



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### **Usage guidelines**

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### **About Google Book Search**

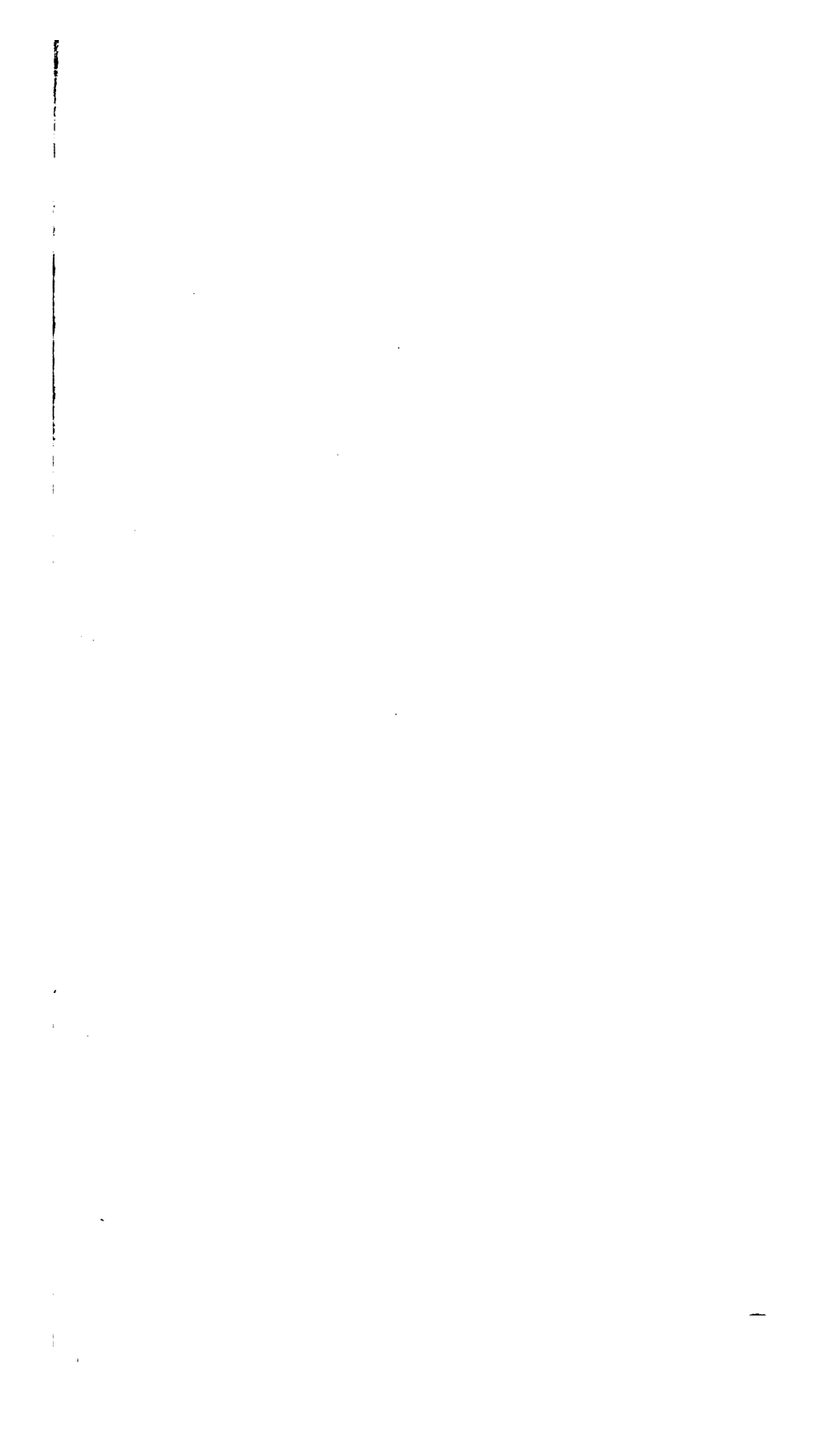
Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

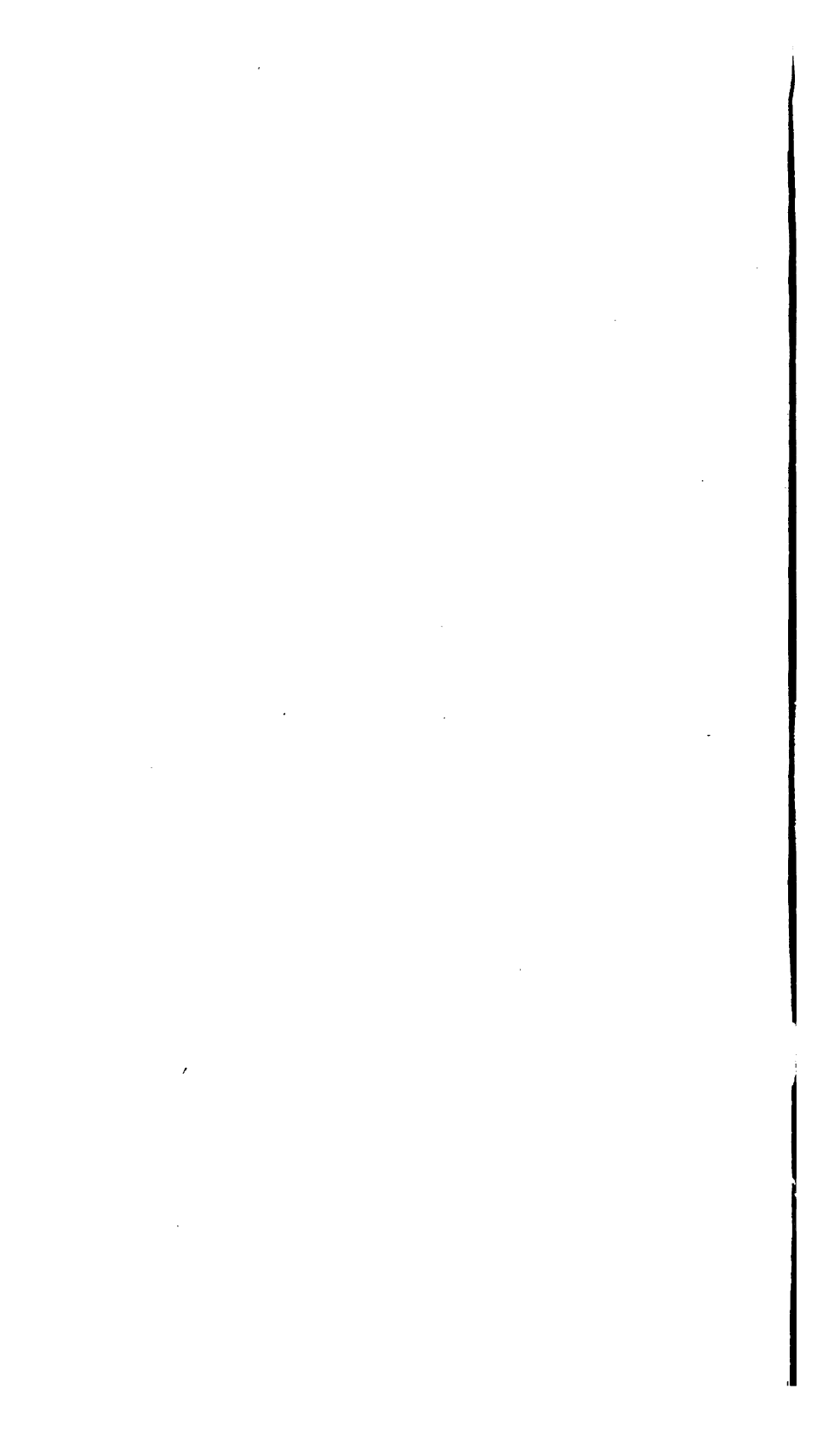


22

Vertical column of text on the right side of the page, possibly a page number or a reference.







# MEMOIRS

OF THE

PUBLIC LIFE

OF THE LATE RIGHT HONOURABLE

*CHARLES JAMES FOX.*

---

---

By R. FELL.

---

---

Carum esse civibus, bene de republica mereri, coli, laudari,  
diligere, est gloriosum.

---

IN TWO VOLUMES.

---

VOL. II.

---

---

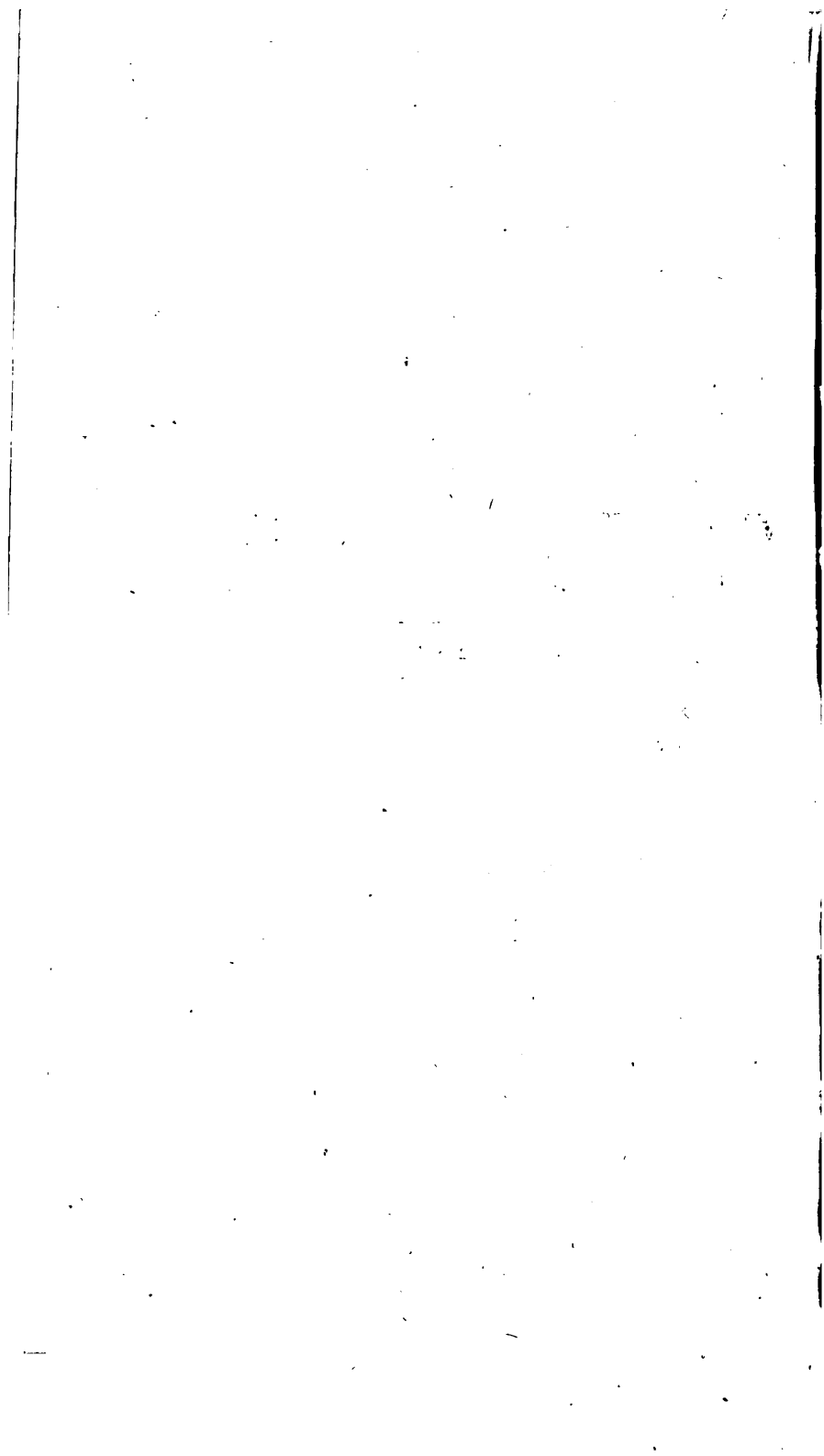
LONDON:

PRINTED BY D. N. SHURY, BERWICK-STREET, SOHO;

FOR J. F. HUGHES, WIGMORE-STREET, CAVENDISH-SQUARE,  
AND 15, PATERNOSTER-ROW.

---

1808.



# MEMOIRS,

Et c. Et c. Et c.

---

PASSING by the events of the sessions of 1787 and 1788, as comparatively of little importance with those which follow, and as most of the topics discussed in them, were subsequently gone into more largely, the next period of Mr. Fox's public life to be noticed is his conduct on the memorable occasion of the king's indisposition, the latter part of the year 1788, and the beginning of 1789. The king's malady, it is too well known here to be repeated, was of a nature that utterly incapacitated him from attending to the functions of government; "*his faculties* (to use an expression of Mr. Burke, who seldom was very choice or courtly in his phrases, when his passions were roused) *were eclipsed:—it was not a partial eclipse, wanting some digits of completion,—but a total and entire eclipse,*" and therefore it became necessary at this extraordinary juncture to provide

a substitute for the exercise of the royal authority. Mr. Fox at this period was on an excursion to the continent; but, an express being sent after him, returned to England with the greatest despatch.

Parliament met on the 20th of November; and after the ministers had briefly explained his majesty's melancholy situation, both houses adjourned for a fortnight. At their next meeting a committee of twenty-one persons in each house was appointed to examine and report the sentiments of the royal physicians; and a further adjournment to the 10th of December then took place. On that day the report of the committee was laid upon the table of the house of commons; and after commenting upon it some time, Mr. Pitt moved, "That a committee be appointed to examine and report precedents of such proceedings as may have been had, in case of the personal exercise of the royal authority being prevented or interrupted, by infancy, sickness, infirmity, or otherwise, with a view to provide for the same."

This

This motion was warmly deprecated by Mr. Fox. He said it was undoubtedly their duty to lose no time in proceeding to provide some measure for the exigency of the present moment, but that exigency was so pressing in point of time, that he, for one, must oppose the motion then made.—What, he asked, were they going to search for? Not precedents upon their journals, not parliamentary precedents, but precedents in the history of England. He would be bold to say, nay they all knew, that the doing so would be a loss of time, for there existed no precedents whatever, that could bear upon the present case. There might have been an incompetency, there might have been an inability, in former monarchs to direct the reins of government; but if such a misfortune had happened to the country, it had happened at a time, when there was not the alleviation of a natural substitute. The circumstance to be provided for did not depend upon their deliberation, it rested elsewhere. There was then a person in the kingdom, different from any other person that any existing precedents could refer to, *an heir apparent of full age and capacity*

*to exercise the regal power.* It behoved them, therefore, not to waste a moment unnecessarily, but to proceed with all becoming speed and all becoming diligence, to restore the sovereign power, and the exercise of the royal authority. When the unfortunate situation of his majesty was first made known to that house, by a presentation of the minute of the privy council, some gentlemen had expressed a doubt whether the house could make such a paper a ground of parliamentary proceedings. Mr. Fox declared that he had gone farther; that he thought the report of the privy council was not an authentic document, nor such as that house could make the ground of its proceedings. The defect had now been remedied, and the house was, in consequence of the regular examination his majesty's physicians had undergone before a committee of their own, in possession of the true state of the king's health. That being known to the house, and through them to the nation at large, he contended that it was then, and then only, the precise point of time for the house to decide, and that not a moment ought to be lost. From  
what



what he had read of history, from the ideas he had formed of the law, and, what was still more precious, of the spirit of the constitution, from every reasoning and analogy, drawn from those sources, he declared that he had not in his mind a doubt, and he should think himself culpable, if he did not take the first opportunity of declaring it, *that in the present condition of his majesty, his royal highness the prince of Wales had as clear, as express a right to exercise the power of sovereignty, during the continuance and incapacity, with which it had pleased God to afflict his majesty, as in the case of his majesty's having undergone a natural demise.* Mr. Fox said, that entertaining this opinion, he thought it candid to come forward fairly, and avow it at that instant. With this opinion, as short a time as possible ought to intervene between the prince of Wales possessing the sovereignty, and the present moment. If the prince did not instantly claim those powers, to which, from analogy, from history, and from the spirit of the constitution, he was clearly entitled; if he acted in a manner more suited to his character and education; that moderation

should be their strongest incitement. He had been bred up in those principles which had placed his illustrious house upon the throne, and with a known reverence and regard for those principles, as the true fundamentals of our glorious constitution, in the maintenance of which his family had flourished with so much prosperity and happiness as sovereigns of the British empire. Hence it was, that his royal highness chose rather to wait the decision of parliament, with a patient and due deference to the constitution, than urge a claim which, he trusted, a majority of that house and of the people at large admitted, and which he was persuaded, could not reasonably be disputed. But ought he to wait unnecessarily? Ought his royal highness to wait while precedents were searched for, when it was known that none bore upon the case, which so nearly concerned him, existed? In the deference and forbearance of the prince they were not to forget his right. In all their observations, they should remember that there was such a claim existing, and it should serve to hasten their decisions, as far as was consistent with the magnitude of the occasion.

After

After urging these remarks strongly, Mr. Fox thought it his duty to say, that it was incumbent on the house to lose no time in restoring the third estate. His royal highness, he was convinced, must exercise the royal prerogative during, and only during, his majesty's illness. With regard to the examination of the physicians, he would not take up the time of the house with commenting on the particular answers and opinions of each. However the physicians might have delivered opinions, that might in the minds of some men impress one turn of idea, and in the minds of others a very different turn of idea, three points, he thought, were undeniable inferences from the whole of their examinations, in which he had assisted. These three points formed the result, and must be the foundation on which that house must necessarily raise the superstructure, whatever it might be, which they should deem it expedient to erect. He took the three points to be these.

1. That his majesty was incapable of meeting his parliament, or proceeding to business.

B 4

2. That

2. That there was a great and strong probability of his recovery.

3. But that with respect to the point of time, when that recovery would take place, they were left in absolute doubt and uncertainty.

Mr. Fox said, he hoped the members of that house would agree with him, that these three points formed the true, fair, and uncoloured result of the examination of his majesty's physicians. After repeating his willingness to accede to every proposition that was consistent with the due solemnity of their proceedings upon so serious an occasion, Mr. Fox concluded with declaring, that he had thought it incumbent on him to give his opinion on the subject freely and unreservedly, and that he did not impute to the ministry any design to create delay, or unnecessarily avoid despatch.

Mr. Pitt immediately commenced a very warm reply. The doctrine advanced by the right honourable gentleman, said he, was itself, if any additional

ditional reasons were necessary, the strongest and most unanswerable for appointing the committee he had moved for, that could possibly be given. —If a claim of right was intimated (even though not formally) on the part of the prince of Wales, to assume the government, it became of the utmost consequence to ascertain from precedent and history, whether this claim were founded; which if it was, precluded the house from the possibility of all deliberation on the subject. In the mean time, he maintained, that it would appear from every precedent, and from every page of our history, that to assert such a right in the prince of Wales, or any one else, *independent of the decision of the two houses of parliament, was little less than treason to the constitution of the country.* He said he did not mean then to enter into the discussion of that great and important point, a fit occasion for discussing it would soon afford both the right honourable gentleman and himself an ample opportunity of stating their sentiments upon it. In the mean time he pledged himself to this assertion, that in the case of the interruption of the personal exercise of the royal authority,

rity, without any previous lawful provision having been made for carrying on the government, it belonged to the other branches of the legislature, on the part of the nation at large, (the body they represented,) to provide according to their discretion for the temporary exercise of the royal authority, in the name and on the behalf of the sovereign, in such manner as they should think requisite; and that, unless by their decision, the prince of Wales had no right (speaking of strict right) to assume the government more than any other individual in the country. Whatever might be the *discretion* of parliament with respect to the disposition of those powers, their right to dispose of them was undoubted; and that, until the sanction of parliament was obtained, *the prince of Wales had no more right to exercise the powers of government than any other person in these realms,*

Mr. Fox, in reply to what had fallen from the minister, declared that either the right honourable gentleman had misunderstood him, or that he had rested himself on the use of an equivocal word,

word. If it was meant that the sovereignty should be settled in all cases by parliament—meaning, thereby the king, lords, and commons, he should readily agree to the principles which had been laid down; and that a parliament of that constitution, being full and complete, had it in its option and power to alter the succession to the throne, or in any other way alter the existing laws and constitution. But if the same was alleged of the two houses acting without the kingly sanction, the reverse of those principles was the truth. They were in that state maimed of their powers;—they could pass no law, but were to await the operation either of some provisional statute, or of the principles of the constitution, as they had been generally laid down. If they proceeded to regulate or to limit the bounds of the executive power, they acted contrary to the spirit and to the letter of the constitution. This was the law as laid down by the statutes of the realm; and if he maintained the contrary of this doctrine, the attorney-general should, in duty, prosecute him for treason, and he must incur all the penalties of a *præmunire*. If this was the language deemed

*treasonable,*

*treasonable*, he should repeat it in so many words, —that the prince of Wales, in his opinion, stood possessed of the sovereign power, by virtue of the *civil* demise, in the same manner as he would have done by the natural demise of his father, and as independently of any interference of parliament. —But, said he, when this last word was so often repeated, it should be recollected, that a question might be put, whether they sat as a parliament or as a convention. If as the latter, they were of course no perfect parliament; and former conventions, whose meetings were justified by necessity, and to whom we owe every thing we hold dear, were too wise either to take the name of parliament, or to attempt any measures until they had restored that third branch of the constitution to which it owes its form and energy.

He declared he held it to be a clear point, that they were not at that time a perfect parliament. Whether there might be some in that house, who had a wish to nominate, appoint, and perhaps to limit a regent in the exercise of the sovereign authority, he could not say; perhaps they might

be



be driven, by a declaration of that house, to the necessity of electing a person to exercise the royal prerogative. He had ever heard that the crown was hereditary and not elective, and that, because it was thought best for the happiness and freedom of the people. He had heard indeed of some old bigoted persons, who formerly contended for indefeasible right and right divine, which no earthly power could annul; but all that abominable and pernicious doctrine had long since been reprobated and exploded. The crown was declared hereditary by known laws, grounded on other and wiser principles; and did not those laws that made the crown hereditary, make the executive government of the country hereditary likewise? He would maintain the treasonable words he had been charged with, that during his majesty's illness, and only during his incapacity to discharge the duties of the high office his majesty was invested with, *his royal highness the prince of Wales had an undoubted claim to exercise the sovereign authority in the name and on the behalf of his royal father.* It was the duty of the two houses to restore the  
royal

royal authority, and that immediately; and he defied the minister, acute as he was, to controvert that assertion; but, if the two houses of parliament took advantage of the present calamitous state of the country, to arrogate to themselves a power to which they had no right, they acted contrary to the spirit of the constitution, and would be guilty of treason.

The doctrines advanced by Mr. Fox upon this occasion, being severely commented on, both in the upper house of parliament and by the public at large, and many misrepresentations having gone abroad on the subject, Mr. Fox took the first opportunity of the house meeting again, to rise in vindication of himself. No member, he said, was more indifferent to newspaper paragraphs, reports, and representations, than he was; he scarcely ever looked into any of their accounts of what he said in the house, without finding some part of his speech misrepresented, but he had thought it beneath him to take any notice of it, trusting, that if he had expressed himself clearly, the candour of that house, and the recollection

tion

tion of those who heard him, would do him justice. What he rose to complain of was a very different matter. There had, he said, been representations, or rather *misrepresentations*, not in newspapers, not in pamphlets, not in coffee-houses ; but there had been misrepresentations of what he had said in that house, made before a public and august assembly, by a grave person, in high authority, and of dignified rank, (lord Camden, president of the council.) He desired mankind to judge of him and his opinions, from the sense of those opinions, and his meaning, as explained at the time. There were, he said, different sorts of misrepresentations ; there might be some wilful and intentional misrepresentations, others arising rather from levity, caprice, and wantonness, than mischievous design ; and again, another description of misrepresentations arising from the misconception of honest minds, made by persons, who were themselves mistaken, and acted upon that mistake.

After several introductory remarks of this tendency, Mr. Fox said, the first thing he must clear  
 himself

himself from was, the supposition of having spoken from the authority of any person whatever, much less from the authority of his royal highness the prince of Wales. He had spoken merely of himself, and delivered his opinion as an individual member of parliament. In that private capacity, and without the prince of Wales's authority, he had freely delivered his opinion. He would now state that opinion, as he had entertained it then, and still entertained it, and to guard against misconception, more than he had yet done. His opinion was, *That from the moment that the two houses of parliament declared the king unable to exercise the royal sovereignty, from that moment, a right to exercise the royal authority, with all its functions, attached to the prince of Wales, for the time such incapacity might exist.*—When this opinion was quoted in the upper house, a new term had been interpolated, by which he was made to say, that the prince of Wales had a right to *assume* the royal authority upon the interruption of its personal exercise in consequence of the king's illness and incapacity. He must deny that the word *assume*

or

or *assumption* had once occurred in his speech. The idea which he meant to convey was this, That the exercise of the royal authority was the *right*, under such circumstances, of the prince of Wales ; but he had spoken of it as a *right* and not a *possession*. Before the prince could exercise that right, he must appeal to the court, competent to decide, whether it belonged to him or not, and from the adjudication of that court receive the possession. With the lords and commons of Great Britain rested the adjudication of the prince of Wales's right ; and by them he was to be put into possession. But, in considering it, they were not to exercise *discretion*, whether he was, or was not, the proper person to exercise that right ; but whether or not he really had it ; they were not then in the capacity to legislate, but only to judge, functions, which they all knew to be clearly distinct. The more clearly to understand this, it was necessary to explain the precise meaning of the word *election*, and to contrast it with the term *adjudication*. That house could *legislate* and *provide* such measures as it deemed advisable for the public interest. When

they individually gave their votes for such persons, whom they thought most fit to represent them in parliament, they made their *election* of their representative; but when they sat in a committee above stairs, to try whether A. or B. was entitled to a seat as representative for such or such a borough, they sat as judges, and their report was an adjudication of the right of A. or B.

In this situation did the house stand at present; they had not a legislative power, for the invigorating principle, which gave life and action to that power which was wanting. As the monarchy was, on every principle of the constitution, hereditary, so, of consequence, was the exercise of the executive power; and the house, in its deliberation, was not at liberty to exercise its discretion, or to chuse a parliamentary regent; they were not to consider, whether they were about to make a *prudent election*, but bound to *pronounce a just judgment*.

He had, in terms the most explicit and unequivocal, asserted it as his opinion, that when that

and the other house of parliament declared his majesty incapable of exercising the royal authority, that was the precise period when the prince's right attached, and when that house ought not to delay in restoring the royal authority. Had he not said, that the same principles which made the crown hereditary, made the executive power, and the government of the country, hereditary likewise? Upon that ground it was, that he had argued as he had done, and that he conceived to be the nature of the prince of Wales's right. He could not, therefore, be supposed to mean, that the prince would be justifiable, when the houses were sitting, in taking upon himself the powers and authority of regent, until they were adjudged to him by parliament. If there was no parliament either sitting or existing, then, indeed, it would have been the duty of the prince of Wales to have called a *convention* of the lords and commons; to whom the cause of their being so called might have been explained, and by whom his right, and the circumstances on which it originated, might be recognized; and that then being met by him, as exercising the delegated

functions of the royal power, they would become a legal parliament.

Having thus, as he hoped, clearly explained his meaning, he was free to acknowledge, that more difference of opinion prevailed respecting the *right* of the prince of Wales to exercise the royal authority, under the circumstances so often stated, than he could have expected; but much of the difference of that opinion, he found, arose from some *nice, logical, and legal distinctions*, taken between the terms *right* and *claim*; distinctions more equivocal, in his mind, than solid and substantial, and which were rested on arguments, that, he confessed, his understanding was too dull to comprehend. One idea he had learnt was, that it was allowed by some, that the prince of Wales had an irresistible claim, which the parliament could not reject or refuse, whenever it was made, without forfeiting their duty to the constitution. To ~~that~~ idea, he, for one, had no objection; because he knew no difference between an irresistible claim, and an inherent right. In another place the *right* of the prince of Wales had  
 been



been gone into deeply, and that by persons every way qualified to discuss it, who gave all their sanction and authority to his opinion.

If the prince of Wales had done him the honour to have asked his advice how to proceed, he should have told him, as parliament was sitting, that he thought his royal highness might have sent a message to either house, or to both houses of parliament, stating his claim, and calling upon them to decide upon it. But, as he had said on a former day, his royal highness's forbearance was such, that he would send his claim to neither house of parliament; but would wait patiently, and with due deference, being conscious, that the two houses ought to *find* that claim, and restore the royal authority. Mr. Fox said, he could not help thinking, that the conduct of his royal highness deserved the commendation he had bestowed on it, and was entitled to universal applause. He declared, he had sanguine hopes, that in the adjustment of a business of so very delicate and important a nature, men, of every description, would have concurred in one leading and

essential circumstance, viz. that let there exist what doubt there might of the prince of Wales's *right* to exercise the royal authority, under the present circumstances of the country, there could be none of the propriety of investing him with the sole administration of government, and with the exercise of all the regal functions, powers, and prerogatives.—His opinion therefore was, *to declare his royal highness REGENT, for the purpose of exercising all the regal powers, in the same manner, and to the same extent, as they might have been exercised by his majesty, had his health been such as to render him capable of continuing to exercise the royal authority.*

Mr. Pitt maintained his former opinion; insisted that the prince of Wales had no abstract right to assume the functions of royalty, without the previous consent of both houses of parliament; and declared that it was the duty of the house in the first instance to decide, whether there was any right in the prince of Wales to *claim* the exercise of the regal power, under any circumstances of  
the

the country, independent of the actual demise of the crown.

Mr. Fox, in explanation, observed, that when he stated that the prince of Wales had a right to exercise the royal authority, he must undoubtedly have meant, to exercise it as a trust from the people, which parliament might resume, alter, and modify, just as parliament thought proper. If that trust was abused essentially, the people of England might resume it, as had been done in the case of the revolution. In all cases of necessity, forms, which were meant only for the protection of their liberties, must give way to what they were intended, not to oppose but, to guard. The regency was a trust, in behalf of the people, for which the prince was responsible, in like manner as his majesty, and every monarch that ever sat upon the throne, were responsible for the due execution of their high office.—He professed that he saw no sort of necessity for coming to a division on an abstract proposition, when they had measures of so much solidity and substance to take ; and thought it better for both

houses to convince men by their acts, and not by abstract resolutions:

A variety of circumstances concurred to render the agitation of the prince's right extremely ill-timed for the party with whom Mr. Fox acted. All public bodies are fond of power; and the parliament of Great Britain, being told by grave authority that they had a sceptre to bestow, with feelings very natural for a public body in such a predicament, were unwilling to wave so important a privilege. Another consideration was, the unpopularity of the prince of Wales. His debts had been paid the preceding year to a large amount, and the minister had dexterously contrived that all the odium of that measure should rest with the confidential friends of the prince. But what perhaps operated most to the disadvantage of the heir apparent, was a ridiculous report which prevailed at this time, and was credulously believed by many, whose stations in life should have rendered them superior to so gross a calumny, that his royal highness had contracted a marriage, according to the rites of the Romish church,

church, with a catholic lady. It was in vain that the friends of the prince declared, that the fact not only never could have happened legally in consequence of the restrictions of the royal marriage act, but never did happen in any way, and had from the beginning been a vile and malignant falsehood. Notwithstanding an explicit declaration to this effect was made in the house of commons, by Mr. Fox, at the time when the prince of Wales's debts were under consideration, it was very far from removing suspicion; and many honest and well-meaning members of parliament, who otherwise probably would have voted for the prince of Wales's absolute right to the regency, under a strong jealousy of this connection, supported the proposition of the minister. Above all, the peculiar circumstances of popular delusion under which the house of commons was convened, and which gave the minister so powerful an influence in that house, still existed in considerable force, and therefore any proposition proceeding from the distinguished leader of the opposition was certain to be received with the utmost circumspection and reserve.

In

In a committee on the state of the nation, December 16, the prince's claim to the regency was fully discussed, and a resolution passed, declaring, that it was the right and duty of the lords and commons to provide the means of supplying the defect of the personal exercise of the royal authority, arising from his majesty's indisposition. Mr. Pitt, who took the lead in this important debate, observed, that as a doubt had been thrown on the existence of what he had ever conceived as the most sacred and important right of the two houses of parliament, it became absolutely necessary for them to decide that doubt, and by such decision ascertain whether they had a right to deliberate, or whether their deliberations must be exceedingly short, and they should only have to adjudge, that such a right as had been mentioned was legally vested in his royal highness the prince of Wales. In his opinion, no such right or claim vested in the prince of Wales, as heir apparent, to exercise the royal authority during the incapacity of the sovereign, could be proved either from precedents drawn from history, from law, or from the spirit of the constitution.

tution. He contended, that all precedents of incapacity in the sovereign, whether from illness, infancy, or absence, were precedents in principle, and applicable by clear analogy and logical inference; and he called on Mr. Fox to point out a single case of the infancy, infirmity, or illness of a sovereign, in which the full powers of sovereignty were executed by any one person whatever. The precedents quoted by Mr. Pitt were those of Edward the Third, Richard the Second, and Henry the Sixth, in all which instances it appeared that the royal authority had been conferred by the grant of the two houses of parliament.

Mr. Fox attacked these precedents with admirable ingenuity of argument. Was the practice of the present times, said he, times so enlightened, and in which the principles of the constitution were so well understood, to be grounded on precedents drawn from so dark and barbarous a period of our history as the reign of Henry the VIth? Were the rights of the house of commons, and its proceedings in one of the most difficult moments that

that had ever occurred, to be maintained and vindicated by the example of the house of lords ; at a time when that house of lords had the complete dominion of the executive government, which they exercised with no unsparing hand ; at a time when the rights of the commons house of parliament were so ill understood, or so weakly sustained, that its speaker was actually in prison, on commitment of the house of lords ; in prison upon a judgment in favour of that duke of York, whose measures administration had avowed it to be their intention to imitate ? Let the committee reflect a moment on the period, the infamous transactions of which were chosen to be made the model of the proceedings of that day ; that period which led immediately to the wars between the houses of York and Lancaster, and was that melancholy æra, at which all the dismal scenes of anarchy, confusion, civil warfare, and bloodshed, that so long desolated the kingdom, and reduced it to a state of unparalleled disgrace and distress, commenced. Were the committee to select their precedents from such times, and to govern their conduct by such examples ? From  
a time



a time too when the house of commons was prostrate at the feet of the house of lords, when the third estate had lost all energy and vigour, and when all the power lay wholly in the hands of the barons. Precedents drawn from such times could not be resorted to with safety, because there was no analogy between the constitution then, and the constitution as established at the revolution, and since practised. All precedents taken from periods preceding the revolution, must be precedents that bore no analogy to the present case; because at no one period, before the revolution, was civil liberty clearly defined and understood, the rights of the different branches of the legislature ascertained, and the free spirit of our constitution felt and acknowledged. The early periods of our history were such as only shewed the changes of hands, into which power shifted, as the circumstances of the times ordained. In one reign, the power would be found to have been in the king, and then he was an absolute tyrant; in others, the barons possessed it, and held both king and commons in the most slavish subjection; sometimes the democracy prevailed, and all the oppressions

oppressions of a democratical government in their fullest enormity. No precedent, therefore, drawn from times so variable, where right and wrong were so often confounded, ought to be relied on. Amidst all the precedents, either in the history of Britain, or the records of parliament, he desired to know if they had found one of *a prince of Wales, of full age and full capacity, who had been denied the exercise of the sovereignty, during the known and declared incapacity of the sovereign?*

Two assertions of positive right, he observed, had been made on both sides of the house. On his side, the assertion of the right of the prince of Wales, being heir apparent, and of full age and capacity, to exercise the sovereign authority during his majesty's infirmity. On that of the minister, the assertion that the prince had no more right to exercise the sovereign authority, under such circumstances, than any other individual subject. Since the right honourable gentleman was determined to make it a personal question between them, since he condescended  
to

to consider him as his rival, and chose to have recourse to his majority, why would he not try his opinion, and let the question be, "That it is the opinion of this committee, that his royal highness the prince of Wales, being heir apparent, and of full age and capacity, *has no more right to exercise the royal authority, during his majesty's incapacity, than any other individual subject.*"

The minister well knew, he durst not venture to subject such a question to debate. He well knew, that with all his majorities, he could not risk it; he well knew, that if he could have so far lost sight of prudence, as to have hazarded such a question, notwithstanding his high character, and known influence within those walls, there would not have been twenty members who would have supported him in it. In fact, he well knew, that the moment he let such an opinion escape his lips, it was execrated by all who heard it, and that it had since been execrated by all who had heard it out of doors. What had been the consequence of this? Conscious of his error, and conscious that so monstrous a doctrine as he had suffered himself, in an evil hour, to deliver, had

revolted

revolted the public mind, the right honourable gentleman had seized on the first moment that offered, to qualify what he had said, by unnecessarily coming forward with a declaration, that, though he would not admit the prince of Wales's *right* to exercise the sovereign authority, during the incapacity of his father, yet he confessed, that on grounds of expediency, and as a matter of *discretion*, the person to hold the regency ought to be the prince of Wales, and no other; that it would be wrong to appoint any other person than the heir apparent to the regency; but that the house had certainly no idea of possessing a *right*, which, if exercised, became a *wrong*. He had acknowledged that this right, which he had insisted belonged to the two houses of parliament, would be a breach of duty to their constituents; yet he would not give up the *right*, but vindicated its propriety from his discretion in the use of it.

This mode of argument, Mr. Fox said, reminded him of what had passed in that house about thirteen years before, between an eminent crown lawyer (lord Thurlow) and himself. At the time  
to

to which he referred, the argument was the right of this country to tax America, when he contended, that Great Britain had an undoubted right to tax her American colonies, but that the exercise of that right would be in the highest degree unjustifiable on the part of Great Britain. In answer to this, that great lawyer, with a quaintness peculiar to himself, said, "I should be glad to know what that *right* is, which, when attempted to be exercised, becomes a *wrong*?" In the present case, the right honourable gentleman had acted upon the converse of the great lawyer's maxim; he had pronounced the *right* a *wrong*, and having done so, he had immediately proceeded to exercise it in the most effectual manner. It was the supreme legislature alone, Mr. Fox maintained, had power to do wrong. In one point of view only could he imagine the existence of a right, which, when exercised, might become a wrong, and that was this; when the three branches of the legislature, consisting of king, lords, and commons, had a right to authorise and act a *moral evil*. They might set aside the succession, and deprive the prince of Wales of his hereditary

right to succeed his present majesty; but this enormity could not of right be practised by the two houses of parliament, independent of the consent of his majesty, any more than the minister could set himself up in competition with the prince of Wales, and contest with him as a claimant for the regency.

He repeated his opinion that a right attached to the prince of Wales, as heir apparent, to exercise the sovereign authority, upon the king's incapacity being declared by the two houses of parliament; the prince's right, however, being all along considered as subject to the adjudication of the two houses of lords and commons. This opinion he had not changed, nor did he feel the smallest disposition to change it; and indeed an honourable and learned gentleman (sir R. P. Arden, the master of the rolls) seemed to be so much of his opinion, that he had, if he understood him rightly, expressly declared, that in case of the demise of the crown, nothing short of an act of exclusion could prevent the prince from succeeding to the throne; and that nothing  
short

short of such conduct as would deservedly warrant an act of exclusion, ought to set a prince of Wales, of full age, and full capacity, aside from the regency. The counter opinion to his was fraught with so many, and such enormous evils, that he was persuaded no moderate man, who considered the subject with the degree of attention that it most undoubtedly merited, would, for a moment, maintain it, either on the ground of right, of expediency, or of discretion.

But whatever his opinion was, why should that right be discussed, which had been neither claimed, nor was intended to be claimed?—That this was the precise state of the fact, was not to be doubted, since the declaration that had been so graciously communicated from the highest authority in another place \*. Of the manner in which that

\* The question of the prince of Wales's right to the regency had been discussed in the house of lords the preceding evening, when the duke of York, in the name of the prince, assured their lordships, that, "his royal highness understood too well the nature of, and too religiously revered those

that communication had been made, and the commendation that was due to the exalted personage who made it, he would not say one word, because he would not run the risque of having what was due to merit, mistaken for fulsome adulation, and servile flattery. But the claim thus disavowed, how must the preamble of a bill run, truly to describe the case as it stood at present?—  
 “Whereas his royal highness the prince of Wales has never claimed a right to the regency, it becomes necessary for the lords spiritual and temporal, and for the commons of England to declare, that his royal highness has no right, and we, therefore, do declare his royal highness sole regent of these kingdoms.”

