham, Jan. 24, 1831.

MY LORD ;

If time had been spared me, it was my further intention to have thrown out in this form of communication, many of my quiet thoughts on another topic of national reform—the contemplated modification of our ecclesiastical establishment, or at least of the provisions for the support of its clergy : but I have only the opportunity, under present circumstances, of giving expression to a very few sentiments on this momentous inquiry. The march of innovation threatens to trample under foot much that is good ; and menaces surround us, which, if carried into effect, would turn every national loss into a just and righteous chastisement.

By too large a number of us the extent of the risk which accompanies political changes is very partially observed, while others, by their sensibility to tangible inconvenience, are rendered blind to remoter consequences. That all schemes, whether of religion or civil policy, involve a mixture of good and ill, is not a mere saying of wise men, but a practical and applicable truth. Where the motive for the rejection of any standing arrangement is the absolute existence of evil in some of its consequences, abstracted from all comparison with proposed or possible substitutes, such motive is entitled to little or no respect. Unless the value of an establishment, and the sources of its permanence and security, are full before the eyes of him who enters upon this subject ;—unless his preference of any substitute grounds itself upon the probability of its tendency to promote the interests of our national religion ; —unless the life of that which he searches and probes is the

object of his unaffected solicitude; I would accept neither his counsel nor assistance.

How greatly the social and political habits and principles of men are influenced by their religious belief and worship, is, without any help from moral disquisition, sufficiently proved by history and experience. I disclaim the argument for a national religion, which rests upon the solemnity of the sanctions, and the efficacy of the motives, which is thereby furnished to loyalty and legal subordination. Such was invariably the religious policy of the heathen world and its celebrated lawgivers; but in a Christian community the soul is, or ought to be, the great care, and truth the single object. Having provided first for these high concerns, the state entitles itself to the happy consequences which flow from its pious wisdom. No religion can be sound, that is not established for its *own* sake. The cold contrivance of a system of ecclesiastical arrangements in subserviency to the state, is only an expansion of that worldly-mindedness observable in the Christian deportment of many individuals. But religion is never slow in her returns for the services rendered her by the state. Her warm embrace gives life to that which would otherwise be little better than sculptured marble. What is called the genius of a people, the spirit of their laws, the tone of public opinion, national character, and moral power, if not created, are at least fostered, guided, determined, and confirmed by the influence of the religious principle, and rise or fall as its genuine authority flourishes or decays.

In this vast community, there is a numerous proportion that, in a moral or spiritual sense, never think, or only think they do. One individual, the little world of *self*, with its surrounding atmosphere of enjoyment, engages and absorbs the whole of the intellect and affections of too many of us. But of those, and they also are a pretty large number, whose views take in the interests of their fellow-beings, who feel their own accountableness and enter into that of others, who,

in a word, are properly in a state of religion, is there one, whose actions, habits, and impressions, are not in a great measure derived from this operative source? This then is the primary connexion between Church and State; and so far is it from being a thing of human contrivance, that no human contrivance could make it otherwise than it is. To produce a condition of perfect political disorder, and to destroy every principle of coherence, every cement of society, it was necessary, in the commencement of the first revolution in France, to efface the very vestiges of religion from the heart. The alliance of religion and civil polity has its foundation in nature and in the soul; God has joined them, and no man can put them permanently asunder. Their connexion is as strong as that of feeling and thought, of wishes and endeavours, of sentiment and action; and in proportion as the union becomes more and more perfected in the progress of mutual improvement, the influence of a future state is made more sensibly to act upon the collective happiness of the present. It is, therefore, a maxim of English jurisprudence, that *religion is the highest reason*. But “religion and its fruits,” it has been truly said, “cannot be planted without a spiritual ministry, nor grow of its own accord.”* And how a body of men separated from the cares and concerns of this world, and consecrated to the study of divine wisdom, and the dissemination of Christian truth, can be maintained in reasonable security and independence, but by a provision made for them independently of secular labour, and in pure recompense of their religious duties; or how the dignity, efficiency, learning, and freedom of such an order can be made consistent with an elective, popular, and eleemosynary appointment, I am unable to conceive. It is impossible not to see, that every religious sect without the pale of the national establishment, and with whom this establishment has been an object of jealousy and reproach, has shewn at least an equal disposition to strengthen