Mr. Fox reasoned on the absurdity of a bill so worded, and contended that it must be so worded,

sacred principles which seated the house of Brunswick on the throne of Great Britain, ever to assume or exercise any power, *be his claim what it might*, that was not derived from the authority of their lordships, and from the will of the people, conveyed through their representatives, in parliament assembled.”

if





no fit ground for public conduct ; and those who had declared they would take care of the rights of

indulgence and kindness from the suffering sovereign. His debt of gratitude to his majesty was ample, for the many favours his majesty had graciously bestowed upon him, which, *when he forgot, might God forget him.*" Mr. Burke, alluding to this celebrated speech, and another by the same noble person, in which he compared the king to the unfortunate Darius,

“ Deserted in his utmost need  
By those his former bounty fed,”

observed, with sarcastic ridicule, that “ the theatrical tears which were shed on those occasions, were not the tears of patriots for dying laws,—but of lords for their expiring places. The iron tears that flowed down Pluto’s cheek, rather resembled the bubbling of the Styx, than the gentle murmuring stream of Aganippe. In fact, they were tears for his majesty’s bread ; yet those, who shed them, would stick by the king’s loaf as long as a single cut of it remained ; they would fasten to the hard crust, and gnaw it, while two crumbs of it held together ; and what was more extraordinary ; they would proudly declare at the time, that it was the honour of the service, and the dignity of their offices,

of the sovereign, because they had received favours at his hands, betrayed a little mind, and warranted a conclusion, that if they had not received those favours, they would have been less mindful of their duty, and have acted with less zeal for his interest. He owned himself indebted to the heir apparent, for having been for several years favoured with his confidence; but neither had that flattering mark of distinction been made the subject of his speeches in that house, nor had he ever considered it as a proper motive for his public conduct. He was, and always had been, ready to avow his attachment; and when he mentioned his regard for the princes of the house of Brunswick, it was not to superinduce obliquely his own praise, from the confidence which they placed in him. That was a narrow principle, which he should ever hold in disdain. Neither on the present occasion, nor at any time, if he thought the objects of his royal highness incompatible with

offices, which they regarded; and that, as to the emolument, they did not value the money *three skips of a louse*. This was gratitude, a degree of gratitude which courtiers never failed to exhibit!"

the public interests, should he think he paid a compliment to the prince, any more than he should think he acted consistently with what was due to his own character, in suffering the consideration of the terms on which he lived with his royal highness to bias him in the smallest degree, or induce him to act contrary to what he, in his conscience, thought most likely to promote the welfare of the public. Whereas the right honourable gentleman appeared to act on a very opposite principle, and repeatedly introduced the name of the sovereign, though seldom for any other purpose than an ostentatious display of the confidence reposed in himself. He rarely mentioned the royal family, or the royal person, but it terminated in a pompous display of his own merits, in an indirect encomium on himself. To the house of Brunswick this country stood in an eminent degree indebted; indeed, few princes ever deserved the love of their subjects more than the princes of that house. Since their accession to the throne, their government had been such, as to render it highly improbable, that there should ever be ground for an act of exclusion to pass,

to

to set aside one of their heirs from the succession, or that such a circumstance should ever become a necessary subject of deliberation. If the princes of the house of Brunswick had at any time differed with their subjects, it had been only on collateral points, which had been easily adjusted in parliament. No one of the princes of that house had ever made an attempt against the constitution of the country, although, had such a mischievous design been meditated, there had, at most times, been a party existing, that would have been ready to abet them in any scheme, the blackest and most fatal that ever tyrant devised against the liberties, or the happiness of his subjects. The love, therefore, of the people, was due to the illustrious family on the throne, in so peculiar and eminent a degree, that every thing that looked, as if it could, at any distance, endanger the hereditary right of the house of Brunswick to the succession, ought to be guarded against with peculiar jealousy and peculiar caution.

Exclusive of the public voice, not only the spirit of the constitution pointed out the heir apparent

parent as the fittest person to be regent, but the act of settlement might be defeated, if his royal highness were passed by, and the doctrine of the right honourable gentleman carried into effect.— Let the committee consider the danger of making any other person regent besides the prince of Wales. If the two houses could choose a regent, they might choose whom they pleased; they might choose a foreigner, a catholic, (for the law defines not the regent,) who, while he held the power of the third estate, might prevail on the other two branches of the legislature to concur with him, alter, or set aside the succession, and turn away the house of Brunswick, and put them in the situation of the house of Stuart. He saw this doctrine was deemed extravagant, but he meant to put an extravagant case: he did not, however, put an impossible one; and he had the same right with numbers on the opposite side, who, in all their reasonings, argued the danger, or the inconvenience they apprehended, on possibilities only. Let them turn to the favourite period of our history, favourite at least with the other side of the house, the reign of Henry the Sixth,

Sixth, and they would find that Richard duke of York took advantage of his power as protector of the kingdom, actually disinherited the prince of Wales, and the whole line of Lancaster, though they were more nearly allied, and had much better pretensions to the crown than the house of York. The same dismal scene that had disgraced our annals, at that period, might be acted over again, if the two houses of parliament ever concurred to subvert the constitution, by assuming to themselves the exercise of the royal prerogative, and arrogating the right to legislate, and to make law, in the teeth of the statute of the 13th of Charles the Second, which not only declared that the two houses of parliament could not make laws without the consent and concurrence of the king, but also declared, that whoever should presume to affirm the contrary, should be guilty of high treason, and incur the pains and penalties of a *præmunire*.

To make a law for the appointment of a regent, he considered, as far as it went, a conversion of the succession of the monarchy, from hereditary  
to

to elective. The right to make laws rested only in the legislature complete, and not in the concurrence of any two branches of it. Upon this very principle was our constitution built, and on the preservation of it did its existence depend. Were the case otherwise, the constitution might be easily destroyed, because, if the two branches could assume the power to make law, they might, in that law, change the genius of the third estate.

The present situation of affairs had, he said, been compared to the revolution, but, in fact, it was no ways similar. The throne had then been declared *vacant*, and the rest of the constitution remained; now the throne was declared *full*, but its authority was suspended. At the period of the revolution, the convention that was then assembled, conscious that they could not make any change in the genius of the monarchy, until they had a head, first restored the third estate, and then defined its power. Whereas the committee were called on to decide in a different way, first to new cast the office, and then to declare the officer.—Suppose that the crown and the house  
of



of lords could make laws without the concurrence of the house of commons, or the crown and the commons, independent of the lords, or the two houses of parliament without the crown. In either case, the constitution was gone. The safety of the whole depended on the jealousy of each of the other; not on the patriotism of any one branch of the legislature, but rather on the separate interests of the three, concurring through different views to one general good—the benefit of the community. This jealousy was reasonable, was well founded; it was founded on a knowledge of the human mind, which is prone to the extension of its own power, and to the depression of a rival. All these principles and arrangements would be destroyed by the present project, which would radically alter the government, and of consequence overturn the constitution.

He explained the particular powers of the crown to defend itself against any encroachment on the part of the commons, or to resist any faction in the house of lords. In the one case, by a dissolution, the king might repel the attempt  
on

on his prerogative ; and by the increase of the peerage, he might quell the other. He argued also on the power of giving either an *assent* or a *dissent* from any bill, a power which operated equally against the single design of one, or the confederate union of the two houses, to trench on the constitutional rights of the crown, and pointed out the disadvantages of subjecting the sovereign to such difficulties, as he would be liable to encounter, were the power of dissolution, increase of peerage, and the right of giving assent or dissent to bills taken away.

If there was to be a monarch, he concluded that the monarchical power ought to be entire, declaring, that the name and rank of a king, without the possession of regal powers, was a being that did not come within the reach of his conceptions. All the metaphysical suppositions of the law, which mentioned the crown with so much sanctity and reserve, were certainly not intended to guard an empty name, but an essential substance. They were ready to allow there were many political capacities in the king ; but then,

then, he could not exercise them. It surely was a great advantage, that he was possessed with faculties he was not to exert, with energies that he was not to put into motion! If it appeared to that house, that the royal prerogative ought to be circumscribed, let them invest a proper person with it, and then openly and manly contend for the circumscription or diminution of its powers; but, to aim at an adversary incapable of resistance, was neither brave nor noble. In the way in which they proposed to treat it, it would stand a defenceless butt, exposed to the stroke of every weapon that might be levelled against it. An hereditary monarchy was justly looked upon as the happiest monarchical institution. We gloried in the circumstance of our government being free; we also thought ourselves fortunate, that the succession of the crown was *hereditary*, and not elective.

He then pointed out the danger of making the regency elective, and of the two houses setting aside the hereditary right of it; insisting that the possession of the crown, and of the executive authority,

authority, must, in the nature of things, be governed by the same principles. In order to illustrate this, he put the case of a Polander asking an Englishman whether the monarchy of Great Britain was *hereditary* or *elective*. Any man familiar with the theory of the constitution would naturally think, that the ready answer would be, that it was hereditary. But if the doctrine of that day prevailed, the answer must be, "I cannot tell; ask his majesty's physicians. When the king of England is in good health, the monarchy is *hereditary*; but when he is ill, and incapable of exercising the sovereign authority, it is *elective*."

The assertion, that the British monarchy was *elective*, was, however, so palpably hostile to the principles of the constitution, that it would not be tolerated for a moment.—How then was the difficulty to be surmounted?—A subtle and politic lawyer might be found, who would plausibly advance, that though it must be allowed, that the monarchy was *hereditary*, the executive power might be *elective*. Thus the crown and its functions might be separated, as if they were in their  
nature

Nature distinct; whereas the one was the essence, and the other the name.—He pursued his argument in a hypothetical dialogue between the Englishman and the Pole, with the occasional aid of the politic lawyer, to reconcile contradictions, and explain apparent impossibilities, very forcibly holding up to ridicule the argument of the gentlemen of the long robe, that the political, as well as the natural capacity of the king, remained whole and entire, although he was declared incapable of exercising his legal functions\*.

If

\* The attorney-general, (sir A. Macdonald,) in the course of his speech, desired that “the distinction between the *politic* or official capacity of the crown, and the *natural* and human capacity of the person of the king, might ever be kept separate; for upon that distinction depended the whole rectitude of their proceedings. The *politic* capacity was *invulnerable*, the *natural capacity* not so. The former required no supply, the latter, only, unfortunately did. The mode in which the latter was supplied, in ancient times, lay in some obscurity—but at present the two houses of parliament were the only possible counsellors to advise the king’s *politic* capacity, as to the mode in which the exer-

If the crown were to have new functions, why there should be a king, was beyond his imagination to discover. The legal metaphysics which distinguished between the crown and its functions, were to him unintelligible; they should be *schoolmen*, and not *statesmen*; fitter for colleges of disputation, than a British house of commons, if a question that so deeply involved the existence of the constitution were to be thus discussed. He asked, where was that famous *dictum* to be found, that declared the crown to be guarded with so much sanctity, and left its powers at the mercy of every assailant?

After exposing the absurdity of legal metaphysics, and calling upon the gownsmen to shew him the *dictum* that supported the opposite assertion, viz. *that the prince of Wales had no more right to*

*cise of the natural capacity might be supplied, to meet the exigencies of government.*—Such were the ridiculous subtleties to which a great lawyer had recourse in a case so plain, that any thing short of absolute perversion of mind, or the most infatuated self interest, could not have hesitated a moment to have pronounced a right judgment upon it.

*exercise*

*exercise the royal authority, during his majesty's incapacity, than any other individual subject."*

Mr. Fox proceeded to notice that part of the argument advanced against him, that he had deserted the cause which he had, heretofore, been supposed to claim the peculiar merit of standing forth, on all occasions, to defend; the privileges of the house of commons, against the encroachments of the prerogatives of the crown. His own resistance of the latter, he said, when he thought it had been increasing unconstitutionally, was well known; the influence of the crown had been more than once checked in that house, and, he really believed, to the advantage of the people. Whenever the executive authority was urged beyond its reasonable extent, it ought to be resisted; and he carried his ideas on that head so far, that he had not scrupled to declare, that the supplies ought to be stopped, if the royal assent were to be refused to a constitutional curtailment of any obnoxious and dangerous prerogative. Moderate men, he was aware, thought this a dangerous doctrine; but he had uniformly maintained it; and the public had derived advantage from its

having been carried into effect. He desired to ask, however, if this were an occasion for exercising the constitutional power of resisting the prerogative, or influence of the crown in that house? He had ever made it his pride to combat with the crown in the plenitude of its power, and the fullness of its authority; he did not wish to trample on its rights, while it lay extended at their feet, deprived of its functions, and incapable of resistance. Let the right honourable gentleman pride himself on a victory obtained against a defenceless foe; let him boast of a triumph where no battle has been fought, where no glory could be obtained. Let him take advantage of the calamities of human nature; let him, like an unfeeling lord of the manor, riot in the riches to be acquired by plundering shipwrecks, by rigorously asserting a right to the waifs, estrays, deodands, and all the accumulated produce of the various accidents that misfortune could throw into his power. Let it not be my boast (exclaimed the orator) to have gained such victories, obtained such triumphs, or advantaged myself of wealth so acquired.

Mr.



Mr. Fox concluded with forcibly calling upon every honest member of the house not to vote without perfectly understanding what the question went to, as well as the resolutions. With regard to the right honourable gentleman's motives, he knew not what they were; but if there was an ambitious man in that house, who designed to drive the empire into confusion, his conduct, he conceived, would have been exactly that which the right honourable gentleman had pursued. The resolutions moved, he considered as insidiously calculated to convey a censure on an opinion that *he* had delivered; while they served as an evasion of an assertion, highly revolting to the public mind, made by the chancellor of the exchequer. This, he repeated, was a pitiful shift, totally irreconcilable with the confidence which the right honourable gentleman placed in the expectation of a majority. In majorities, he had no great trust. For more than eighteen years of his political life, he had been obliged to stem the torrent of political power, and sometimes he had enjoyed the satisfaction of finding himself in a majority of the same parliament, of which, in the

prosecution of the same principles, and the declaration of the same designs, he had only been supported by a minority before. Whether he was, therefore, in a majority or a minority, was the same thing to him. He would never, insidiously, take advantage of the one to carry any measure, under the colour of another; any more than to abandon or flinch from any question, merely because he thought he should be abandoned by the house.

On a division of the house on this memorable occasion, the minister's resolutions were carried by a majority of 64—the numbers being for the resolutions 268—against them 204.

On the 22d of December, Mr. Pitt brought forward his third resolution, empowering the lord chancellor to affix the great seal to such bill of limitations as might be necessary to restrict the power of the future regent. This mode of procedure was opposed with great strength of argument by Mr. Burke, lord North, and Mr. Fox. The latter observed, that much stress had been  
laid

laid on the *forms* of law ; he had ever regarded them merely as the guards of the substance ; and he thought that whenever they departed from a secondary office to a principal, they were no longer entitled to his respect, but he must instantly refer to the substance and essence of the constitution.

In proceeding on this measure, Mr. Fox said, there were three courses which might have been taken. The first of these was suggested by the forms pursued in the first year of Henry the Sixth, a precedent which had been often quoted. The mode, then pursued, was by granting a commission under the great seal, to the heir *next of blood*, empowering him to convene the parliament, with all the regal privileges annexed to that act, of proroguing, dissolving, &c. This was, in his opinion, infinitely a more eligible manner of attaining the royal assent than that now proposed : in the one, the assent was obtained by a *fair fiction*, in the other by a *low fraud*. The consent to be given, naturally, implied its opposite, and no consent could be alledged as fairly given,

given, when there was not, at the same time, an opportunity of dissent.—Two circumstances were always to be inferred from this and other precedents of the same date,—that the regency was ever conferred on the next of blood—and that it was then given, with the power he had stated, in all its plenitude. Little could be drawn from the limitations afterwards laid on the duke of Gloucester, which sprung not from the reason of his situation, but from the exigency of the moment. The whole of the transaction was worth some degree of contemplation. On the demise of Henry the Fifth the crown devolved to his son, an infant of only nine months old. The council, at that time in existence, repaired to the infant king, and the bishop of Durham, then chancellor, delivered the great seal, not, he supposed, into the personal hands of Henry the Sixth, because he could hardly be capable of receiving it. The duke of Gloucester, the nearest of kin to the king, took the seals, and delivered them to the master of the rolls, directing him to put the great seal to a committee appointing him protector, in the name, and on the behalf, of

\*

the

the king; also to a number of writs summoning the parliament to meet at Westminster. In that parliament, one of the first things done, was to pass an act of ratification and indemnity, for having summoned a parliament in that manner, and to declare it a legal parliament. Here then was a regular legislature, which recognized the third estate in the person of the duke of Gloucester, who represented the crown, and had all the powers and prerogatives in their full extent, in like manner as if he had been the sovereign; and it was observable, that such was the responsibility annexed to the duke of Gloucester's high office, that amidst all the acts of indemnity, passed by that parliament, the duke desired no indemnity for having thus employed the great seal.—This instance clearly made out in favour of his argument, for addressing the prince of Wales to take upon himself the regency.—They were called upon to set up a pageant, without the exercise of discretion, in giving either assent to a bill, or dissent from it; a mere puppet, a creature of the two houses of parliament, directed to obey them, and obliged, without any discretion, to give assent to  
such

such bill or bills as they should think proper to pass. The other precedents in the reign of Henry the Sixth, were those of the 32d and 33d of Henry, when, through a temporary infirmity of the king, the duke of York was appointed regent. Mr. Fox commented on these two precedents, and shewed, that in both there was an actual third estate, exercising all the discretion as to giving the royal assent or dissent, enjoying the power of dissolving, proroguing, and convening parliament.

It was to be observed, however, that the transfer of the regal authority was, in those days, made by the council, which was then an executive council, or by the house of peers, which, at that time, frequently acted in the same capacity.—The first time that it was done, *auctoritatē parliamenti*, was in the instance of the duke of York, and immediately after the battle of St. Alban's, when the sound of arms had been heard, and when sober deliberation had, of course, been put to flight.

To

To avoid ambiguities in this discussion, it became necessary, he said, to remark, that whenever he spoke of the two houses acting of themselves, and without the concurrence of the *third* estate, he should speak of them as the two houses of parliament: whenever they had the sanction of the kingly power, he should mention them as the legislature.—This distinction, taken properly, would enable the house, puzzled as it had been in a maze of laboured difficulties, to distinguish fairly for themselves.

Mr. Fox then proceeded to consider the revolution, as a leading precedent in the present instance, the circumstances of which he distinguished as applicable to the present case, or the contrary. The one was an occasion arising from the misconduct of an arbitrary monarch; the other, a circumstance springing from accident. The one was an occasion, where wise men, looking to the *end*, were indifferent about the *means*, made every *form* give way. They were afraid, lest a foreign invader might take advantage of their domestic discontents, and join an external  
to

to an intestine war. All the actions springing from such a fear were, of course, inapplicable at the present moment, when no such assault was to be dreaded. He should, therefore, wholly lay out of the case, as inapplicable in point of analogy, all the circumstances of alarm that prevailed, from the danger to the nation of losing its liberties, religion, and constitution; on which account the convention set aside king James, and his son, the prince of Wales, and did not appoint his daughter Mary sovereign; but declared William and Mary king and queen; obviously for the reason, that he was the only person fit for them to choose, because he was the only person capable of defending their liberties and religion, and preserving the nation from the imminent danger with which it was threatened. At the revolution the two houses proceeded to declare William and Mary, king and queen. They looked to the only sovereign whom they could elect, and they proceeded not by mockery and fiction, but by an immediate address to the object of their choice.

The convention, continued Mr. Fox, knew  
the



the distinction between the organs which the legislature can use, and those which the two houses of parliament are compelled to employ. The former proceeds by act or bill—the latter by address or declaration; and thus it was in the case now mentioned. A part of their grievances was stated as being violations of existing laws; another, as resulting from the inadequacy of the laws to afford protection to the subject. Between these a broad line of distinction was drawn—they declared the former as matter of fact; and they reserved the latter to be guarded against by the provisions of a future statute. An attentive retrospect of these cases would serve to shew, that the former precedents tended to sanction the mode which he had hinted at, of a commission granted to the prince of Wales; the latter cases went rather to justify the address proposed by the amendment\*—but  
the

\* The amendment proposed by Mr. Dempster was, to omit the latter part of Mr. Pitt's resolution after the words "determine on the means," and insert in their stead, "that an humble address should be presented to his royal highness the prince of Wales, praying that he would take care of the  
civil

the expedient contained in the resolution was completely condemned, by a comparative recurrence to either class of precedent.

The statute of the 13th of Charles the Second was positive in its tenor, that any person mentioning the power of the two houses to legislate without the concurrence of the sovereign, should incur the penalties of a *præmunire*; yet in this instance, they were, in fact, to proceed to legislate *without the king*. But whom, he would ask, was the person, appointed by the commission, to consult or to obey? Was he to apply to the sovereign in his present state? No such thing could be mentioned. Was he to consult the council? No! there was no council at present. The two houses of parliament were, in fact, to legislate, and to perform between themselves the kingly functions.—The statute of the 13th of Charles the Second had been made for the purpose of condemning the long parliament, which had passed

civil and military government of these realms during the continuance of his majesty's illness, and no longer."

so many ordinances without the consent of the legal sovereign. But if the solicitor-general \*, said Mr. Fox, had then been in office, instead of sir Oliver St. John, the case would have been very different. The former would have certainly suggested the easy expedient of putting a man of straw, by a commission, in the place of the king ; he would have issued every act in his name under the great seal, and who could then doubt their legality or propriety ?—And yet, added Mr. Fox, had this been so argued in the house of commons at that time, it is a matter of doubt whether the *tyranny* would have been looked on as more deplorable, or the *sophistry* more miserable.

The first alarm to war, in the preceding unfortunate reign, had been given by the notice that the king's messages were not to be received but through that house. This was again contradicted in the parliament of Charles the Second, by whom it was declared, that the king's authority should not be conveyed but by himself or his

\* Sir John Scott, now lord Eldon.

deputy.

deputy. This was a sufficient proof that the ~~regal~~ authority was by no means so communicable as had lately been supposed.—If the house did that which was dictated only by necessity, the exigency of the case would be their justification; but if they went farther, the judges would certainly not pursue, nor be guided according to their acts. If they proceeded as a convention, their proceedings were constitutionally limited to a declaration or address; but if they erected themselves into a legislature, they would be controled by no powers on earth, but their own temperance and moderation.

Having fully argued upon the precedents of the revolution, and recommended it to the house, as a fit example for them to follow upon the present occasion; he said, it would, by him, be readily admitted, whichever way they proceeded, whether by address to the prince of Wales to take upon himself the regency, or by adopting the method suggested by the minister, that the first act performed in such a case must be necessarily informal; but that they should hasten to  
recur

recur from the winding path of novelty, as soon as possible, to the beaten road.—If the commission were given in the first instance to the prince, then every part of the constitution would be restored to life and energy :—in the other mode it would be totally incomplete in substance.—It was also to be considered, that *one* step in their return to the constitutional path was preferable to many, and that the *intermediate regent*, now proposed, was a being unknown to the constitution.

Mr. Fox concluded with some observations on the words of the resolution. He had, he said, in the course of this discussion, thrown out an opinion that a right attached to the heir apparent to exercise the functions of royalty during the incapacity of the king, and that the two houses should recognise this right, and put him in possession of it. In opposition to this opinion, the two houses came to a resolution that they alone possessed the right of nominating to the regency ; but at the same time declaring they thought the prince the most proper person to be appointed.

Bowing to their decision, he now wished them to go on, and to appoint the prince regent. Instead of this, what was the language and spirit of the next resolution? That they have no right, that they cannot appoint him. They must first do what was never done before in the history of this country, they must first form themselves into a legislature. Thus they first make a declaration of a right purely abstract; and having made it, they shrink from the exercise of the right they have arrogated. He then warned the house against the adoption of specious pretexts, by which, under the colour of original principles, they were to assume powers inconsistent with the constitution. There was no way so certain of bringing the the popular branch of the legislature into popular odium, as by deviating from the precise path, marked out for it by the constitution, and straying within the limits of the other two, whom it was their duty to watch, but never to invade. Should they agree to the present resolution, they would facilitate the way to all the inroads of usurpation, and lend an aid to hasten the destruction of a fabric the most beautiful  
that

that human wisdom had ever reared, or long experience endeared to its delighted possessors.

When the proposed limitations of the regent's powers came to be discussed, Mr. Fox opposed them with much force, as calculated to introduce weakness, disorder, and insecurity into every branch of political business; to separate the court from the state; and to establish a weak government, and a strong opposition. He exposed, with great ability, the futility of the doctrine advanced by the law officers, "that the king's political character was, in the eye of the law, inseparable from his personal—that it remained entire and perfect—and would continue so to do until his natural demise."—This doctrine, which had been frequently urged, he had wished in vain to hear explained; for how that person, said he, whose political faculties were confessedly suspended by a severe visitation of Providence, could still exist in the full enjoyment of his political character, was beyond his understanding to comprehend. He well knew that human beings had been deified, before a true and more rational religion was

revealed; but it was done with the moral view of enforcing obedience to power, and making mankind happy. He knew also, that there were characters in this country, to which he affected not to lay claim, who were sometimes called high churchmen, and sometimes tories, sometimes by one name, and sometimes by another, who had endeavoured to render majesty divine, in order to give vigour to authority. But what did we now? We adopted the superstition of religion, and rejected its morality, which tended not to support government, but to enfeeble the arm of power. A learned gentleman had said, that his allegiance would continue during the life of the king, whatever might be the condition of his mind. This in some respects was true; but if it was admitted as an argument for the limitations contended for, and this allegiance was made to depend, not on the political capacity, but on the personal existence of the king, then all which they had heard, that these limitations were to be but temporary, and that the time would come when they must be revised, and the full power be given to the regent, was false and absurd. For, whether the king's  
malady



malady endured one year, or thirty years, it was precisely the same in the contemplation of this doctrine; and the legislature could not vest the full powers of the crown in any other hands, while the person of the king remained.

With respect to the creation of peers, if gentlemen looked forward to a distant period, it would be found more dangerous than useful to restrict the prince's power of granting peerages. If he was not mistaken, which he could not suppose to be the case, the minister had conferred that rank upon no less than forty-two persons during the five years that he had been in office; and he had not the pretext of saying that any cabal was formed to thwart his measures in the house of lords, which made such a promotion necessary; and if such were the means which he had been obliged to resort to, surrounded with all the power and influence of the crown, what must be the condition of those who should have to contend, in the crippled state to which they would be reduced, with an opposition armed with so large a portion of the usual patronage of government?

Mr. Fox contended strongly against that part of the plan, which placed the whole disposal of the offices of the household in the hands of the queen. It was calculated to be productive of the most mischievous consequences. The minister exclaims, Who can imagine that a queen could combine against her son?—at the same time, he asserts, that heirs apparent have joined against the interest of the crown. If such facts occur in political history, why may not a mother be equally supposed to combine against her son? Have not other queens been biassed by bad advisers, and was our queen less likely to be thus influenced. Mr. Fox said, that he knew enough of the human heart to be convinced, that a competition for power breaks and dissolves all the dearest ties of nature, kindred, tenderness, and affection! The right honourable gentleman had asked, whether it could be supposed, that when he quitted his present office, he would head a factious opposition? That question he was not obliged to determine, and did not think it proper to discuss. An opposition might be in earnest, but not factious. He had spent the greatest part of his life  
in

in opposition, and though he might probably leave it for a time, he could not help feeling some hankering after opposition still. That love of former habits might, perhaps, arise from the probability of his being sooner or later obliged to return to opposition again; but from whatever cause it originated, that love, that hankering remained.—If the right honourable gentleman heads an opposition, let him not use unfair arms, or contrive any secret machinations. If any diminution of royal power be necessary, it is that of the crown, not that of a regent; for a regent being naturally weaker than the government of a king, ought to be strengthened by every constitutional prerogative. If this country should be afflicted with the loss of the king, then let us watch his successor, and not grant him one atom of power beyond what is strictly necessary.—The right honourable gentleman having divested the regent of his just prerogatives, says, Do you wish for the purpose of giving away places, and offices, and emoluments? “My answer,” continued Mr. Fox, “is, that I would not accept the government, without enjoying those powers and that patronage

patronage which are given me by the constitution. As for accepting such an office, for the mere sake of emolument, according to the low idea annexed to the word, it is what I disdain.—And the right honourable gentleman well knows, that if I sought an high office, merely on a principle of avarice, I must be the most ignorant of mankind!—Mr. Fox then asked, if the right honourable gentleman had not been said to have done eminent service to his country; that he had served his country on the continent, he admitted, but could he have done it without the use of that patronage, and of those emoluments, now to be withheld from the regent?

Mr. Fox ridiculed the lords of the bed-chamber, and called them that prætorian band of household troops, who, though they had fought bravely under the banners of the right honourable gentleman, might, if placed in opposition, prove factious and unsteady, and unable to endure the unproductive fatigues of an opposition campaign, might run over to the enemy. They were troops which the right honourable gentleman employed only on occasions

occasions of danger. But let it be remembered that those servants of the crown might destroy the crown,

The whole ground of the restrictions of the regency, was that of the probability of his majesty's recovery. He would not canvas that probability, but he must say, that the house went on most dangerous ground, when it changed the royal office rather than the royal person. To the period, said he, at which you conceive his majesty, if capable of being cured, is likely to recover, limit the restrictions, but do not limit the bill. The natural consequence, in the time of Charles I. of the two houses legislating without the king, was, that they impaired the power of the crown, and ultimately ruined the constitution, which had not been their intention. Why do we now attack the power of the crown? Not for the generous purpose of diminishing its influence in favour of the people, but for the superabundant love of the king, and from a wish to secure his restoration. But how shall we secure it? By mistrusting the regent, and placing an implicit power  
in

in parliament? They had better distrust parliament than the prince of Wales, because the prince had the greater interest in the crown, which must devolve to him after the death of his father.

It was said, will you suspect the power of giving away a few places can influence the queen? He would not suspect it of influencing *the* queen, but *a* queen. He would suspect that the queen might be as capable of loving power, as the prince of Wales of wishing to preserve it; and that she might be influenced by her advisers. Mr. Fox approved the idea of committing his majesty's person into the hands of the queen, but lamented the circumstance of her having so much power placed in her hands as that of disposing of the offices of the household.—The question respecting the household was plainly this: should the king have a pageantry, which he could not enjoy, to the detriment of the rights of the regent, and the principles of the constitution?

Before he sat down, Mr. Fox declared, that he should always consider his duty to his constituents

as

as of the first importance, and prefer his duty in that house as a member of parliament, to that of being a servant to the crown. He should therefore be ready to oppose any inordinate power in the regent, as much as he used to do in the crown; but he hoped and trusted the house would not give its authority to a measure, which tended to break all the strings of government, and to violate the constitution.

This was the last time that Mr. Fox addressed the house on this singular occasion. His health had been impaired by the extreme rapidity of his journey from Italy, and he was now obliged to discontinue his parliamentary attendance, and repair to Bath. The king's recovery soon after superseded the necessity of any further proceedings in the business of a regency, and the government of the country quietly reverted into its old channel.

On his return to parliament, Mr. Fox, by the desire of his constituents, renewed a motion, which he had made before without success, for the repeal of the shop tax. He began with remarking, that  
in

in the various debates which had taken place upon it, year after year, the enemies of the tax and its supporters met each other at length on this fair issue. The latter contended that it was not a tax which was ultimately to fall on the shopkeepers, but upon their customers ; while the latter maintained that it was actually a personal tax, which could not possibly be drawn from the customers, and which must of course fall upon the shopkeepers. Both sides admitted, that according to the principle on which the tax was imposed, the shopkeeper was to pay it in the first instance, but was afterwards to reimburse himself by charging it on the goods sold by him to his customers. But both sides differed upon the matter of fact, whether the shopkeeper could in reality reimburse himself at all : one side insisting that he could, the other as strenuously maintaining that he could not.

Mr. Fox then said, that he considered the perseverance of the shopkeepers in praying for a repeal of it, as a strong presumption that the tax lay entirely upon them ; for men would not give themselves



themselves and parliament so much trouble, to seek relief from the burden of a tax, which it was in their power to throw upon the shoulders of others. The shopkeepers of London, Westminster, and Southwark, were most liable to the oppression of this tax, and consequently best enabled to judge whether they felt it to be oppressive or not : and they had unanimously, steadily, and unremittingly opposed the tax, on the ground that it was oppressive to an intolerable degree.— Among other objections to the tax, he stated that, after three years' experience, it did not appear to be a growing tax ; on the contrary, it was evident from the papers presented to the house, that the produce of the tax in Westminster alone, for the last year, fell four thousand pounds short of the produce of the tax in Westminster for the preceding year.

Mr. Pitt, after moving an omission of that part of the preamble of the bill of repeal, by which the tax was pronounced “ a partial and oppressive imposition, militating against the just principles of taxation,” gave his consent to Mr. Fox's motion,  
 which

which accordingly was carried, and, to the great satisfaction of the trading part of his constituents, passed into a law.

The last discussion of importance, during the remainder of the session, which drew forth the powers of Mr. Fox's mind, was the debate on the 8th of May, on Mr. Beaufoy's motion for the repeal of the corporation and test acts. The motion was supported by Mr. Fox in a most eloquent and animated speech. It was laid down by this great advocate of toleration, as a primary maxim of policy, "that no human government had jurisdiction over opinions as such, and more particularly over religious opinions. It had no right to presume that it knew them, and much less to act upon that presumption. When opinions were productive of acts injurious to society, the law knew how and where to apply the remedy. If the reverse of this doctrine were adopted, if the actions of men were to be prejudged from their opinions, it would sow the seeds of everlasting jealousy and distrust; it would give the most unlimited scope to the malignant passions; it would  
incite

incite each man to condemn the opinions of his neighbour, to deduce mischievous consequences from them, and then to prove that he ought to incur disabilities, to be fettered with restrictions, to be harassed with penalties.

“ From this intolerant principle had flowed every species of party zeal, every system of political persecution, every extravagance of religious hate. It was an irreverent and impious opinion to maintain, that the church must depend for support as an engine or ally of the state, and not on the evidence of its doctrines, and the excellency of their moral effects. Moderation and indulgence to other sects were equally conducive to the happiness of mankind, and to the safety of the church.

“ Since the æra of the revolution the church had flourished, because her imaginary fears had been dissipated. She had improved in knowledge and candour, because, instead of being enabled to impose silence on the dissenters by the strong hand of power, she had been obliged to hear their arguments ;

arguments; and the community at large had found the happy effects, which a collision of opinions in open and liberal discussion, among men living under the same government, never fails to produce. There were many men not of the establishment, to whose services their country had a claim. Surely a citizen of this description might be permitted without danger or absurdity to say, 'Though I dissent from the church, I am a friend to the constitution; and on religious subjects I am entitled to think and act as I please.' Ought the country to be deprived of the benefit she might derive from the talents of such men, and his majesty be prevented from dispensing the favours of the crown except to one description of his subjects?"

Mr. Fox declared himself a friend to an establishment of religion in every country, framed agreeably to the sentiments of the majority of its inhabitants. But to invest that establishment with a monopoly of civil and religious privileges, was palpably unjust, and remote from the purpose of the establishment, which was no otherwise connected

nected with the state, than as it tended to promote morality and good order among the people. The test and corporation acts had subsisted, it was contended, for more than a century. True; but how had they subsisted? By repeated suspensions. For the indemnity bills were, literally speaking, annual acts. Where then would be the impropriety of suspending them for ever by an act of perpetual operation?—Let not Great Britain be the last to avail herself of the general improvement of the human understanding. Indulgence to other sects, a candid respect for their opinions, and a desire to promote charity and good will, were the best proofs that any religion could give of its divine origin. To the church of England in particular he would say,

“*Tuque prior, tu parcegenus qui ducis Olympo.*”

---

WE now approach an awful and memorable epocha in the history of our own times—the French revolution—The capture of the Bastile on the 14th of July 1789; the defection of the royal army; and the recognition, by the king, of the powers of the national assembly, turned the eyes of all Europe on the internal affairs of France. The liberal minded in every country rejoiced at the overthrow of a despotism, which for so many centuries had held a population of almost thirty millions in chains; it was hailed as the commencement of a new era, that promised liberty and happiness to the human race; and the popular disorders and excesses which disgraced it, were palliated as the unavoidable consequences of an anxious struggle between new-born freedom and ancient tyranny. In no country was the commencement of the French revolution regarded with more general satisfaction than in England. The love of liberty is so congenial to the hearts of Englishmen, that it was impossible they  
1 should

should not rejoice when there was a prospect of its blessings being imparted even to a rival nation. The American war had tended greatly to exalt the French character. They were then seen combating by the side of an oppressed and injured people; it was no war of ambition, at least of that palpable and obvious species of ambition, which distinguished the reign of Louis XIV. but the generous interference of a powerful state to preserve an infant commonwealth from destruction; and according, the interposition of France, on that occasion, left no feelings of resentment on the minds of those who were friendly to the cause of American independence. The French nation appeared to have caught the flame of liberty on the savannahs of America, and those who approved of the vigorous resistance displayed by the colonies to the despotism of the mother country, could not with consistency condemn the efforts of an enlightened people to shake off from their own shoulders the yoke of a still more arbitrary and intolerable system of government at home.

The question of the French revolution was first introduced in the house of commons, on the debate on the army estimate, on the 5th of February 1790. Mr. Fox, who thought the proposed military establishment too large, and that ministers ought to consult economy by reductions in some departments of the public expenditure, said, that if ever there was a period in which he should be less jealous of an increase of the army, from any danger to be apprehended to the constitution, the present was precisely the period. The example of a neighbouring nation had proved, that former imputation on armies were unfounded calumnies; and now it was universally known, throughout all Europe, *that a man, by becoming a soldier, did not cease to be a citizen.* It was not therefore in a constitutional point of view that he dreaded an increase of the army, but on the ground of economy.—That our country had escaped the tumults and distractions in which other countries were involved, might be imputed to our having passed the ordeal, and our being long in the possession of what other countries were now so laudably contending for.

These



These observations passed unnoticed at the time; but, on the 9th of February, the debate was resumed, and Mr. Burke contended that the crisis imperiously called for an augmentation of our military force. He did not, in the early part of the debate, allude to Mr. Fox's arguments on the former evening, but represented the condition of France, in general, as calculated to fill the British nation with alarm, and therefore earnestly supported the proposed establishment.—Mr. Fox, in reply, said, that the state of France was such as ought neither to fill us with alarm, nor to excite our indignation. Surrounded and oppressed by internal divisions and calamities, she could not so suddenly rise from their pressure, as to preclude us from a preparation against an impending storm. Had France remained in that formidable and triumphant state by which she was distinguished in the year 1783, he would be one of the first in the house to applaud an augmentation of our peace establishment. In all our contests with that ancient enemy, our intemperance had seduced us into very disagreeable situations; and we had frequently been obliged to accept of terms, after a

long continuation of hostilities, less favourable than might have been obtained years before. If fortune had now humbled the pride and ambition of this mighty empire—if that anarchy and confusion incident to such a revolution had struck her people with inertness and inactivity—why should we dread her sudden declaration of hostilities? But even if she were to emerge from her misfortunes as suddenly as she was involved in them, he would recommend the argument of the secretary of state (Mr. Grenville) as a consolation—“The flourishing state of the finances.”

It was a wise and happy preamble, Mr. Fox said, established by our ancestors in the mutiny bill, that it should assign as a reason for a standing army, the preservation of the political balance of Europe. He lamented, that it was the nature of kings, ministers, generals, and those of a similar description, to oppose the reduction of the army. If a minister, the professed friend of mankind, should, however, stand forward in favour of such a measure, “he must arm himself with points; he must arm himself with resolutions; he

he must be emboldened to proceed in his reforms."—On the whole, he regretted that the ministry seized at every pretence for an augmentation of the army, without weighing any for a reduction. It was playing with the feelings of the people, to come forward every year, and justify augmentations in the military forces. He hoped, therefore, that the house would call for an ample explanation of the system so warmly recommended.

Mr. Burke rose to reply to Mr. Fox. He was of opinion that our present dangers from France arose from her example; and he thought the very worst part of the example set was, in the late assumption of citizen-ship by the army, and the whole of the arrangement, or rather disarrangement of their military.

“He was very sorry that his right honourable friend (Mr. Fox) had dropped even a word expressive of exultation on that circumstance; or that he seemed of opinion that the objection from standing armies was at all lessened by it. He at-

tributed this opinion of Mr. Fox entirely to his known zeal for the best of all causes, *liberty*. That it was with a pain inexpressible he was obliged to have even a shadow of a difference with his friend, whose authority would always be great with him, and with all thinking people—*Quæ maxima semper consetur nobis, et ERIT quæ maxima semper*. His confidence in Mr. Fox was such, and so ample, as to be almost implicit. He was not ashamed to avow that degree of docility. That when the choice is well made, it strengthens instead of oppressing our intellect. That he who calls in the aid of an equal understanding, doubles his own. He who profits of a superior understanding, raises his powers to a level with the height of the superior understanding he unites with. He had found the benefit of such a junction, and would not lightly depart from it. He wished, almost on all occasions, that his sentiments were understood to be conveyed in Mr. Fox's words; and that he wished, as amongst the greatest benefits he could wish the country, an eminent share of power to that right honourable gentleman; because he knew that, to his  
 great

great and masterly understanding, he had joined the greatest possible degree of that natural moderation, which is the best corrective of power; that he was of the most artless, candid, and benevolent disposition; disinterested in the extreme; of a temper mild and placable, even to a fault; without one drop of gall in his whole constitution. \*”

Mr. Burke continued, “ That the house must perceive, from his coming forward to mark an expression or two of his best friend, how anxious he was to keep the distemper of France from the least countenance in England, where he was sure some wicked persons had shewn a strong disposition to recommend an imitation of the French spirit of reform. He was so strongly opposed to any the least tendency towards the *means* of introducing a democracy like theirs, as well as to the *end* itself, that much as it would afflict him, if

\* “ Substance of a Speech on the Army Estimates, 1790.”  
Works of the Right Honourable Edmund Burke, vol. III.  
p. 8.

such a thing could be attempted, and that any friend of his could concur in such measures, (he was far, very far, from believing they could;) he would abandon his best friends, and join with his worst enemies to oppose either the means or the end; and to resist all violent exertions of the spirit of innovation, so distant from all principles of true and safe reformation; a spirit well calculated to overturn states, but perfectly unfit to amend them."

He was no enemy to reformation, Mr. Burke said. Almost every business in which he was much concerned, from the first day he sat in that house to that hour, was a business of reformation; and when he had not been employed in correcting, he had been employed in resisting abuses. Some traces of this spirit in him now stand on their statute book.—He thought the French nation very unwise. What they valued themselves on, was a disgrace to them.—Instead of redressing grievances, and improving the fabric of their state, to which they were called by their monarch, and sent by their country, they were made to take a  
 very

very different course. They first destroyed all the balances and counterpoises which serve to fix the state, and give it a steady direction; and which furnish sure correctives to any violent spirit which may prevail in any of the orders. These they rashly destroyed, and then they melted down the whole into one incongruous, ill-connected mass. When they had done this, they instantly, with the most atrocious perfidy and breach of faith among men, laid the axe to the root of all property, and consequently of all national prosperity, by the principles they established, and the example they set, in confiscating all the possessions of the church. They made and recorded a sort of *institute* and *digest* of anarchy, called the *rights of men*; and they systematically destroyed every hold of authority by opinion, religious or civil, on the minds of the people. By this mad declaration of rights they subverted the state; and brought such calamities as no country, without a long war, had ever been known to suffer,

Mr. Burke declared, he felt as much as any man, how difficult it was to accommodate a  
standing

standing army to a free constitution. An armed, disciplined body was, in its essence, dangerous to liberty; undisciplined, it was ruinous to society. Its component parts were, in the latter case, neither good citizens nor good soldiers. The French had put their army under such a variety of principles of duty, that it was more likely to breed litigants, petty foggers, and mutineers, than soldiers\*. He felt some concern that this strange thing called a revolution in France, should be compared with the glorious event, commonly called the revolution in England. With us we got rid of the man, and preserved the constituent parts of the state. In France they get rid of the constituent parts of the state, and keep the man. What we did was in truth and substance, and in a constitutional light, a revolution not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable fundamental parts of our constitution we made no revolution; no, nor

\* The French soldiers, at this time, were sworn to obey the king, the nation, and the law.



any alteration at all. We did not impair the monarchy. The nation kept the same ranks, the same orders, the same privileges, the same franchises, the same rules for property, the same subordinations, the same order in the law, revenue, and in the magistracy; and the same lords, the same commons, the same corporations, the same electors. Accordingly the state flourished. Instead of lying as dead, in a sort of trance, or exposed as some others, in an epileptic fit, to the pity or derision of the world, for her wild, ridiculous, convulsive movements, Great Britain rose above the standard, even of her former self. An era of a more improved domestic prosperity then commenced, and still continues, not only unimpaired, but growing under the wasting hand of time.

When Mr. Burke had concluded his speech, Mr. Fox, with evident agitation, declared, that he rose with a concern of mind, which it was almost impossible to describe, at perceiving himself driven to the hard necessity of making at least a short answer to the latter part of a speech, to  
which

which he had listened with the greatest attention, and which, some observations and arguments excepted, he admired as one of the wisest and most brilliant flights of oratory ever delivered in the house of commons.

He could declare, that such was his sense of the judgment of his right honourable friend, such his knowledge of his principles, and such the value he set upon them, and the estimation in which he held his friendship, that if he were to put all the political information which he had learnt from books, all which he had gained from science, and all which any knowledge of the world and its affairs had taught him, into one great scale, and the improvement which he had derived from his right honourable friend's instruction and conversation, were placed in the other, he should be at a loss to decide to which to give the preference. He had learnt more from Mr. Burke, than from all the men with whom he had ever conversed. His right honourable friend had grounded all that he had said, on that part of a speech made by him on a former day, in which

• he

he had stated "that if ever he could look at a standing army with less constitutional jealousy than before, it was now, since, during the late transactions in France, the army had manifested, that *on becoming soldiers, they did not cease to continue citizens*, and would not act as the mere instruments of a despot." This opinion he still maintained; but did such a declaration warrant the idea that he affected a democracy? He declared himself equally the enemy of all absolute forms of government; whether an absolute monarchy, an absolute aristocracy, or an absolute democracy. He was averse from all extremes, and a friend only to a mixed government like our own, in which, if the aristocracy, or indeed either of the three branches of the constitution, were destroyed, the good effect of the whole, and the happiness derived under it, would, in his mind, be at an end. When he described himself as exulting over the success of some of the late attempts in France, he certainly meant to pay a just tribute of applause to those, who, feelingly alive to a sense of the oppressions under which their  
countrymen

countrymen had groaned, disobeyed the despotic commands of their leaders, and gallantly espoused the cause of their fellow citizens, in a struggle for the acquisition of that liberty, the felicities of which we all enjoyed. True liberty could only exist amidst the union and co-operation of the different powers which compose the legislative and executive government. Never should he lend himself to support any cabal or scheme, formed in order to introduce any dangerous innovation into our excellent constitution; he would not, however, run the length of declaring, that he was an enemy to every species of innovation. That constitution, which we all revered, owed its perfection to innovation; for, however admirable the theory, experience was the true test of its order and beauty.

No man, he said, could have heard without lamenting, the scenes of bloodshed and cruelty which had been acted in France; but still when the severe tyranny under which the people had so long groaned, was considered, the excesses which  
they

they had committed, in their endeavours to shake off the yoke of despotism, might, he thought, be spoken of with some degree of compassion.

What had given him the greatest uneasiness, in hearing the latter part of his right honourable friend's speech, was, lest from its being known that he had long considered it as the boast and happiness of his life to have lived on terms of the most perfect confidence and intimacy with his right honourable friend, an impression might be left on the minds of that house, or on the minds of the public, that there existed some grounds for suspicion, that he could so far forget himself, upon the score either of principle or duty, as at any moment to countenance, or rather not vehemently to reprobate all doctrines and all measures inimical to the constitution. Again, therefore, he would repeat, under the most solemn assurances to his right honourable friend, that he would never lend himself to any cabal, nor, on any occasion, act in a manner incompatible with the principles which he had so repeatedly professed,

and which he held in common with his right honourable friend.

He differed, however, from Mr. Burke, in his opinion of the revolution in 1688. From that period we had, undoubtedly, to date the definition and confirmation of our liberties; and the case was certainly more parallel to the revolution in France than his right honourable friend seemed willing to allow. The reason why France had been so long in settling her constitution, and why we had so soon adjusted ours in 1688, was owing to there being so much despotism to destroy in France; and so little which called for destruction when the revolution in our government took place; a fact which of itself was sufficient to convince his right honourable friend, that there was no ground whatever for the apprehensions which he had that day stated. He imputed this warmth, and the extent to which Mr. Burke had pushed this argument, to a laudable, but extreme, anxiety, lest any man should be rash enough to hazard an attempt to render what had  
passed

passed in France an object of imitation in this country. In conclusion, Mr. Fox observed, that he was ready to embrace any future opportunity of entering more amply into a discussion respecting the affairs of France, as far as they might ultimately operate either in favour of, or against this country, should the house consider it necessary to fix upon such a topic for their investigation.

On the 2nd of March, Mr. Fox brought forward a motion for the repeal of the corporation and test acts. He had been solicited to do so by the great body of the dissenters in general, and this mark of their confidence was the more flattering to him, as hitherto they had been for the most part inimical to his system of politics, and with a narrowness of mind, too frequent in sectaries, appeared to entertain suspicions of his personal character\*. Mr. Fox alluding to these circum-

\* Dr. Price, in his celebrated Revolution Sermon preached on the 5th of November preceding, made use of the following expressions, which could scarcely fail, by some of his hearers, to be applied to the character of the illustrious

circumstances, said, that it was impossible for him not to feel a satisfaction, intermingled with a conscious triumph, at the discovering that those very persons from whom, *hitherto*, he had received no obligations, and who had declared themselves hostile to his politics, now deemed it proper to make *him* their advocate, and to require that, with the force of freedom and reason on his side, he should appear in their defence. Might he not, from these circumstances, presume to hope that they had, at length, regarded his conduct with approbation; that they looked

subject of these pages. "Oh! that I could see in men who oppose tyranny in the state," said the preacher, "a disdain of the tyranny of low passions in themselves; or, at least, such a sense of shame, and regard to public order and decency as would induce them to *hide* their irregularities, and to avoid insulting the virtuous part of the community by an open exhibition of vice! I cannot reconcile myself to the idea of an immortal patriot, or to that separation of private from public virtue, which some think to be possible. Is it to be expected that—but I must forbear. I am afraid of applications, which many are too ready to make, and for which I should be sorry to give any just occasion."



up to him as a disinterested friend ; and were induced to turn to him under the impression of the most favourable sentiments ? They would not, he was persuaded, illiberally conceive, that on the present occasion, he had enlisted himself into their service, less from a zealous attachment to the broad principles of liberty and justice, than from a sordid anxiety to conciliate their esteem and to acquire their support. In attending to the requisition of the dissenters, he meant to convince the public, that he had not relaxed from his determination, at every crisis, to espouse a cause the invaluable interests of which he had, upon all occasions within his reach, most warmly and sincerely endeavoured to defend.

Proceeding to the subject immediately under the consideration of the house, Mr. Fox said, the ingenuity of the human mind would be extremely puzzled in the attempt to fix upon two points more ignorantly misunderstood, or more wilfully misrepresented, that the *actual* meaning, and the *avowed* principles of *toleration*. The origin of religious toleration was of a recent date,

indeed; and although it may have been theoretically adverted to, at an earlier period, not many years were, as yet, elapsed subsequently to its having been carried into practice. As erroneous was the general manner of defining the word *persecution*. It behoved the house not to suffer their understandings to be seduced away by vague expressions or by imaginary descriptions. If they adverted to the first ages of mankind when all was sunk in ignorance, barbarism, and corruption, instead of indiscriminately fixing upon fanciful conclusions, they would ascend to first principles; and thence discover that persecution, and not toleration, was the grand excitement to the public commission of the most atrocious crimes. To this source might be traced the massacre, on the feast of Saint Bartholomew, at Paris; and the burning of the pretended heretics, in Smithfield. The great and horrible fundamentals of persecution were, that the tenets of religion and the modes of worship, which differed from our own, could not be otherwise than wicked; and, therefore, merited extirpation. Infected by these sentiments, the Roman catho-  
lics

lics of a former era were violently intent on persecution; and arguments detestably abhorrent were maintained as apologies for the destruction of forty thousand innocent victims to the sanguinary doctrines of bigoted enthusiasts.

Were he to give the opposers of the repeal their first principle, and they should argue that if, originally, the flourishing state of the church owed its continuance to persecution, a necessity might, still, exist for enforcing it, he would answer that, upon false grounds, madness itself can act with consistency; but that a wise and polished nation should disdain to proceed fundamentally wrong, because either caprice or chance may have furnished them with the bare shadow of an argument in their behalf.—A most absurd, and, as a natural consequence of great absurdity, an inextinguishable doctrine of persecution, was, that one may entertain a less fallible opinion of the mind of another than he can form himself. Yet, surely this idea could never taint the prolific humility and the exemplary virtues of modern christians. Religion was even more

H 4

than

than the peculiar medicine of our own minds : it was intended to be used by us in the administration of relief to our fellow creatures : but the system of intolerance perverted all the salutary ends of *true* religion, and, instead of guiding men to freedom and the felicities of life, conducted them to imprisonment, to torture, and to death. Of religion, (pure and *tolerating* religion !) the bright and striking contrast to the disgusting and false appearance of it, one of the synonymous terms was *charity*.

The opposers of the appeal were, certainly, reduced to this alternative ; either they must contend for persecution, or reason in support of toleration. Why, therefore, did they scruple to declare a principle which, whether of an odious or a conciliating cast, must inevitably apply to the nature of the present question ? If they came forward as the unfeeling advocates for persecution, they met their own indelible disgrace ; but, if their arguments were hostile to its existence, it followed, of necessity, that they must have spoken in favour of toleration ; and such reasoning was  
consonant

consonant to the noblest principles of uncorrupted nature, of genuine religion, and of highly cultivated philosophy!—He was ready to admit that persecution originated in a mistaken kindness, and that the infatuated zealots by whom it was enforced, conceived that, without an absolute belief in certain articles, neither the temporal nor the eternal interests of their fellow-creatures could possibly be secured. With this idea, they regarded even the most severely exerted act of compelling others to embrace doctrines which they detested, as a spiritual obligation. Granting that the motive presented itself in a laudable point of view to those ill-judging bigots, who were actuated by its nature, he should not consider himself as led away, in consequence of this position, from his invincible opinion, that every species of persecution, whether civil or religious, was detestable.

Deeply impressed with this sentiment, Mr. Fox said, he could not fear to proceed farther, and assert, that none of the fires which were kindled in Smithfield, nor even one of the executions  
and

and depredations which, in the hour of frantic vengeance, were committed in France, presented to us more strong or more alarming instances of persecution than the principle maintained, with active obstinacy, by some churchmen, that it was just and becoming to make particular bodies liable to penalties, and to keep them constantly subject to incapacities, for their religious opinions. It was this kind of persecution, accompanied by an abominable multitude of different oppressions, which had driven France to a spirited and successful resistance; to an entire re-investigation, and to an ample and most decisive assertion of the rights of human nature. Her proceedings, as much as they effected that part of her constitution in which religion was immediately concerned, possessed indubitable claims to the applause and esteem of all her subjects, and of surrounding states; they constituted a full and enlightened inquiry respecting first principles; and they led rapidly, but not erroneously, to the extirpation of that spirit of intolerance and persecution which had, for so many centuries, disgraced her government.

To

To the recency of the origin of religious toleration, he had just alluded, and it might not be improper to add, that, although it came forward in our own country, during the reign of king William, yet its existence and its effect were so concealed and partial, that those only who subscribed to thirty-four out of the thirty-nine articles, felt the contracted blessings of its influence. The toleration act, on which the highest encomiums had been profusely lavished, was, at the best, a sufferance more agreeable to those individuals who granted it, than to the persons by whom it was received.—All this fell infinitely short of toleration, in the unsullied sense of the expression. The corner stone of toleration rested upon philosophy and reason; and upon a just diffidence and doubt of the exclusive rectitude of our own opinions. Were the sincere friend of toleration actually to perceive evil consequences attached to the religious sentiments of another, still he would, liberally, regard it as sufficient to avoid the adoption of such sentiments, without imputing the baneful effects to those by whom they were entertained; and who, perhaps,

haps, might not foresee, or even think of their pernicious tendency. Toleration did not inflame men with arrogance and pride; but far from inculcating a jealous and unwarrantable distrust of others, encouraged its professors to attend to the charitable rule that, where they could not discern vice, it became them to give credit for the existence of virtue. Toleration judged mankind more by their actions than by their doctrines. Adhering to the sage and candid maxim in the scripture, the advocates for toleration formed their ideas of the *tree*, in consequence of an attention to the nature of the *fruit*; persuaded that all other methods of decision were liable to continual error. It seemed natural to expect such men would prove, generally, in the right; because they were ready to confess their doubts, and even to acknowledge ignorance; nor could it be denied that this kind of language was more conciliating and more just; as reasoning *à posteriori*, from *effects* to their *causes*. Even the most discerning men are apt to be misled, when, arguing *à priori*, they judge from causes to effects.

An



An example, continued Mr. Fox, might illustrate the truth of these positions. Some of the greatest and wisest men in this country have considered the opinions of the Roman catholics as *apparently* militating against all religion and all morality whatsoever ; and yet, whilst they lamented over the errors of this profession, they were perfectly aware that in an age of superior refinement, liberality, and understanding, the papists were not accustomed to commit, *for conscience sake*, murder, treason, and all those crimes and enormities which cast a stain of infamy on their persuasion, at a former epoch. No friend to toleration would, at the present day, refuse to trust a Roman catholic for the sincerity of his *good* professions ; and much less would he attribute to him, in consequence of the opinions which he might entertain of the purport of his doctrines, an ungrateful and abandoned wish to overthrow the government in which he lived, or the laws to which he stood indebted for protection. From our knowledge of the actual state of those nations where this religion was predominant, it would be cruelly disingenuous to  
infer

infer that they were deficient in the practice of the duties of morality; or, even for a moment to imagine, that in whatsoever point of view we might have examined their opinions, it was, now, possible for them to entertain an idea that they could lead to the revival of atrocities like those which once were perpetrated. Sufficient was the prospect of civil society throughout the world, to convince all *reasonable* beings, that speculative doctrines, in religion, preserved only an inconsiderable influence over moral conduct, without which even religion itself could not subsist, to any great and serviceable purpose.

The same principle upon which the enemies of the Roman catholic religion decried its tenets, as holding it lawful to break all oaths with heretics, and to assassinate protestant princes, actuated the papists when they charged the reformed church with the subversion of revealed religion, which tended to the destruction of natural religion; but, it was the merit, the glory, and the happiness of some of the best and wisest characters of the seventeenth century to examine into this principle;

cept; and having perceived that it was founded upon self conceit, and an overweening prepossession in favour of private judgment, to seek for the establishment of universal toleration.

Were we to act towards the dissenters, from a theoretic and not a practical knowledge of their opinions, we should violate one of the great duties of christianity, and judge them not agreeably to their deserts, but according to our own wishes. As for himself, Mr. Fox said, he must confess that he cordially subscribed to the liberal opinion of a celebrated commentator on the laws of England, (Sir William Blackstone,) that the most unexceptionable test to which a man could lay claim was, the circumstance of his having proved a credit to his country, as a friend to the constitution, and as a serviceable member of the community. He should, however, give a wider scope to the opinion of the learned judge, and declare, that, in his apprehension, all political and religious tests were absurd; and the only test to be relied upon was the test of human actions.

Mr.

Mr. Fox desired, however, that whilst he uttered these sentiments, the house would do him the justice to believe, that he had no intention of contending against the indispensable necessity of a test of allegiance. He rather meant to throw a pointed ridicule over the imaginary circumstance of obliging a person to deliver in, upon oath, that statement of his political principles, which the law, certainly, did not yet require, although the corporation and test acts continued to enjoy its sanction. From the annals of this country, it appeared that, at one moment, certain principles were in fashion, which, at length, decaying, became replaced by others of a different complexion: yet amongst these fanciful revolutions, no test was known to have started up for civil opinions, in any case whatever. Was not a test at least as requisite upon such occasions as in matters of religion? Or rather, what had religious tests to do with civil affairs? To those who should discover an inclination to argue, that if all sects were indiscriminately admitted into civil employments, without having previously confirmed to the test laws, some indefensible *religious* opinions

opinions might, circuitously, affect the interest of the church of England, it would prove sufficient to answer, that equal danger seemed to threaten the constitution from *civil* opinions. No political test was *directly* required from a member of parliament. *Indirectly*, perhaps, it was demanded when he was called upon to declare his dissent from the doctrine of transubstantiation. But, who could seriously infer that the speculative opinions of a member of parliament were of any signification to his constituents? Would they suppose themselves at all likely to acquire or to lose any political advantages, if, in the first instance, their representative believed, or, in the second, denied, the *real presence*? But, it was contended, that were a member of parliament to admit within his code of faith a tenet of so extraordinary a nature, his political principles must, undoubtedly, prove hostile to his country. This was what he had already reprobated: a fallacious inference of morals from opinions. An individual, not friendly to the constitution, might, in defiance of the test act, fill a responsible situation in the state; the law not considering the opinions

of any person as detrimental to this constitution, until they appeared perniciously in action; and then the law proved fully competent to the punishment of the offender. But, in fact, so trifling were the apprehensions which were in general entertained of the baneful effects of political opinions, that a man was not incapacitated from presiding at the head of public affairs, although his sentiments might be inimical to the constitution, and favourable to the views of arbitrary government; although he might consider the abolition of the trial by jury as no violation of the liberty of an Englishman; and the invasion of the freedom of parliament, as no infringement of the rights and privileges of constituents and their representatives.—Mr. Fox reminded the house, that the test act, enforced soon after the civil wars, was intended for the exclusion of all anti-monarchical men from the enjoyment of public offices; but, as the act operated under false pretences, he felt it difficult to mention it, except in terms of strong disapprobation. He should have preferred a monarchical test at once; because the negatory and ridiculous imposition of that in question

question went solely to the introduction of vague conjectures respecting the opinions of others; and was likely, not only to receive into employments of great trust persons adverse to the most sound and unimpeachable sentiments, in relation to points materially interwoven with all the valuable interests of the constitution, but to exclude those who were among its zealous, useful and incorruptible adherents.—It followed, therefore, that to exclude any description of men from the participation of the common rights which their fellow citizens enjoyed, was violently oppressive. Of what consequence was it to the state whether a man was an unitarian or a trinitarian; an advocate for infant baptism or for adult baptism? To abandon general principles upon the ground of partiality was a procedure which could not be defended; and, with this idea, he should venture, without a dread of reasonable contradiction, to affirm that even the majority had no right to bind the minority.

Mr. Fox then proceeded to vindicate the general good character and loyalty of the dissenters;

and contended that their conduct had not only been unexceptionable, but highly meritorious. During the rebellions of 1715 and 1745, they had cheerfully exposed their persons, lives, and property, in defence of their king and country; and by their noble exertions our enemies were defeated, our constitution preserved, and the Brunswick family preserved in possession of the throne. They were then, as now, incapacitated from holding commissions, civil or military, in the service of their country. Did they plead their incapacity, and the penalties to which they were subject? No! they freely drew their swords; they nobly transgressed the laws which proscribed them; and successfully fought the battles of the constitution. For this their only reward was an act of indemnity—a pardon for doing their duty as good citizens; in rescuing their country in the hour of danger and distress!—But he hoped, at an era, when, as the natural result of its successful progress, the human understanding was more and more accompanied by liberality and refinement, it could not be deemed extraordinary if he insisted upon his principle that, even if the de-  
merits



merits of the dissenters were numerous and glaring, they had a claim to toleration. Under the circumstance that we could not, with propriety, be said to *tolerate*, what we did not *fully approve*, it followed that the word toleration meant an admission of what might *well* be suffered, although, in the eye of tolerating power, it did not appear *perfectly* right and justifiable. It was from this virtuous and highly cultivated improvement in the reasoning faculties of the human mind to which he alluded, that he conceived the pleasing hope of drawing an advantage for the cause of the dissenters ; as he argued in favour of toleration, which numbers were most sincerely desirous of, and all pretended disposed to grant ; and as he pleaded against persecution, which every individual was prepared to disavow and to condemn.

The repeal of these impolitic and ungenerous restraining acts, said Mr. Fox, with a prophetic foresight of what was to come, would stand marked by a peculiar propriety, in consequence of the complexion of the times, and the situation

of the country. From the *pope* and from the *pretender* we could not entertain the slightest apprehensions; but, as the possibility of our being engaged in foreign wars was still existing, it certainly behoved the government to relinquish the idea of imposing disabilities on such a multitude of serviceable members of the state and of society, and on so considerable a number of intrepid and experienced naval and military characters, who had been born and educated in the religion of the kirk of Scotland, to which they yet adhered. The length to which those disabilities proceeded was more unlimited than many, perhaps, would imagine. It was not merely the individuals who entered upon the highest employments of the state that were indispensibly bound to conform to the ceremonies of the church of England. The same obligation extended itself to all the subordinate officers of the army and navy; and every collector of the customs was liable to a penalty of five hundred pounds, with disabilities beyond measure, if he did not confirm by taking the sacramental test.—The idea of making a *religious* rite the qualification for holding a *civil* employment

employment was more than absurd, and deserved to be considered as the profanation of a sacred institution. This idea, not originating, indeed, with him, Mr. Fox acknowledged, but with the *lower* house of convocation, (a house, at the period to which he alluded, more of the high church than the *upper* house itself,) he firmly entertained. The clergy in the *lower* house of convocation adverted, during the year 1704, in the language of complaint, to a case of conscience in administering the sacrament to persons of an infamous character. It was true that they were not bound to do this by the rubric, but had it at their option to decide upon such characters, independently of a jury, or any other legal determination, to fix that infamy. Yet when do such cases occur? Never; because the clergy of the church of England well know that they would ground a just plea for the repeal of the test act.

The application, now made for the repeal of the test act, had been erroneously considered as ill timed, upon the false principle, first, that the affairs of France rendered it necessary not to

make any alteration in the constitution of this country ; and, next, that if the revolution abroad had not taken place, the dissenters would have been less impetuously bent upon their determination again to state the nature of their imaginary grievance to parliament. That was not the fact. A motion, similar to his, had often before been submitted to the house, when no person could have predicted the singular events that had occurred on the continent. Granting, however, that any circumstances had arisen, which might give greater strength to the propriety of the petitions of the dissenters, it naturally followed that such events ought to be considered, in some degree, as operating against the rejection of a claim, which, independent of extraneous occurrences, was founded upon justice and civil right. He felt himself warranted in not quitting this part of his subject, until he had declared that, in one respect, the example of France ought to excite our deepest and most serious attention. Her church was now suffering in consequence of a too long resistless and intolerant spirit of persecution : her church presented to the world a  
dreadfully

dreadfully alarming proof (yet he trusted a salutary lesson) of the veracity of the idea, that persecution may prevail even for a considerable length of time, but that it ultimately produces the ruin of the persecutors. Yet, whatever satisfaction he might have experienced at the emancipation of so many millions of his fellow creatures from the galling yoke of arbitrary power, and however he might in general approve of that determined spirit, which, scarcely interrupted in the rapidity of its course, brought on so unexpected and extraordinary a revolution, he must confess, he said, that there were some particular acts of the new government in applauding which he could not possibly concur. Such was the infliction upon the church of the undistinguished forfeiture of her property: an act which might, nevertheless, be considered as the slow, but certain consequence of the impolitic revocation of the edict of Nantz. Previously to this intemperately lawless measure, the civil and ecclesiastical branches of the French constitution remained inviolate, without the guardianship of test acts! and protestants were indiscriminately admitted  
with

with catholics, to the enjoyment of posts within the different departments of the state. When that edict became revoked, liberality and toleration were thrown away with one hand, whilst, with the other, arts and manufactures were cast out; to flourish, however, upon a more genial soil, and under a milder form of government.

Mr. Fox, adverting to the alarm attempted to be excited by the high church party, that the church was in danger, treated it as in the highest degree chimerical and absurd. The uniform leading maxim of the high church party, he said, had been to pretend *fear*, whenever they meditated *persecution*. To this practice had the implacable and unprincipled tyrants of all ages invariably adhered. Tiberius, if his assertions deserved a grain of credit, passed every hour of his life in a state of terror; and our Henry the Eighth perpetually raised the alarm of an attack upon the royal prerogative, in the moment that he was concerting projects for the extension of fresh acts of tyranny against his miserable subjects. To such ridiculous excesses had the high church party been known

to

to carry their *pretence* of danger having approached their very gates, that to support the fallacy by appearance, they have *raised tumults* for the purpose of inculcating *passive obedience*. The church never interfered in politics but for the sake of mischief. Unfortunate was it for the country when any religious sects rose in opposition to each other; but infinitely more alarming and disastrous was it when, in the midst of these struggles, the church became a militating party.

Mr. Fox then proceeded to shew, that no danger had occurred to the church establishment of Ireland, though eleven years had elapsed since the repeal of the test act in that country; and in America, where the dissenters were most predominant, their conduct had been sullied by no acts of bigotry and intolerance.—He trusted that no observation had fallen from him, which did not discover that he was a decided friend to an established religion. It was only upon the opinions of the majority of the people that this establishment could be justly founded. It did not behove the parliament to enquire which religion

religion was the most rational and uncorrupted. Their business was to extend their peculiar protection to that which, more than any of the others, approached to *universality*, and to secure for it some of the chief emoluments of the state. The government, at the era of the union, were thoroughly convinced that this principle was at once political and liberal; and, therefore, consonantly to so enlightened an idea, they established two religions, each equal as to the reputation of its doctrines: the *hierarchy* for England, and the *kirk* for Scotland. At a more recent period, a measure so laudable in its nature had been honourably extended and refined upon, in the case of granting, at least a partial establishment of the Roman catholic religion in Canada.

To either the real or the pretended enemies of innovation, he should oppose the more than generally acknowledged opinion, that not only the established church, but the constitution itself, stands materially indebted for a great portion of its rectitude, its vigour, and its beauty, to rational innovation. The reformation imparted strength  
and



and durability to the ecclesiastical constitution ; and the civil constitution rose superior to the violence of attacks, and with redoubled force and purity, at the epoch of the revolution. These were brilliant and truly serviceable innovations. But what was the *monstrous* innovation which it was so difficult to contemplate without *terror* and *abhorrence*? It was a *daring* effort to accomplish the simple repeal of an act of Charles the Second, which, during an overflow of loyalty, and at the conclusion of a civil war, the parliament had passed as a compliment to their restored monarch. A constitution, erected upon such a foundation, was, certainly, not worth preserving ; neither could he admit that any specific form, in the mode of administering the Lord's supper, ought to be considered as the corner stone of the ecclesiastical establishment.

Of the controversial writings of the different sectaries, Mr. Fox frankly acknowledged that he was ignorant : but, he had perpetually understood that tolerating benevolence was one of the most striking characteristics of pure religion. When  
 he

he discovered churchmen betraying a spirit directly repugnant to that faith which they professed, he could not help considering them as ambitious of maintaining a monopoly of power, at the very moment when they affected to tremble at imaginary danger ; and he wished them to remember that *their religion* was neither originally taught to *kings* and *senators*, nor necessarily connected with the *politics* of a government.—The admirers of the test act had contended, as feebly as in their use of other arguments, that the church and state were so inseparably interwoven, that any changes in the one must, immediately, be followed by innovations in the other. A most eccentric, yet certainly a learned, and, in some respects, an able and conclusive writer, (Dr. Warburton,) drew forth the whole powers of his reasoning in defence of this incongruous principle. According to this new fangled and absurd opinion, the church was not to rely solely upon her own merits, neither was religion to be established simply upon the truth of her own evidence : but, both were to receive their props and bolsterings from the assistance of the civil power. Was

*this*

*this* the principle which introduced the *first* establishment of christianity? Did it, during a state of infancy, when under the necessity not alone of working its way against the narrow and infatuated prejudices of mankind, but of subduing their violence by the innate purity of its spirit, and the winning aspect of its doctrines, receive assistance either from the Roman emperor, or from the Roman senate? Shameful it was that any christian prelate should have inculcated such an idea. What! appeal from the *truth* of the *sacred writings* to the *authority* of the *civil power*! Religion should remain distinct from the political constitution of a state. Intermingled with it, what purpose could it serve, except the baneful purpose of *communicating* and of *receiving* contamination? Under such an alliance, *corruption* must alight upon the one, and *slavery* overwhelm the other. The christian religion was neither dictated by politicians, nor addressed to politicians, nor cherished by politicians. The noblest object to which religion could be directed in a state, and the object for which it was primarily intended, was to influence and correct the morals of the people.

people. Thus far religion must prove eminently beneficial to a state ; but the corporation and the test acts might be said to militate against religion, because they were likely to render the professors of it hypocrites.

Alluding to the celebrated sermon preached by Dr. Price, at the meeting-house in the Old Jewry, on the 5th of November preceding. Mr. Fox said, it appeared that considerable offence had been taken at it.—That reverend gentleman had rejoiced over the establishment of a new empire in America. If *this* were heinous, *he* should put in *his* claim for condemnation, and plead guilty with so celebrated an offender! *He* had always condemned the object of the American war; and if subjugation and unconditional submission were the objects, every Englishman, who foresaw the effect which such an event must have had upon the constitution of Great Britain, would say, with him, that it was a fortunate circumstance for both countries that they were separated. And where was the crime of such an expression? Who could gravely assert that every part of the constitution,

constitution, in church and state, had ascended so nearly to the summit of perfection, that no change could, possibly, be introduced for the better? But, the reverend gentleman had carried the intermixture of his *religious* and *political* opinions into remarks concerning the revolution in France; and were these fit parts of what should have been a strictly appropriated, grave, and solemn congregational discourse? In several of his sentiments he perfectly agreed with the reverend gentleman; but, he conceived that he had not chosen the most unexceptionable time and place for their delivery. They would have appeared in a more becoming province, had they formed the arguments of a speech uttered in a house of parliament: and, surely, the church, the pulpit, the altar, and the sacramental table, ought to be preserved inviolably pure and holy, for the sole great purpose of inculcating religion and morality. He should always reprobate, whether it came from the lips of a churchman or of a dissenter, the delivery of that sermon which any preacher might presume to make the vehicle of politics; and with still greater indignation, should

he listen to it, were the language of personal libel brought forward as a digression from the chief and more important subject of his arguments. He could not, however, in justice, drop the mention of these points, without observing that many passages in the discourse to which he had alluded, breathed all the spirit of benevolent and truly cultivated philosophy; of those feelings which rise superior to the selfishness of local attachments, and induce a citizen of the world to glory in the freedom and the happiness of the human race.

In conclusion, Mr. Fox said, that he flattered himself the house would believe, that the system which he aimed to support, was not merely the system of general toleration, but, that system, the object of which was the security of the universal rights of human nature. Whilst he contended for the latter, he trusted that he fulfilled one part of his duty, as a member of the established church of England: a church which he admired, under a conviction that she steered the happiest course between the two extremes; rejecting

rejecting whatsoever was superstitious, but, retaining whatsoever was good in the church of Rome, and decent in the performance of divine service. Thus venerable did she appear to him when he reflected upon her doctrine and her liturgy. But, *this* appearance vanished, or, at least underwent a transient concealment, when, becoming a *political party* in the state, she suffered herself to be borrowed for purposes incompatible with her dignity and the sanctity of her principles. That all her members might fully merit a participation in the just freedom which she enjoyed, he would advise them to yield cheerfully to the extension of the principles of toleration to those who were not of their own persuasion : and he would beg leave to assure them, that should any attempt be made to infringe either upon their liberty, or their just privileges and claims, and they did him the honour to choose him for their advocate, he would stand forward, not less willingly the champion of that liberty, those privileges, and those claims, than, at the present juncture, he had addressed the house in favour of the dissenters.

The motion was opposed by Mr. Pitt, Mr. Powis, sir William Dolben, and Mr. Burke. In reply to a most virulent speech of the latter against the dissenters, Mr. Fox said, that, in answering what he had heard with *grief* and *shame*, he must relinquish one of the most pleasing enjoyments for one of the most painful of all predicaments. He was reduced to the painful necessity of resisting the arguments of that right honourable friend, (Mr. Burke,) whose political sentiments had, until lately, so perfectly coincided with his own, that he could not have conceived it within the power of events to have rendered them divisible. From *him*, he had acquired the best part of his political knowledge: by him he had been instructed in the formation of his political principles: and it was some little consolation, under this afflicting disunion of opinions, to know that there was not a single fundamental outline which he had laid down, that his right honourable friend had not formally avowed. The only proof which could be deduced from the declaration of his right honourable friend that, ten years ago, he would have voted in favour, was, that



he had retained his opinion on the subject ten years longer than his right honourable friend.— On a division of the house, Mr. Fox's motion was lost by a majority of 189—the numbers for it being 105—against it 294.

On the 10th of June the parliament was dissolved, and Mr. Fox was again returned for Westminster, but not without a slight contest, lord Hood and Mr. Horne Tooke being candidates with him on the occasion. At the close of the poll the numbers were

For Mr. Fox	3516
Lord Hood	3217
Mr. Horne Tooke	1679

The new parliament met on the 25th of November; and the first business of moment that engaged the attention of the house of commons, was the convention with Spain relative to Nootka Sound. The opposition moved for papers that were wanting to throw light upon the negotiation, but their production was opposed by the minister, on the grounds of public inexpediency,

the danger of disclosing secrets of state policy, and the necessity of reposing a considerable share of confidence in the servants of the crown. Mr. Fox, in reply to this doctrine, said, that the old English parliamentary term *jealousy* was a much better phrase to express the duty of the commons, than the modern substitute *confidence*, which had of late been adopted. In former times, he said, the first great duty of every member of the house of commons was, that he should regard every act of the servants of the crown with jealousy, and watch their conduct with the utmost vigilance and attention. Now, blind confidence was recommended as the grand function of that house, and they were desired to extend the degree of credit which they gave that minister to such an extravagant length, as to vote away millions of their constituents' money, without expecting to know in what manner it had been expended. In fact their duty was not only to judge whether the minister was an honest minister, but they had also a right to expect, a bold, an able, a prudent, and a wise minister. The way to have a bold, an able, a prudent, and a wise minister, was

to let him know that he was to be responsible to that house for all his measures, and that his conduct was to be from time to time enquired into. An ingenuous mind, Mr. Fox said, would court enquiry, and be proud to have every public measure brought forward, and scrupulously investigated. The moment, therefore, the house of commons abandoned that part of its duty, from that instant the conduct of administration became dangerous and delusive, because a minister, who knew his conduct would not be enquired into, might be tempted to pursue bad measures, till at last he involved his country in irretrievable ruin.

About this period a constitutional question, of the greatest importance, came under the consideration of the house of commons. The question was, Whether the impeachment brought against Mr. Hastings by a former house of commons, did not remain in *statu quo*, notwithstanding the intervention of a dissolution of parliament? It was contended by the lawyers in the house, with scarcely an exception, that the impeachment had abated in consequence of the dissolution, and

that the commons could proceed no farther with the prosecution. This doctrine was reprobated by Mr. Fox as unconstitutional in the highest degree. Having always been zealous, he said, in supporting the privileges of the commons, he thought it his duty to give something more than a silent vote in support of a question, in the fate of which all their privileges were involved. The question was no less than whether the constitution of the country was a free constitution, under which every act of government was subject to enquiry, and accompanied with responsibility; or, whether power might be exercised without control, and without any national inquest to take cognizance of its abuse,

In settling every contested point of law, Mr. Fox said, he would first look to usage and then to reason. There was a great distinction between the ordinary law in the common courts of justice and the constitutional law. For the former he would look to usage, where that could direct him; but for the latter he would look to reason in preference to usage, and for this reason: in ordinary

nary cases certainty was of more value than soundness of principle, but in constitutional law soundness of principle was every thing. The law of impeachment was not to be collected from the usage of the courts of justice—for whom was it meant to control? He should be told, men in high stations, who might commit crimes which the common law could not reach: but he should answer, first and principally, the courts of justice themselves. Let the power of impeachment be rendered nugatory, and what security was there for the integrity of the judges, and the pure administration of justice? *Quis custodiat ipsos custodes?* Were it to be governed by absurd or iniquitous rules of practice, what abuse could it correct? He did not wish to imagine extraordinary cases of enormity in judges, although their responsibility by impeachment was the surest pledge for their integrity. But suppose them, as in the reign of Charles the Second, so pliant to the prevailing party of the day, as to hang whigs one day and tories another, under form and colour of law, what remedy was left if that of impeachment did not apply? Were a judge even  
to

to attain to that enormous pitch of arbitrary wickedness, as to order a man to punishment who had been acquitted by a jury, there was no mode of proceeding against him but by impeachment. When he considered all this, he could not but lament to see the gentlemen of the profession of the law in that house, acting as it were under an *esprit du corps*, forming themselves into a sort of phalanx to set up the law of the ordinary courts of justice, as paramount to the law of parliament.