* Hooker, Eccl. Pol.

the exterior means of its permanency and support, and to fund and enlarge its emoluments. Nor were Calvin and Wesley insensible in their own cases to the importance of spiritual government. It may safely be affirmed, that they exercised over their respective societies more arbitrary power than any prelate of the reformed Church of England has ever pretended to. And which of these dissenting authorities impose their creeds upon their respective communities with less pertinacity and rigour than the Church practises in this respect? After all, it may be affirmed, that the most liberal and honest method of providing for the security and propagation of a religious creed, is to furnish to its professors and teachers the amplest means of investigating truth, of extending on all sides the spirit of free inquiry, and of multiplying the lights of human learning. No oaths nor tests could preserve a religion so exposed from speedy decay, in which truth did not reside, and of which heaven was not the guardian.

That there is a necessity for an outward visible church in every political community, distinguished by certain ordinances, doctrines, and discipline, to support the uniform exercise of social worship, a correspondence of religious feeling, and a standard of moral opinion, is a proposition which has its witness in every man's bosom, and is confirmed by the voice of all antiquity. The local, national, and tutelary deities of the heathens were entitled to the honours of state worship, and formed the established religion of each commonwealth. Oaths and tests for securing these national religions, and defending the institutions in honour of the gods, were far from uncommon.* A religion, however, of rites and ceremonies, in which there was little or nothing of a dogmatic theology, easily allowed an inter-community of worship to the gods of other nations, so long as the established rites and divinities

* See the formulary of the oath taken by the Ephebi in Athens. Potter, edit. Edinb. 1803, p. 180.

were not denied by those who claimed this adoption and allowance for their own. If for creeds so accommodating, and forms so multifarious, sacred orders and a privileged priesthood were always found to be necessary, how much more obvious does the same necessity appear for upholding a ministry of reconciliation, to hand down the mysteries "once delivered to the saints," and to preserve the records of that dispensation, and the treasures of that grace, whereby "we are made heirs according to the hope of eternal life." As there is an "inward reasonable, so there is an outward solemn worship due to God;" and without the spiritual edification afforded by public service and an authorized ministry, self-sufficiency would soon usurp the place of sound learning, and religion become as changeable as the colours of human caprice.

- If these arguments are good in their general application, in the case of our own Church they surely lose none of their weight. It calls upon us for our tenderest care. Like our civil constitution, it is the acquisition of long struggle and heroic sacrifice. It is a truly Christian conquest, for which good, and wise, and faithful men have been profuse of their blood. An object so cherished, as to engage men to die with cheerfulness in its cause, and yet one whose excellence is its sober middle course between extremes; with nothing either of beggary or pomp in its exterior, or of exclusiveness or violence in its dogmas, to disturb or inflame the heart or imagination. It is the prize, the greatest in human annals, of meek courage, and intrepid moderation.

A conquest so won is well worth preserving. It is the envy of those from whose violence it has been rescued, and it is its natural fate to be in perpetual danger. Like a lone and lovely spot in a wilderness, or sandy desert blessed with its clear fountain and refreshing shade, it stands exposed to tribes of hostile plunderers for ever threatening its peaceful border. Nothing can save it from this peril but watchful

and faithful guardians, well selected for the trust, who must defend it unceasingly “by the armour of righteousness on the *right* hand and on the *left*.”

Without authoritative creeds, expositions, ordinances, and settled doctrines, it is difficult to conceive a real church, or a solemn public worship. If there were no subscriptions, except only to the general truth of the Scriptures, the wildest sectaries might have admission within the ecclesiastical pale, and no one would know where to find the Church of England. If Christ and the Holy Spirit are to be worshipped as truly God, Arians and Socinians must consider us as idolaters; and what communion could there be between persons of sentiments so opposite? Without a common *object* of worship, there could be no common *worship*: and without a common worship, a church would be a jumble of conflicting creeds and liturgies. Establishment therefore implies community of worship, and community of worship supposes uniformity of belief; and to preserve this uniformity of belief, the teachers must be all of the same household of faith. But the teachers must first be taught, and afterwards set apart in a state of worldly independence; which is saying, in other words, that the Church must have an adequate provision for the education and maintenance of its ministers. If the clergy are precluded from following other trades or professions, their own ought assuredly, in common justice, to yield them a support. And such support ought to be permanent and certain; for if the duties of the clerical office were left to depend upon voluntary remuneration, the manner of the performance would correspond with such an irregular impulse; and it may even be doubted whether, amidst the disorders that would ensue from such a venal, degrading, and precarious system, the knowledge of the true religion could be long preserved.

But in making these cursory observations on behalf of our

establishment, I am far from contending that it is privileged, more than other parts of our national polity, from those reforms which time, and the new aspects, conditions, and permutations which follow in the train of its innovating, and under-working process, impose upon every community which is so happily constructed as to bend without breaking, and to be capable of preserving its principles while it varies its practice. Equity and proportion having respect to functional distinctions, diversities of order, extent of duty, and stability of discipline, must accredit every system of positive institutions to secure their permanence. And equity and proportion are, by the changes of position and relation, which successive years are always bringing about, liable to be more and more disturbed, until, at length, new modifications and arrangements become absolutely essential to the action and utility of the subject. Reformation, or innovation, are either of them terms too strong to characterise the gentle ameliorations with which a wise and prudent government should approach our excellent Church establishment; having full in their view its sacred rights and apostolical character. Something must be done to preserve those rights, and that character; and to anticipate the rude intermeddling of unhallowed spirits, by rectifying and corroborating the administration of ecclesiastical law, by coupling more duty with income, and more income with duty; and by increasing the general efficiency of the clerical body.

To place the whole Church under a more effective discipline, and to make it impossible for any of its officiating or beneficed members to persist in a course of flagrant immorality, or gross dereliction of duty, is an object at this moment calling loudly for regulations; the long neglect of which will lay it open to the just criticism of unjust men, and unholy adversaries. To give to the diocesan courts its due corrective superintendency; to debarrass their jurisdiction, by removing from them the burthen of their tedious and antiquated pro-

cess; and to raise them to a reasonable exemption from the harassing interference of the common-law judicatures, might give to the Church of England a supervision, and control in the management of its moral as well as spiritual concerns, which, under proper checks and securities, might produce an interior change, that might soon improve its exterior majesty and beauty. To have the sound discipline of the Church thus relieved from its cumbrous technicalities, and invested with the means of suspending and removing disgraceful men from her bosom, for crimes proved upon constitutional grounds of conviction, is a duty to which sooner or later—in tranquillity if soon, in trouble if late—our senators must bend their attention; feeling, as I humbly trust they will, in such a cause of reform, their need of succour from above, to qualify them, by a personal reformation of their own example, for the high and holy undertaking.

Without breaking up venerable institutions, to annex certain sinecures to poor parochial benefices, or to make them the means of raising to their proper standard the poorer bishopricks, and other effective church dignities; to equalize and regulate the sources of income, and especially the fluctuating income from fines, and speculative renewals of leases; to restrain pluralities, to enforce residence, to raise and better endow archdeaconries, and to compel these functionaries to reside within the limits of their jurisdictions, and perform in their true spirit their parochial visitations, are other objects of very grave importance, and perhaps of no very difficult accomplishment. But I forbear entering into details, which would frighten all readers from this humble sketch of the principal matters, that lie in awful succession along the perilous path of our Government.

We are now come to the threshold of a subject as difficult and dangerous as any which have been brought into controversy in these latter times—By what means and out of what sources is

it most for the interest of the country, and the national religion, that provision should be made for the parochial clergy ?