With regard to the force of precedents on constitutional points, had the dispensing power claimed by the Stuarts been decided by precedent, it might, perhaps, have been found to be good. But would any man regard a precedent in such a case?—Must he not perceive that a legislature, and a dispensing power in the crown, were things incompatible; and that wherever any usage appeared subversive of the constitution, if it lasted for one, or for two hundred years, it was not a precedent, but an usurpation?—They were told, that if a minister advised the crown to dissolve the parliament, to get rid of an impeachment, they

they might impeach again. By the same rule the minister might advise to dissolve them again; and so they might go on alternately dissolving and impeaching, with no other effect than a mockery of justice. A learned gentleman (sir John Scott) had said, that the king, if he should be of opinion that a person impeached was a fit object of clemency, might, by dissolving the parliament, take the sense of the people at large, whether the impeachment ought to be renewed, and with their acquiescence, produce all the effects of a pardon. If this was the learned gentleman's meaning, the true mode of carrying it into effect was on the principle that an impeachment did not abate by a dissolution. The king, by dissolving the parliament, might suspend an impeachment; and, if the new representatives chosen by the people should be of opinion that it ought not to proceed, there must be an end, and the object of an appeal to the people would be completely obtained. But were it established that an impeachment after every dissolution of parliament must begin *de novo*, the people, however, zealous in the prosecution, could never have the means of  
bringing

bringing it to judgment, without the concurrence of the crown; and to dissolve the parliament would not be to take the sense of the people, but to foil them in the exercise of their most important privilege.

Another learned gentleman (Mr. Hardinge) had said, that the points on which the law of parliament turned were of such nicety, that none but a lawyer could understand them. The supposed nicety proved the falsity of the argument. Were the case so, how could the law of parliament be ever understood by men of common education and plain understanding, such as composed the great majority of it? Much more, how could it have been established by men of still more ordinary education, who composed the majority of the house of commons, when the theory of the constitution was developed and explained?

The next objection was the want of evidence. They had, it seemed, no knowledge of the proceedings on the impeachment during the late parliament, and there was no evidence on which  
they



they could judge whether any thing had been proved by the managers appointed by the late house of commons. It was somewhat strange that professional men should be so profoundly ignorant of what was known to all the world beside. But they could listen only to oral evidence ; the minutes of the evidence taken down and printed by the direction of the lords for their own information were to lawyers of no use whatever ; and the learned gentleman (sir John Scott) who spoke immediately before him, who unfortunately had not attended the trial, who had not heard the evidence, who had no materials on which to form his judgment, who could not suffer himself to read written minutes of written evidence, such as composed the greater part of the evidence on the trial, and who was so conscientious that he would not, as an accuser, pray for judgment against a man who, for any thing he knew, might be innocent, had asked how he, as a member of the house of commons, could go to the bar of the house of lords, and demand judgment against Mr. Hastings, supposing him to be found guilty. When the learned gentleman came to be attorney-general,

general, he would, without any scruple of conscience, move the court of king's bench for judgment against all persons convicted on informations or indictments by his predecessor in office; and that on much weaker evidence than the minutes of the impeachment, which he was resolved to consider as no evidence at all; on no other evidence than a copy of the record: and when he came to be a judge, he would even pronounce judgment on what he must consider as still weaker evidence, namely, the notes of a brother judge. It was well known that nine tenths of misdemeanors were tried at sittings, and the record being returned to the court from which it issued, sentence was there pronounced by judges who had heard no part of the oral evidence, who had seen nothing of the demeanor of the prisoner or witnesses, and who had no knowledge whatever of the case or its circumstances, but what they had derived from the notes of the judge who tried it. Nor was this all: affidavits, both in extenuation and aggravation, might be, and frequently were, produced and read; and on this sort of evidence, which was thus gravely represented by  
professional

professional men as no evidence at all; on the written evidence of a miserable note book, rendered still more informal, worthless, and suspected, by the addition of written affidavits; on evidence of such contemptible authority, that if those whose business it was to understand it best were to be believed, it ought not to be of force to pluck a feather from a sparrow's wing, would the learned gentleman, when advanced to that bench on which he should rejoice to see him, decide whether a fellow subject should be fined a shilling or ten thousand pounds, whether he should be imprisoned in the King's Bench for a week, or in Newgate for three years. What could he say on such attempts by men learned in the law to impose upon the plain sense and unlearned understanding of the house, but with his right honourable friend, (Mr. Burke \*,) that the gentlemen of the long robe

\* Mr. Burke, in allusion to the strenuous opposition of the gentlemen of the long robe, said, they did not *feel themselves at home* in the house of commons. They were only sojourners there; they only perched in their flight to a higher region. It was only the seat of their pilgrimage; they

robe being accustomed to find the reward of their talents elsewhere, thought the waste and offals of their learning good enough for the house of commons ?

It was asked, if all their proceedings did not cease with a dissolution ? Precisely those, he would answer, that ceased with a prorogation. On a prorogation, all votes of money, and all bills depending, fell to the ground : but by a prorogation an impeachment was not affected. No more was it affected by a dissolution. During the interval occasioned by either, the high court of parliament could not sit, any more than the courts of common law in the interval between term and term. When parliament met after either, judicial proceedings were taken up in *statu quo*, just as in the courts below after a vacation. In this manner had the proceedings on the impeachment been suspended by every prorogation

they had in view a better country, for which they had reserved the full display of their knowledge and talents. All they could afford to give the commons, was a sort of quarter session-law, a law *minorum gentium*.

of

of parliament, and the committee of managers dissolved. After the prorogation, the committee had been re-appointed, and the proceedings on trial re-assumed. There was no difference between the present situation of the house, and its situation after any of the prorogations that had taken place since the trial commenced, except that having been sent back to their constituents, they might more properly review their former proceedings, to see what they would abide by, and what they would abandon. Were a minister, it had been said, to advise a dissolution for the purpose of putting an end to an impeachment, he would be guilty of a high crime. Were a minister to advise a dissolution pending an impeachment, *knowing* that it would put an end to the impeachment, he would deserve to be impeached himself. He did not mean to insinuate any reflexion on the chancellor of the exchequer. He had advised his majesty to dissolve the parliament at a time that he thought most convenient for the public service, and he had given substantial proofs that he did not believe it would affect the state of the impeachment. But if there were

any persons in his majesty's councils who believed, and who meant to maintain, that a dissolution of parliament necessarily put an end to an impeachment, they were highly culpable, and ought to answer to their country for advising a measure, perhaps good in itself, but which they knew must defeat the ends of public justice.

It had been observed, Mr. Fox said, that as the dissolution of parliament was generally expected, those who conducted the impeachment, and were anxious that public justice should not be defeated, ought to have brought in a bill to continue the impeachment over the dissolution, when they saw that the trial could not be concluded without it: this was not the opinion of the managers, and all that depended upon them had been done. They had moved a resolution in the last session of the late parliament, that the commons would persevere in the impeachment, till the ends of public justice were obtained, and the resolution had been adopted by the house. What was the conduct of those who thought that a dissolution would put an end to the impeachment? Did they apprise the house  
of

of it?—No! When they saw the house voting that they would persevere in the impeachment, when they knew that a dissolution was approaching, which, in their opinion, must necessarily be fatal to it, instead of bringing forward their constitutional law for the information of the house, when such information might have been useful, they carefully concealed it as a snare, as a poison which lay lurking in their minds, and which was now insidiously brought into motion to destroy at once both the law of parliament and the constitution.

They had been advised to inspect the lords' journals, and to consider their own as of no authority. His honourable and learned friend (Mr. Erskine) had been the author of this advice.

Primum Graius homo mortales tollere contra  
Est oculos ausus.

It was, he believed, the first time that a member of that house had advised them to consult the journals of the other for the privileges of the commons, in preference of their own. If their

own journals could afford them no information, then, indeed, they might consult the journals of the other house; or they might appeal to the lords' journals as corroborating the authority of their own; but to search the lords' journals for precedents to controvert the authority of their own, and to make out a case against themselves, was what he never expected to hear proposed. They had on their own journals an express declaration that an impeachment does not abate by a dissolution of parliament; a declaration acquiesced in by the lords, repeatedly acted upon by the commons, and never once contradicted by a subsequent declaration: and it was strange indeed to hear the same learned gentleman, who had laid it down as a principle, that an order of any competent court, acquiesced in for a series of years, and never afterwards annulled, made law, advising the house of commons to consult the journals of the lords for the purpose of turning aside the clear and uniform stream of the law of parliament as appeared for more than a century.

Next to the independent and free born spirit  
of



of the people, Mr. Fox said, the law of impeachment was their best security for the undisturbed enjoyment of their lives and liberties. It was their only peaceable security against the vices and corruptions of the government; and therefore, he hoped, that no man, by weakening or annihilating that, would reduce them to the necessity of having recourse to any other. To declare that an impeachment did not abate by a dissolution of parliament, with a view to prevent the improper interference of the crown, had been called *muzzling the lion with a cobweb*. No human form of government was ever yet so perfect as to guard against every possible abuse of power, and the subjects of every government must submit to the lot of men, and bear with some evils. But when abuses became so frequent or enormous as to be oppressive and intolerable, then it was that the last remedy must be applied; that the free spirit of the people must put into action their natural power to redress those grievances for which they had no peaceable means of redress, and to assert their indefeasible right to a just and equitable government. No man would deny that cases

might occur in which a people could have no choice but slavery or resistance ; no man would hesitate to say what their choice ought to be ; and it was the best wisdom of every government not to create a necessity for resistance by depriving the people of legal means of redress. He felt it his duty to state, in plain terms, to what the abuse must lead, if the remedy was essentially weakened or wholly taken away. The alternative he had mentioned, every good man must deprecate as too dreadful in its probable consequences ; and whenever sad necessity should urge it on, every individual who had a heart to feel for the calamities of his country, must deplore the exigency of the times. Nevertheless they were to watch possibilities in that house with an eye of caution and jealousy ; and should tyranny ever be enforced, he had no doubt but the gentlemen of the long robe, whose opinions he had felt himself obliged to reprobate, would contradict the sentiments they had chosen to deliver, by their actions, and shew by their zeal and activity that they were as ready to lay down their lives in defence of their freedom, as any description of men whatever.

Mr.

Mr. Fox concluded with a short review of precedents; contending with irresistible clearness and force, that all, except one, made against the abatement of an impeachment by a dissolution; and had been so understood by the courts of justice, and by the most eminent law authorities. But it was not on precedent, he said, but on principle that he stood. The right of impeachment; proceeding without abatement from session to session, and from parliament to parliament, was the vital, the defensive principle of the constitution; that which preserved it from internal decay; that which protected it from external injury; without which, every office of executive power, every function of judicial authority, might be exercised or abused at the caprice of him who held it, or of him who had the right of appointing to it.—The question was carried in favour of the impeachment by 143 to 30 votes.

In the course of the session a bill was brought into the house for the relief of certain descriptions of Roman catholics, which afforded Mr. Fox a fresh opportunity of asserting the principles of  
L 4
toleration.

toleration. He repeated his former ideas on the subject that the state had no right to enquire into the opinions of people either political or religious ; it had a right only to take cognizance of their actions. He contended that all the different christian religions that were tolerated in other countries of Europe, ought to have the same convenient toleration in England. Adverting to the present state of toleration in different countries of Europe, and the advantages resulting to each from that salutary regulation, he said, in the king of Prussia's dominions all religions were tolerated ; in the United Provinces all religions were tolerated ; and in France and America it was the same. What could be the reason of this ? Would it be said that Prussia was too little monarchical for a monarchy ? or that Holland was too little aristocratical for an aristocracy ? or that liberty was not sufficiently extended to satisfy the friends of freedom in France or in America ? And yet, though toleration was given full scope to in a monarchical, an aristocratical government, and two democracies, under our constitution, boasting of its superior excellence, on account of  
its

its possessing and blending all the excellence of each of the three forms of government, toleration was to be narrowed and confined in shackles disgraceful to humanity. He thought he had thus given a contrasted variety of governments, and every one of them, he contended, had been manifestly and essentially improved by the principles of toleration. When it was thus found (and he believed the statement he had given was incontrovertible) that universal toleration, without any exception, was a wise and salutary measure in every different government, certainly it was particularly calculated and well adapted to the constitution of this country, one of the principal beauties of which had always been, and he trusted would ever remain to be, a mixed government, composed of parts from every species of government, happily blended to form a constitution and government so near to perfection, as to be at once the admiration and example of surrounding nations, as well as the glory and boast of every British subject that lived under its benign influence.

When

When the bill was in its progress through the house, Mr. Fox expressed his desire that its principle might be extended to all classes of Roman catholics. He could not agree with some persons, that policy had ever been a just cause for the severe laws that had been enacted against the papists. It was not policy ever to oppress. By oppression, resistance was excited; and the inflexible mind of man was more readily provoked to obstinacy, than subdued to submission, by such measures. The true motive of the severe laws which were enacted in the reign of Elizabeth, might be derived from a baser source; it was fear and not policy which suggested them. At that time the great number of persons attached to the communion of Rome, rendered that party formidable, and provoked the severity of a fearful government. Their multiplication was owing to the same cause in the reign of king James. Afterwards, in the reign of Charles II. the same apprehension of popery remained, though, perhaps, from a cause not entirely similar. The arbitrary measures of the court, the tendency which prevailed even then to the communion of Rome, and the  
certainty

Certainty of a popish successor, connected as these things were, not by necessity, but by fortune, gave a bias to the opinions of the people, and made them ascribe those dangers to religion, which were the result of ambition, and the spirit of domination. Happy if the people had then been able to exercise this discernment, and to vindicate the proceedings which were afterwards successfully terminated in the revolution, not upon religious differences, not upon the dogmas of theology, but upon the just, solid, and unanswerable principles of liberty.

But whatever reasons there might have been for those fears of popery in former times, surely no grounds for alarm existed at the present moment. We had nothing to fear from a pope, from a popish king, or from a pretender.—When all these reasons were vanished, was it fit for the house any longer to maintain on its statute books, acts, which could not even be stated without being universally reprobated? He regarded the statutes against toleration as impious; for who gave the house a right to decide upon the religious opinions  
of

of any man? He hoped the time was not far distant when religious liberty would be held as essential as civil liberty, and be enjoyed with safety in all governments.

After going over a variety of ground, Mr. Fox concluded with appealing, in favour of his proposition for a more ample toleration, both to the justice and mercy of the house. It was a maxim in politics, he stated, that the power of the many was more difficult to remove, when improperly exercised, than the power of the few. The power of the tyrant was the power of a single individual; and though his reign might be prolonged by many causes, yet his support was artificial, and rebellious nature, enlightened by reason, would most certainly succeed in crushing the usurpation, and asserting its dignity. But the power of more than a single tyrant which had the support of nature, in proportion to its physical diffusions and solidity; and every attempt to relieve from such an oppression, would be attended with more difficulty than in the former case, on which account it required greater temperance and moderation in  
its



its exercise. But worst of all, and quite desperate of relief, was the case where almost the whole body of a community differed from a very small part of that community, and, in differing, oppressed it. In this case, not only temperance and moderation were necessary virtues, but indulgence and mercy should prevail over every other sentiment, and we should distrust our very strength, because we know how often strength is perverted. He had always been of opinion that the old proverb, though homely, had great good sense in it. "*As you are stout be merciful.*" In proportion to superiority of strength, every person was bound not to tyrannize over the few, nor to trample on the weak; but to act as he hoped that house would do by the Roman catholics, carefully squaring their conduct by the strictest rules of justice and humanity.

The question of the African slave trade occupied, at this time, much of the attention of parliament and the nation; and the horrid cruelties proved to have been exercised in the prosecution of that detestable traffic, excited mingled sensations

tions of commiseration and indignation in the breast of every person of humanity. On the 18th of April, Mr. Wilberforce, whose noble exertions in the behalf of the oppressed natives of Africa will ever be remembered with applause, brought forward a motion for the abolition of the slave trade. On such an occasion, it was impossible for a man abounding in the milk of human kindness like Mr. Fox, to give a silent vote. In one of the most pathetic and masterly orations ever delivered within the walls of the house of commons, he gave a full vent to the unbounded philanthropy of his heart, which, had the zeal of his contemporaries preserved no other memorials of his matchless powers, must have left posterity divided, whether most to admire, the transcendent genius of the orator, or the beneficent heart of the man, tremblingly alive to all the claims of humanity, and bleeding for the sufferings of his fellow beings.

Mr. Fox commenced his speech by observing, that it having been said, that parliament had long permitted the slave trade; it was obvious that  
there

there was a wide difference between neglecting to put a stop to cruelty and injustice, when the objects were not immediately under their consideration, and their giving their solemn sanction to such a system, after long investigation and debate, and with all the proofs of its enormity full in their view. If the decision of the house should be in favour of the trade, they would incur more guilt in the eyes of God and the world, than their predecessors, by all they had authorised and permitted. No man would suspect him of prizing political liberty too lightly: it was a great and inestimable blessing which no man could be too anxious to preserve or to obtain; but when compared with personal liberty, without which one man became the slave of the interest or caprice of another, it appeared of no account.—How the Africans were treated, and how the trade was conducted, it required only that they should peruse the evidence on the table to know—and after reading that evidence, persons who could stand up in that house, and give a vote for its continuance, must have nerves of which he had no conception. Human sacrifices,  
 he

he knew, had been made in all ages of man ; and ancient history produced instances of sacrifices, where all the natural ties of the heart were broken ; but, in such instances, a Brutus justified the act by self reasoning. He filled his mind with an heroic sentiment of love for his country. But all these instances of sacrifices fell and diminished to nothing, in comparison of this wholesale sacrifice of a whole order and race of our fellow creatures. What was this African trade ? A traffic for human beings to be torn from their country by force, in order to be subjected to the caprice and tyranny of other human beings, for their natural lives, and their posterity for ever. Such was the trade !

Mr. Fox then proceeded to adduce some instances of the cruelty with which the slaves were treated in the islands. It had been stated, he said, in the evidence of a gentleman of unimpeached integrity, that in one of the French islands, a planter had a slave who had run away from him, and who he feared might commit the abominable crime of running away again ; to prevent this, he  
sent

sent for a surgeon, and directed him to cut off one of his legs: the surgeon remonstrated strongly against the detestable cruelty of the act, and positively refused to comply with so execrable and inhuman a request. The planter said he would make it the duty of the surgeon to comply, and saying this, he actually broke the man's leg—broke and lacerated it by the application of force! and then turning to the surgeon, said, “ Now, sir, do your duty, and cut off that mangled limb to save the fellow's life.”—The other instance was not in a French island. A gentleman heard the screams of a female negro from the inside of a hedge. He looked through the hedge and saw a woman suspended by the two arms to a tree, and swinging to and fro; but her screams were so horrible and heart-piercing, that he could not conceive that they proceeded entirely from this torture. He made his way through the fence, and found the author of her torture standing with a lighted torch, which, as he swung his helpless victim from side to side, he applied to every part of her body by turns—to torture, but not to kill her—to keep her in agony that made

the blood curdle but to imagine.—“ I know not,” exclaimed Mr. Fox, “ what might have been the crime of the poor sufferer ; but grant that it was the worst possible crime that the human heart could conceive, such punishment was base, horrid, and unpardonable.”—“ I see,” continued this great advocate of the human race, “ that your hearts are unable to bear these tortures ; and yet you will sanctify them by law. Humanity, sir, does not consist in a squeamish ear. It belongs to the mind as well as to the nerves, and leads a man to take measures for the prevention of cruelty, which the hypocritical cant of humanity contents itself with deploring.—What do we do ? In our indignation of justice, we condemn unto death a low pilferer—a pickpocket or a highwayman—and the same legislature that makes such crimes (which, comparatively, may be called innocence itself) sanctifies the pillage, robberies, and murders of this horrid trade. What is the consequence of this compromise ? That it unsettles the principles of justice in the minds of men—that it takes from the legislature the strong hold which it ought to have in its character, and the

the influence which it would derive from integrity and consistence. It is as necessary in sound policy, as it is in justice and honour, to abolish a trade which militates against our own morals and police at home, as well as against our national character abroad."

The first answer that had been made to those who desired the abolition of this detestable traffic, said Mr. Fox, was, that the Africans were miserable in their own country, and therefore there was no harm in taking them away. If they were unhappy, it was their own misfortune; but was not ours a very unaccountable mode of bettering their condition? What right had we to force upon them a new condition? "If we are unhappy," they might say, "leave us at least the comforts we have—the liberty of our native though naked plains—the social relations of life—the natural exercise of the functions with which we are endowed: they belong inherently to us, and you have no right to change, even to better, our condition." But it was ridiculous to say that their condition was bettered; when they were

forcibly divided from every thing that was dear to them in life, and sunk and degraded into the state of personal slaves to fellow-creatures—to creatures perhaps much more feeble in mind and body than themselves.—The second argument he had heard was from an honourable alderman (Watson); and though the subject was too serious to countenance any thing facetious, he could not help saying that the argument was irresistibly ludicrous. “The utility of the African trade,” said the alderman, “was manifested in the support which it gave to our nursery of seamen; for the slaves eat the refuse of the fish taken at Newfoundland, and which is too bad for any other market.” This argument, said Mr. Fox, seriously advanced, was curious. The trade was to be supported, because the slaves eat fish so bad that no other persons would eat them, and thereby supported the nursery for seamen! Was this also a proof that we bettered their condition, by carrying them to our islands?—

The third argument against the abolition, continued Mr. Fox, and the argument of most weight, was,



was, that though the English might be ready to give up this trade, other nations were not; and it was asked, if we were ready to sacrifice so much of our trade to France, Spain, Holland, &c. ? This argument of gain, however it might be addressed to gentlemen, certainly deserved little weight seriously considered; for what did it amount to?—That we enjoyed a gainful trade which we confessed we were ashamed of—But what signifies our giving it up? The poor African will be no better. The French, Spaniards, and Dutch, will oppress them in the same way, and we shall only lose the profits. Such was the train of reasoning. Just in the same way might a common robber argue, when exhorted to relinquish his vices, and amend his life. “It is true,” he might say, “I am sensible of my crimes, but what will the world gain by my repentance? If I do not take your purse at this corner, I know to a certainty that some more of the gang will stop you a mile farther—you will certainly lose your purse, and I shall lose it too.” Away with such reasoning! It was time for men to think that there were other objects in good government

than mere gain. They were not indeed legislators for the universe, nor could they dictate to other nations what line of conduct to pursue; but let them set a good and wholesome example—let them be the first to act right, and there was no doubt but there would soon be followers of their example.

No man, he was persuaded, could view the question in its true aspect, and suffer his understanding to be bewildered by these arguments. Equally false and irrational was the monstrous proposition, that through all the various nations of Africa from which this deplorable traffic was supplied, their fellow creatures were in a lower state of intelligence than themselves, and that they were born to subjection. In all countries, and among all classes of men, there were instances of enlightened spirits, of superior endowments, of hearts as pregnant with honour, and of minds as truly illuminated by genius, as they could boast in the polished climate of England. And, he had no doubt, but in the indiscriminate career of this trade, we frequently trampled on men of souls as  
high

high and sensible as any that Europe could boast. They had, in evidence on the table, a memorable instance in point. In a slave ship, during the passage, a gentleman heard an unusual clang of the chains, and a murmur of mental agony. A slave, who perhaps had been taken captive in battle, had dreamt, it seems, that he was again in his own country—again restored to the free functions of life—again high in command—again leading faithful followers to battle—and from this joyous scene of a disturbed but high imagination, he awakened to find himself, stretched and chained, surrounded by hundreds of his supine companions. The horror of the contrast from dreaming delusion to waking certainty, threw him into a paroxysm that filled the ship with horror.

Mr. Fox then called on the house to make the case their own. To suppose what might happen—that by some turn of human affairs, England should be over-run by a tribe as savage as Englishmen were on the coast of Africa—and that they carried into slavery a number of the people of England. From what class of English-

men, however low and uneducated, could they find men so generally dull and senseless as to have no feeling to the wretchedness of personal slavery? What arrogance and blasphemy was it then to suppose, that Providence had not endowed men with equal feelings in other countries! Let them look to the words of our Saviour; let them weigh deeply one of the most splendid doctrines of the christian dispensation—a doctrine which, more perhaps than any other, served to illustrate the unparalleled beauty and grandeur of that most amiable and excellent of all religions—a doctrine before which slavery was forced to fly; and to which doctrine he attributed the memorable and glorious fact, that, soon after the establishment of christianity in Europe, human slavery was abolished. The doctrine to which he alluded was, “*High and low, rich and poor, are equal in the sight of God.*”—Here was a doctrine which only required to be duly impressed on the heart of man to extinguish the term of slave; and accordingly, what all the ancient systems of philosophy had failed to do, christianity had accomplished, and yet, in the ancient philosophers, we found

found a liberality of sentiment, and a view of human rights, as perfect as in any of the theories of the present day. It would be idle in him to pay so false a compliment to any of the great names that adorned the present day, as to say that there were men now alive more capable of delivering the truths of an enlightened philosophy and a commanding eloquence, than Demosthenes and Cicero—that there were historians and writers more capable of asserting the rights of men, or the dignity of human nature, than Thucydides and Tacitus—and yet these men were contented to live in states where men were slaves. It was, in his mind, to the pure light which this doctrine of our Saviour gave to the heart of man, that the abolition of slavery was to be ascribed. He knew that there were men who ascribed every improvement in the condition of the human race to the enlightened philosophy of modern times. He was willing to allow much to its happy and progressive influence.—Then why, exclaimed Mr. Fox, not proceed on this philosophy, if they denied it to the power of religion? Let each party

party ascribe it to the influence that he favoured ; but as both the philosopher and the christian pursued the same end, though by different means, why not pursue it with the temper and meekness which the moving powers were calculated to inspire ? If the motion should unfortunately be rejected, he pledged himself, in whatever situation he might be in that house, to give the proposition his whole attention and influence as often as it should come on : and he trusted it would be regularly brought forward, until the wisdom of parliament should deliver the nation and the age from the ignominy of so disgraceful a traffic.—It had been too much considered as a matter of gain. Gain, he must repeat, was not the first purpose of a well regulated government—nor even the second purpose. Honour was greatly above gain—and justice was greatly above honour. He trusted they would convince the world, that they were not so devoted to gain, as to sacrifice the principles of general justice—of that justice which it became them to extend to all the world, and which they could not refuse without a breach of  
national

national honour. This they would do, if they did not cordially agree in the abolition of that detestable traffic.

Mr. Fox said, if it were asked, whether it were meant to abolish slavery in the West Indies also, he would candidly answer, he was sorry that he could not go so far. It was possible for men to be slaves so long, as to make it dangerous all at once to give them their liberty—as a man might be blind so long as to make it delicate for a surgeon to open his eyes all at once. Besides he did not think the condition of men born and brought up in slavery, so deplorable as was his, who, born and brought up to man's estate in freedom, had been snatched by violence from his home, and reduced to subjection. Mr. Fox illustrated this difference with great felicity of argument, and concluded his animated appeal in behalf of the oppressed sons and daughters of Africa, with repeating his pledge of continuing, in all situations, to exert himself for the accomplishment of this object.—How nobly this pledge was afterwards

afterwards redeemed, it is not the place here to descant upon.

Among the many advantages of the British constitution, none is more justly prized by the people than the *trial by jury*. It is one of those rights of which the daily and familiar exercise is equally a bulwark of their freedom, and a sign of their dignity. In the trial of crimes by this mode, the person to be tried feels the protection of his country against any oppressive accusation, and the jurors exercise a power which accustoms them to consider themselves as the protectors of innocence, and at the same time the guardians of justice. But it had long been a matter of complaint, that in the case of *libels* the rights of juries were in an indefinite and indeterminate state. A doctrine, supported by the high authority of lord Mansfield, had prevailed for a considerable time in the courts of law, that on the trial of a person accused of a libel, the only questions left with the jury were the *fact* of the publication; and if there were what are called *innuendoes* in the libel, (that is blanks or ambiguous expressions, meaning certain persons



persons or things,) whether the indictment charged their meaning or import fairly. The intention of the writer and tendency of the writing were held to be questions of *law*, on which it was the province of the judge to decide.

On a general view of the subject it could not well fail to strike the observer, that criminality was to be measured by something else than the mere publishing of a paper; and that the essence of that criminality must consist in the intention and tendency of the publication. That if this intention and tendency were not to be tried by the jury, their function was of little importance, and could not afford that protection to their fellow subjects which the trial by his peers was meant to secure to him. The stream of decisions, however, had run so long in this channel, as was held to amount to a fixed and invariable rule of law, and it was supposed necessary to resort to the legislature to establish a new rule for the future; and to give to the jury in the trial of libel that power of decision, which should be more analogous to their jurisdiction in other criminal matters,  
and

and more congenial to the spirit of the British constitution.

In the course of this session Mr. Fox made a motion for a grand committee on courts of justice, to enquire into some late decisions of the courts in cases of libel. He prefaced his arguments by saying, that he hoped he should not by this motion be thought inclined to lead the house to any measure foreign to their jurisdiction or their duty; nor when he urged the necessity of the house watching over this, as over every other branch of the executive government, he should be supposed to insinuate any thing particularly defective or blameable in the execution of justice at the present moment. If such a supposition were admitted, that house must either abandon one of its most important functions, or have the mortification to think itself the cause of alarms in the country, by exciting suspicions derogatory to that obedience to the law, and to that respect for its interpreters, so essential to the safety and welfare of the state. It was only his intention to complain of defects which had crept into the  
courts,

courts, and which required the interference of that house to prevent their taking root. Whoever made an observation on the improvement of the world, and on the general spread of science, must acknowledge that it was owing to the diffusion of the liberty of the press. He would not, he said, declaim on the various advantages of the liberty of the press, though he hoped he might assert those advantages without being thought a defender of its licentiousness. Previous restraints on the press, he thought, had, in all countries, and at all times, had the effect of restraining the just liberty of the people, without being able to prevent the mischiefs arising from its licentiousness; and he believed if there was any danger of a perversion of the press, or of taking from the just and natural abhorrence of its licentiousness, it was by a series of severe judgments, and of severe punishments on free writings. He acknowledged the abuses of the press; but if persons were to argue, from the circumstance of there being so much licence, that there was liberty enough, in his apprehension they would argue very inconclusively. There was

no difficulty in this country for any man to libel another; but no man ought to libel with impunity, and public characters had as much a right to be defended as those who were never engaged in public affairs. Any man could indeed libel with impunity any character public or private: but, as the law now stood, he much doubted whether any man could really discuss the actions of government, in the way in which it was the right of every man to discuss them, without running a greater risk to his person and property than prudent men would choose to hazard.

In this view Mr. Fox stated the case of *Luxford*, printer of the *Morning Herald*, prosecuted for a libel published in that paper with regard to the armament in our dispute with Spain. The subject was certainly in this free country a matter of fair discussion; and all that the author of the paragraph had said was, "that the ostensible purpose of the armament might possibly not be the real one; that the object of Nootka Sound was too trifling to justify so great a hazard; and therefore it might be connected in some way with our  
Prussian

Prussian alliance." This political opinion or hypothesis he could not conceive to be a libel at all; and had the information been drawn in a way which would have brought this point fairly to a decision, he had not a doubt that judgment might have been arrested on it. He mentioned the case to shew the mischiefs to which the present doctrine of the law of libels might lead. By that doctrine it is held that the filling up the innuendoes is the province of the jury; and the tendency of the whole writing, after these are filled up, the province of the judge. An innuendo in its fair sense he took to be a mere explanation; it was like the Latin words *scilicet*, or *id est*, or the English word *importing*. But on the trial in question the innuendo took the shape of an inference; it did not merely explain the import of a word, but declared the tendency of the whole passage, "to alarm the king, the national assembly, and the people of France, and to induce them to enter into hostilities against this country." In this case, therefore, if the defendant applied himself to the jury, he might be told that the tendency of the word was a legal inference of

which the court was to judge; if he applied to the court, they might tell him that this was not a legal inference, but an innuendo, or inference in fact which the jury had found, and must be taken as it appeared on the record.

There were indeed other counts in the information against Luxford, charging him with a libel against the king's ministers, whose conduct the author in question had censured in strong terms; and as far as accusing them of acting without policy, prudence, or spirit, was libellous, he was certainly guilty of a libel against them; but not a libel of such atrocity as deserved to be punished, not such, he believed, as they would wish to have punished, *by standing in the pillory, and a twelvemonth's imprisonment*, which was the sentence of the court in this case. He felt the delicacy of bringing any thing forward like a complaint against the court; yet he could not reconcile to his feelings to stand by unconcerned, and see an innocent man suffer, or what was nearly the same thing, a guilty man punished much beyond the measure of his offence.

From

From the examination of this particular case he was led to consider the law of libels in general and the question who were to be the judges of innuendo and of inference. If the jury, as was confessed, were judges of the first, he, for his part, could see no reason why they should not be judges of the latter. If it was maintained that such a writing, as in the case he had specified, tended to excite the French to hostilities against this country, surely that was an inference of one fact from another, which a man of plain good sense might draw from his own judgment, but which all the law volumes in the world could never assist him to form.

The point to be considered was, whether when law and fact were mixed, the jury were competent to decide upon both. After complimenting Mr. Erskine for his speech on this subject in the trial of the *dean of St. Asaph*, Mr. Fox proceeded to the consideration of the law authorities on the subject. For authorities in law he professed the highest respect; but when authority was not consonant to reason, it had the pernicious effect

of destroying that reverence for authority on which the pillars of public confidence and security rested. In the opinion of some lawyers of high rank and eminence, the jury, in cases of libel, were to find the publication and the innuendoes, and the question of intention was afterwards left completely to the court. On the contrary, he was of opinion that many of the things stated were not matters of law, but matters of fact : and whether they were matters of law or of fact, where the general issue was joined, the jury was to consider such general issue, and give a verdict compounded of fact and of law. This opinion, he said, was not of modern date, but as old as the time of the celebrated *John Lilburn*, whose principles were just, though his phrase was homely and coarse. He was tried for a libel in the time of Cromwell, and acquitted in spite of all the influence of the protector and the anger of the judges. With regard to his acquittal or condemnation, *Lilburn* declared the jury were every thing, and the judges mere cyphers : the reply of judge *Jermyn*, who presided on the occasion, was a curious specimen of the temper and man-

ners



ners of those times.—He said, “it was a damnable and blasphemous heresy to call the judges cyphers.” Yet Lilburn was acquitted. For a considerable time after, the subject had been considered in a different view, for which he would hazard a conjectural reason, that from the restoration, till some years after the revolution, the press being subject to a licence, the only thing necessary for the jury to consider was, whether such a thing was published without a licence, the want of licence alone constituting the crime. It was in latter times that the doctrine was first promulgated, that the jury were not at liberty to consider the matter of a libel generally; that they were to determine only the fact of the publication, not its tendency, nor the intention of the publisher. It was not easy to imagine that the law of England, with all its justice and liberality, could pronounce a man guilty, before any enquiry into his guilt; yet this must happen if all that the jury have to determine is the mere fact of publication. In every other branch of the criminal law, guilt was to be proved before it was inferred; but in this, guilt was inferred

against the defendant before it was determined whether his publication was culpable, or innocent, or even a meritorious one.

Lord Mansfield's opinion, which, Mr. Fox said, he had considered with all the deference and respect due to so able a magistrate, seemed to resolve into this, that the verdict of a jury in the case of a libel was in the nature of a special verdict, that is, finding certain facts, and leaving the application of the law to the court. In the first place then, the jury in the case of libel were constrained to find a special verdict, which ought to be, and in every other case was, a matter of choice. But in the second place there was a most material difference between this special verdict in the case of libel, and special verdicts in every other case; that in other cases the court must consider the law before judgment can be pronounced; in this, if there was no motion in arrest of judgment, judgment immediately followed without any such consideration. The jury find the publication; no matter how innocent or even useful the publication is—judgment follows  
of

of course, and the publisher is punished as a libeller. Was it agreeable to the spirit of the law of England that the *onus* should lie on the person accused to prove his innocence, and not on the accuser to prove his guilt ?

With respect to the general principle of the lawyers, that "*ad questionem facti non respondent iudices ; ad questionem legis non respondent iuratores,*" Mr. Fox observed, that when a man was accused of murder, a crime consisting both of law and fact, the jury every day found a verdict of guilty, and this was also the case in felony, high treason, and every other criminal indictment. Libels were the only exception, the single anomaly. He contended that if the jury had no jurisdiction over libels, the office of counsel in such causes was unnecessary. When a jury was in a court of justice, and they did not enquire into the criminality at all, but only into the fact of the publication, the counsel addressing them was a sarcasm on the proceedings. There was another part of the doctrine of libels which appeared unaccountable.—It was admitted that if

part of the writing were libellous, and another part not libellous, they had a right to bring the whole before the jury in evidence. Mr. Fox asked, on what principle were the jury to look at the whole, but that they might know whether the paper was libellous or not? In 1731, in the time of lord Raymond, the present doctrine of libels was introduced; but he hoped that no man would contend that it ought to be law. It was a principle of law so absurd, so vicious, so untenable, that in the practice of this reign, and even of lord Mansfield himself, it was not invariably adhered to. In the case of the King against Horne, lord Mansfield said, "that intention was a matter for the judgment of the jury, and that they were to decide upon the criminality." But this doctrine was completely denied in the case of the King against Shipley, and on that account he wished the house to come to a decision on the subject.

Mr. Fox said, he had hitherto considered the subject as relating to libels, and to libels only. He meant to state it with regard to a matter  
of

of still higher importance, with regard to high treason. He believed it was admitted on all hands, that a writing might be an overt act of treason. In this case if the court had a right to say to the jury, "consider only whether the criminal published the paper; do not consider whether it was treasonable or not:" would Englishmen endure that this should be the case? Could men permit death to be inflicted without a jury having had an opportunity of delivering their sentiments or verdict, whether the individual was or was not guilty? If this doctrine were true, and it could be brought home to the person who wrote the paper, that he published it, he would not have a word to say in his defence. And he must be found guilty, not of a misdemeanour, but of high treason. His liberty and life would not depend on the verdict of twelve persons, but on four lawyers. He did not mean, Mr. Fox said, to speak with disrespect of the judges; but a verdict, in such a case, would certainly depend on four men who drew their deductions from books, not from facts, and the circumstances of the times. A man might thus  
be

be in a situation to lose his life without the judgment of his peers. This point was stronger in case of high treason than in that of libels; but it was only stronger, inasmuch as to a man death was of more importance than temporary confinement.

Having shewn that the modern doctrine of the law of libels was contrary to the original principles of law, and dangerous to the constitution, Mr. Fox said, he found himself incapable of suggesting a remedy for these evils without the assistance of the house. If the committee were clear as to the law on the subject, their wisest and most proper measure would be, to enact a declaratory law respecting it; but if they were of opinion that the high authorities on the other side of the question made the law doubtful, they might settle the law in future, without any reference to what it had been in times past.

Mr. Fox having finished the subject of libels, called the attention of the house to another point of great importance. By a statute of queen  
Anne,

Anne, for regulating proceedings by *quo warranto*, every corporator might inform himself of the corporate situation of any burgess of the same borough. Any private man might make his application; and, according to a late opinion, the court had a discretionary power of granting or refusing it. According to another opinion, the court had no such discretion. The former opinion, however, was the best. The court of king's bench had endeavoured to lay down a rule to guide their discretion, and lord Mansfield had held twenty years as the space of time after which no application should be made to disturb men in their franchises; but recently the court had greatly shortened the period within which people might apply for such informations. They had determined, if a man had enjoyed his franchises, without interruption, for six years, he should never be called upon after that period. This Mr. Fox thought an improper regulation. There was another point of view in which the matter might be taken into consideration. The attorney-general could of his own authority move for informations; and though private persons were limited to six  
years,

years, he was subjected to no such inconvenience, being wholly unlimited in point of time. It always happened that the king's ministers were more or less concerned in elections; and consequently the attorney-general might move for a great many informations against those who were not friendly to him or his colleagues. Corporators, after six years, were safe against every man but the king; but if they were to exercise their privileges contrary to the interests of the crown, the king's attorney-general might come and take their franchises from them. This, he said, was an immense additional weight to the prerogative of the crown, and might prove extremely dangerous to the liberty of the people. He thought there ought to be a statute regulating the conduct of the king's bench, with regard to the granting of such informations, and giving double costs in cases of frivolous applications: and he thought also, that with respect to limitation of time, the crown and the subject ought to stand precisely on the same level.