We may, it is to be presumed, very safely premise, that an arrangement which has been found compatible with a rapid progress towards that degree of national grandeur and prosperity, to which we have attained, and during the operation of which a pure, amiable, and holy system of doctrine and discipline has established itself in the place of a superstitious creed, and a tyrannical church, and proceeded in happy conjunction with liberty and law ; puts upon its opponents the task of showing what better can be done, before the expediency of innovation can be made to appear. Prudence and candour demand of all projectors of change, that the merits of what they propose to destroy, be gravely and dispassionately considered, before the work of demolition begins.

Whether tithes were, or were not, of divine institution, I shall not stop to consider, since, as property grounded on positive law, they stand at least on a footing with any estates in this kingdom. There are laws and charters of the Saxon kings, endowing the clergy with them ; and from the period of the Conquest downwards, a series of recognitions and confirmations have established a title in the Church to this great source of its subsistence, almost coëval in its origin with a Christian priesthood in this country. The Reformation, which exposed the privileges and revenues of the Church to the shock of a general change in its constitution, and opened all its acquisitions to the searching eye of cupidity, ended in the fullest confirmation of the right of the clergy to their tithes.

As the antiquity of an institution is of itself a ground of security and stability, I mention it as a primary argument in favour of tithes.

Another early point in the discussion which should be cleared from wrong impressions is, the legal foundation on

which the right to this revenue rests, and the true nature of the property. I will not say that the legislature of the country would exceed its capacity in meddling with this property; for as property is a political essence, it should, and must, be subject to political modifications and mutations; at the same time that it is evident, that for property to produce its natural advantages, it must as rarely as possible be invaded. But the abstract position, that the property of the clergy, being a mere gift of the state, is liable at pleasure to be resumed by the state, is *untrue*, both in the premises and the conclusion, and, like most other abstract generalities in politics, is of dangerous application. The proper view of tithes is to consider them, when belonging to the clergy, as an ecclesiastical *property of inheritance* devolving by corporate succession, and entirely collateral to the land. In their original creation, they were an appropriated possession, to which the state had no claim or right whatsoever, on which any pretence of reclaimer or resumption could, with any semblance of justice, be set up. The tithes of the clergy, then, are their *estate, resting at least on as good a title as any of the estates of our most ancient nobility.*

If regard is to be had to the solidity of the fund, and this is a view which, in any plan of reform, should govern every step of the procedure, tithes must by all be owned to have been an admirable expedient for realizing the income of the Church, and establishing its foundation deep in the very soil of the country.

At the same time that tithes are thus identified with the soil, by attaching *immediately* upon the produce, they have the advantage of being an incorporeal hereditament, and of having no tangible or permanent subsistence to render them an object of envy or rapacity. After the convulsions of states, nothing is found so materially to oppose the return of order as the restitution of confiscated property. But the restoration of tithes, or at least the right to the enjoyment of

them, presents no difficulty to a state, recovering or recovered from its domestic distraction ; they revive of themselves with the general recurrence of tranquillity. I am not sure whether this elasticity in the nature of tithes, considered as property,—this tenacity of life, by which their existence through periods of general disorder and spoliation has been preserved, and continued down for an uninterrupted succession of rightful claimants, undisturbed by forfeiture, escheat, or confiscation, to the times in which we live, has been sufficiently reflected upon.

Another advantage of tithes is their tendency to keep pace with the times. Let any one look at the rates at which the benefices of the Church were valued in the King's Books, and consider what would have been the effect of a permanent adjustment of the stipends of the clergy at the period of the Reformation, on the footing of that valuation, even with a prospective allowance for such a future decrease in the value of money, as was at that time likely to have been contemplated. It might easily be shown, that, with such a stationary provision, settled with apparent equity at the time alluded to, the average income of the parochial clergy would not at the present time have amounted to 20*l. per annum*. But it is the natural tendency of tithes in kind to rise in value, as the articles of subsistence *increase* and money *decreases* in value. And by this flexible, accommodating, and progressive power, which belongs to this species of property, the ministry of the Church has been maintained in respectability and efficiency through centuries of silent revolution.