Reverting to the subject of libels, Mr. Fox  
said,



said, there was one great and popular topic which he had purposely omitted—viz. the doctrine, that “*truth was not only not a justification, but a libel was more a libel because it was true.*”—To say that truth was not sometimes a justification, would be very extraordinary indeed; yet there certainly were cases in which truth would not be a justification, but an aggravation. Suppose, for instance, a man had any personal defect or misfortune, any thing disagreeable about his body, or was unfortunate in any of his relations, and that persons went about exposing him on those accounts, for the purpose of malice, and that all these evils were, day after day, brought forward to make a man’s life unhappy to himself, and tending to hold him out as the object of undeserved contempt and ridicule to the world—would any man say that in cases of this sort truth was not rather an aggravation? On the other hand, in questions relating to public men, verity, in respect to public measures, ought to be regarded as a complete justification of a libel, if a libel it could be called in that situation. He conceived, therefore, that the best way would be to permit every defendant

to

to prove the truth of a libel, if he thought proper, and then to consider what effect it ought to have, whether it amounted to a justification or otherwise, and to let it affect the judgment either way in proportion. They ought to consider, Mr. Fox said, the main springs upon which the constitution turned. The two most important springs were, *the representation of the people through the medium of that house, and the juridical power of the people through the medium of juries*: and it appeared to him that if even the other parts of the system fell into disorder, yet, if these main springs were preserved in full vigour, the rest might be repaired; but if these two springs gave way, all the rest must fall completely to destruction. The right of the trial by jury could not be complete, unless in every criminal case, where the law and fact were mixed, the jury were the judges; unless the intention was to be decided by the jury, and not by men who could not judge but by means of books, and many subtleties and distinctions, but could never find out the heart of man, and distinguish between his actions.

Mr.

Mr. Fox's motion being assented to by the minister, with some slight modifications, two bills were brought forward, the one, "to remove all doubts respecting the rights and functions of juries in criminal cases;" the other "to explain and amend an act made in the ninth of queen Anne, for rendering proceedings upon writs of *mandamus*, and informations in the nature of *quo warranto*, more speedy and effectual." These bills passed the house of commons, though not without considerable opposition from the crown lawyers. In the lords they were strenuously opposed by the lord chancellor, (Thurlow,) and, at the second reading, postponed.

The public rupture between Mr. Fox and Mr. Burke, so memorable in its consequences, occurred in the course of this session. Previous to the meeting of parliament Mr. Burke had published his celebrated Reflexions on the French Revolution, and as his sentiments on that event differed widely from those of Mr. Fox, some degree of alienation took place between them, but no public discussion of their opinions occurred till the de-

bates

bates on the bill for settling the constitution of the province of Quebec. In its first stages through the house, the bill excited very slight attention; but on considering the report on the 8th of April, Mr. Fox stated a number of forcible objections. The division of the province, he said, which was the most important and striking part of the bill, appeared to him not only unnecessary but impolitic. It had been recommended as dividing the Canadian from the British inhabitants, and affording the means of providing for their separate interests; but was this an object to be desired? Was it not much more desirable that those two classes of inhabitants should unite and coalesce, and that all such national distinctions should be henceforth extinguished and forgotten? He objected to the number of the representative body, which in the bill was limited to sixteen in Upper and thirty in Lower Canada, as too small; and its duration, which was fixed like that of the British parliament for seven years, as too long. On the same principle, he thought the proposed qualification of the electors (5l. per annum) too high. All these provisions,

provisions, he contended, were contrary to the principle, which, in forming this part of a new constitution, ought to be the leading one, namely, that of a full and free representation of the people.

This limitation of numbers in their representatives, he contrasted with the number of the legislative council, which might be deemed the aristocratical part of the proposed constitution. They might amount to any number at the will of the governor.

The manner in which this council was to be formed he considered as equally objectionable: instead of its members being elective, as was the case in some of the colonies of the West Indies, or appointed by the crown for life, it was to be partly composed of counsellors appointed in the latter mode, and of hereditary counsellors in virtue of certain honours granted by the crown. With regard to hereditary honours, or hereditary power, as a general proposition, Mr. Fox declared, it was not easy to decide whether they were good or not. But he saw nothing so good in hereditary honours or power as to introduce them into countries where they were unknown before; and in this respect Canada would differ from all the

colonies in the West Indies. Where those honours made a part of the constitution, Mr. Fox said, he did not think it wise to destroy them, but to give existence to them in countries where they did not exist before, appeared to him exceedingly unwise; nor could he account for it, unless it was, that as Canada had been a French province, and all titles were now lost in France, there might be an opportunity of reviving titles in Quebec. Are those titles, said he, which some persons have so much lamented the abolition of, to be revived in America? Are those red and blue ribbons, which have lost their lustre in the old world, to shine forth again in the new?

Mr. Fox hoped, that in promulgating the scheme of a new constitution, the house would keep in their view those enlightened principles of freedom, which had already made a rapid progress over a considerable portion of the globe, and were becoming every day more and more universal. But so far from keeping pace with the progress of liberty, the proposed constitution of Canada fell short of the freedom of this country, and

1

appeared

appeared to him, in many respects, to be contrary to the constitution of England. The situation of Canada, he observed, was particular. It did not consist, like the West India islands, of a few white people and a number of slaves ; it was a country of great growing population, and was as capable of enjoying political freedom in its utmost extent, as any other country on the face of the globe. In a country, where the general diffusion of literature and knowledge were daily increasing, they should have a government as agreeable to the true principles of freedom, as was consistent with the nature of things. He was sure, he said, that the bill could never give them such a government. He wished them to have an elective council ; that sort of council he thought best ; but if not, to be held during life, to be appointed by the king, to consist of a limited number, and to have no hereditary honours. These honours, he said, were very proper where they existed by long custom, but in his opinion ought not to be introduced where they might be looked at with odium, or regarded with envy. He declared, he wished a permanent provision to be established for the clergy,

o 2

clergy, but he would not agree to make a provision so considerable as was unknown in any other country where the same religion prevailed.

Mr. Burke was not in the house when these observations, some of which so strongly applied to his recent publication, were made; but on the recommitment of the bill, May the 6th, he attended in his place, and immediately on the question being put, rose to deliver his sentiments on the bill. What they were then going to do, he said, required an enlarged view of things. They were going to exercise the most ample and extensive powers which one man or a community could exercise upon another. They were not going to make laws, but they were going to make and organize a body which should make law. At a time when every thing was disputed, they ought to be sure that they had a right to finish such an act as that before they entered upon it. The question of competency, therefore, came first to be considered. Whence, he asked, did they derive their power? They had lately heard of the *rights of men*. These rights were, that all  
men



men being by nature free and equal, and continuing so, no man could exercise any power over any number of men but by calling all the people together, and demanding the vote of every man by number, and asking him in what way he wished to be governed. This code he abhorred. It had spread mischief wherever it had been preached. He would legislate for Canada, not from novelties that had been lately raised in the world, but on the *law of nations*.—The next question then was, what model was to be followed in giving a constitution to Canada? There were, he said, three authorities in the modern world, which he conceived would be of great weight. The constitutions of America, of France, and of Great Britain. Mr. Burke dwelt chiefly on the French constitution, which he condemned in the most pointed terms. Its practical effects had been seen at St. Domingo, Guadaloupe, and the other French colonies. They were happy and flourishing until they heard of the *rights of men*. From that moment it seemed as if Pandora's box was opened, and that hell had vomited out its fiends of outrage, fury, distraction, discord, violence,

lence, civil war, and mutual assassination. Ought this example to induce us to send out to our colonies a cargo of the rights of men? As soon would he send them a bale of infected cotton from Marseilles. Mr. Burke continuing to declaim with great violence against the French revolution, he was repeatedly and loudly called to order, and at length compelled to sit down.

After some irregular and warm debate on the question of order, Mr. Burke pointedly declared that there was a faction out of doors, disaffected to the constitution, and who wished to alienate the country from it, by endeavouring to fill them with admiration for another. He thought it his duty not to give any countenance to certain doctrines which were supposed to exist in this country, and that were intended fundamentally to subvert the constitution. Here Mr. Burke was again loudly called to order, and lord Sheffield moved, "that dissertations on the French constitution are not regular and orderly when the question is, that the clauses of the Québec bill be read a second time, paragraph by paragraph."

Mr.

Mr. Fox seconded the motion. No occurrence, he said, throughout the whole course of his life, had ever taken place, which so severely attacked both his feelings and his principles, as the charges which were directly and indirectly, by innuendo and by implication, made against him by the right honourable gentleman. He particularly felt them at this crisis, and he peculiarly felt them in coming from the man whom he had ever flattered his understanding and his pride with believing to be the friend and patron of his knowledge, actions, sentiments, opinions, and principles.—It was a matter of the utmost concern to him to find, that the space of twenty five years had been so ill employed, as at the conclusion of it to be obliged to acknowledge, that the only poignant pain of mind he had endured was, that which he suffered from the man who first and best *taught* him what it was to feel.—He said, he was sorry to feel himself bound to support the motion, and much more so, that his right honourable friend had made it necessary, by bringing on an extraneous discussion, in a manner which was not only unfair, but which he could not but think a direct injustice to himself.

self. If the right honourable gentleman's object had been to debate the Quebec bill, he would have debated it clause by clause, according to the established rule and practice of the house. If his object had been to prevent dangers apprehended to the British constitution, from the opinions of any man or set of men, he would have given notice of a particular day for that particular purpose, or taken any other occasion of doing it rather than that on which his nearest and dearest friend had been grossly misrepresented and traduced. The course which his right honourable friend had chosen to take, was that which seemed to confirm the charge brought against him, of having maintained republican principles as applicable to the British constitution, in a former debate on the bill. No such argument had ever been urged by him, nor any from which the inference was fairly deducible. On the French revolution he did indeed differ from his right honourable friend. Their opinions, he had no scruple to say, were wide as the poles asunder: but what had a difference on that, which to us was only matter of theoretical contemplation, to do

do with the discussion of any practical point, on which no such difference existed? On that revolution, he would not retract a syllable of what he had said. He did think it, on the whole, *one of the greatest events in the history of mankind*. But when he mentioned France, he mentioned the revolution only, and not the constitution. That remained to be improved by experience, and accommodated to circumstances. The arbitrary system of the old government was done away; the new had the good of the people for its object, and this was the point on which he rested. But when he said this, did it follow, as he had seen inferred and attributed to him, that all who admired wished to imitate? Were he to differ from his right honourable friend on any point of history, was it necessary that this difference should be discussed in the house of commons? Were he to praise the conduct of the elder Brutus, and to say, that the expulsion of the Tarquins was a noble and patriotic act, would it thence be fair to argue that he meditated the establishment of a consular government in this country? Were he to repeat the eloquent encomiums of Cicero on  
the

the taking off of Cæsar, would it thence be deducible, that he went about with a knife in his pocket for the purpose of killing some great man? Let those who said, that to admire was to wish to imitate, shew that there was some similarity of circumstances. Let them shew that this country was in the circumstances of France, ruined in its finances, deprived of civil liberty, and bowed down to the earth by the extravagance and corruption of its government; and with all the obloquy that might be heaped on the declaration, he should be ready to declare, that the French revolution was an object for imitation for this country. But instead of seeking for difference of opinion on topics, happily for this country, only topics of speculation, let them come to matter of fact, and of practical application; let them come to the discussion of the bill before them, and see whether his objections to it were republican, and in what he should differ from his right honourable friend.

This was then the great topic upon which they differed; but it was really hard, that a difference  
upon

upon a public topic, and that too which had already produced among various men, various sentiments, should be the cause of sowing such divisions between them. In the course of their political lives many subjects occurred whereon they differed, but before this, there never did happen one which was productive of such a consequence; he had therefore to impute it only to schismatic machinations, studiously contrived to sow the seeds of dissention between them. For it could never have happened that his master (for so he must ever call his right honourable friend) could so far forego or forget the principles which he himself inculcated in him in his earliest day, namely, that a "difference of sentiment upon a public matter, which was one part of the rights of man, should never be a cause for the dismemberment of private friendship among individuals." Proud of that sentiment, he considered himself shielded by it in even differing from that right honourable gentleman himself; and in doing so again, applied to him his own instructions. Mr. Fox said, he must again repeat what he had mentioned on a former occasion, "that all he ever  
knew

knew of men, that all he ever read in books, that all his reasoning faculties informed him of, or his fancy suggested to him, did not give him that exalted knowledge, that superior information which he derived from the instruction, and learned from the conversation of his right honourable friend ;” to him he owed all his fame, if fame he had any ; and if upon the subject matter then in contention he advanced such arguments as prevailed over those of that right honourable gentleman, he could acknowledge his gratitude for the capability and pride of the conquest in telling him,

*Hoc ipsum quod vincit id est tuum.*

Mr. Fox then proceeded to state some occasions on which they differed, but without any abatement of attachment. He reminded his right honourable friend that when Washington gained a victory, they mutually rejoiced ; when Montgomery fell, they mutually wept.—When they agreed, they agreed like men ; when they differed, they differed like philosophers ; nor did they ever differ till an occurrence happened, which, both



as men and philosophers, should have made them reciprocally happy, and he was firmly persuaded would have done so, had not the demon of discord interfered, and slyly disseminated the contentious seeds between them in an unlucky moment.—

When the general discussion came properly before them, he should be ready to maintain the principles he had asserted, even against the superior eloquence of his right honourable friend: against him he should be ready to maintain, that *the rights of man*, which had been ridiculed as vague and visionary, were the foundation of every rational constitution, and the foundation of the British constitution itself. What, said Mr. Fox, was a declaration of rights, but a reference to those original and inherent rights which no prescription can supersede, no accident take away, the rights of man? If these were principles dangerous to the constitution, from his right honourable friend he had learned them. And also, “that the general revolt of the whole people could never be encouraged, but must be provoked.” Such was in former times the doctrine of his right honourable friend, who had emphatically said, that he  
could

could not draw up a bill of indictment against a nation; and that a whole people never rose against their government but by its own abuse. His right honourable friend had since learned to draw a bill of indictment against a whole nation, and to season it with all the technical ingredients of *malicious, wicked, and by the instigation of the devil.*

But, continued Mr. Fox, he had first taught him to feel and to love the principles of freedom, and not only that, but to revere and cherish them. Having given his mind this bias, having made familiar to his understanding, and impressed on his heart, principles which he was now too old to change, he must rejoice in seeing tyranny destroyed, and a constitution established on the rights of men, on that which was the foundation of the British constitution, for to say that it had any other foundation was to libel it; and not all the right honourable gentleman could say, not all that he could write, would induce him to alter his opinion. In defence of those principles, he was ready to contend with his right honourable friend, whenever the discussion was regular or necessary,  
without

without any apprehension of their being found repugnant to the true and admitted principles of the constitution, and he had no objection to come to issue on the subject at the present moment.

Before he concluded, Mr. Fox said, there was one circumstance which particularly demanded his attention, and which he wished to guard his right honourable friend against. He had, in general terms, talked of factions, endangering the constitution; but he had not corroborated his assertions by any statement of facts: he therefore wished, both for the sake of all those gentlemen with whom he had the honour to act, as well as for the sake of having the pleasing opportunity of vindicating himself, that whatever his gunpowder plot was he would divulge it; because, from the manner in which he had communicated the system of it, mankind must accuse of the horrid design, not only himself, but all his friends in and out of that house.

When Mr. Fox had finished, Mr. Burke rose,  
and

and began with complaining, that his conduct and his words had been misrepresented, and that a personal attack had been made on him from a quarter where he least could have expected it, after a friendship and an intimacy of more than twenty-two years. He had been charged with inconsistency, and that he had abandoned all his former sentiments, opinions, and principles.—He could not help thinking, Mr. Burke said, that on the subject of the French revolution he had been treated unfairly. However, when and as often as the subject came to be discussed fairly, and the facts he was possessed of were allowed to be brought forward, he was ready to meet the right honourable gentleman hand to hand and foot to foot upon it.

Mr. Burke insisted that the discussion of the Quebec bill was a proper occasion to put the country on its guard against the dangerous doctrines that had been promulgated in France. There were people in this country, he said, avowedly endeavouring to overturn the government. The practice was, upon all occasions, to praise the

the French constitution in the highest style of panegyric. Some, indeed, qualified their argument so far, as to praise only the French revolution; but in that he could see no difference, as the constitution, if they had any, was the effect of that revolution. These doctrines received additional weight from the sanction of the right honourable gentleman, so powerful in the support of whatever measures or opinions he countenanced.—He recapitulated the political questions upon which on former occasions he had differed with Mr. Fox, but said, in all these no one difference of political opinion had ever for a moment interrupted or affected their friendship till now. It would certainly be indiscretion at any period, but much greater at his time of life, to provoke enemies, or give his friends cause to desert him; yet if that was to be the case, by adhering to the British constitution, he would risk all, and as public duty and public prudence taught him, with his last breath exclaim, “*Fly from the French constitution.*”

Mr. Fox here whispered “there was no loss of friendship.”

Mr. Burke replied, "There was." He had discharged his duty at the risk of displeasing his friends, and he would spend his last breath in that house in warning them to fly from the French revolution as from a pestilence, and to cherish and support the English constitution. He had made a great sacrifice: he had done his duty, though he had lost his friend.

He had been told, Mr. Burke said, that it was much better to defend the English constitution, by praising its own excellence, than by abusing other constitutions, and certainly the task of praising was much more pleasing than that of abusing: but he contended, that the only fair way of arguing the merits of any constitution was, by comparing it with others, and he could not speak with propriety of the excellence of the English, without comparing it with the deformity and injustice of the French, which was the shade that brought its colours forward in the brightest point of view; and omitting to do it, would be like presenting a picture without a shade. In the course of his speech, he accused Mr. Fox of having, for the

last five years, omitted to give him so much of his company as he used to enjoy, and from thence inferred an abatement of his former kindness.—In conclusion, he addressed Mr. Fox and Mr. Pitt as the two great rivals for power, and warned them, whether they should for the future move in the political hemisphere as two flaming meteors, or walk together like brethren hand in hand, to preserve and cherish the British constitution ; to guard it against innovation, and to save it from the danger of the new theories. In a rapturous apostrophe to the infinite and unspeakable power of the Deity, who, with his arm, hurled a comet like a projectile out of its course, who enabled it to endure the sun's heat, and the pitchy darkness of the chilly night ; he said, that to the Deity must be left the task of infinite perfection, while to us poor weak and incapable mortals, there was no rule of conduct so safe as experience.

Mr. Fox rose under evident emotion to reply to Mr. Burke, but his heart and mind were so affected by the circumstances of the debate, that it was some moments before he could proceed.

Tears rolled down his cheek, and he strove in vain to give utterance to feelings that dignified and exalted his nature. The members sympathised in the sufferings of their distinguished colleague, and a reverential silence pervaded the house.—Mr. Fox at length proceeded, and in a strain of pathos and sublime eloquence, which did equal honour to the strength of his head and the tenderness of his heart, conjured Mr. Burke to remember their past lives, to reflect upon the many occurrences of them, to recollect their union, their unalterable attachments, their unalienable friendships, and their reciprocal affections, to believe that there existed between them the ties of nature, as near and dear as the relative situation of father and son could be; that they improved them by social love, each still flattering the other that his intrinsic worth was the magnet of attraction, and each still enjoying the substantial idea in ecstasy of happiness: he conjured him again not to renounce in a moment, and for a trifle too, the opinion mutually established for years: not to reject the fabric of many years' construction, for the visionary shade of an ideal habitation,



habitation, and break through all those bonds which alone can make life happy, to enjoy a liberty of thought which could only tend to make it miserable, and thus violently sever him for ever from his regard. He said, that notwithstanding all that had been said by his right honourable friend, he must still call him by that endearing appellation, for his friendship was not of a nature to be affected by the circumstances of one day's debate; it was planted in his heart when a child, it had grown and ripened with his knowledge. It was a friendship improved and rivetted by the intimate connexion and intercourse of three-and-twenty years; it could not be weakened, much less extinguished in his bosom, by the heat or the intemperance of a day. Difference of opinion they had not unfrequently had the misfortune to maintain, but those differences had never interrupted their friendship, nay, even their difference on the French revolution was well known to each other. When the right honourable gentleman published his pamphlet on the French revolution, he had publicly expressed his opinion, that he had differed from him in almost every principle he had

advanced ; and this was not unknown to the right honourable gentleman, but it had made no difference in their cordial friendship.

It was not until now, that the affairs of France had so forcibly seized on the imagination of his right honourable friend, that every difference of opinion with him was to produce consequences so harsh and unprovoked. Republican principles had been falsely imputed to him \*, and the libel  
 thrown

\* In order to understand this and some other allusions in Mr. Fox's speech, it is proper to mention, that at this period there was a considerable probability of his speedily coming into office. His arguments on the Spanish, but more particularly on the Russian, armament, which remains to be noticed, had established his character throughout all Europe, without a shadow of competition, as the first statesman in the British empire ; and the prejudices of the king, which had arisen from circumstances that it would be fruitless to investigate, had so far yielded to the general sense of the nation, that he had been heard to say, " he was not so wedded to Mr. Pitt, as not to be very willing to give his confidence to Mr. Fox, if the latter should be able, in a crisis like the present, to conduct the government of the country with greater advantage to the public."

thrown out with a view of fixing a stain on his character; and this was to be done, because he  
was

public." This declaration alarmed the wretched faction, so long the bane of this reign, which brought Mr. Pitt into power, and every engine was set at work to prevent the sovereign's gracious intentions regarding Mr. Fox from being carried into effect. It was artfully insinuated to his majesty, "that Mr. Fox was the last man in England to be trusted by a king, because he was by principle a *republican*, and consequently an enemy to monarchy." A confidential friend of Mr. Fox, who from his station in life had ample opportunities of gaining information, speaking on this subject in a "Letter to Mr. Fox," says, "I believe myself sufficiently impartial to have weighed, to a very scruple, the case as it stood between Mr. Burke and you. Indeed you were severely used. Forced into discussions on the subject of a revolution which then was but an experiment making by France on her own body; delivering yourself, when so forced, vehemently, it is true, and boldly, in favour of the general rights of mankind, but cautiously and prudently with regard to the operation of their principles in this country. I heard you, and your friends, and your views, and the public cause you had embraced, assimilated with all that was hateful, deformed, bloody, and ferocious in the anticipated French democracy. No distinction! no toleration!

was not such a bigot to the principles of monarchy, as to believe that every government which had

no memory of past services! but day after day you was brought down to the house of commons, in the face of an ungenerous adversary, and as a spectacle and sport for them, to be put on your defence, not as a criminal of an hour's detection, but as one whose life had been a series of perjuries and treasons, which the troubled conscience of one of his accomplices had engaged him to discover.—Speeches were made and circulated in your name, applauding what the framers of them *knew* you neither had approved, nor even read, the French constitution; which they accused you at the same time of wishing to introduce instead of our own.—Their argument was worthy of their cause—“*He who praises any change,*” it was said, “*must approve of all the consequences to which that change may lead; and he who approves of those consequences, must mean to imitate them.*” By these pestilent sophistries, the high principle of your whole life was attacked. Your fame was undermined. The figure you had just made in the questions connected with our famous dispute with Russia, had finally set at rest all idea of rivalry with regard to powers (if indeed any such rivalry had ever existed) between you and your opponents. What in foreign courts had long been acknowledged, was at length listened to in this, and received universally by  
your

had not that basis was wicked and mischievous. An attempt had been made to fix a jealousy on him as to his opinions on republicanism. Ministers feeling themselves at a loss to support their own conduct, and perhaps rightly thinking that it was a good military manœuvre, when pressed themselves, to carry the war into the enemy's country, seized on what he had said cursorily on the French revolution, and, by an apt misrepresentation, strove to make it a topic of popular

your countrymen. At the close of that dispute, you stood beyond compare our first and foremost man. I will venture to say, that from the date of that business, no person dreamt of pledging this country to foreign objects of any kind, much less to a war, without not only your full concurrence, but your efficient co-operation. All perishable! In little more than one short twelvemonth afterwards, with the intervention of no circumstance questionable either to your wisdom or your honour, these miserable arts had prevailed; the loud vehemence of anger joined itself to the "vermin whispers" of malignity; and he whose "word" but on the yesterday might have "stood against the world," was reviled, tumbled down, and trod upon—and none were found so poor to do him reverence."—*Part of a Letter from Robert Adair, Esq. to the Right Hon. C. J. Fox, p. 10.*

libel.

libel. If, then, his right honourable friend had thought it necessary to state to the house his sentiments on the French revolution, he might have done it on any other occasion, with less injury to him than on the Quebec bill, because his doing it then confirmed and gave weight to the misrepresentations of the right honourable gentleman opposite to him, (Mr. Pitt,) and put it out of his power to answer him properly. He had asked his right honourable friend to postpone the discussion. He should not have thought it an improper request to make to an indifferent gentleman. It was due to any man in common candour; it was what he would have granted to any man; but that his right honourable friend should have persisted against his entreaty, gave him very sincere concern; indeed concern for which he could not find language. He made his request for the change of the season, but not for a remission of the design.

He was an enemy, Mr. Fox said, to tests of all kinds, political as well as religious, knowing them to be the weapons of men without principles; and that bad men made use of them to the oppression

sion of the good and virtuous; that they stood indeed in no man's way, but of him who was conscientious. But much as he abhorred tests, he said, the opposite side of the house should always have his opinions, good or bad, advantageous to himself or the contrary, without the trouble of tearing asunder the bonds of friendship to obtain them. If he was to deliver a general opinion on the British constitution, he would only repeat the opinion which he had frequently given. In the theory of the British constitution he saw many evils. But in practice, it was the most perfect system ever formed; for in its practice it showed a correcting capacity, by which it secured the happiness of the people, by removing, or by softening the evils of the theory. Indeed the British constitution had been so much indebted to this practical principle, that it had grown through gradual improvements to its shape and beauty more than by its theory. If there were a paper submitted to him, and he were required to sign it, as the condition of his obtaining power, stating that the constitution of Great Britain, as it now stood, was in theory and practice the most perfect  
that

that ever was formed, or that could be devised, he would disdain to sign it, because in his heart he believed it to be false. Could he sign such a paper, when the whole experience of his life had shewn him that the constitution was not only susceptible of, but was daily receiving improvement?

Mr. Fox then alluded to what lord Coke said of our constitution, that it was governed by the united law of ages, and capable of receiving every improvement that time could invent. That they had as yet formed but an imperfect constitution was no disgrace. The united wisdom of all the legislators that Greece, and Rome, and all the world ever produced, would be inadequate, in his opinion, to strike out at once a perfect and practical form of government. The British constitution was not struck out at once, but formed by the experimental wisdom of ages, by unremitting care, and a constant progression of improvements, or, if the expression pleased more, by a series of innovations, for every improvement must be to a certain extent an innovation. He had heard Mr.

Burke



Burke himself admit that the British constitution was theoretically bad ; but experience of happiness and prosperity under it, was the best possible proof of its practical goodness.

Was it not a singular thing, said Mr. Fox, that he should be assailed on the same day by his political friend, and his political enemy (Mr. Burke and Mr. Pitt,) two gentlemen, who had proposed two modes of reforming the constitution ? The one had proposed to alter the representation of the people, and had failed : the other had proposed to diminish the influence of the crown, and had succeeded. He had had the good fortune to agree with them in both these innovations ; and now they called on him to declare that the constitution was perfect both in theory and practice, that it could not be altered without danger, and that he was a bad man if he attempted it. Was it expected that he should declare the constitution would have been more perfect or better without either of those two reforms ? Would the right honourable gentleman say he was a bad man for having voted for both ?—But because he had  
delivered

delivered his opinion on the French revolution, in terms perhaps little guarded, for in the natural heat of his temper, he said, he could not boast of that happy and prudent choice of words which his right honourable friend, with more fruitful eloquence, had so much at command; because he had done this, and granting even that he had been indiscreet and even warm, surely it did not deserve the epithets, the severe and pointed epithets which his right honourable friend had so profusely loaded him with. (Here he was interrupted by Mr. Burke, who said, he did not recollect any epithets.)—"My right honourable friend," said Mr. Fox, with great happiness of reply, "does not recollect the epithets; they are out of his mind; then they are completely and for ever out of mine. I cannot cherish a recollection so painful, and from this moment they are obliterated and forgotten."

Mr. Burke had said, that there was something in these discussions dangerous to the British constitution. Mr. Fox declared his own opinion to be the reverse of this. Discussion, in his mind,

was

was equally favourable to political and to moral truth. It was with politics, as it was with religion and philosophy, discussion was the means by which the mind was satisfied ; and by which, consequently, a nation was to be brought to the true felicity which springs from the conviction, that their condition is good upon comparison. He would punish no man, therefore, for thinking or for saying, that the British constitution was not so good as it might be made. But less would he think of arraigning any man, who seeing in the system of another nation, ideas that might be beneficial to this, suggested their incorporation. Every constitution was good in proportion as it was adapted to the circumstances and situation of the people for whom it was formed ; and to say, that in every instance, and for every people, a constitution was good as it approached to, or departed from, the British frame, was an idea, he thought, which no man could entertain. For instance, if it should be thought wise, on the expiration of the charter of the East India company, that government should take into their own hands the territories in Asia, would it be conceiv-

ed by any rational man, however he might admire the principles of the British constitution, that that constitution could be adapted to the genius, to the wants, or to the feelings, of the Hindu nation. Every constitution, to be good, must be adapted; and it was in his mind a presumption too much for man to say, that whenever a whole people differed from him in their ideas of what was best for their own comfort, their ideas must proceed from folly, and not from wisdom, from vice, and not from virtue. It was, said this undaunted assertor of human liberty, a new principle of bigotry and intolerance, which could not be equalled even by those who imposed religious tenets on the human mind, to deny to every people upon earth the right of thinking for themselves, to deny to them the exercise of that judgment, of which we ourselves claimed the free use, and to say, that if they dared to think and act for themselves, otherways than as we had set them the example, proved their folly and their vice! In the year 1780, it had been the opinion of that house, that "the influence of the crown had increased, was increasing, and ought to be diminished." The right  
honourable

honourable gentleman agreed to that resolution, and thus declared, that the constitution was not perfect without such reduction. Would he not grant to the French the same right that we had exercised? If the influence of the British crown, which consisted in the civil list, in the army, navy, and the power of giving places and honours, was so great as to be thought dangerous, what, in the eyes of reflecting Frenchmen, must have been the overweening influence of the crown of France? With a civil list ten times the amount of ours, with a navy almost as large, with an army tenfold, with a church more than tenfold, must they not, acting on the rights which we had exercised, pursue the course of diminishing its power? When, in addition to this, they had to deplore the horrid state of corruption and despotism into which the whole of their government had fallen, was it not right that they should strive to meliorate their condition, and to extricate themselves from slavery and wretchedness?

In reply to Mr. Burke's severe invectives against the *rights of man*, Mr. Fox contended that there

were rights inherent in man, and coeval with his being, rights which no conquest could take from him, which no sophistry could with-hold, which no tyranny could extinguish, though it might stifle, and which the mind of man, that could not be enthralled even when the body was in fetters, would proudly maintain. These rights the French nation had exercised; but in their exercise of this inherent right, they had not, it seems, displayed perfect intelligence. He defied the collected wisdom of the human race to sit down and make a good government by choice. What was a good government? That which secured to every individual of a nation the greatest possible happiness; and how was this possible to the finite, narrow wisdom of man? How, but by a constant vigilance, by which they might gradually discover and provide the means of securing to him his happiness? Was our constitution a fabric erected in one happy moment of wisdom, by the choice of the people? No such thing. We had improved it gradually. We had not arrogated to ourselves that knowledge, which, as his right honourable friend had said, alone belonged to the

the

the Deity ; but, watching over the charge, we had improved as we had found out our insufficiency, and we would still improve, as we should still further see cause.

Mr. Fox reminded Mr. Burke, that his sentiments had not always been so favourable to monarchy as they then appeared. In the year 1783, when his majesty, on the loss of America, lamented in his speech the fate of the provinces, in being deprived of the advantages resulting from monarchy, his right honourable friend ridiculed the idea, and compared it to a man's opening the door, after he had left the room, and saying, " At our parting, pray let me recommend a monarchy to you."—Was there a man, Mr. Fox asked, so narrow minded as to wish that human freedom, and consequently human happiness, should be confined to the soil of Britain ? He hoped he had not such a fellow-creature ! Why then talk of the French revolution in such degrading terms ? Why talk of it as a shade to the splendor of Britain ? If the right honourable gentleman really wished to set up a shade to the

• 2                      constitution

constitution of England, he would find it in the despotism of France which they had destroyed, instead of detailing the errors which their apprehensions of that despotism might have unnecessarily led them to. They who knew the extent of that horrid despotism dreaded its revival. "I fear this gunpowder Percy, even in death," seemed to be the language of the French. He confessed he thought unnecessarily; for it was overthrown, and all the pens, and all the swords of its defenders, could not revive it. But because, in a generous and manly consistency with our own free system, we rejoiced in the accession of a new stock of liberty, did that imply that we preferred their constitution to our own? "No, sir," exclaimed Mr. Fox, "the gentlemen with whom I act love the constitution of our country on grounds which are independent of external circumstances. We love it for the experience of the felicity and dignity which it confers on our species, and we will maintain it. It is impossible that we should ever be reduced to the extremity of the course which the French have been obliged to take."

Mr



Mr. Fox repeated, that he had been unjustly and unfairly treated in the business ; but he would not suffer it to step in between him and his friend. He would keep out of the way, he said, of his right honourable friend, until his temper, so easily warmed, might have leisure for reflection ; and then, he trusted, they had some common friends, who loved them both, and who would eagerly exert their best offices to bring them back to the same cordiality which had been a source of so much happiness to him. He trusted that the quickness of temper, which led to momentary heat and exasperation, would be equally manifest in leading him back to dispositions more congenial with his nature. He had long known that there was in the nature of his friend, a zeal and enthusiasm, on every subject which engaged his faculties, and often led him to the confines of imprudence. It was a quality of blood which he had often secretly lamented, and which had sometimes induced him to yield points to him ; but he found in the gentleness of his acknowledgements of error, an ample recompense for present distemper. He trusted that, in viewing the cause

of the present dispute, he would recollect that they had been engaged in a systematic opposition to his majesty's ministers since the year 1784. Why? From a firm and sincere conviction that an act had been committed at that time, which had violated the constitution; and which must be done away before, on their principles, they could think the people in safety.

A paper, said Mr. Fox, which would make the fame of some other men, but which, in the variety of his right honourable friend's productions, he might have forgotten, was on the journals of that house; his representation to the crown in 1784, in which he solemnly declared, that the act by which his majesty's present ministers had trampled on the country was dangerous to the people. Connect this with the clear and settled principles of the great and distinguished body to which they belonged, the whigs of England. It was the principles of that party to assert, and strictly to act by, the principles of the revolution, which, under the two first princes of the house of Brunswick, had carried the dignity and  
happiness

happiness of Englishmen to a pitch unrivalled in the annals of human kind. That party saw, in the commencement of the present reign, a disposition to depart from the conduct which made the two former reigns so glorious, and to make a greater use of the prerogative than had been attempted in the former period. But it was not until the year 1784 that they came openly to issue on the great constitutional point. At that memorable period, when the representatives of the people of England declared that they had not confidence in his majesty's ministers, the crown was advised to reply that it was his prerogative; and this stretch of the prerogative was practised successfully. By the fundamental principles, then, of the whigs of England, this displayed a power inconsistent with the well-being of the people, which required reform. Such, Mr. Fox appealed to Mr. Burke, were their mutual sentiments, and upon these they had acted. Were they consistent with the doctrine that the theory and practice of the constitution were perfect? Mr. Fox concluded with making a beautiful application to a passage which, he said, he recollected, and which might

might be an affectation in the writer, but to his heart it was real. "One might bear to be ill-used and to be abused, by those on whom we had conferred favours, and who owed every thing to our kindness. It was a calamity which the mind might endure. The injustice and ingratitude of the world were old topics of reflection, But to be ill-used and abused by one who had previously won and engaged the soul by kindness, was an affliction for which a grateful heart had no balm."

Mr. Burke, unmollified by the concessions and tenderness of his friend, repeated his declaration that their friendship was at an end; and, in spite of all the endeavours that were subsequently used to bring about a reconciliation, persisted in his declaration to the last moments of his life.

On the 11th of May, the debate on the Quebec bill was resumed, and Mr. Fox took the opportunity of further explaining his sentiments respecting government. He had always been of opinion, he said, that there could be no good or  
complete

complete system of government, without a proper mixture of monarchy, aristocracy, and democracy. They entirely misunderstood him who supposed he was an enemy to aristocracy. The contrary was the fact, for there was no man who considered a proper and well regulated aristocracy, such as formed a part of the British constitution, more essential to the formation of a good government than he did; a certain degree of aristocracy was absolutely necessary, as a poise between the prerogative of the crown, acting against the rights of the people, and the influence and liberty of the people, acting against the monarchical power; therefore a mixture so constituted, that each was a check upon the other, he conceived to be the best constitution in the world.

Having described what was the real and proper aristocracy that formed part of the British constitution, Mr. Fox proceeded to state, that no such aristocracy would be obtained in the proposed constitution for Canada; for where were there any who, from services, could claim the distinction of nobility in that province? He believed

lieved none, and therefore the institution of an aristocratical power in that country must be the work of time. A legislature might certainly create nobility, but no legislative power could command the respect, the prejudices, and the opinions of mankind, which attend, and ought ever to attend, a necessary aristocracy. The public gave respect to the actions of great men even after their death; and the reflection that the same virtue outlived the man, whose conduct was dedicated to its pursuit while in being, was a stimulus to his survivor, and created a laudable endeavour for its imitation. It was an honest advantage to be taken of the prejudices of mankind. This was, and he hoped would always be, the case in this country; but how could the aristocracy of Canada be of that description? Aristocracy should be connected to property, and consist of a nobility who, besides other respect and distinction that they possessed, should be independent of the monarch, being, in their best situation, a poise between the power of monarchy, and the excesses of democracy.

The

The minister, he said, affirmed that distinctions in society operated more powerfully on man than any lucrative acquisition. It was the medicine of the mind, which cured the evils resulting from the boldest enterprise, and gratified the anxieties of ambition. How the right honourable gentleman (Mr. Pitt) could infuse these transcendent qualities into the breasts of his upstart nobility of Canada, remained for him to determine. All the affected omnipotence of an act of parliament could not ennoble the men alluded to, nor, when decorated with their paltry *insignia*, call forth their exertions to acts beyond mediocrity. This country might say, "You shall have a respectable nobility," but how the respectability was to be realised, he was utterly at a loss to conceive.

From what had fallen from him in a former debate, he had been accused, he said, of avowing, and wishing to inculcate, republican doctrines; but if it was supposed that he had ever, in speaking of the formation of this or any other government, said any thing that could lead people to suppose, that he was an enemy to the proper  
mixture.

mixture of monarchy, aristocracy, and democracy, which he thought so requisite, as fundamental principles of solid and substantial good government, he hoped, he had now given his opinion, in a manner that would satisfy the house, and the country, what his real sentiments were on that subject.

In the course of this session, Mr. Fox added greatly to his high reputation for political sagacity, both at home and abroad, by his successful opposition to the frantic measures of the minister, which had so nearly involved the country in a war with Russia. On the 29th of March 1791, a message was delivered from his majesty to both houses of parliament, acquainting them, "that the endeavours which he had used in conjunction with his allies to effect a pacification between Russia and the Porte, having hitherto been unsuccessful, his majesty judged it requisite, in order to add weight to his representations, to make some further augmentation of his naval force. When Mr. Pitt had moved an address, Mr. Fox rose, and declared, that when he first  
heard



heard of the armament he could not believe it, so extravagant, as well as pernicious, did it seem. He had heard nothing to account for measures, which to him appeared so inexplicable. When gentlemen talked of the balance of power being a motive for arming, it should be shewn how that balance was endangered. When they called for armaments to prevent the aggrandizement of Russia (new as such a cause of alarm was to this country) they should shew whom she meant to attack. If any of the powers with whom we had defensive alliances were threatened, he would allow our interference to be proper; but not a syllable concerning the probability of such an attack. The former policy of this country towards Russia, it was scarcely necessary for him to state, as it was fresh in every one's recollection. During the former war between her and the Porte, we aided her in sending a fleet into the Mediterranean, and gave her the first opportunity of appearing as a naval power, in that quarter of the globe, and of establishing herself on the Black Sea. When she took possession of Cuban and the Crimea, in 1792, we conceived no alarm, and afterwards

afterwards refused to accede to the propositions of France and Spain, to join them in preventing this addition to her dominions.—But our policy was now of a different nature indeed. Rumour held us out as the instigators of the war; but if even that were unfounded, it would at least be granted that we had taken no steps to prevent it; and now, when Russia wished to make a just and reasonable use of her successes in this war, to indemnify her past expense, and to secure herself from future attack, we oppose these moderate claims, and insist on her making peace on the unreasonable terms of her restoring all her conquests. It might perhaps be said, that the conduct of former ministers of this court towards Russia was impolitic and wrong; and that the present conduct towards her was politic and right. But was she not entitled to act on the faith of that former conduct, ignorant as she was of party predilections, and judging only of the great and leading policy of the nation? How much must she now be surprised, to hear that Britain, who had assisted her in sending her fleets to the Mediterranean, in establishing herself in the Black Sea,

Sea, and who refused to oppose her possessing herself of the Crimea, was now jealous of that power she had helped to rear! "If you were jealous of my conquests," she might observe, "you ought to have prevented their being attacked." The house could not now be so unreasonable as to complain of her taking advantage of conquests, which were the consequence of her being attacked. "*In all interference with foreign nations,*" said this great statesman, "*justice is the best foundation of policy, and moderation is the surest pledge of peace.*"

But, continued Mr. Fox, neither in the policy of negotiation, nor in the application of our power, have ministers acted with skill, or with effect. The defensive system which they say they adopted, they did not follow with consistency, otherwise it might have been easy, when they found the emperor, in the negotiation of Reichenbach, disposed to peace; they had neglected the opportunity of securing the empress by the same means, and by the same arguments, which might then have been easily effected. Mr.  
 Fox

Fox concluded with affirming, that an alliance with Russia appeared to him, the most natural and the most advantageous that this country could possibly form.

The question concerning the policy and expediency of the armament against Russia, was argued for the last time in the house of commons, May the 25th, in a debate on the state of the nation with respect to foreign powers. The purport of the armament was, in Mr. Fox's opinion, to save the honour of the minister ; but, he hoped, while the minister consulted his honour, the house of commons would consider the honour and the interest of the country. The minister was arming that he might recede from his propositions with more dignity,—as he thought, with greater shame. Ministers, after proving themselves bullies, had relinquished objects which they might have commanded, and lost opportunities which they might have improved. They ought not, he said, to continue the expenses of an armament, when every object of it was dead and gone. If ministers had persevered in their original intention, they ought, before

before now, to have acted upon it. If they saw the necessity of abandoning that intention, it would have been much more dignified to own their error, to acknowledge that they had formed an erroneous opinion of the interests of the country, and to avow to parliament, that they had changed their measures. But they would neither pursue their original intention, nor acknowledge that they had relinquished it. They were forced, by public opinion, to give up the purport of the armament; why not then relieve the country from the expense?

The house, Mr. Fox said, had been told, that, if ministers involved the country in an unjust and impolitic war, they might refuse to vote the money to support it. When might they do this? Suppose that the consequence of their measures should be an attack by Russia, (for an attack when a nation was menaced, was as justifiable a mode of attack as any other,) the country would be involved in a war on provocation given, and one campaign, at least, must pass, before parliament would have an opportunity of interposing. What

then could they do? Finding a war commenced, could they refuse their aid to defend the country? Could they undo what the misconduct of ministers had already done? In that case they would be told that ministers were responsible. No doubt they were; and no doubt it would be wise to impeach and punish them as they deserved; but the punishment of a minister would be a poor compensation for the mischiefs of an impolitic and unnecessary war, however it might operate as an example to his successors. It was, therefore, not only the right, but the duty of the house, to interpose with their preventive wisdom, and to advise his majesty of the impending evil. Did they not know that if parliament had not been sitting in March, when his majesty's message was brought down to the house, the nation would have been at that moment involved in war? Was it not notorious, that the strong opposition of the minority of that house had been the means of preventing it?—They were now going to separate for the season. What security had they that the war would not be commenced before they met again? Ministers, he should be told,

had changed their opinion! How had they changed it? Not on any reasoning or knowledge of their own; and when they were free from the restraint which compelled them to change it, how did the house know but that they would change again? What accounts were gentlemen to give their constituents of the armament? Were they to tell them that we had armed to enable Prussia to take possession of Dantzic, a city of which Great Britain was a guarantee? They could not say that they had authorised an armament for so base a purpose. Were they to say that we had armed to give Oczakow to the Turks? Oczakow would not be restored; and they should have the shame of arming for a purpose which they could not effect.

It is scarcely to be doubted but that the minister would have involved the nation in a war with Russia, but for the strong opposition made to that measure in the house of commons, and the reluctance to it that was manifested by the people at large. Parliament met on the 31st of January 1792, and it appeared by the speech from the

R 2

throne,

throne, that preliminaries of peace were agreed upon between the Porte and Russia, and that the former had consented to cede Oczakow. Mr. Fox, in reply to the arguments of those who moved and seconded the address, observed, that he was too dull to comprehend, how either the new or old line of demarcation between Russia and the Ottoman Porte could be of the least importance to this country; and neither for the new nor the old would he have hazarded the hundredth part of a British life, or the hundredth part of a British pound. It had been intimated that new circumstances arising, had induced the minister to recede from his original proposition. None, however, of these circumstances had been pointed out, though the discussions of the preceding session had been obviously alluded to. This Mr. Fox considered as the highest compliment that could be paid to the exertions of opposition, and as tending to secure to them the approbation and confidence of their constituents and their country. But it had been said that these discussions provoked the contest, and that but for them Russia would have yielded. That it would  
not



not have been the interest of Russia to contend at the hazard of a war, he was ready to admit ; but that a government like that of Russia, not immediately under the control of public opinion, might have been impelled by resentment or obstinacy to resist, was no improbable supposition. In that case, what must have been the consequence, had not the minority in parliament, and the sense of the people interposed ?—It required no moderate share of assurance for ministers to say to gentlemen who had supported their measures as wise and necessary, “ That which you last session contended for as of the utmost importance, we have now abandoned as of none : will you have the goodness to move an address, approving of what we have done ?”

With regard to the state of affairs in France, Mr. Fox said, he adhered to his former opinion, namely, “ that the constitution of France was essentially bad, and therefore every thing was to be risked to destroy it ; the constitution of England was essentially good ; and therefore every thing was to be risked to preserve it.” It was

ridiculous to say that they who rejoiced in the destruction of the one, must wish for the ruin of the other. There was no similarity between them. They were as radically different as good and evil, as freedom and slavery, and never to be mentioned in the same terms, or any inference made from the one to the other.

Mr. Fox then adverted to the disgraceful riots which had occurred at Brimingham in the course of the summer, and expressed his surprise that no notice had been taken of them in the speech. It was impossible, he said, not to lament, that towards the close of the eighteenth century, men, instead of following the progress of knowledge and liberality, had revived the spirit and practice of the darkest ages. A lawless mob reigned triumphant for near a week in a rich and populous part of the country, and those, whose duty it was to have denounced the rigour of the law, addressed them rather in terms of approbation than rebuke. It would have been more honourable to ministers if they had advised his majesty to have spoken of such riots in the terms they merited.

ed, and of every attempt to suppress them with approbation.—They were not riots for bread, such as every feeling heart must pity while it condemned. Neither were they riots in the cause of liberty, which, though highly blameable, and highly to be reprobated by every good man, and every true friend to liberty, had yet some excuse in their principle. They were riots of men neither aggrieved nor complaining; but of men, who, assuming to themselves the office of the executive government, set on foot an indiscriminate persecution of an entire description of their fellow citizens, including persons as eminent for their ability, as blameless in their conduct, and as faithful in their allegiance, as this or any other country could boast of.

On the 27th of February, Mr. Whitbread moved a resolution of censure on the ministers for their conduct relative to the Russian armament. On this occasion Mr. Fox dwelt with much energy and effect on the folly and inconsistency of making Oczakow the very first object

of negotiation, and the disgrace of its subsequent abandonment. "Oczakow," said he, "was every thing by itself; but when ministers added to Oczakow the honour of England, it became nothing. Oczakow and honour weighed nothing in the scale. In the political arithmetic of ministers, honour is a *minus* quantity to be subtracted from the value of Oczakow."

In speaking of the causes of the armament, "What," said Mr. Fox, "was the right claimed by the minister to enter upon this dispute? I will answer, the right of a proud man to play a lofty part. France had gone off the stage, and now he resolved to boast and vapour, and play his antic tricks and gestures on the same theatre." After enumerating the evils of frequent armaments, Mr. Fox dwelt with peculiar pathos on the cruelty of impressing seamen. "I must lament," said he, "in common with every feeling mind, that unnecessary barbarity, which dragged men from their houses, deprived them of their liberty, and tore them from the industrious exercise

cise of those modes of life by which they earned support for their families, wantonly, cruelly, and without pretext.”

“ Half a million of money,” continued Mr. Fox, “ is spent, the people alarmed and interrupted in their proper pursuits by the apprehension of a war, and for what ? For the restoration of Oczakow ? No : Oczakow is not restored. To save the Turks from being too much humbled ? No ; they are now in a much worse situation than they would have been had we never armed at all. If Russia had persevered in that system of encroachment of which she is accused, we could then have assisted them unembarrassed. Now we are tied down by treaties, and fettered by stipulations : we have even guaranteed to Russia what we before said it would be unsafe for the Turks to yield, and dangerous to the peace of Europe for Russia to possess. This is what the public have got by the armament ; what then was the private motive ?

*Scilicet,*

*Scilicet, ut Turno contingat regia conjux,  
Nos, animæ viles, inhumata, infletaque turba,  
Sternamur campis.*

“ The minister gained, or thought he was to gain, an excuse for his misconduct ; and to purchase this excuse, was the public money and the public quiet wantonly sacrificed. There are some effects, which, to combine with their causes, are almost sufficient to drive men mad. That the pride, the folly, the presumption of a single person, shall be able to involve a whole people in wretchedness and disgrace, is more than philosophy can teach mortal patience to endure. Here are the true weapons of the enemies of our constitution! Here we may search for the source of those seditious writings, meant either to weaken our attachment to the constitution, by depreciating its value, or that loudly tells us we have no constitution at all. We may blame, we may reprobate such doctrines ; but while we furnish those who circulate them with arguments such as these ; while the example of the times shews us to what degree the

fact

fact is true, we must not wonder if the purposes they are meant to answer be but too successful.

“ They argue, that a constitution cannot be right where such things are possible, much less so when they are practised without punishment. This, sir, is a serious reflexion to every man who loves the constitution of England. Against the vain theories of men, who project fundamental alterations upon grounds of mere speculative objection, I can easily defend it ; but when they recur to facts, and shew me how we may be doomed to all the horrors of war, by the caprice of an individual, who will not even condescend to explain his reasons, I can only fly to this house, and exhort you to rouse from your lethargy of confidence, into the active mistrust and vigilant control which is your duty and your office.”

In the course of the session the subject of the slave trade was again brought before the house, and an insidious proposition was made by Mr. Dundas for its gradual abolition. This was strenuously

ously opposed by Mr. Fox, who declared that he could not hear, without infinite uneasiness, any thing which indicated a regular plan for continuing and even authorising that detestable traffic for at least a series of years, perhaps for ever. He deprecated, in strong terms, every deception and delusion on the country. Some gentlemen, in the course of the debate, had styled themselves moderate men ; but for his part, Mr. Fox said, he neither felt nor wished to feel any thing like moderation on the subject. The question for the consideration of the house was simply this, whether they should authorize by law (respecting Africa) the commission of crimes which in this country would incur the severest penalties, and even the forfeiture of life in the most ignominious manner. Regulations, in this case, would be as disgraceful as they would be nugatory. One of the *moderate* gentlemen had proposed a premium for the transportation of females.—Was the kidnapper, asked the indignant orator, to be encouraged to lay a snare for the harmless maid, to snatch her from the arms of her lover or her parents ; or to separate the wife from her husband  
and



and children? He should like to see the clause by which this inhuman measure was to be presented to the parliament of England; he should like to see the man capable of conceiving words to frame such a clause—Was there a gentleman in the house bold enough to support it?

With respect to the probability of other nations supplying the islands with slaves, a point which had been strongly urged by the enemies of the abolition, Mr. Fox said, he was decidedly of opinion, that the traffic had better be carried on by any nation than England. It had been objected that those parts of the evidence which bore most strongly against the slave trade, had been given by poor people: he was yet to learn that poverty and truth were incompatible. The names of lords Rodney and Macartney, and other persons of rank, had been mentioned, as favourable to the slave trade; but it was to be observed that they had spoken of the West Indies only; and had no knowledge of the enormities committed on the coast of Africa, or the horrors of the middle passage. All that they had said was purely negative;

gative; whereas the evidence of the other persons, less affluent perhaps, and less dignified, was positive and uncontradicted.

As to the mode of procuring slaves, no gentleman had said that there was any thing like fairness in it, or had ventured to offer a single word in its vindication. The least disreputable mode of accounting for the supply would be to represent them as legally convicted of crimes; but when the numbers were considered, this pretence must fall to the ground. The whole number annually imported was stated to be about 80,000. Could such a number be supposed to be convicts? "Last session," said Mr. Fox, "we were cajoled, and taught to believe that something would be early brought forward. Have we not passed a year, and nothing has been done? Are we still to be deluded and betrayed? Why was not the system of moderation proposed then? Why were we not then entertained by the proposition for a gradual abolition?"

Mr. Fox then proceeded to a statement of facts:

facts : a black trader, he said, brought a girl to a slave ship for sale ; some persons afterwards went on board and discovered who the trader was that sold her, and went and brought him to the ship, and sold him for a slave. “ What (said the trader) do you buy me, grand trader ? ” “ Yes, (replied the captain) I will buy you, or any one else if they will sell you.” On the first view of this fact it appears a piece of barefaced villainy ; but on examining the subject it is evidently a necessary consequence, flowing from the very nature of the trade. How could the captain know or decide who was the real owner of the girl ? He had only given in that instance the same answer that he must give in every other. “ I know not who has a right to sell, it is no affair of mine ; if any one offers me a slave, my rule is to buy and ask no questions.”—Mr. Fox concluded with saying, that were the objects of the trade brute animals, no man ought to expose them to be treated with such wanton cruelty as was the case with the slaves ; and were they wholly inanimate, no honest man would engage in a traffic founded manifestly on principles of injustice.

On

On the 30th of April, Mr. Grey gave notice of a motion, which he proposed to submit to the consideration of the house in the course of the next session, the object of which was, a reform in the representation of the people. Many of the greatest and most respectable characters in the country, he said, were declared advocates for a reform in the representation. Some of them, (alluding to Mr. Pitt,) indeed, had not of late come forward on the subject, but he hoped that was more owing to an apprehension of not succeeding in the project, than to any change of sentiments. He was of opinion that the necessity of such a measure existed now more than ever, that the general opinion was more in favour of it; and he thought also, that by a timely adoption of so salutary an expedient, many serious consequences might be avoided.—When Mr. Grey had concluded, Mr. Pitt rose with unusual vehemence, and declared his strong disapprobation of any agitation of the question of parliamentary reform at such a period. The times, he said, were materially different when he suggested a reform; a general opinion had then gone through the kingdom,

dom, that the country was reduced to poverty and distress—real grievances had existed—the opinion of the people was one way, and the opinion of parliament was another. The mischiefs complained of, and the ill opinion of the public, had since been removed ; he could not therefore think, should he bring forward a similar motion for reform, especially when a dreadful lesson of revolution had just passed, that he should be more successful, or that moderate men, who had before held back, should now support such a proposition.—He knew that there were certain men out of the house who were desirous to attack the constitution, but their numbers he did not believe to be great, and he was convinced that their force would be found trivial, whenever it should be opposed to the sound part of the constitution and its defenders. These new allies for reform, said the minister, betrayed themselves in their pamphlets, in which the revolution had been condemned, hereditary monarchy ridiculed—subordination and rank laughed at, and an endeavour made to impress on the minds of the public a wish to substitute for the happy constitution, a

plan founded on what was absurdly called the *rights of man*; a plan which never existed in any part of the habitable globe, and which, if it should exist in the morning, must perish before night. To his last hour he would resist every attempt of this nature; and if he was called upon either to hazard this, or for ever to abandon all hopes of reform, he would say he had no hesitation in preferring the latter alternative.

Mr. Fox commenced an admirable reply to the minister by reminding the house, that he had never professed to be so sanguine on the subject of parliamentary reform as the right honourable gentleman; but, though less sanguine, he was more consistent. He had, early in his public life, formed an opinion of the necessity of a parliamentary reform, and remained to this hour convinced of that necessity; and the obvious reason was, that the proceedings of the house were sometimes at variance with the opinion of the public. In proof of the truth and justice of this sentiment, Mr. Fox said, it was only necessary to recur to a recent instance, the Russian armament.

armament. The declaration of the house of commons was, that we should proceed to hostilities : the declaration of the people was, that we should not ; and so strong was that declaration, that it silenced and overawed the minister, notwithstanding his triumphant majority. What was the consequence? that the people of England were paying the expence of an armament for which they never gave their consent, because their sentiments were not spoken within the walls of that house. It was the doctrine of implicit confidence in the minister that disgusted the people, a confidence not given to him from the experience of his probity and talents, but merely because he was minister.—The doctrine was, that the agent of the executive power, be he who he may, is entitled to confidence ; and if he afterwards commits what is called a blunder, no enquiry shall be had into his conduct.

With regard to the other part of the minister's speech which related to the new allies for reform of his honourable friend, (Mr. Grey,) Mr. Fox said, he thought he might answer it completely

by asking the right honourable gentleman, "Who will you have for your's? On our part there are infuriated republicans; on your's there are the slaves of despotism: both of them unfriendly perhaps to the constitution; but there was no comparison between them in point of real hostility to the spirit of freedom. The one, by having too ardent a zeal for liberty, lost sight of the true medium by which it was to be preserved; the other detested the thing itself, and are pleased with nothing but tyranny and despotism.

Upon the word *innovation*, Mr. Fox said, about which so much had been heard, he would repeat an observation he had uttered almost the first time he had addressed that house, namely—"That the greatest innovation that could be introduced in the constitution of England, was to come to a vote that there should be no innovation in it. In his opinion the greatest beauty of the English constitution was, that in its very principle it admitted of perpetual improvement."—Had his honourable friend consulted him, he should have hesitated in recommending the part he had taken; but



but having taken it, he could not see why the period was improper for the discussion. He professed, in strong terms, his admiration of the British constitution, but thought that Mr. Pitt asserted too much, when he held forth this country as the only state exempted from anarchy and despotism. In reply to this observation, Mr. Fox noticed America, and spoke in terms of approbation of the new constitution of Poland.

At this period an universal fermentation prevailed throughout the kingdom. The French revolution had heated the public mind to an inconceivable degree; and associations were every where formed for the purpose of procuring a reformation of the abuses that had crept into our own system of government. Never was political investigation pursued with so much boldness—with so much activity. The press teemed with publications in which the principles of government were freely examined, and the theoretical defects of certain parts of our own constitution severely exposed. These were either circulated gratis, or published at a low price so as to be accessible to

the lower orders of the community ; and as they were circulated throughout the country with great industry, so they were read with avidity, and made many converts to their doctrines. Some of these publications it must be confessed were extremely imprudent ; but by far the greater part of them were not only innocent in their nature, but highly laudable in their tendency. They were, however, indiscriminately viewed with the utmost jealousy and alarm by the court ; which, not content with secretly encouraging counter-associations, and publications of a far more dangerous tendency than any of the worst libels circulated by the friends of reform, publications in which the blasphemous doctrine of divine hereditary right, and other equally absurd and pernicious tenets of the same stamp were maintained, issued a strong proclamation against seditious meetings and publications.

This proclamation, which was understood to be chiefly directed against the popular pamphlet entitled the " Rights of Man," and the society known by the denomination of the " Friends of the

the

the People," was taken into consideration in the house of commons on the 25th of May, and an address of approbation and support was moved by the friends of the minister. In opposition to the address, it was said that if any writings had appeared, which ought not to have been published, his majesty's ministers ought to have prosecuted the authors, writers, or printers. That, in a general point of view, there ought to be a free circulation of opinions upon public affairs; but if there was any thing that involved the public safety, or threatened evil to the state, it was the duty of those who presided over the government to take notice of it, and it would then become a consideration of prudence, whether it was expedient to prosecute or not. Upwards of twelve months had elapsed since the publications now complained of made their appearance. What could the public think of the conduct of ministers, who had suffered these publications, which were said to be the bane of the public tranquillity, to poison the public mind for a whole year? What could be the motives that brought forward this sudden ardour to subdue disorder? Had it always

manifested itself in the conduct of ministers? Was there any remarkable activity displayed in preserving order in the affairs of Birmingham, where there had been actual outrage and violence to the laws, to liberty, and to order?

It was remarked, as one of the objects of the proclamation, that the sheriffs, justices of the peace, and all other officers of the police, were to make diligent enquiry in order to discover the authors and publishers of wicked and seditious writings.—In other words, a system of *espionage* was to take place, by order of the crown. The very idea was surprising as well as odious, that such a proclamation should issue from the sovereign of a free people, commanding such a system to be supported by spies and informers. An amendment to the address was moved, the object of which was to remove the alarm which the proclamation might create in the minds of his majesty's subjects, and to throw the blame upon ministers, if seditious writings were dispersed with impunity.

Mr.

Mr. Fox said, from delicacy to friends, he would have wished he had not been obliged to deliver his sentiments on the occasion ; but, lest improper ideas might go forth to the country with respect to his opinion, he thought himself bound to declare his disapprobation of a measure, which he termed impolitic, unwise, and alarming. He disapproved of it, because it was insidious and ambiguous. Was it directed against Mr. Paine's book, the author and publisher of which were well known? Why then desire to discover the author and publisher? If it had a direct purpose, why not directly and unequivocally state it? Why, but because it was the insidious intention to throw out such vague and unnecessary alarms, that they might make it speak a language different in the country from what they explained in the house of commons.

Mr. Fox next commented on the versatility of Mr. Pitt's conduct, in appearing at one time the great advocate for reform, and afterwards sternly discountenancing it. In preparing an expensive armament to obtain Oczakow, and afterwards relinquishing

houses, that "he had judged it necessary to embody a part of the militia of the kingdom; that seditious practices prevailed in many parts, and a spirit of tumult and disorder (the natural consequences of such practices) had shewn itself in acts of riot and insurrection, which required the interposition of a military force in support of the civil magistrate.—"I have carefully observed," said the king, "a strict neutrality in the present war on the continent, and have uniformly abstained from any interference with respect to the internal affairs of France; but it is impossible for me to see, without the most serious uneasiness, the strong and increasing indications which have appeared there of an intention to excite disturbances in other countries, to disregard the rights of neutral nations, and to pursue views of conquest and aggrandisement, as well as to adopt towards my allies the States General measures which are neither conformable to the laws of nations, nor to the positive stipulations of existing treaties. Under all these circumstances, I have felt it my indispensable duty to have recourse to those means of prevention and internal defence, with which I

am

am entrusted by law ; and I have also thought it right to take steps for some augmentation of my naval and military force."

In the memorable debate which ensued on moving the address in answer to this speech, Mr. Fox exerted all the powers of his eloquence to dispel the infatuation which unhappily at this period had seized large majorities of both houses of parliament, and, there is reason to believe, the greater part of the community out of doors. Alluding to the portentous aspect of the times, and the circumstances under which parliament was assembled, "this," said Mr. Fox, "I consider not only as the most momentous crisis that I ever knew in the fate of this country, but that I ever read of in the history of this country:—a crisis not merely interesting to ourselves, and to our own condition, but to all nations and to all men: that upon the conduct of parliament at this crisis, depends not merely the fate of the British constitution, but of doctrines which go to the happiness and well being of the whole human race. His majesty's speech is full of a variety of assertions;

or

or perhaps I should not make use of the word assertions, without adding, that it has also a variety of insinuations conveyed in the shape of assertions, which must impress every man with the most imminent apprehension for the safety of every thing that is justly dear to Englishmen. It is our first duty to enquire into the truth of these assertions and insinuations so conveyed from the throne. I am sure I need not recur to the old parliamentary usage of desiring, that when I speak by name of the king's speech, I mean to be considered as speaking of the speech of the minister, since no one will impute to me the want of the most true and sincere respect for his majesty. It is to the speech which his majesty has been advised by his confidential servants to deliver from the throne, that I refer to. They are responsible for every letter of it, and to them, and them only, every observation is addressed. I state it therefore to be my firm opinion and belief, that *there is not one fact asserted in his majesty's speech which is not false—not one assertion or insinuation which is well founded.* Nay, I cannot be so uncandid as to believe, that even the ministers



ters themselves think them true. This charge upon his majesty's ministers is of so serious a kind, that I do not pronounce it lightly, and I desire that gentlemen will go fairly into the consideration of the subject, and manifest the proper spirit of the representatives of the people in such a moment. The great prominent feature of the speech is, that it is an intolerable calumny on the people of Great Britain, an insinuation of so gross and black a nature, that it demands the most rigorous enquiry, and the most severe punishment. The next assertion is, that there exists at this moment an insurrection in this kingdom. An insurrection! Where is it? Where has it reared its head? Good God! an insurrection in Great Britain! No wonder that the militia were called out, and parliament assembled in the extraordinary way in which they have been; but where is it? Two gentlemen\* have spoken in commendation and illustration of the speech; but

\* Sir James Sanderson, lord-mayor of the city of London, who moved the address, and Mr. Wallace, who seconded the motion. v

yet,

yet, though the insurrection has existed for fourteen days, they have given us no light whatever—no clue, no information where to find it. The right honourable magistrate tells us, that in his high municipal situation he has received certain information which he does not think proper to communicate to us. This is really carrying the doctrine of confidence to a length indeed.—Not content with ministers leading the house of commons into the most extravagant and embarrassing situations, under the blind cover of confidence, we are now told that a municipal officer has information of an insurrection which he does not choose to lay before the commons of England, but which he assures us is sufficient to justify the alarm that has spread over the whole country. The honourable gentleman who seconded the motion tells us, that the “insurrections are too notorious to be described.” I will take upon me to say, that it is not the notoriety of the insurrections which prevents them from communicating to us the particulars, but their non-existence. The speech goes on in the same strain of calumny and falsehood, and says,—“the industry employed  
to

to excite discontents *on various pretexts*, and in different parts of the kingdom, has appeared to proceed from a design to attempt the destruction of our happy constitution, and the subversion of all order and government." I desire gentlemen to consider these words, and I demand of their honour and truth, whether they believe this assertion to be founded in fact. There have been, as I understand, and as every one must have heard, some slight riots in different parts, but I ask them, were not the various pretexts of these different tumults false, and used only to cover an attempt to destroy our happy constitution? I have heard of a tumult at Shields; of another at Leith; of some riot at Yarmouth, and of something of the same nature at Perth and Dundee. But I ask gentlemen if they believe that in each of these places the avowed object of the complaint of the people was not the real one—that the sailors of Shields, Yarmouth, &c. did not really want some increase of their wages, but were actuated by a design of overthrowing the constitution. Is there a man in England who believes this insinuation to be true? And in like manner of every other

meeting, to which, in the present spirit, men may give the name of tumultuously assembling. I desire to know if there has been discovered any secret motive other than their open and avowed one. And yet, with this conviction in our minds, we are called upon to declare directly our belief that such things are so—we are called upon to join in the libel upon our constituents. The answer to the speech says, that we know of the tumult and disorder, but as to the actual insurrection, it more modestly makes us say, that “we are sorry to hear there is an insurrection.”

“With respect to the affairs of France, which make the next prominent passage in his majesty’s speech, I do not desire to enter at much length into them, but I cannot conceal my sentiments on certain doctrines. It has been advanced as a proof that there exists a dangerous spirit in this country, that it was manifested “by the drooping and dejected aspect of many persons when the tidings of Dumourier’s surrender arrived in England.” Is this to be considered as a sign of discontent, and of a preference to republican doctrines

trines—that men should droop and be dejected in their spirits, when they heard that the armies of despotism had triumphed over an army fighting for liberty?—If such dejection be a proof that men are discontented with the constitution of England, and leagued with foreigners in an attempt to destroy it, I give myself up to my country as a guilty man; for I freely confess that when I heard of the surrender or retreat of Dumourier, and that there was a probability of the triumph of the armies of Austria and Prussia over the liberties of France, my spirits drooped, and I was much dejected. Could any man who loves the constitution of England, who feels its principles in his heart, wish success to the duke of Brunswick, after reading a manifesto which violated every doctrine that Englishmen held sacred, which trampled under foot every principle of justice, humanity, freedom, and true government \*, and upon which the combined armies entered

\* Some idea may be formed of the spirit of this celebrated proclamation from the following passages.—“The inhabi-

entered France, with the internal concerns of which kingdom they had no right to interfere? When he heard, or thought that he saw a probability of their success, could any man of true

tants of towns, bourgs, and villages, who shall dare to defend themselves against the troops of their imperial and royal majesties, and to fire upon them, either in open country, or through half doors or windows of their houses, shall be punished instantly, according to the rigorous rules of war, or their houses shall be demolished or burned."—"The city of Paris, and all its inhabitants, *without distinction*, shall be called upon to submit instantly and without delay to the king, and to set that prince at full liberty, &c. on pain of losing their heads, pursuant to military trial, *without hopes* of pardon, all members of the national assembly, of the department, of the district, of the municipality, of the national guards of Paris, justices of the peace, and others whom it may concern."—If the palace of the Thuilleries be forced, or the least outrage done to the king, queen, and the royal family, "they will inflict on those who shall deserve it, the most exemplary and ever memorable avenging punishments, by giving up the city of Paris to military execution, and exposing it to total destruction."—Some of the descendants of the duke of Brunswick feel the effects of this infuriated state paper at the present hour.

British

British feelings be other than dejected? I honestly confess that I never felt more sincere gloom and dejection in my life, for I saw in the triumph of that conspiracy not merely the ruin of liberty in France, but the ruin of liberty in England, the ruin of the liberty of man. But am I to be told that my sorrow was an evident proof of my being connected with the French nation, or with any person in that nation, for the purpose of aiding them in creating discontents in England, or in making any attempt to destroy the British constitution? If such conclusions were to be drawn from the dejection of those who are hostile to the maxims of tyranny, upon which the invasion of France was founded, what must we say of those men who acknowledge that they are sorry the invasion did not prosper? Am I to believe that all who confess their sorrow at the failure of the arms of Prussia and Austria, were connected with those courts, and that a considerable body of persons in this country were actually in the horrid league formed against human liberty? Are we taught to bring this heavy charge against all men whose spirits drooped on the reverse of the news,

and when it turned out that it was not Dumourier, but the duke of Brunswick who had retreated? No; he would not charge them with being confederates with the invaders of France; nor did they believe, nor durst they believe, that the really constitutional men of England, who rejoiced on the overthrow of that horrid and profligate scheme, wished to draw therefrom any thing hostile to the established government of England.

“What are the doctrines that are desired to be set up by this insinuation of gloom and dejection? That Englishmen are not to dare to have any feelings of their own—that they must not rejoice but by rule—that they must not think but by order—that no man shall dare to exercise his faculties in contemplating the objects that surround him, nor give way to the indulgence of his joy or his grief in the emotions that they excite, but according to the instructions which he shall receive—that, in observing the events which happen to surrounding and neutral nations, he shall not dare to think whether they are favourable to the principles that contribute to the happiness  
of



of man, or the contrary; and that he must take not merely his opinions, but his sensations, from his majesty's ministers and their satellites for the time being."

In an eloquent apostrophe to the speaker, he exclaimed—"Whenever, sir, the time shall come, that the character and spirits of Englishmen are so subdued; when they shall consent to believe that every thing which happens around is indifferent both to their understandings and to their hearts; and when they shall be brought to rejoice and grieve, just as shall suit the taste, the caprice, or the ends of ministers, then I pronounce the constitution of this country to be extinct. We have read of religious persecutions—of the implacable oppressions of the Roman see—of the horrors of the inquisition of Spain; but so obstinate, so hard, so intolerable a scheme of cruelty was never engendered in the mind, much less practised by any tyrant, spiritual or temporal. For see to what lengths they carry this intellectual oppression.—Under *various pretexts* there have been tumults and disorders, but the true design was to

overturn the constitution—so says the speech,—  
 and mark the illustration of the right honourable  
 magistrate.—“ There have been various societies  
 established in the city of London, for the plausible  
 purpose of merely discussing constitutional ques-  
 tions, but which were really designed to propagate  
 seditious doctrines.” So then, by this new scheme  
 of tyranny, we are not to judge of the conduct  
 of men by their overt acts, but to arrogate to  
 ourselves at once the province and the power of  
 the Divinity—we are to arraign a man for his  
 secret thoughts, and to punish him because we  
 choose to believe him guilty!—“ You tell me,  
 indeed,” says one of these municipal inquisitors,  
 “ that you meet for an honest purpose, but I  
 know better—your plausible pretext shall not  
 impose upon me—I know your seditious purpose,  
 and I will brand you for a traitor by my own  
 proper authority.”—What innocence can be safe  
 against such a power? What inquisitor of Spain,  
 of ancient or modern tyranny, can hold so lofty  
 a tone?—There are doubtless speculative people  
 in this country, who disapprove of the system of  
 our government, and there must be such men

as long as the land is free, for it is the very essence of freedom for men to differ upon speculative points.—Is it possible to conceive, that it should enter into the imaginations of freemen to doubt of this truth? The instant that the general sense of the people shall question this truth, and maintain that opinion should be held dependent on the will of ministers and magistrates, from that moment shall I date the extinction of our liberties as a people.—Our constitution was not made, thank God, in a day—it is the result of progressive wisdom—it has grown up in a series of ages, and never, never has the guardian protecting genius of England been either asleep or satisfied—

———O, but man, proud man,  
 Drest in a little brief authority,  
 Plays such fantastic tricks before high heaven  
 As makes the angels weep.———

“ Now it seems the constitution is complete—  
 now we are to stand still—we are to deride the  
 wisdom and the practice of our forefathers—we  
 are to elevate ourselves with the constitution in  
 our

our hands, and to hold it forth to a wondering world as a model of human perfection.—“ Away with all further improvement, for it is impossible—away with all further melioration of the state of man in society, for it is needless.—Let no man touch this work of man, it is like the work of Heaven, perfect in all its parts, and unlike any other work of man ; it is neither capable of perversion, nor subject to decay.”—Such is the presumptuous language that we hear ; and not content with this haughty tone, they imitate the celebrated anathema of Lord Peter, in the Tale of a Tub, and exclaim, “ G—d confound you to all eternity if you believe otherwise.”

Alluding to the diminution which his popularity might sustain in consequence of his opposition to the measures of government, and to the extreme virulence with which his opinions were treated by those who were now generally known by the popular term of alarmists, and had associated in great numbers for the purpose of distributing pamphlets written on high monarchical principles, Mr. Fox said—“ I may be abused and libelled, I  
may

may be branded with epithets of disgrace ; but though I love popularity, and fairly own that there is no external reward so dear to me as the good opinion and confidence of my fellow citizens ; yet no temptation of such a nature shall ever induce me to join any association that has for its object a change in the basis of our constitution, or an extension of any of these bases beyond their just proportion.—I will stand in the gap, and oppose myself to all the wild projects of a new-fangled theory, as much as against the monstrous iniquity of exploded doctrines. I think the latter is more our present danger than the former. I see not merely in the panic of the timorous, but in the acts of the designing, cause for alarm against the most abhorrent doctrines. The new associations have acted with little disguise. One of them, I must applaud for the sincerity of its practice ; Mr. chairman Reeves says, “ that they will not only prosecute, but they will convince men,” and they recommend, amongst other publications, a hand-bill entitled “ A Pennyworth of Wit,” in which among other odd things it is said, “ *Have you not read the bible? Do you not know that it* is

*is there written that the king is the Lord's anointed?—But did you ever hear of his having anointed a republic?"*

In another part of his speech, alluding to this wretched effusion of loyalty, and to the misconduct of his majesty's ministers in recalling the British ambassador from Paris, he asked, "Why not have attempted to negotiate with France?" And in a tone of triumphant ridicule proceeded, "Because, forsooth, France is an unanointed republic! Oh miserable, infatuated Frenchmen! Oh lame and inconsiderate politicians! Why, instead of breaking the holy vial of Rheims, why did you not pour some of the sacred oil on the heads of your executive council, that the pride of states might not be forced to plunge themselves and you into the horrors of war, rather than be contaminated by your acquaintance? How shortsighted were you to believe, that the prejudices of infants had departed with the gloom of ignorance, and that states were grown up to a condition of manhood and reason!"

Adverting

Adverting to the agitated state of the public mind, Mr. Fox said, " It may be asked, what I would propose to do in hours of agitation like the present? I will answer openly. If there is a tendency in the dissenters to discontent, because they conceive themselves unjustly suspected and cruelly calumniated, what should I do? I would instantly repeal the corporation and test acts, and take from them thereby all cause of complaint. If there were any persons tinctured with a republican spirit, because they thought that the representative government was more perfect in a republic, I would endeavour to amend the representation of the commons, and to prove that the house of commons, though not chosen by all, should have no other interest than to prove itself the representative of all. If men were dissatisfied in Scotland, or Ireland, or elsewhere, on account of disabilities or exemptions, of unjust prejudices, and of cruel restrictions, I would repeal the penal statutes, which are a disgrace to our law-books. If there were other complaints of grievance, I would redress them where they were really proved; but above all, I would constantly, chearfully, patiently

patiently listen.—I would make it known, that if any man felt, or thought he felt a grievance, he might come freely to the bar of this house, and bring his proofs. And it should be made manifest to all the world, that, where they did exist, they should be redressed; where not, it should be made manifest. If I were to issue a proclamation, this should be my proclamation: “If any man has a grievance, let him bring it to the bar of the commons house of parliament, with the firm persuasion of having it honestly investigated.” These are the subsidies I would grant to government.”

Mr. Fox professed the strongest attachment to the British constitution.—“I love the constitution,” said he, “as it is established; it has grown up with me as a prejudice, and as a habit, as well as from conviction. I know that it is calculated for the happiness of man, and that its constituent branches of king, lords, and commons, could not be altered or impaired without entailing on the country the most dreadful miseries. At the same time I do not think so highly of  
any



any institution, as to believe that it is incapable of being perverted. I think that we may be lulled asleep to our real danger by these perpetual alarms to loyalty, and that the great dread of increasing the power of the crown seems to be stifled, while we are insensibly degrading the power of the commons."

In the conclusion of this speech, Mr. Fox solemnly conjured the house not to involve the nation in so dreadful a calamity as war, without deep and serious enquiry, and moved an amendment to the address, declaring that "the house would immediately institute an enquiry into the causes which had occasioned them to be assembled in so alarming a manner."—After a debate of many hours, Mr. Fox's amendment unhappily was rejected by a large majority, 290 members voting with the minister against 50 who supported Mr. Fox.

Undismayed by this formidable majority, and in despite of the secession of his friends, and the diminution of his popularity, by alarms artfully fomented,

fomented, Mr. Fox, on the report of the address being brought up, again earnestly besought the house to pause before they plunged the nation into hostilities, and with a prophetic spirit pointed out the evil consequences that were likely to ensue from a war with France. He blamed ministers for not having interposed to prevent the Austrian and Prussian armies from entering France, and argued that by a prudent negotiation with those powers, we might have prevented the horrid scenes which were afterwards exhibited, and gained such an ascendancy in the councils of France, as would most probably have prevented any attack upon Holland.—If Holland was to be the ostensible cause of the war, he said, it was fit we should consider in what degree she would have it in her power to contribute to the support of it. Mr. Fox represented the disunited state of parties in Holland, and the odium of the stadtholder's government, as invincible obstacles to the vigorous prosecution of a war.

Proceeding next to the consideration of our domestic situation, "If," said Mr. Fox, "there  
exists

exists a discontented or disaffected party at home, what can add so much to their numbers, or their influence, as a war, by increasing the public burthens till they become intolerable?—He wished that war, if possible, should be avoided; that negociation should precede hostility; and therefore he would move, the next day, an address to the king, praying that he would acknowledge the new government of France, send a minister to it, and receive one from it. A right honourable gentleman (Mr. Burke) had said, “Are we to receive an ambassador reeking with the blood of innocent men, and perhaps even that of the king of France?” In answer to this he should say, was not the republic of this country readily acknowledged in the time of Cromwell? Did not foreign courts vie in their civilities to our new government after the execution of Charles? an execution, whatever difference of opinion there might be entertained about it, which had infinitely less injustice in it, than that which might perhaps be inflicted on the unhappy sovereign of France; but he hoped so foul a deed would not be perpetrated. He would consider it as an act that

would for ever be a disgrace to their nation, and which every man must deplore; but still he could not think that we were never to have any connection with France. If ministers were resolved never to receive an ambassador from the French republic, he wished they would say so. He wished, if their objections to receive one at present were, that they knew not how to introduce a French minister into the king's drawing-room, they would fairly avow it, in order that the people of England might see that their blood and treasure were to be sacrificed to a *mere punctilio*.— He called upon gentlemen to recollect, that though it was once the courtly style to talk of a *vagrant congress*, of *one Adams*, of *Hancock and his crew*, the folly of such language was demonstrated, and Great Britain, in the end, had been obliged to acknowledge the sovereignty and independence of the United States of America. The same thing might happen with respect to the French republic, and therefore he thought it better that we should immediately send a *minister* to France, than perhaps after that event should have taken place, which he most earnestly deprecated,

cated, and which he should most heartily deplore (the execution of the king.) Mr. Fox concluded with moving that the following words be inserted in the address, "trusting that your majesty will employ every means of negotiation, consistent with the honour and safety of this country, to avert the calamities of war \*."