Perhaps the greatest difficulty in the task of commuting tithes, will be to discover a substitute, possessing the same inherent tendency to preserve a due ratio between the means and the exigency, in the provision for the clergy, and to support their relation to society under the variations in the expense of maintenance, to which it is necessarily subject.

In Scotland, where the tithes of the Church had been exchanged for settled income, the poverty of the establishment became at length so sensibly felt, as to call imperiously for an improvement in this respect; which was at length partially brought about, by augmentations of the ministers' stipends out of the unexhausted or unappropriated tields. But still, in the year 1810, an addition of 10,000*l.* per annum was granted by act of parliament, by which the poor livings in Scotland were raised at once to 150*l.* per annum, exclusively, I believe, of the value of their glebes and manses.

To the many advantages of the tithe-system, may be added this—that the maximum is absolutely fixed, so that on the part of the tithe-owner there is no room for extortion and oppression. Those that have for very bad purposes represented the conduct of the clergy in this light, have been obliged to resort to the false surmise, that the right of the Church is only to one-tenth of the rental, and accordingly that when it is taken upon the produce of the land it is extortion. The fact is too notoriously otherwise to call for any refutation. But it is impossible not to remark upon the malignity of propagating erroneous conceptions among the ignorant and vulgar, to ground upon them aspersions of a body of men very undeserving, *as a body*, of such treatment, and upon the influence of whose stations and functions depends what is of more value than all else that belongs to this great nation—the moral and spiritual elevation of its character. If oppression and injustice is to be complained of, it is surely on the side of those who do not actually receive the half of their legal dues, and who, when they claim even to that extent, are often harassed by lawsuits, overwhelmed by oppressive combinations, and sometimes ruined in the unequal contest. The loss of personal comfort, and the more serious and extensive evil of the diminution of spiritual and pastoral influence attendant upon the collection of tithes in specie, or even of a rigid ex-

action of an equivalent, has operated, as might have been naturally expected, on a body of men, generally softened and elevated by their education and habits, and indisposed by the natural bias of sedentary pursuits to waste their hours in a low and illiberal contention.

Exceptions there will be to this character among beings of human mould and materials. The Church in its militant state, and under the ministration of human agents, must be impure, as all things here are impure. Many of her servants that neglect her work, will exact her reward, and exact it with a rigour that will generally be exerted in an inverse proportion to the deserts of the claimant. It is due, however, to the body in general to affirm, that they do in fact sit down with less than half their legal right, and are, for the most part, content to accept a composition measured by the rent rather than the produce, and often proportioned to the want of means or disposition in the party entitled, to protect himself against injustice.

The little ceremony with which tithes have been treated by men, whose real object of attack has been our establishment in church and state, and whose hands ought never to be permitted to displace a brick of our beauteous and venerable structure, calls upon those whose designs are honest, to look well at what others are doing; and to do justice at least to the claims of an institution copied from the earliest Scriptural model, embodied into the first ecclesiastical establishments of Christendom, older than any of our legal titles to property, handed down in unbroken succession through a series of rightful possessors from time at which memory stops to the present moment, corroborated by every muniment of law and public authority, and found, in fact, to be a very efficacious method of keeping the ministers of religion, not in proud independence, but properly balanced with society at large in the scale of decorous mediocrity.