### Unfortunately

\* Mr. Fox, in his admirable Letter to the Electors of Westminster, published soon afterwards, speaking of this motion, says—

"My motive in this instance is too obvious to require explanation; and I think it the less necessary to dwell much on this subject, because with respect to the desirableness of peace at all times, and more particularly in the present, I have reason to believe that your sentiments do not differ from mine. If we looked to the country where the cause of war was said principally to originate, the situation of the United Provinces appeared to me to furnish abundance of prudential arguments in favour of peace. If we looked to Ireland, I saw nothing there that would not discourage a wise statesman from putting the connection between the two kingdoms to any unnecessary hazard. At home, if it be true

Unfortunately the torrent of exaggerated alarm bore down the strength of Mr. Fox's arguments, and his motion was rejected. What the convictions of the majority on that occasion were, it is now useless to enquire, but of the sagacity and foresight of Mr. Fox's opponents some judgment may be formed from the bold prognostic of Mr. Dundas, who (in the absence of Mr. Pitt, who had vacated his seat in consequence of his being appointed lord warden of the Cinque Ports) might be considered as the organ of the cabinet in the house of commons, predicted (prescient statesman!) such was the dilapidated state of the finances of France compared with those of this kingdom, that, "*if we were forced into a war, it must prove successful and glorious!*"

On the following day (December 15, 1792)

that there are seeds of discontent, war is the hot-bed in which these seeds will soonest vegetate; and of all wars, in this point of view, that war is most to be dreaded, in the cause of which kings may be supposed to be more concerned than their subjects."

Mr.

Mr. Fox moved "that an humble address be presented to his majesty, that his majesty will be graciously pleased to give directions, that a minister may be sent to Paris, to treat with those persons who exercise provisionally the functions of executive government in France, touching such points as may be in discussion between his majesty, and his allies, and the French nation." Mr. Fox has left his own observations on this motion, and sad experience has proved their truth; it would therefore be as presumptuous in me to offer any of my own, as it would be superfluous for me to point out how fatally the apprehensions of this great statesman have been verified \*.

In

\* In his LETTER to his constituents, Mr. Fox, after remarking that this motion, if he had been rightly informed, was that which had been most generally approved, says—

"It was made upon mature consideration, after much deliberation with myself, and much consultation with others; and notwithstanding the various misrepresentations of my motives in making it, and the misconceptions of its tendency,

In the course of the debate on Mr. Fox's motion, it was asked what gentleman would submit  
to

dency, which have prepossessed many against it, I cannot repent of an act, which, if I had omitted, I should think myself deficient in that duty which I owe to you, and to my country at large.

“ The motives that urged me to make it were, the same desire of peace which actuated me in the former motion, if it could be preserved on honourable and safe terms, and if this were impossible, an anxious wish that the grounds of war might be just, clear and intelligible.

“ If we or our ally have suffered injury or insult, or if the independence of Europe be menaced by inordinate and successful ambition, I know no means of preserving peace but by obtaining reparation for the injury, satisfaction for the insult, or security against the design which we apprehend; and I know no means of obtaining any of these objects, but by addressing ourselves to the power of whom we complain.

“ If the exclusive navigation of the Scheld, or any other right belonging to the States General, has been invaded, the French executive council are the invaders, and of them



to be ambassador to Paris—would he condescend to accept the post? In reply to this Mr. Sheridan

dan

we must ask redress. If the rights of neutral nations have been attacked by the decree of the 19th of November, the national convention of France have attacked them, and from that convention, through the organ by which they speak to foreign courts and nations, their minister for foreign affairs, we must demand explanation, avowal, or such other satisfaction as the case may require. If the manner in which the same convention have received and answered some of our countrymen, who had addressed them, be thought worthy notice, precisely of the same persons, and in the same manner, must we demand satisfaction on that head also. If the security of Europe, by any conquests made or apprehended, be endangered to such a degree, as to warrant us, on the principles as well of justice as of policy, to enforce by arms a restitution of conquests already made, or a renunciation of such as may have been projected, from the executive government of France, in this instance again, we must ask such restitution, or such renunciation. How all, or any of these objects could be attained, but by negotiations, carried on by authorised ministers, I could not conceive. I knew indeed that there were some persons, whose notions of dignity were far different from mine, and who, in that point of view, would have preferred a clandestine,

dan observed, that from the commencement of the revolution he had been of opinion, that if there had

tine, to an avowed negociation ; but I confess I thought this mode of proceeding neither honourable nor safe ; and, with regard to some of our complaints, wholly impracticable.— Not honourable, because, to seek private and circuitous channels of communication, seems to suit the conduct, rather of such as sue for a favour, than of a great nation, which demands satisfaction. Not safe, because neither a declaration from an unauthorised agent, nor a mere gratuitous repeal of the decrees complained of, (and what more could such a negociation aim at?) would afford us any security against the revival of the claims which we oppose ; and lastly, impracticable with respect to that part of the question, which regards the security of Europe, because such security could not be provided for by the repeal of a decree, or any thing that might be the result of private negociation, but could only be obtained by a formal treaty, to which the existing French government must of necessity be a party ; and I know of no means by which it can become a party to such a treaty, or to any treaty at all, but by a minister publicly authorised, and publicly received. Upon these grounds, and with these views, as a sincere friend to peace, I thought it my duty to suggest, what appeared to me, on every supposition, the most eligible, and if certain points

had been a *statesman-like* administration, they would have considered the post of minister at  
Paris

were to be insisted upon, the only means of preserving that invaluable blessing.

“ But I had still a further motive ; and if peace could not be preserved, I considered the measure which I recommended as highly useful in another point of view. To declare war, is, by the constitution, the prerogative of the king ; but to grant or withhold the means of carrying it on, is (by the same constitution) the privilege of the people, through their representatives ; and upon the people at large, by a law paramount to all constitutions—the law of nature and necessity, must fall the burdens and sufferings, which are the too sure attendants upon that calamity. It seems therefore reasonable that they, who are to pay, and to suffer, should be distinctly informed of the object for which war is made, and I conceived nothing would tend to this information so much as an avowed negotiation ; because from the result of such a negotiation, and by no other means, could we, with any degree of certainty, learn, how far the French were willing to satisfy us in all, or in any of the points, which have been publicly held forth as the grounds of complaint against them.—If in none of these any satisfactory explanation were given, we should all admit, provided  
our

Paris as the situation which demanded the first and ablest talents in the country. Happy he believed

our original grounds of complaint were just, that the war would be so too:—if in some, we should know the specific subjects upon which satisfaction was refused, and have an opportunity of judging whether or not they were a rational ground of dispute:—if in all—and a rupture were nevertheless to take place, we should know that the public pretences were not the real causes of the war.

“ In the last case which I have put, I should hope that there is too much spirit in the people of Great Britain, to submit to take a part in a proceeding founded on deceit; and in either of the others, whether our cause were weak or strong, we should at all events escape that last of infamies, the suspicion of being a party to the duke of Brunswick’s manifestos. But this is not all. Having ascertained the precise cause of war, we should learn the true road to peace; and if the cause so ascertained appeared adequate, that we should look to peace through war, by vigorous exertions and liberal supplies: if inadequate, the constitution would furnish us abundance of means, as well through our representatives, as by our undoubted right to petition king and parliament, of impressing his majesty’s ministers with sentiments similar to our own, and of engaging them to compromise,

lieved it would have been for both countries, and for human nature itself, if such had been the opinion

promise, or, if necessary, to relinquish an object, in which we did not feel interest sufficient to compensate us for the calamities and hazard of a war.

“ To these reasonings it appeared to me, that they only could object with consistency, who would go to war with France on account of her internal concerns; and who would consider the re-establishment of the old, or at least some other form of government, as the fair object of the contest. Such persons might reasonably enough argue, that with those whom they are determined to destroy, it is useless to treat.

“ To arguments of this nature, however, I paid little attention; because the eccentric opinion upon which they are founded was expressly disavowed both in the king’s speech and in the addresses of the two houses of parliament; and it was an additional motive for making my motion, that, if fairly debated, it might be the occasion of bringing into free discussion that opinion, and separating more distinctly those who maintained and acted upon it from others, who from different motives (whatever they might be) were disinclined to my proposal.

“ But

opinion of government in this country, and highly as he valued Mr. Fox, unparalleled as he thought his

“ But if the objections of the violent party appeared to me extravagant, those of the more moderate seemed wholly unintelligible. Would they make and continue war, till they can force France to a counter revolution? No; this they disclaim. What then is to be the termination of the war to which they would excite us? I answer confidently, that it can be no other than a negociation, upon the same principles and with the same men as that which I recommend. I say the same principles, because after war peace cannot be obtained but by treaty, and treaty necessarily implies the independency of the contracting parties. I say the same men, because though they may be changed before the happy hour of reconciliation arrives, yet that change, upon the principles above stated, would be merely accidental, and in no wise a necessary preliminary to peace: for I cannot suppose that those who disclaim making war for a change, would yet think it right to continue it *till* a change; or, in other words, that the blood and treasure of this country, should be expended in a hope that—not our efforts—but time and chance may produce a new government in France, with which it would be more agreeable to our ministers to negociate with than the present. And it is further to be observed, that the necessity of such a negociatio

his talents were, he should not have hesitated to have declared, that as minister at Paris there was  
scope

ciation will not in any degree depend upon the success of our arms, since the reciprocal recognition of the independency of contracting parties is equally necessary to those who exact and those who offer sacrifices for the purpose of peace. I forbear to put the case of ill-success, because to contemplate the situation to which we, and especially our ally, might in such an event be placed, is a task too painful to be undertaken but in a case of the last necessity. Let us suppose therefore the skill and gallantry of our sailors and soldiers to be crowned with a series of uninterrupted victories to lead us to the legitimate object of a just war, a safe and honourable peace. The terms of such a peace (I am supposing that Great Britain is to dictate them) may consist in satisfaction, restitution, or even by way of indemnity to us or to others, in cession of territory on the part of France. Now that such satisfaction may be honourable, it must be made by an independent power, competent to make them. And thus our very successes and victories will necessarily lead us to that measure of negotiation and recognition, which, from the distorted shape in which passion and prejudice represent objects to the mind of man, has by some been considered as an act of humiliation and abasement.

“ I have

scope and interest for the greatest mind that ever warmed a human bosom. The French had been uniformly

“ I have reason to believe there are some who think my motion unexceptionable enough in itself, but ill-timed. The time was not in my choice. I had no opportunity of making it sooner; and, with a view to its operation respecting peace, I could not delay it. To me, who think that public intercourse with France, except during actual war, ought always to subsist, the first occasion that presented itself, after the interruption of that intercourse, seemed of course the proper moment for pressing its renewal. But let us examine the objections upon this head of time in detail. They appeared to me to be principally four—

“ 1st. That by sending a minister to Paris at that period, we should give some countenance to a proceeding (the trial of Louis XVI,) most unanimously and most justly reprobated, in every country of Europe.

“ To this objection I need not, I think, give any other answer, than that it rests upon an opinion, that by sending a minister we pay some compliment, implying approbation, to the prince or state to whom we send him; an opinion which, for the honour of this country, I must hope to be wholly erroneous. We had a minister at Versailles, when  
Corsica



uniformly partial, and even prejudiced, in favour of the English people. What manly sense, what vigorous

Corsica was bought and enslaved. We had ministers at the German courts, at the time of the infamous partition of Poland. We have generally a resident consul, who acts as a minister to the piratical republic of Algiers; and we have more than once sent embassies to emperors of Morocco, reeking from the blood through which, by the murder of their nearest relations, they had waded to their thrones. In none of these instances was any sanction given by Great Britain to the transactions by which power had been acquired, or to the manner in which it had been exercised:

“2ndly. That a recognition might more properly take place at the end, and as the result of a private communication, and (in the phrase used upon a former occasion) as the price of peace, than gratuitously at the outset of a negotiation.

“I cannot help suspecting, that they who urge this objection have confounded the present case with the question, formerly so much agitated, of American independence. In this view they appear to me wholly dissimilar.—I pray to God that, in all other respects, they may prove equally so. To recognise the Thirteen States, was in effect to withdraw  
a claim

vigorous intellect, what generous feelings, communicating with them might have done, it was **not**

a claim of our own, and it might fairly enough be argued that we were entitled to some price or compensation for such a sacrifice. Even upon that occasion, I was of opinion that a gratuitous and preliminary acknowledgment of their independence was most consonant to the principles of magnanimity and policy ; but in this instance we have no sacrifice to make, for we have no claim ; and the reasons for which the French must wish an avowed and official intercourse, can only be such as apply equally to the mutual interest of both nations, by affording more effectual means of preventing misunderstandings, and securing peace.

“ I would further recommend to those who press this objection, to consider whether, if recognition be really a sacrifice on our part, the ministry have not already made that sacrifice, by continuing to act upon the commercial treaty as a treaty still in existence. Every contract must be at an end when the contracting parties have no longer any existence either in their own persons or by their representatives. After the 10th of August the political existence of Louis XVI, who was the contracting party in the treaty of commerce, was completely annihilated. The only question therefore is, Whether the executive council of France did or  
did

not easy to calculate: but the with-holding all these from that nation in our hollow neutrality, was

did not represent the political power so annihilated? If we say they did not, the contracting party has no longer any political existence either in his person or by representation, and the treaty becomes null and void. If we say they did, then we have actually acknowledged them as representatives (for the time at least) of what was the executive government in France. In this character alone do they claim to be acknowledged, since their very style describes them as a provisional executive council and nothing else. If we would preserve our treaty we could not do less; by sending a minister we should not do more\*.

---

\* Mr. Fox adds the following note to this passage. "If my argument is satisfactory, I have proved that we have recognised the executive council; and it is notorious, that through the medium of M. Chauvelin we have negotiated with them. But although we have both negotiated and recognised, it would be dishonourable, it seems, to negotiate in such a manner as to imply recognition. How nice are the points upon which great businesses turn! How remote from vulgar apprehension!"

was an evil which could never be sufficiently lamented.—Unhappily for the nation all the warnings

“ 3dly. That our ambassador having been recalled, and no British minister having resided at Paris, while the conduct of the French was inoffensive with respect to us and our ally, it would be mortifying to send one thither, just at the time when they began to give us cause of complaint.

“ Mortifying to whom? Not certainly to the house of commons, who were not a party to the recall of lord Gower, and who, if my advice were followed, would lose no time in replacing him. To the ministers possibly\*; and if so, it ought to be a warning to the house, that it should not, by acting like the ministers, lose the proper, that is, the first opportunity, and thereby throw extrinsic difficulties of its own creation in the way of a measure, in itself wise and salutary.

---

\* “ I do not think it would have been mortifying even to them, because in consequence of the discussions which had arisen, a measure which had been before indifferent might become expedient; but as this point made no part of my consideration, I have not thought it incumbent upon me to argue it.”

“ 4thly.

ings of the opposition were fruitless; and so pre-  
 dominant was the rage for war, that Mr. Fox's  
 motion

“4thly. That by acting in the manner proposed we might give ground of offence to those powers, with whom, in case of war, it might be prudent to form connection and alliance.

“ This objection requires examination. Is it meant that our treating with France in its present state will offend the German powers, by showing them that our ground of quarrel is different from theirs? If this be so, and if we adhere to the principles which we have publicly stated, I am afraid we must either offend or deceive, and in such an alternative I trust the option is not difficult.

“ If it be said, that, though our original grounds of quarrel were different, yet we may, in return for the aid they may afford us in obtaining our objects, assist them in theirs of a counter revolution, and enter into an offensive alliance for that purpose.—I answer, that our having previously treated would be no impediment to such a measure. But if it were, I freely confess that this consideration would have no influence with me; because such an alliance, for such a purpose, I conceive to be the greatest calamity that can befall the British nation: for let us not attempt to deceive ourselves;

unfortunate Louis XVI. to trial, Mr. Fox took an early opportunity of expressing his sense of the injustice, cruelty, and pusillanimity of the measure, and suggested that an unanimous address of the two houses of parliament, expressing their abhorrence, and that of the country in general, of such a proceeding, would have a decisive influence with persons of all descriptions in France. Such a step might have averted the fate of the unhappy Louis; but it was held by the minister to be incompatible with the dignity of England to solicit any thing from France, and Mr. Fox's suggestion passed unregarded.

In a few days intelligence was received of the execution of the king of France, and a message was communicated from his majesty, acquainting the two houses of parliament that he had directed the French ambassador to quit the kingdom, and at the same time informing them that he had judged it expedient to make a further augmentation of his forces by sea and land. Mr. Fox, on the motion for an address, (Feb, 1, 1793,) again besought the house not rashly to plunge the nation  
into

into the calamities of war. The vile calumnies and misrepresentations which had been industriously propagated to his disadvantage, would not, he said, intimidate him from the public avowal of his sentiments. Never had he known a period in which the duties of his station bound every man more strongly to deliver his sentiments openly and firmly. Never was there a time when it was more essential for a man to speak out.—Believing, as he did, that the service in which he was employed was a service of honour; that it required much diligence to discharge his duty faithfully to his constituents; and that he was not placed there as the representative of Westminster alone, but as representative for the nation at large; the people of England had a right to know the political doctrines by which he was actuated. He had been represented as friendly to the introduction of French principles. Such an infamous assertion excited his indignation, convinced as he was, that every effort had been used on his part to avert the calamities in which we were about to be involved. He had been misrepresented and calumniated; but if misrepresentation and calumny were to

deter him from delivering opinions because they might be unpopular—from deprecating a war with France, as an evil to be avoided by every possible means consistent with the honour and safety of us and our allies, he should basely desert his trust to his constituents and to his country.

The crimes, the murders, and the massacres which had been committed in France, no man viewed with more horror than he did, though he did not think proper to make them the perpetual theme of declamation. He considered the execution of the king an act as disgraceful as any that history records. Revenge being unjustifiable, and punishment useless, where it could not operate either by way of prevention or example, he viewed with detestation the injustice and inhumanity with which that unhappy monarch had been treated. Not only were the rules of criminal justice, rules that more than any other ought to be strictly observed, violated; not only was he tried and condemned, without any existing law to which he was personally amenable, and even contrary to laws which did actually exist; but the degrading circumstance



circumstance of his imprisonment, the unnecessary and insulting asperity with which he had been treated, the total want of republican magnanimity in the whole transaction, (for it could be no offence to say that there might be such a thing as magnanimity in a republic) added every aggravation to the inhumanity and injustice of his sentence. But having made this declaration as the genuine expression of his feelings and his reason, Mr. Fox said, he saw neither propriety nor wisdom in the house passing judgment on any act committed by another nation, which had no direct reference to us. The general maxim of policy always was, that the crimes committed in one independent state were not cognizable in another. What had been our conduct on other occasions? Had we not treated and even formed alliances with Portugal and with Spain, at the very time when those kingdoms were disgraced and polluted by the most shocking and barbarous acts of superstition and cruelty, of racks, torture, and burning, under the abominable tyranny of the inquisition? Did we ever make these outrages against reason and humanity a pretext for war? Did we ever  
enquire

enquire how the princes with whom we have relative interests either obtained or exercised their power? Why then were the enormities of the French in their own country held up as a cause of war?

Much of these enormities, Mr. Fox said, had been attributed to the attack of the combined powers; but that he neither considered as an excuse, nor would argue as a justification. If they dreaded, or had felt an attack, to retaliate on their fellow-citizens, however much suspected, was a proceeding which justice disclaimed; and he had flattered himself, that when men were disclaiming old, and professing to adopt new principles, those of revenge and persecution would be the first that they would discard.—No man felt greater horror at the proceedings of the combined powers than he did. A combination more dangerous to the tranquillity of Europe, and the liberties of mankind, had never been formed. It had been said, that Austria was not the aggressor in the war with France. Had those who said so seen the treaty of Pilnitz? Let them look to that

that declaration, take the golden rule of supposing themselves in the situation of the French, and judging of others as they would wish to be judged, say whether or not the French had been the aggressors. But whatever might be thought of Austria, was the king of Prussia attacked by France? Were his territories menaced or his allies insulted? Had he not been completely the aggressor, he would have called upon us as his allies for succour; no such call had ever been made—a proof that he never considered himself but as engaged in an offensive war.—What were the principles of these combined powers? They saw a new form of government establishing in France, and they agreed to invade the kingdom, to mould its government according to their own caprice, or to restore the despotism which the French had overthrown. Was it for the safety of English liberty, that if we should make any change in our form of government or constitution, and that change should be disagreeable to foreign powers, they should be considered as having a right to combine, and replace what we had rejected, or give us any thing in its room, by fire  
and

and sword? He would not go over the atrocious manifestoes that proceeded and followed the march of the combined armies. There was not a man in the house, or at least but one, (Mr. Burke,) who would attempt to defend them. But these it seems were not to be executed—he hoped they were not; but the only security he knew of was, that those who issued them had not the means.

Mr. Fox then proceeded to examine the alleged grounds of the war. These, he said, were three—the danger of Holland;—the decree of the French convention Nov. 19,—and the general danger to Europe from the progress of the French arms.—With respect to Holland, the conduct of ministers afforded a fresh proof of their disingenuousness. They did not state that the Dutch had called upon us to fulfil the terms of our alliance: They were obliged to confess that no such requisition had been made.

The decree of the 19th of November Mr. Fox considered as an insult, and the explanation of the  
 executive

executive council as no adequate satisfaction ; but he contended that the explanation showed that the French were not disposed to insist upon that decree, and that they were inclined to peace ; and surely it was the extreme of arrogance for ministers to complain of insult, without deigning to state the nature of the reparation required. When it was said we must have *security*, we ought at least to tell them what that word was meant to import. It had been said, they must withdraw their troops from the Austrian Netherlands, before we could be satisfied. Were we then come to that pitch of insolence as to say to France, " You have conquered part of an enemy's territory who made war upon you, but we require you to abandon the advantages you have gained, while he is preparing to attack you anew." Was this the neutrality we meant to hold out to France ? " If you are invaded and beaten, we will be quiet spectators ; but if you hurt your enemy, if you enter his territory, we declare war against you." We perceived no danger in the success of despotism, but the moment the opposite cause became successful,

cessful, our alarms were extreme. The French said they would evacuate Brabant at the conclusion of the war, and when its liberties were established. Was this sufficient? By no means; but we ought to tell them what we would deem sufficient. That war was unjust which told not an enemy the ground of provocation, and the measure of atonement,—it was as impolitic as it was unjust, for without the object of contest was clearly and definitively stated, what opening could there be for treating of peace? Before going to war with France, surely the people who must pay and suffer, ought to be informed on what object they were to fix their hopes for its honourable termination.

With respect to the general danger of Europe, the same arguments applied, and to the same extent. To the general situation and security of Europe we had been scandalously inattentive; we had seen the entire conquest of Poland, and the invasion of France with such marked indifference, that it would be difficult now to take it up with  
the

the grace of sincerity ; but even this would be better provided for, by proposing terms before going to war.

After he had thus shewn that none of the professed causes were legitimate grounds for going to war, Mr. Fox asked, what then remained but the *internal* government of France, always disavowed, but constantly kept in mind ? The destruction of that government was the avowed object of the combined powers whom it was hoped we were to join ; and we could not join them heartily, if our object was one thing while theirs was another. To this then we came at last, that we were ashamed to own engaging to assist in the restoration of despotism, and collusively sought pretexts in the Scheldt and the Netherlands. Such would be the real cause of the war, if a war we were to have—a war, which he trusted, he should soon see as generally execrated as it was now thought to be popular. He knew that for this wish he should be represented as holding up the internal government of France as an object for imitation. He thought the present govern-  
ment

ment of France nothing less, but he maintained as a principle inviolable, that the government of every independent state was to be settled by those who were to live under it, and not by foreign force.

In all decisions on peace or war, it was of importance, Mr. Fox said, to consider what we might lose, and what we might gain. Extension of territory was neither expected nor eligible. On the other hand, would any man say, that the events of war might not, with too great probability, produce a change in the internal state of Holland, and in the political situation of the Stadtholder, too afflicting for him to anticipate?—Was the state of Ireland such as to render war desirable? This was said by some to be a subject too delicate to be touched upon; but he approved not of that delicacy which taught men to shut their eyes to danger. He thought the state of Ireland alarming; because the gross misconduct of administration had brought the government and legislature into contempt in the eyes of the people. He hoped the plan to be pursued would be  
conciliatory,



conciliatory, that concession to the claims of the people would be deemed wisdom, and the time of danger, contrary to the maxims of policy hitherto adopted, the fit season for reform.

The people of this country, Mr. Fox said, loved the constitution; they had experienced its benefits, and were attached to it from habit. Why put their love to any unnecessary test? That love by being tried could not be made greater, nor would the fresh burthens and taxes, which war must occasion, more endear it to their affection. If there were any danger from French principles, as some gentlemen seemed to apprehend, to go to war without necessity would be to fight for their propagation. On these principles he would deliver his opinion freely. It was not the principles which were bad and to be reprobated, but the abuse of them. From the abuse, not from the principles, had flowed all the evils that afflicted France. The effect of the address was to condemn not the abuse of those principles, and the French undoubtedly had grossly abused them, but the principles themselves.

To this he could not consent, for they were the principles on which all just and equitable governments were founded. He had already differed sufficiently with a right honourable gentleman (Mr. Burke) on this subject, not to wish to provoke any fresh difference; but even against so great an authority he would not hesitate to maintain, that *the people are the sovereign in every state, that they have a right to change the form of their government, and a right to cashier their governors for misconduct, as the people of this country cashiered James II, not by a parliament, or any regular form known to the constitution, but by a convention speaking the sense of the people; that convention produced a parliament and a king. They elected William to a vacant throne, not only setting aside James whom they had justly cashiered for misconduct, but his innocent son. Again they elected the house of Brunswick, not individually, but by dynasty; and that dynasty to continue while the terms and conditions on which it was elected were fulfilled, and no longer.* He could not admit the right to do all this but by acknowledging the sovereignty of the people

people as paramount to all other laws. But it was said, that although we had once exercised this power, we had in the very act of exercising it renounced it for ever. To this he should reply, we had neither renounced it, nor, if we had been so disposed, was such a renunciation in our power. *We elected first an individual, then a dynasty, and lastly passed an act of parliament, in the reign of queen Anne, declaring it to be the right of the people of this realm to do so again, without even assigning a reason.* If there were any persons among us, who doubted the superiority of our monarchical form of government, their error was owing to those who changed its strong and irrefragable foundation in the right and choice of the people, to a more flimsy ground of title. Those who proposed repelling opinions by force, the example of the French in the Netherlands might teach the impotence of power to repel or to introduce. How was the war to operate in keeping opinions, supposed dangerous, out of the kingdom? It was not surely meant to beat the French out of their own opinions—and opinions were not like commodities, the

importation of which from France war would prevent. War, it was to be lamented, was a passion inherent in the nature of man ; and it was curious to observe what at various periods had been the different pretences. In ancient times wars were made for conquest. To these succeeded wars for religion, and the opinions of Luther and Calvin were attacked with all the fury of superstition and power. The next pretext was commerce, and probably it would be allowed that no nation that made war for commerce ever found the object accomplished on concluding peace. Now we were to make war about opinions—what was that but recurring again to an exploded cause, for a war about principles in religion was as much a war about opinions as a war about principles in politics.

Mr. Fox stated the justifiable grounds of war to be three, insult, injury, or danger. For the first satisfaction was the object, for the second reparation, and for the third security. Each of these two was the proper object of negotiation, which ought ever to precede war, except in case  
of

of an attack actually commenced.—If we did but know for what we were to fight, we might look forward with confidence, and exert ourselves with unanimity; but kept in the dark, how many might there be who would believe that we were fighting the battles of despotism! To undeceive those who might happen to fall into this unhappy delusion, it would be no derogation from the dignity of office to grant an explanation. Mr. Fox concluded with earnestly entreating the minister to pause before he plunged the country into the horrors of war—of a war of opinion; and to beware lest a fatal suspicion should go abroad, that kings had an interest different from that of their subjects; and that between those that had property and those that had none, there was not a common cause and a common feeling.—He was aware, he said, of the obloquy to which his present conduct would give rise, and was prepared to encounter it. He knew that he should now be represented the partizan of France, as he had formerly been represented the partizan of America. He was no stranger to the industry with which these and other calumnies were circulated

against him, and therefore he was not surprised. But he really was surprised to find that he could not walk the streets without hearing whispers that he and some of his friends had been engaged in improper correspondence with persons in France. If there was any foundation for such a charge, the source of the information could be mentioned: if it were true, it were capable of proof. If any man believed this, he called upon him to state the reasons of his belief. If any man had proofs, he challenged him to produce them.—He hoped the house would give him the credit of being innocent till an open charge was made; and that if any man heard improper correspondence imputed to him in private, he would believe that he heard a falsehood, which he who circulated it in secret durst not speak in public.

A few days subsequent to this debate intelligence was received that the French republic had declared war against his majesty and the stadtholder of the United Provinces, for, on this occasion, the existing government of France, contrary to the usage of modern nations under similar circumstances,

circumstances, declared war personally against the heads of the governments of Great Britain and Holland. On the 11th of February 1793 a message was communicated to the two houses of parliament announcing this event, and the following day it was taken into consideration in the house of commons. Mr. Pitt, who moved the address, endeavoured to show, that we had been forced into hostilities; that on the part of Great Britain all had been forbearance and mildness, while the behaviour of France had been characterised by insolence, aggression, and attack. Happy would it have been for England and for Europe had this been a true statement of the case; but the question was set in a very different light by the masterly and unanswerable arguments of Mr. Fox. He observed, that on an occasion so important, it would ill become the duty which he owed to his constituents and to the nation, to decline meeting the imputation of being the abettor of France, with which he was already menaced, or by the bold misconstruction of his sentiments and arguments, to which he had been accustomed, to be deterred from examining and stating what was

the true situation in which the country was involved in war. The gentleman who seconded the address (Mr. Powis, a seceder from the whig party, and violent alarmist) said, that the power of France, under every change of men and circumstances, was a monster, whose hand was against all nations, and that the hand of every nation ought to be against France. The minister said, that the cause of the war was not our general bad opinion of France, but specific aggressions on the part of France. So far the difference was great with respect to our immediate situation of being actually at war; and it was still greater when we came to enquire into our prospect of peace. If we were at war because France was a monster whose hand was against all nations, it must be a *bellum internecinum*—a war to extermination; for nothing but unconditional submission could be adequate to the end for which the war was undertaken, and to that alone must we look to a safe and honourable peace. If, on the contrary, we were at war for a specific aggression, atonement might be made for that aggression, and the object being obtained, peace might be concluded.



cluded.—Few of those, he trusted, who had been most zealous in recommending the expediency of the war, wished it to be a war to extermination—a war for extirpating French principles, not for circumscribing French power.

The causes of the present war, Mr. Fox said, were in no respect different from those of former wars under the government of Louis XIV or Louis XVI. It was an axiom of politics not to be controverted, that war should never be undertaken when peace could be maintained without breach of public faith, tarnishing national honour, or risking future security. The causes of former wars had been the refusal of satisfaction when specifically demanded; but, in the present case, what instance could ministers produce of such demand and such refusal? He admitted that the decree of the 19th of November entitled this country to require an explanation; but they could not shew that any clear and specific explanation had been demanded. Security that they would not act upon that decree was indeed mentioned in one of lord Grenville's letters, but what security

city was neither specified, nor even named. The same might be said with respect to the opening of the Scheldt; the same with respect to their conquest of Brabant. We complained of an attack on the rights of our ally, we remonstrated against an accession of territory alarming to Europe; but we mentioned nothing that would be admitted as satisfaction for the injury, we pointed out nothing that would remove our alarm. He wished for a distinct and specific declaration of the causes of the war, that both we and the enemy might know the real grounds of contest. Ministers professed to have acted with temperance and moderation; but did that appear in the removal of earl Gower from Paris after the events of the 10th of August? His presence would have implied no recognition of the government which succeeded to that to which he had a formal mission, any more than to have negotiated with that government in the safe, direct way, in preference to the indirect and hazardous. But the minister, who could not get rid of the idea of recognition, exclaimed, "Would you recognize a government which by its own confession is no government;

government; which declares itself only provisional till a government can be framed?" This, he would answer, was the safest of all recognitions; for the government being only provisional, we could only be understood to recognize provisionally, and were at liberty to act as the case might require, with any other power that might arise in its stead. Did not history shew us, that to treat and to recognize were not considered as the same? Did we not treat with Philip of Spain, as king, at the very time when we were at war to dispute his succession? And was not the recognition of his title, far from being considered as admitted by us on that account, actually stipulated as an article of the peace? Did not France, when at war to dispute the accession of William III. to the throne of England, treat with him as king, and was not the recognition of his title also made one of the conditions of peace? Still, however, he would admit that withdrawing our minister, or not sending another, was not a just cause of war on the part of France; but it could not be denied, that to treat one nation in a manner different from others was a symptom of hostility.

tility. The recalling of ministers was certainly once considered as an indication of war, for the commercial treaty provided for a case where no war was declared but by such recall.

Mr. Fox then proceeded to examine the grounds of war as stated in the French declaration. With respect to the prohibition of the circulation of assignats, we had a right to prohibit them if we pleased, and that measure was only to be regarded as a matter of internal regulation. Prohibiting the exportation of corn to France, while it was free to other countries, might, according to circumstances, be an act of justifiable or unjustifiable hostility; but, in his opinion, it was an act of hostility so severe, that the circumstances which could have justified it, would have justified a war, and no such circumstances could be shewn. The alien bill was not a just cause of war, but it was a violation of the commercial treaty, both in the letter and the spirit. The minister said that the French made regulations in their own country by which the treaty was before completely broken off and at an end. But did he  
complain

complain of these regulations? for it was expressly provided by the treaty itself, that no violation should put an end to it till complaint was made, and redress refused; and here lay the important difference. The French made no regulations that put aliens on a different footing from Frenchmen. They made general distinctions of safety and police as every nation has a right to do; but we made regulations affecting aliens only; confessed to be more particularly intended to apply to Frenchmen. It was admitted that the French demanded an explanation of these regulations, and that an explanation was refused them. By us therefore, and not by the French, was the commercial treaty broken. Our sending a squadron to the Scheldt they complained of as an injury. He was as little disposed to commend their operations in Belgium as the minister; but if by our squadron we had disturbed them in their operations of war against the emperor, which he admitted we had not done, they would have had just cause to complain. Then, says the minister, they complain of our conduct on the afflicting news of the murder of their king: what, shall

shall we not grieve for the untimely fate of an innocent monarch, most cruelly put to death by his own subjects? Shall we not be permitted to testify our sorrow and abhorrence on an event that outrages every principle of justice, and shocks every feeling of humanity? Of that event, Mr. Fox said, he never should speak but with grief and detestation.

But was the expression of our sorrow all? Was not the atrocious event made the subject of a message from his majesty to both houses of parliament? And now he would ask the few more candid men who owned that they thought this event alone a sufficient cause of war, "What end could be gained by further negotiation with Chauvelin, with Maret, or Dumourier?" Did ministers mean to barter the blood of this ill-fated monarch for any of the points in dispute—to say the evacuation of Brabant shall atone for so much, the evacuation of Savoy for so much more? Of this he would accuse no man; but on their principle, when the crime was committed, negotiation must cease. He agreed, however, with  
the

the right honourable gentleman, and he was glad to hear him say so, that this crime was no cause of war; but if it were admitted, it was surely not decent that the subject of war should never be even mentioned without reverting to the death of the king. When he proposed sending an ambassador to France, "What," said the right honourable gentleman, "send an ambassador to men that are trying their king!"—If we had sent an ambassador even then, had our conduct towards the French been more candid and conciliating, the fatal issue of that trial might have been prevented. But, said the right honourable gentleman, we negotiated unofficially. The importance to any wise purpose between official and unofficial negotiation, of this bartering instead of selling, he could never understand; but even to this mode of negotiating the dismissal of M. Chauvelin put an end. But M. Chauvelin went away the very day after he received the order, although he might have staid eight days, and negotiated all the while. Was it so extraordinary a thing that a man of honour, receiving such an order, should not choose to run the  
risk

risk of insult, by staying the full time allowed him; or could he imagine that his ready compliance with such an order would be considered as an offence? When M. Chuavelin went away, and M. Maret did not think himself authorised to negotiate, ministers sent a message to lord Auckland, to negotiate with general Dumourier, which reached him too late. Admitting this to be a proof of their wish to negotiate, while negotiation was practicable, what was their conduct from the opening of the session? If he or any of his friends proposed to negotiate—"Negotiate!" they exclaimed, "we are already at war." Now it appeared that they did negotiate with unaccredited agents, although the secretary of state had said such a negotiation was not compatible with his belief; and last of all, strange conduct for lovers of peace! they ordered to quit the country the only person with whom they could negotiate in their unofficial way. He was happy to see the right honourable gentleman so much ashamed of this mutilated farce of negotiation, as to be glad to piece it out with lord Auckland, and general Dumourier. Then was asked the miserable



miserable question, "What interest have ministers in promoting a war, if, as it has been said, that the ministers who begin war in this country are never allowed to conclude it?" Admitting this to be true, for which he saw no good reason, then surely they who endeavoured to avert a war, ought to be allowed some credit for the purity of their motives. But ministers never opened a fair communication on the points in dispute with France. They acted like men afraid of asking satisfaction, for fear it should be granted—of stating the specific causes of war, lest they should lose the pretext. An opinion, somewhere stated, had been adverted to, that the people might consider this as a war in which kings were more interested than their subjects. He felt great respect for monarchy, and it was neither his practice nor his inclination to speak harshly of kings. He had already said, that monarchy was the corner, or rather the key-stone of the British constitution, that is *limited*, not *unlimited* monarchy. But with all due reverence for crowned heads, was it impossible to conceive that kings may love, not limited, but unlimited monarchy ;

and that resistance to the limited monarchy attempted to be established in France, in the room of the unlimited monarchy, by which that country was formerly governed, might have been the true cause of the combination of some of the crowned heads of Europe? Our king had sat too long on the throne of a free kingdom; he had had too much experience that love of his people was a stronger defence than guards and armies, to forfeit that love by transgressing the bounds which the constitution prescribed to him, were even his virtues and his wisdom less than they were known to be. But had not kings the frailties of other men? Were they not liable to be ill-advised? What became of that freedom of speech which was the boast of parliament, if he might not suppose, that by evil counsellors their ears might be poisoned, and their hearts deceived? He therefore feared, that this war would be supposed a war for restoring monarchy in France, and for supporting rather the cause of kings, than the cause of the people. He would be the last to draw a distinction of interest between the rich and the poor; for whatever the superficial observer might

might think, nothing was clearer, when philosophically considered, than that a man, who was not immediately possessed of property, had as great an interest in the general protection and security of property, as he who was ; and therefore he reprobated all those calls upon the particular exertions of men of property, as tending to excite the idea of an invidious distinction, which did not exist in fact. When the attack on France was called the cause of kings, it was not a very witty, but a sufficient reply, that opposing it might be called the cause of subjects. He imputed bad motives to no man, but when actions could not be explained on one motive, he had a right to attempt to explain them on another. If there were at present such a spirit in this country as in the beginning of the American war, what would be our conduct ? To join the combined powers in their war on the internal government of France. He was happy that the public abhorrence of a war on such a motive was so great, that the right honourable gentleman felt himself called upon to disclaim it at great length ; but how had ministers acted ? They had taken advantage of the folly

of the French, they had negotiated without proposing specific terms, and then broke off the negotiation—At home they had alarmed the people that their own constitution was in danger, and they had made use of a melancholy event, which, however it might affect us as men, did not concern us as a nation, to inflame our passions and impel us to war; and now that we were at war, they durst not avow the causes of it, nor tell us on what terms peace might have been preserved.

Mr. Fox said, he was now called upon, as a member of that house, to support his majesty in the war, and he would do it; but he was not pledged to any of those crooked reasonings on which some gentlemen grounded their support of ministers, nor less bound to watch them, because, by their misconduct, we had been forced into a war, which both the dignity and the security of Great Britain would have been better consulted in avoiding. He was never sanguine on the success of war. It might be glorious to our army and our navy, and yet ruinous to the people. The event of the last campaign—*procul absit omen*—

*omen*—and the example of the American war had taught him that we might be compelled to make peace on terms less advantageous than could have been obtained without unsheathing the sword; and if this might be the consequence to us, the consequences to our ally, the Dutch, must be such as he would not suffer himself to anticipate. The ordering M. Chauvelin to depart the kingdom, and the stopping the exportation of corn to France, when exportation was allowed to other countries, were acts of hostility and provocation on our part, which did not allow us to say, as the proposed address said, that the war was an unprovoked aggression on the part of France. Truth and justice were preferable to high-sounding words, and therefore he should move an amendment, containing nothing that was not strictly true, and in voting which the house might be unanimous.

Mr. Fox then moved his amendment, which was negatived without a division.