Notwithstanding the tithe-system has had existence in this

country through the whole period of its history, the progress of agriculture has been such as to keep pace with the wants of a population double the number it supplied about three centuries ago; and before that period so far was agriculture from suffering from the exactions of the clergy, that it was to the patronage and encouragement which it received from that body that it was most essentially indebted. The pressure of tithes did not prevent the cultivation of 3,000,000 acres of waste lands during the last century, and it may fairly be questioned whether a very accelerated progress in this respect be politically desirable. Of the 6,000,000 acres of waste lands, which according to the report of the Committee of the House of Commons in 1795 remained, less than 900,000 was reported fit for tillage, and over this 900,000 acres the genius of agriculture has waved his rod, and the spell of this alarm about tithes has lost its power. Of that which is unfit for tillage, we see no reason why the dread of tithes should operate to prevent the inclosure; and it may be worthy of observation, how few commons or wastes are brought into cultivation with any other design than that of improving them by temporary tillage into more profitable pasture. The objection to tithes, therefore, grounded upon their supposed obstruction to the practice of enclosure, has little or no foundation.

To suppose the farmer (in his right senses, and not stimulated by blind resentment) to grow a grain of wheat the less on account of the tithes, or that, in the general cultivation and economy of his farm, he is at all influenced by a regard to this claim upon his industry, is very absurd. Tithes have come by surprise upon no one. The farmer takes his farm with the tithes looking him in the face, and claims them as an item of deduction in making his contract with the land-owner; and yet we are expected to believe that he takes the farm with the design of not making the most of it, lest his own success should extend its benefits to one who had no part in producing it. He knows he cannot improve his farm without

advantage to his landlord, and while the property tax lasted, his burthen increased with his prosperity; but no sane man has ever surmised that either of those considerations operated to deter the farmer from endeavouring to increase his profits or his produce. But in truth it is not the farmer, but the land-owner, who is interested in getting rid of tithes. It is plain that if tithes were abolished, the value of them in the shape of rent would be transferred into the pockets of the land proprietor; and farmers must be incapable of deriving knowledge, like other men, from experience, if they do not see how materially they would lose by the transfer. Nor has the landlord any better right to complain. He would be glad, no doubt, to possess his land without any incumbrances or outgoings; but what right can he have to expect the benefit to be enlarged beyond the consideration given for it, or beyond the grant by which it was first created and limited? It was originally given or purchased with an exclusive right, indeed, of cultivation and enjoyment, but subject to a condition of paying the tenth part of its produce to the clergy; or in other words, his title goes no further than to nine-tenths of the produce; the other tenth never was his, or theirs from whom he derived it. It is only the circumstance of this ecclesiastical hereditament being mixed with the lay-property, which creates the smallest difficulty in the recognition of the distinct title which attaches upon it.

But I come now to an objection to tithes, which as it is founded not upon any complex considerations, but upon obvious tendencies and visible effects, is more easy to discuss, and, as involving the vital interests of religion itself, is of equal concern to us all, whether we pay tithes or not. It cannot be denied that tithes are pregnant with disputes between the clergy and their parishioners;—with altercation and animosity, more or less, about things temporal, where things eternal should engage the thoughts and be the only serious business. As the greatest objection to any institution is its ten-

dency to defeat the ultimate object for which it was established, whatever intermediate purposes it may answer, we must admit the difficulty of defending the tithe-system if it lessens or opposes the very use of a clergy, and the very design of a church. It is not difficult to prove the right of the clergy to tithes, but it is absolutely impossible to reconcile the occupier of land to the right of another to any part of the produce of his skill and toil. He sees not the force of analogy, nor the resemblance of the tithe-owner to the land-owner, both of whose demands equally original and paramount, and both of whom follow the improvements of the tenant, with a proportionate increase in their demands; but he sees and deprecates the hand that fastens upon the fruit of his labour, taking up that which it laid not down, and reaping that which it did not sow. The prejudice is invincible, the feeling natural, the consequence inevitable. No minister can be either loved or listened to, while there is a prejudice against the disinterestedness of his conduct, and while the wants and passions of men are in mutiny against his reproof and persuasions. Even with the Gospel on his side, he is no match for such hostility. In such an atmosphere the rod of the priest can “bring forth no buds,” “the rose of Sharon” withers on its stem, and the “vine” can yield no “tender grapes.” Vain is the ministry of him who is at once the plaintiff and the priest, the prosecutor and the pastor, the guardian of the flock and the sharer in the fleece. There are associations implanted in the human breast, which may be modified to good purposes, but which can never be reasoned into silence,—that belong to certain prejudices, which, though leading sometimes into practical mistakes, and often crossing the best laid plans of a particular economy, help on the whole to incline the scale to the virtuous side, and to keep up in the great mass of human beings a diffusive sympathy of moral feelings and predilections. Among these is that prejudice which associates with the sacred service of the Gospel, habits of a higher order than those

which are necessarily brought into exercise in the mean contentions about rights and dues, and little things of vulgar sound and illiberal concern. It is hard for him who has spent the week, or any part of it, in driving bargains, or (which is indeed by far the more frequent case) in resisting impositions, in questions of right and compromise, in disputes about half-crowns and shillings, or the produce of the field or the garden, to emerge on the Lord's-day to the serene summit of his high and holy duty; and still harder for uneducated minds to forget their grudges and complaints, and accept from him whom they deem their oppressor, however erroneously, the lessons of peace, and Christian gentleness; but hardest of all for the pastor of a parish to blend with his adverse dealings on these temporal subjects, that weekly intercourse of spiritual affection and comfort, in which the language of Christ and his Gospel should alone be heard, healing the soreness of mutual irritation and unneighbourly strife, with the power of its "new commandment" to love one another.

Whether on turning from a system so fraught with evils of the worst kind, we look to land, or corn rents, or whatever else, as a substitute, we see also a crowd of attendant inconveniences. But they are not all of them equally formidable, nor perhaps any of them wholly insurmountable. I trust it is within the power of the legislature of this country to remove some, and reduce others. Nor do they appear, upon the whole, to balance against the effects of the tithe-system on the highest interests of human beings.

The proposition of substituting money payments or regular stated stipendiary provisions for the clergy, has had its advocates only among those who are no friends to religious institutions. As in the system of tithes the principal advantage is its tendency to advance with the times, and to keep up a sort of parallelism with the condition of society; so a fixed income in money would have a necessary tendency down-

wards, carrying with it the dignity of the sacred order through the scale of degradation to mendicity and contempt. And though it is true that a provision might be made for periodical augmentations, yet who that has attended to the testimonies of history, would desire to leave the Church to the mercy, the charity, the piety, or the prosperity of governments, and to the unstable funds of pecuniary credit and resource. To put the whole body of the clergy into this state of dependance, would be as dangerous in a political, as degrading in a religious, view: the pliant character of a pensioned establishment would no longer display religion as the ally of the state and the supporter of moral freedom, but as a mere emanation of political power, holding its privileges by a tenure marked rather by its suit and service to man, than by its high and honourable fealty to the paramount Proprietor of all things.

Probably no plan for commuting the tithes could be adopted without some characteristic inconvenience; and, as a source of revenue, the tithe-system is by far the best adapted to the support of the Church. But still the objections to that system are so strong as to make the Christian humbly hope that means may be found of maintaining our establishment in security without the aid of this obnoxious provision. No substitute will answer *universally*: and very serious disarrangement and entanglement would be the certain consequence of an indiscriminate and compulsory law. The tithe-system may be undermined, but it will be infinitely hazardous to attack it by assault. The legislature will perceive the necessity of proceeding by steps, and by a prudent facilitation of the means of arrangement between the parties themselves of avoiding the danger of untried speculations. Two great advantages will in all probability arise from this plan of facilitation: the mode of commutation and substitution most agreeable to the local conveniences of each parish will be adopted, and from the manner in which a part will

have executed itself, the legislature will be supplied with a basis of experimental knowledge for accomplishing the remainder. If it were left to the patron and incumbent of each benefice, in conjunction with the bishop of the diocese on the one side, and the parties subject to tithes on the other, to agree upon a plan of exchange, and to propose it to commissioners authorized to determine upon its efficiency and eligibility, and to carry it into effect with the proper solemnities of authentication and registration, exempt from, or moderately liable to, the pressure of duties; the probability is, that many settlements in lieu of tithes would be struck out in harmony with the state of property in each place.

In many parishes the lands belong to a few proprietors, in some they are the property of a single person: and where this is the case, a facility offers itself of commuting the tithes for land, which cannot be looked for in parishes comprising many small divisions of property. The solidity, contiguity, and convenience of the substituted land, and the probable simplicity of the arrangement in these cases, would obviate many of the objections which may be made to this mode of commutation. It is impossible to give to land the elastic and progressive quality of tithes; but there may be circumstances in a particular case, which, if they do not equalize the benefit upon the whole, may at least constitute land the nearest adequate substitute. The mutual exchanges among proprietors, which might be necessary to effectuate a commutation with the tithe-owner, might be made by the commissioners, as in the case of inclosures; and disabilities, and defective interests, might be aided as in all similar cases.

Under a settled course of cultivation, corn-rents, or rents taken upon an average of certain articles of titheable produce, might afford a practicable, equitable, and convenient substitute, the depreciation of which might be provided against by effective expedients. And in some cases the circumstances of the parish might suggest a mixed commutation,

which might prove a better support than a simple exchange.

In this plan of facilitation, assisted by the odium which has attached upon the tithe-system, will, probably, be found the safe beginnings at least of a less obnoxious provision for the parochial clergy. Wherever land shall be substituted, although the property will be liable to some inconveniences, (and no device of man can be expected to be exempt from them,) one object, and that the greatest of all, and which is the single sufficient reason for an alteration of the system, will be secured—the collision of temporal interests will not disturb the spiritual connexion of a clergyman with his parish. Means may be discovered of preventing the deterioration of the property in the hands of the incumbent, or of his tenant, by improper cultivation, and this will be one of the most important features of any new arrangement as far as it may consist of a commutation in land. If a power of leasing be given to the incumbent, such power should be limited to twenty-one years, and it will be quite of course to make the concurrence of the bishop and patron necessary to bind the successor; to which such other supervision may be added as may appear requisite to secure the introduction of the proper stipulations and covenants.

But whatever shall be determined upon, it is hoped that the legislature will be mindful of its alliance with the Church, and that to the tenderness due to a property so derived, it will add a conviction, that the best hope of the State is the support of religion in a condition equal to maintain that alliance. Surely nothing derogatory to the dignity, or impoverishing to the funds, of our venerable establishment, will enter into the views of those, who may be about to take upon themselves the fearful responsibility of altering a system which has been found consistent with a degree of prosperity, religious and political, unexampled in the history of the world. Much as I lament the evils incident to tithes, I should greatly

prefer the continuance of them to any change that would gratify that feeling of hostility to the national Church which has prompted the loudest cry against them. I can see without regret in the bosom of the Church an inequality of rank and income, less in degree, but like that which pervades the community at large; and I can see without regret, also, situations in the Church conferring dignity without imposing labour, because I feel that God is to be honoured in the things and persons that minister to him; that distinctions and degrees are necessary to discipline: that religion, to possess authority among the high as well as the low, must be matched in its exterior with the different gradations of society: and that the Church should have the means of drawing within its diversified inclosure men of study as well as men of activity,---those who may keep the arsenal supplied, as well as those who go forth to the fight. However superior in its value to all learning is the active labour of a pastoral clergyman, it is to be remembered that the truths of religion are to be defended, as well as its precepts enforced; and that to let the great into a partnership with the poor in the blessings of the Gospel; to give free course to Christian knowledge; to open an access for the word of God to every station, the arm of the ministry should reach from the lowest to the highest. Besides being a “comfort to the feeble-minded,” and a succour to the weak, it should be competent to deal on equal terms with such as are “leaders of the people by their counsels,” with “rich men furnished with ability,” and “with those whose philosophy is after the tradition of men” and “the rudiments of the world.”

LONDON :

IBOTSON AND PALMER, PRINTERS, SAVOY STREET, STRAND.