Having in vain endeavoured to avert from his

country the calamities of war, Mr. Fox, on the 18th of February, brought forward a series of resolutions, the purport of which was to state in clear and specific terms the sentiments of the friends of peace, and the real grounds of difference between ministers and the members of opposition. The necessity of the war, he said, might be defended upon two principles; first, the *malus animus*, or general bad disposition of the French towards this country; the crimes they have committed among themselves; the systems they endeavoured to establish, if systems they might be called; in short, the internal government of their country. There were few persons, he believed, who would venture to defend it on this principle; and this being disavowed as the cause of the war by his majesty's ministers, it was unnecessary for him to dwell upon it.—Second, that various things have been done by the French, manifestly extending beyond their own country, and affecting the interests of us and our allies; for which, unless satisfaction was given, we must enforce satisfaction by arms. This he considered as the only principle on which the necessity of the war could be truly defended,

defended, and in this he was sure the great majority of the house and of the country were of the same opinion. His object was to record this in an address. Such a record would be a guide to their conduct in the war, and a landmark on which to fix their attention for the attainment of peace. In examining the alledged causes of provocation, he had maintained that they were all objects of negociation, and as such, till satisfaction was explicitly demanded and refused, did not justify resorting to the last extremity. He had perhaps also said, that ministers did not appear to have pursued the course which was naturally to be expected from their professions. He did not mean to charge them with adopting one principle for debate and another for action; but he thought they had suffered themselves to be imposed upon, and misled by those who wished to go to war with France on account of her internal government, and therefore took all occasions of representing the French as irreconcilably hostile to this country. It was always fair to compare the conduct of men in any particular instance with their conduct on other occasions. If the rights of neutral

nations were now loudly extolled ; if the danger to be apprehended from the aggrandisement of any power was magnified as the just cause of the present war ; and if, on looking to another quarter, we saw the rights of Poland, of a neutral and independent nation, openly trampled upon, its territory invaded to the manifest aggrandisement of other powers, and no war declared or menaced, not even a remonstrance interposed,—could we be blamed for suspecting that the pretended was not the real object of the present war—that what was not told was in fact the object, and what was told, only the colour and pretext ?

Whatever might be the cause, the war would be much less calamitous to this country, if, in the prosecution of it, we could avoid allying ourselves with those who had made war on France, for the avowed purpose of interfering in her internal government ; if we could avoid entering into engagements which might fetter us in our negotiations for peace. Since negotiation must be the issue of every war that was not a war of absolute conquest, he hoped ministers would  
shun



shun the disgrace of becoming parties with those who in first attempting to invade France, and some of them since invading Poland, had violated all the rights of nations, and all the principles of justice and of honour.

Mr. Fox said the whole of our pretended negotiation, such as it had been, was a farce and a delusion—not an honest endeavour to preserve the blessings of peace, but a fraudulent expedient to throw dust in the eyes of the people of this country, in order that they might be hurried blindly into war. The more he attended to the printed papers of correspondence, the more he was convinced how extremely deficient we had been in communicating the terms on which we thought peace might be maintained. We told them they must keep within their own territory; but how were they to do this when attacked by two armies that retired out of their territory only to repair the losses of their first miscarriage, and prepare for a fresh irruption? When to this studied concealment of terms were added the haughty language of all our communications, and the

of sovereign princes in that house, although the period was not long since passed, when it was thought perfectly allowable to talk of the empress of Russia as a princess of insatiable ambition, and of the late emperor, (Joseph II,) as a prince too faithless to be relied upon. But when he spoke of the king of Prussia, he desired to be understood as speaking of the cabinet of the court of Berlin, whose conduct he was as free to criticise, as other gentlemen the conduct of the executive council of France. In May 1791, a revolution took place in Poland on the suggestion, certainly with the concurrence of the king of Prussia; and, as was pretty generally imagined, although not authentically known, with the concurrence of the court of London. By a dispatch to his minister at Warsaw, the king of Prussia expressed the lively interest which he had always taken in the happiness of Poland, and the confirmation of her new constitution, and his approbation of the choice of the elector of Saxony and his descendants to fill the throne of Poland, made hereditary by the new order of things, after the death of the reigning king. In 1793, the  
empress

empress of Russia, without the least plausible pretext, but this change in the internal government of the country, invaded Poland. Poland called upon the king of Prussia, with whose express approbation this change had been effected, for the stipulated succours of an existing treaty of alliance. He replied that the state of things being entirely changed since that alliance, and the present conjuncture brought on by the revolution of May 1791, posterior to his treaty, it did not become him to give Poland any assistance, unless indeed she chose to retrace all the steps of that revolution, and then he would interpose his good offices both with Russia and the emperor to reconcile the *different interests*. The different interests of foreign powers in the internal government of a free and independent nation!

It was singular that ministers should be so keen to mark and stigmatise all the inconsistencies of the French with their former declarations, which had been too great and too many, and yet could see without emotion such inconsistency, not to say perfidy, as this. He was not the defender of the gross departures from their own principles  
of

of the French ; but if we thought it unsafe to treat with them, because of their perfidy, we had little inducement to unite with the king of Prussia, who had violated not only principles, but an express treaty, in a more particular and pointed manner than they had yet had an opportunity of doing. Among the powers at war, or likely to be at war with France, there was no great option of good faith. But the French, it was said violated their principles, for the sake of robbery and rapine, to seize on territory, and plunder property. Let us look again to the king of Prussia. In 1792 he limited the cause of war against Poland by Russia to the new constitution, which he himself had approved, and promised to defend. This obnoxious constitution completely subverted, and that excellent old republic—for these crowned heads were great republicans when it suited their convenience—which had for ages made the happiness of Poland, reestablished on its ancient basis, he would interpose his good offices to conciliate the different interests and restore peace. What then prevented? Was not the new constitution completely subverted? Did not the  
Russian

Russian troops succeed in overrunning Poland? Were they not in possession of the whole country? And was not the empress of Russia able to restore the excellent old republic, and convinced of her own success? Not so with the king of Prussia. He was a critic in principles. When he approved of their revolution, the principles of the Poles were unexceptionable; when they were attempting a brave but unsuccessful resistance to a more powerful adversary, their principles were not dangerous; but when they were overpowered by superior force, when they had laid down their arms, and submitted to their conqueror, when their whole country was possessed by a foreign army, then he discovered that they had got French principles among them, subversive of all government, and destructive of all society. And how did he cure them of these abominable principles?—O! by an admirable remedy!—invading their country, and taking possession of their towns. Are they tainted with jacobinism? hew down the gates of Thorn, and march in the Prussian troops. Do they deny that they entertain such principles? seize upon  
Dantzick,

Dantzick, and annex it to the dominions of Prussia. Now did not this seizure and spoil of Poland tend to the aggrandisement of the powers by whom it was perpetrated? Was it not a greater and more contemptuous violation of the law of nations than the French had yet been guilty of? Most undoubtedly it was. Had we opposed it? Had we remonstrated against it? If ministers had any such remonstrances to shew, they would produce them in due time, and the house would judge of them; but while none were produced, or even mentioned, he must presume that none had been made. The invasion of Poland had this material aggravation, that the powers who invaded were not themselves attacked at the time. They had not the excuse of the French to plead, that they did it in a paroxysm of fear and danger, circumstances that prompt nations, as well as individuals, to many acts of impolicy and injustice. The king of Prussia first connives at, or consents to the invasion of Poland, which he was bound by treaty to defend—Next he attempts an unprovoked invasion of France, and is foiled—how does he revenge the disgrace of his repulse? By increasing

creasing his army on the Rhine, by concentrating his forces for a fresh attack? No—he more gallantly turns round on defenceless Poland, and indemnifies his losses by seizing on towns where he can meet with no resistance. It was not, therefore, on any general system of attention to the balance of power in Europe that ministers were acting, since, while they pretended to consider it as of the utmost importance in one case, they had suffered it to be most flagrantly infringed upon in another.

Mr. Fox concluded with reading the following resolutions, and moving the first :

1st.—“ That it is not for the honour and interest of Great Britain to make war upon France, on account of the internal circumstances of that country, for the purpose of either suppressing or punishing any opinions and principles, however pernicious in their tendency, which may prevail there, or of establishing among the French people any particular form of government.”

2d.—“ That the particular complaints which have been stated against the conduct of the French government, are not of a nature to justify a war, in the first instance, without having attempted to obtain redress by negotiation.”

3d.—“ That it appears to this house in the late negotiations between his majesty’s ministers and the agents of the French government, the said ministers did not take such measures as were likely to procure redress, without a rupture, for the grievances of which they complained, and particularly, that they never stated distinctly to the French government any terms and conditions, the accession to which on the part of France would induce his majesty to persevere in a system of neutrality.”

4th.—“ That it does not appear that the security of Europe, and the rights of independent nations, which had been stated as grounds of war against France, have been attended to by his majesty’s ministers in the case of Poland, in the invasion of which unhappy country, both in the



last year, and more recently, the most open contempt of the law of nations, and the most unjustifiable spirit of aggrandisement have been manifested, without having produced, as far as appears to this house, any remonstrance from his majesty's ministers."

5th.—"That it is the duty of his majesty's ministers, in the present crisis, to advise his majesty against entering into engagements which may prevent Great Britain from making a separate peace, whenever the interest of his majesty, and his people, may render such a measure advisable, or which may countenance an opinion in Europe, that his majesty is acting in concert with other powers for the unjustifiable purpose of compelling the people of France to submit to a form of government not approved by that nation."

Mr. Fox's resolutions were violently opposed by Mr. Burke, Mr. Powis, and other alarmists. They represented them as insidious in the extreme, and such as could proceed from none but a decided friend to France, and the loss of Mr.

Fox's popularity was confidently predicted as the certain consequence of the freedom with which he delivered his opinions and their dangerous tendency. In reply to these insinuations Mr. Fox said, no man was more desirous of popularity than he was ; and no man would make less sacrifices to obtain it. If the part which regard to the interests of the country obliged him and the gentlemen who acted with him to take, was not popular, it was not their duty to be influenced by that consideration. We had got into a war, and how to put an end to that war was now the object which demanded their attention. It was their business, treading the old constitutional ground, to come forward boldly with their opinions, in proportion to the crisis, and the danger of their country, and not to be deterred by the suggestions of timidity, or the menace of unpopularity. There appeared a general exultation in that house, with respect to the war, in which he could by no means join : he feared that this exultation in its event would have a termination similar to that which had been so emphatically described by the Roman historian Tacitus, *Spe lætia,*

*Læta, tractata dura, eventa tristia.* Mr. Fox's resolutions were negatived by a majority of 270 against 44.

Notwithstanding the diminished, and daily diminishing number of his supporters, and the calumnies and misrepresentations of his principles, so grossly and confidently urged both in and out of parliament, Mr. Fox continued to oppose the frantic and tyrannical proceedings of the ministry with unabated spirit, and in some instances not without success. Various parts of the traitorous correspondence bill were modified in consequence of his suggestions; and that infamous clause which prohibited British subjects from returning to their own country without a passport first obtained from the secretary of state, was expunged from the bill. The king, Mr. Fox said, had no right of preventing any person from returning to his native country, under the specious mask of regulating upon general policy, nor had he the power of expelling from his native land any person he might think proper. If the king had any right to say to an Englishman, "You shall not return

to England without my passport," it was high time to examine into the expediency of suffering such a prerogative to continue—high time to enquire whether some means could not be devised to limit the extent, and regulate the exercise of that prerogative. "But," continued Mr. Fox, "I am sure he has not, and never ought to have, and never can have, unless this house scandalously neglect its duty."

A motion for a parliamentary reform, brought forward by Mr. Grey at the request of the society of the friends of the people, and supported by numerous signed petitions from all parts of the kingdom, afforded Mr. Fox an ample opportunity of exposing the tergiversation and apostacy of the minister.—It had been stated, he said, that the particular circumstances of the times might justify a deviation from certain principles.—Granted. But he was at a loss to determine how such an objection could now be seriously maintained. The bug-bear innovation might be advanced as an argument against the measure; but Mr. Pitt having made the same motion during the marquis of Rockingham's

Rockingham's administration—once in the time of war, and twice during that of peace, his own example justified all seasons. But the difference between Mr. Pitt's independence as a man, and his interest as a minister, had occasioned him to change his opinions; and the complaisance he had experienced for several years from the house of commons, had, perhaps, in his mind, rendered all reform unnecessary. In the pride of his new wisdom, his present self felt such contempt for his former self, that he could not look back on his former conduct and opinions without a sort of insulting derision. Surveying his former self, he seemed in the situation of lord Foppington in the play, who says, "I begin to think that when I was a commoner, I was a very nauseous fellow:" so the right honourable gentleman began to think, that when he was a reformer, he must have been a very foolish fellow: he might nevertheless have retained some degree of candour for those gentlemen, who had not yet received the new lights with which he was so marvellously illuminated.

If Mr. Pitt had rested his objections on the  
change

change of circumstances produced by the events in France, his arguments would have been rational, or at least consistent. Mr. Fox said, he had always disliked universal representation as much as the minister; but that dislike was no reason for charging it with more mischief than was fairly imputable to it. It had not been the cause, as the minister alleged, of all the evils in France. The first, or constituting assembly, was not elected on this plan, but on old usages, and old abuses. Yet that assembly had been guilty of some of the most unjustifiable acts perpetrated in France. It had despoiled the clergy without regard to function or character, and had destroyed the nobility. The second, or legislative assembly, was not chosen by individual suffrage; for when the constitution was framed, wild as the French were, they had laid many restrictions on individual suffrage, and made a distinction between active and inactive citizens. It was therefore unjust to charge upon it what was done by assemblies elected before it was brought into use. France, after doing great honour to herself by shaking off her old intolerable despotism, had since

since been governed by counsels generally unwise and often wicked. But what had this to do with our reform? It had been said that French principles, though not more detestable than the principles of Russia, were more dangerous, and more to be guarded against, because more fascinating. Would any man say that French principles were fascinating? What then had we to fear from what no man in his senses would wish to copy?

A right honourable friend of his (Mr. Windham) had, in a very eloquent, but very whimsical speech, endeavoured to prove that the majority was generally wrong. But when he came to answer some objections of his own suggesting, he found himself reduced to say, that where he differed from the majority, he would consider himself as independent as one independent country member of the decision of another—which was just to say that he would put an end to society; for where every individual was independent of the will of the rest, no society could exist. It was singular for him to defend the decision of the majority, who had found it so often against him; and he was  
in

in hopes that his right honourable friend would have shewn him some easy way of solving the difficulty. His honourable friend said, a wise man would look first to the reason of the thing to be decided, rather than to force, or his power of carrying that decision into effect, but never to the majority. He said, look first, and look last to the reason of the thing, without considering whether the majority is likely to be for or against you, and least of all force. He admitted that the majority might sometimes oppress the minority, and that the minority might be justified in resisting such oppression, even by force ; but as a general rule, though not without exception, the majority in every community must decide for the whole, because in human affairs there was no umpire but human reason. The presumption was also that the majority would be right ; for if five men were to decide by a majority, it was probable that the three would be right and the two wrong, of which, if they were to decide by force, there would be no probability at all.

If, then, what all men agreed on was admitted  
to



to be true, there was a strong presumption that what many, or the majority agreed on, was true likewise. Even reverence for antiquity resolved itself into this; for what was it but consulting the decision of the majority, not of one or two generations, but of many, by the concurrence of which we justly thought that we arrived at greater certainty. This objection to universal suffrage was not distrust of the decision of the majority, but because there was no mode of collecting such suffrages; and that, by attempting it, what from the operation of hope on some, fear on others, and all the sinister means of influence that would so certainly be exerted, fewer individual opinions would be collected than by an appeal to a limited number. Therefore holding fast to the right of the majority to decide, and to the natural rights of man, as taught by the French, but much abused by their practice, he would resist universal suffrage. Without attempting to follow his right honourable friend, when he proposed to soar into the skies, or dive into the deep, to encounter his metaphysical adversaries, because in such heights and depths the operations of the actors were too  
remote

remote from view to be observed with much benefit, he would rest on practice, to which he was more attached, as being better understood. And if he could collect all the wisest men of every age and of every country unto our assembly, he did not believe that their united wisdom would be capable of forming even a tolerable constitution. In this opinion he thought he was supported by the unvarying evidence of history and observation. Another opinion he held, no matter whether erroneous or not, for he stated it only as an illustration, viz. that the most skilful architect could not build in the first instance so commodious a habitation as one that had been originally intended for some other use, and had been gradually improved by successive alterations suggested by various inhabitants for its present purpose. If then so simple a structure as a commodious habitation was so difficult in theory, how much more difficult the structure of a government! One apparent exception might be mentioned—the constitution of the United States of America, which he believed to be so excellently constructed, and so admirably adapted to their circumstances  
and

and situation, that it left us no room to boast that our own was the sole admiration of the world.

The objection, however, was only apparent. They had not a constitution to build up from the foundation; they had ours to work upon, and adapt to their own wants and purposes. This was what the motion now recommended to the house, not to pull down, but to work upon our constitution, to examine it with care and reverence, to repair it where decayed, to amend it where defective, to prop it where it wanted support, to adapt it to the purposes of the present time, as our ancestors had done from generation to generation, and always transmitted it not only unimpaired, but improved, to their posterity.

His right honourable friend (Mr. Windham) had said on a former occasion (Mr. Flood's motion,) that if the constitution of the house of commons were that the county of Middlesex alone elected the representatives for the whole kingdom, he would not consent to alter that mode of representation, while he knew from experience

perience that it had produced such benefits as we had long enjoyed. Now suppose, for the sake of argument, that the county of Cornwall, somewhat less likely to be a virtual representative of the whole kingdom than Middlesex, instead of sending forty-four members to parliament, to send the whole five hundred and fifty-eight, such a house of commons might, for a time, by a proper check on the executive power, watch over the interests of the whole kingdom with as much care as those of Cornwall; but with such a house of commons no argument would persuade him to remain satisfied, because there was no security that it would continue to do so. The question now to be examined was,—did the house of commons, as at present constituted, answer the purposes which it was intended to answer: and had the people any security that it would continue to do so? To both branches of the question he answered decidedly in the negative. Before proceeding to the reasons on which he thus answered, it was necessary to say a few words on the circumstances which, in his opinion, would justify a change. Many things short of actual suffering would

would justify, not only a change, but even resistance. When the dispute began with America, it was not because it was held that the British parliament had no legal right to tax America that the project of taxing her was opposed. The Americans indeed did maintain that the British parliament had no such right; but he and many others who opposed the measure admitted the right, and he was still of the same opinion. What then was the ground of the opposition? It was not any actual suffering on the part of the Americans: they themselves allowed that the taxes attempted to be imposed were of the most easy and unoppressive kind.—But although these taxes were so, they had no security that heavy and oppressive taxes might not at some future period be imposed upon them by a legislative body, in which they had no representation, with which they had no very close connection of common interest, and over which they had no means of control. He, therefore, and those with whom he had the honour to act, thought this want of security, for what they were not then ashamed to call the rights of man, a sufficient cause of resistance. They justified

tified the Americans in that glorious resistance, for which they were then called the advocates of American rebels, as some of them, though too familiar with such charges much to heed them, were now called the advocates of the French. That glorious resistance was ultimately successful, and to that success would yet be owing the liberties of mankind, if in this country they should unhappily be suffered to perish. Jealousy too was a good cause of change, or even of resistance—not jealousy captious or malignant, but jealousy founded on well examined and rational grounds of suspicion. Men were not bound to wait till their liberties were actually invaded; prudence called for means of prevention and defence; and to justify these, it was sufficient that they saw a clear possibility of danger.

Now to shew that the house in its present state was unfit for the functions which it ought to discharge, he referred to the history of the American war. It was dangerous to make a concession in argument, for on that concession was generally built some assertion very different from what  
had

had been conceded. He had once admitted that the American war was popular in the beginning : and on that had been built the assertion, that he had called it the war of the people. He never called, nor meant to call it so—for, in truth, it was nothing less than the war of the court. By the court the project of taxing America was conceived, and the people were taught to believe that their money would be saved, and their burdens eased, by a revenue drawn from another country. Thus were they first deluded, and then bribed, by an appeal to their pockets, into an approbation of the scheme of the court. This was no assumption of his, for it was perfectly well known, that when a considerable addition to the standing army was proposed, the country gentlemen were induced to agree to it, by hints that the expense would be defrayed from another quarter, instead of falling upon them. In compliance with the wishes of the court, the house passed the memorable stamp act. The stamp act was resisted and repealed : and the repeal was as popular as the passing of it had been. Was this a presumption that the war was the war of the people ? Was it not, on

the contrary, a clear proof that the people had no definite idea of the object of the war? When, by subsequent acts of the same nature, and similar resistance on the part of America, the war was brought on, then indeed the indignation of the people was excited by the supposed ingratitude of the colonies to the mother country; their passions inflamed; the love of military glory, natural to the minds of a great and brave nation, roused; and the war became popular. But the war itself was the act of the court, deluding the people by the subserviency of the house of commons. The house passed the stamp act; the house took all the other measures that led to the war, and voted that it should be supported, not as the organ of the people, but as the obedient servant of the court. What was a successful war he was somewhat at a loss to know. The American war from the beginning he had always called unsuccessful: but he was year after year told that he was quite mistaken, and that the success was fully adequate to every reasonable expectation. At length came the final blow, the capture of lord Cornwallis and his army—the war was then acknowledged to be  
unsuccessful,



unsuccessful, and the house put an end to it ; but not till several years after the people had begun to send up petitions and remonstrances against it.

Mr. Fox then recalled to the recollection of the house, a speech made by Mr. Burke, in 1775, on presenting his plan for conciliating America, and in which the virtues and the efficacy of representation were displayed with a force and clearness unequalled. On that occasion it was asked by the right honourable gentleman, were the people of Ireland uncivilized and unsubdued after a forcible possession of their country for ages, what was the remedy ? Representation.—Were the Welch in perpetual contention among themselves and hostility to Englishmen, what was the remedy ?—Representation.—Were the counties of Chester and Durham full of discontent and disorder, what was the remedy ?—Representation. Representation was the universal panacea, the cure for every evil. When the English constitution had once arisen in their sight, all was harmony, within and without—

——— *Simul alba nautis*  
*Stella refulsit,*  
*Defluit saxis agitatus humor ;*  
*Conculunt venti, fugiuntque nubes ;*  
*Et minax (sic Di voluere) ponto*  
*Unda recumbit.*

Let gentlemen read this speech by day, and meditate on it by night ; let them peruse it again and again, study it, imprint it on their minds, impress it on their hearts—they would there learn, that representation was the sovereign remedy for every evil, the infallible security against popular discontent ; let them learn this, and give to the people, not the unreal mockery, but the efficient substance of representation.

He came next to consider the conduct of the house since the American war. When the India bill, which he had the honour to propose, was lost, was it because the bill was unpopular ? By no means. Whatever odium had been afterwards excited against it, the people had then expressed no disapprobation. The right honourable gentleman (Mr. Pitt) had no hand in its defeat ; for  
 ready

ready and able as he was to speak against it, it passed the house of commons by a great majority. By whom then was it thrown out? Let the merit be given to those to whom it belonged—it was thrown out by certain bed-chamber lords acting under the direction of those who had access to advise the king.—The dismissal of the ministry followed the rejection of the bill, and the house of commons adhered to the discarded ministers. The right honourable gentleman would surely allow that the house, in order to execute its functions, ought to command respect. Did it command respect on that occasion? Was it respected by the crown, by the peers, or by the people? The advisers of the crown disregarded its remonstrances; the peers came to resolutions censuring its proceedings; and the people treated it not as their organ in the constitution, and the guardian of their rights, but as a faction leagued to oppress them, with whom they had no common interest or common cause. Since that period, the house had not only commanded respect but praise from those who were permitted to advise the crown—not by opposition, but by prompt obedi-

ence; not by a watchful and jealous guardianship of the interests of the people, but by implicit confidence in ministers, and pliant acquiescence in the measures of the court—thrice had that house of commons, which he never should mention but with honour, resisted the influence of the crown, and nothing then was talked of but a reform of parliament. The house of commons had been now for nine years a complaisant and confiding body, and the cry of reform from those who were formerly the loudest and most active was heard no more.—Reform was then the only thing that could save the constitution; the very sound of reform was now pregnant with the most imminent and gigantic danger. When that house of commons resisted the influence of the court, they were told, that they were not the representatives of the people; that they were not so chosen as they ought to be; they felt that the charge was true in part, and were easily induced to give credit to the whole. Had that house of commons been chosen in a less objectionable manner; had the people considered them as their representatives; could they have been so contemptuously  
treated

treated and so ignominiously dismissed as they were? No—the people would have seen that the cause of their representatives was the same with their own; they would have given them their confidence and their support. But, it was said, a house of commons so chosen as to be a complete representative of the people would be too powerful for the house of lords, and even for the king. They would abolish the one, and dismiss the other. If the king and the house of lords were unnecessary and useless branches of the constitution, let them be dismissed and abolished; for the people were not made for them, but they for the people. If, on the contrary, the king and the house of lords were felt and believed by the people, as he was confident they were, to be not only useful but essential parts of the constitution, a house of commons freely chosen by, and speaking the sentiments of, the people, would cherish and protect both within the bounds which the constitution had assigned them.

In the Russian armament what had been the mode of proceeding? The minister thought pro-

per to arm against Russia, and the house of commons was called upon to vote the supplies. Were they allowed to enquire into the necessity of that armament, or to judge of its propriety? No—they were told that to ministers it belonged to judge, and to them to confide, and on this implicit confidence they voted the sums demanded of them. In the mean time the people shewed their disapprobation of a war with Russia; the minister adopted their sentiments; called on the house of commons to agree with him in this change of opinion; and the house acquiesced. He would neither allow the house of commons to judge in the first instance, nor through them look for the opinion of the people in the second. He was to look for the opinion of the people, and tell those who ought to be their representatives, and the organ of their sentiments, what their opinion was. The lesson thus held out to every man in the house was this—“ If you look for honour or power, you must take care to conciliate the advisers of the crown by a ready subserviency to whatever they require. If you presume to counteract them, you may enjoy the consciousness of  
serving

serving the public without hope of reward ; but from power and situation, from all the fair objects of honourable ambition, you are for ever excluded."

Having thus given his opinion, Mr. Fox said, that the house of commons, as now constituted, was neither adequate to the due discharge of its duties at present, nor afforded any security that it would be so in future, what remained for him to answer but general topics of declamation ? He had sufficient confidence in the maxims he had early learned, and sufficient reverence for the authors from whom he learned them, to brave the ridicule now attempted to be thrown upon all who avowed opinions which, till very lately, had been received as the fundamental principles of liberty. He was ready to maintain with Locke, that government originated not only *for* but *from* the people, and that the people were the legitimate sovereign in every community.—With regard to the danger of rash innovation, and the great advantages of temperate and slow reform, gentlemen might find all they had to say anticipated  
in

in a much more pleasant treatise than any of their speeches—viz. the Tale of a Tub, where brother Jack's tearing off the lace points and embroidery from his coat, at the hazard of reducing the coat itself to tatters, and brother Martin's cautiously picking it up stitch by stitch, exhibited an abstract of all their arguments on the subject.—The septennial act, in the opinion of many, had been the means of preserving the house of Brunswick on the throne : but had such a house of commons as the present been then in being, what would have become of the house of Brunswick and the protestant succession ? “ What,” they would have said, “ adopt so violent an innovation as septennial, instead of triennial parliaments ! Do you mean to subvert the whole fabric of the constitution ? Triennial parliaments were sanctioned at the glorious epoch of the revolution ; to triennial parliaments we owe all the prosperity, all the glory of the reigns of William and Anne ; to them we are indebted for the victory of Blenheim.”——As rationally might they have said, that to triennial parliaments they were indebted for the victory of Blenheim,



as it might be now said, that to the right of Old Sarum to send members to parliament we were indebted for the annual increase of our exports. If to such sources as these national prosperity was to be traced ; if for the essence of our constitution we were to repair to a cottage on Salisbury Plain—or, for the sake of antiquity more reverend, let us take Stone-Henge for Old Sarum, then might we undertake pilgrimages to the sacred shrine, and tell each admiring stranger —“ Look not for the causes of our envied condition in the system of our government and laws ; here resides the hallowed deposit of all the happiness we enjoy ; but if you move one of those rugged stones from another, the British constitution is thrown down from its basis, and levelled with the dust.”

The petitions of the people, praying for a parliamentary reform, presented facts, Mr. Fox said, into which the house was bound, both by its legislative and inquisitorial functions, to enquire. It was affirmed by the petitioners, that peers nominated members to that house ; and they had a standing order, that no peer should interfere in elections.

elections.—It was asserted that bribery and corruption were openly practised at elections ; and they had a standing order against bribery and corruption.—Let those facts be enquired into, and corrected, or these idle denunciations be expunged from their journals. A select committee had reported bribery against certain electors of Stockbridge ; and a bill of pains and penalties, which had been founded on that report, had been rejected. He was not sorry for it—he wished not to see a poor man punished for selling his vote, while the sale of seats was connived at. The corruption of an individual voter was undoubtedly an evil, but small in comparison of the mischievous effects which the sale of seats must produce on the minds of the sellers and the buyers, while both of them knew that it was against law. Let the house enquire and put a stop to such practices, or avow their expediency, and repeal the laws that made them criminal.

Mr. Fox concluded with remarking, that it was triumphantly said by gentlemen on the opposite benches, that ninety-nine out of every hundred of  
the

the people of England were well affected to the constitution ; and he believed that they were right. Where then was the danger of enquiring into the defects of the constitution with a view of correcting them ? Could they hope for some golden period, in which the proportion of the ill-affected would be less than as one to ninety-nine ? The objection to time was therefore a fallacy, a mere pretext for putting off what the house could not help seeing to be necessary, but felt unwilling to begin.—On a division of the house, Mr. Grey's motion was rejected by a majority of 282 against 41.

A few days previous to the prorogation of parliament, (June 17, 1793,) Mr. Fox brought forward a motion, the object of which was, to entreat his majesty to take the earliest opportunity of restoring to his people the blessings of peace. At this period considerable advantages had been gained by the combined powers over the arms of France, and a negotiation might certainly have been opened under more favourable auspices than at any future period of the war. The French  
were

were driven back within the limits of their own territory; the Dutch frontiers were protected; and, as yet, Austria and Prussia seemed fully competent to the defence of their own states. Mr. Fox, ever alive to what was now the object of his warmest wishes, a peace with France, and deeply impressed with a sense of the dangers that might accrue from the further prosecution of hostilities, thought that he saw in the then situation of affairs a reasonable opening for negotiation, and came forward boldly to avow his sentiments.

He should not, he said, repeat his former objections to the justice and policy of the war; but, for the sake of argument, allow that its origin was wise and necessary, and that it was entered into for the safety of this country and for the general interests of Europe.—The grounds of the war he had understood were principally these.—First, the particular alliance we had with the Dutch, attacked as they were by the French.—Secondly, not only this alliance, which in point of good faith called upon us to act for the safety of our ally and for our own honour, but also on  
account

account of the interest we ourselves had in the issue, independent of good faith and of honour. There was another ground stated, and that might be divided into parts, as on former occasions it had been; he meant that which was stated upon the general footing of the aggrandisement of France, and the effect and operation of the spirit of their councils. These were the grounds upon which we undertook the war; and his object was to shew that upon neither of these grounds could the war be continued. He perhaps might be told that we had been at considerable expence in the war already, and that hitherto we had met with considerable success in the prosecution of it; and therefore, under such circumstances, it was fair for us to say, that we were entitled to indemnity for the expences we had sustained, and security against future danger, or that if we had not, the war should be followed up with vigour. That principle, as far as it regarded the situation of our allies, he did by no means deny; but he thought the continuation of the war, after the real object of it was gained, for an indemnity to ourselves, was a gross error in politics, and we ought first

to

to ask, what could we promise ourselves by the continuation of hostilities ?

After having shewn in the strongest light the inexpediency of continuing the war for the purpose of indemnification, and the folly of prosecuting it with a secret design of effecting a change in the internal government of France, Mr. Fox said, " If I were asked when we ought to put an end to this calamitous war, I would answer, when the first objects for which we commenced it had been fully attained. We have now," continued he, " happily prevented the aggrandisement of the French by defeating their measures of ambition. We have preserved Holland, Brabant, and Flanders ; and if the ministers are mad enough to continue the war, for the sake of indemnification, let them announce their resolution to the public." Mr. Fox dwelt much upon his former opinion, that if an application had been made from this country for a reconciliation of differences, France would not have denied the restitution of Brabant, Flanders, and Savoy. The purchase of peace, he said, would have been acceptable to the French on any  
terms

terms consistent with their liberty; and the price would have been thought trifling indeed, when compared with the happy consequences.

To those who were for the continuance of the war, and who so triumphantly asked, "Would you put a stop to the progress of our arms when victorious?" He would answer, yes! for the end of all war is peace, and the sooner that desirable object is attained the better. "If you demand an indemnification," said he, "let a negotiation be commenced, and perhaps the French might agree to cede part of their West India possessions."—Another question had been asked, whether we were to treat with France in her present state? To this he answered, yes! With him, or them, be he or they what they may, who have the government of France in their hands, you ought, and ultimately you must treat. If the contrary was true—if France was to be at peace only on a plan of our own, as to a form of government, it was impossible to say when the war would have an end.

Mr. Fox freely confessed that his heart sighed for peace, and that his judgment saw the policy of it so strongly, that if there was any one of the council of the king who wished for it, whatever situation that person held, and if he said he thought the continuance of this war dangerous, and wished to put an end to it, such person for such a purpose should have his support \*, and he was in hopes that the motion he should make would strengthen that opinion. But he was the more inclined to think that would be the effect of it, from experience of the past, than he was disposed to indulge in pleasing conjecture. All remembered the American war,—that, during a long period previous to the termination of it, there was great reason to believe, not only the house of commons, but also many of the efficient ministers of the crown, wished to put an end to it. Whether that was the case as to the latter part

\* A report prevailed at this period that Mr. Pitt was averse to the war, and that he had engaged in it only at the instigation of the alarmist party; but this does not appear from any subsequent explanations to have been the case.



in the present case he could not tell—but this he would say, that whenever any minister would stand forward regardless of the impression he should make upon the party on whose favour he might principally depend, and avow his sentiments, he should be glad to join with him upon that subject, and give him all the aid in his power.—The American war was an awful example to the people of this country, and he hoped we were not doomed to endure another such calamity. He exhorted the members of the house of commons to exercise their own judgment, and to look at the small possible advantage to be gained, if we pursued, and the almost inevitable ruin of the pursuit of the war; and conjured them to act with firmness, and put an end to the dangerous career of hazard and folly.—Mr. Fox then moved—

“That an humble address be presented to his majesty, to lay before his majesty the humble representations of his faithful commons on the present awful and momentous crisis; a duty which they feel themselves the more especially called

upon to perform at this juncture, as a long and eventful period may probably elapse before his majesty can again have an opportunity of collecting, through their representatives, the real sentiments and wishes of his people.

“ In the name of the people of England, his majesty’s faithful commons are bound to declare, that they concurred in the measures necessary to carry on the present war, for the objects of defence and security, and for those objects only.

“ That any plan of aggrandisement, founded on the present distressed situation of France, much less any purpose of establishing among the French people any particular form of government, never would have had their concurrence or support.

“ In expressing these their sentiments and opinions, on entering into the present war, his majesty’s faithful commons are sensible that they are only repeating those benevolent declarations which policy, and a careful attention to the real interests of the British nation, induced his majesty

to

to use in his most gracious speech from the throne, at the beginning of the present session of parliament, and in repeated messages to this house.

“ To represent to his majesty, that though his faithful commons have the most perfect reliance on his majesty’s sacred word and promise, solemnly pledged to this country and to Europe, not to interfere in the internal affairs of France, or to enter into the views and projects of other powers, who, in the present war, may be actuated by motives far different from those which govern the conduct of his majesty ; yet they feel it to be their indispensable duty to call his majesty’s most serious attention to some of the circumstances which have occurred since the commencement of the present unfortunate contest.

“ The French arms, which, after a successful invasion of Brabant, had threatened the security of his majesty’s allies the States General, have since been confined within their own territory, and are now occupied in defence of their frontier

towns against the united forces of his majesty and his allies. The danger apprehended from the former conquests and aggrandizement of the French nation appears, therefore, to be no longer a subject of just uneasiness and alarm.

“Some of the powers engaged in the confederacy against France have, on the other hand, openly avowed, and successfully executed plans of domination and conquest, not less formidable to the general liberties of Europe. The rapacious and faithless dismemberment of the unhappy kingdom of Poland, without having produced, as far as it appears to this house, any remonstrance from his majesty’s ministers, has excited in his majesty’s faithful commons the highest indignation at so daring an outrage on the rights of independent nations, and the keenest solicitude to rescue the honour of the British government from the suspicion of having concurred or acquiesced in measures so odious in their principle, and so dangerous in their example to the peace and happiness of mankind.

“The

“The severe calamities which, since the commencement of the present war this nation has already experienced,—the shock given to commercial credit, and the alarming consequences which the failure of the mercantile and manufacturing interests threaten to the public revenue, and to the general prosperity of the country, cannot have failed to attract his majesty’s attention, and to excite in his benevolent mind a sincere desire to relieve his subjects from distresses of which they cannot hope for a termination but in the speedy re-establishment of peace.

“His majesty’s faithful commons make it, therefore, their most earnest and solemn request, that his majesty, taking into his consideration all the above circumstances, will not fail to employ the earliest measures for procuring peace on such terms as are consistent with the professed objects of the war, and with that good faith, strict justice, and liberal and enlightened policy, which have hitherto so peculiarly distinguished the British nation.”

A reformed house of commons would probably have adopted this address, by which Holland, almost to a moral certainty, would have been preserved to the Stadtholder, and Brabant perhaps have been preserved to the emperor; but the same miserable politics which had severed America from the British empire, prevailed upon this occasion, and Mr. Fox's motion was negatived by a majority of 187 to 47.

A political writer of eminence, speaking of the state of parties at the opening of the session of 1794, says, "There never occurred in the annals of the British history so much unanimity in parliament upon any system of measures, as that carried on by Mr. Pitt for the prosecution of the war against republican France. Never consequently did an opposition act upon purer convictions of their rectitude than upon the present occasion. Their numbers dwindled to absolute insignificance: proselytism profusely recompensed: secession no longer vilified: we behold them struggling against every advantage of power, of opulence, of patronage; against the prejudices of the  
people,

people, the frowns of royalty, the malevolence of long-rooted enmities, and the keener rancour of newly-lost friendships. The most fertile malice can invent no other ground for their opposition; than the honourable solace of every true patriot—*mens sibi conscia recti*. Their real grounds, motives, and reasons may be hereafter seen in the silent page of history, when the present vortex of prejudice shall have spent itself\*.”

The adherents of ministry at this period did not hesitate to avow that the real object of the war was to overturn the new government of France; and though ministers themselves were more reserved in their language, they were not less sanguine in their hopes of being able to effect a counter revolution. Nothing was now heard from the ministerial benches but violent tirades against the Jacobin government of France, exaggerated descriptions of the internal distress of the French nation, and confident predictions of the

\* A Short History of the British Empire during the year 1794, by Francis Plowden, L. C. D. p. 33.

successful

successful issue of the war. So cheap were the armies of the French held, that a march to Paris was represented as an easy achievement. But success was chiefly looked for from the disordered state of the French finances. It was said by the ministerial orators, that the French nation was in a state of bankruptcy; that public credit was no more; that the *certain* effect of the measures adopted by the convention would be to annihilate the stock of the necessaries of life still remaining in France, and to hasten the moment when it would be impossible for the government either to subsist the people at home, or even to maintain their armies on the frontiers. Any attempt, therefore, towards a negotiation for peace was strenuously deprecated, and a vigorous and unremitting prosecution of hostilities recommended.

The arguments of these infatuated politicians, Mr. Fox said, reminded him of what he had heard in the American war. The Americans were represented as destitute of money; as making temporary exertions by means of paper, which a few halfpence might buy to the nominal amount of  
100 dollars;



100 dollars; as exercising on one another the most intolerable tyranny; on the royalists the most unheard-of cruelty; and then came what on the present occasion was the master argument, that if such principles of resistance were suffered to exist, there must be an end of all civilized government, and the monarchy of England must be trodden in the dust.—He was not then deterred from recommending what he now recommended—negociation, while negociation was practicable. He had lived to see Great Britain treat with that very congress so often vilified and abused; and the monarchy subsist in full vigour enough, certainly fuller than it had ever before subsisted since the revolution.—If it were not presumptuous for any man to reckon on his own life, he might say, that he should see Great Britain treating with those very Jacobins—and might the period be as favourable for making peace as it was then.

Mr. Fox maintained, that as much security might be obtained by treating with France, as in any case that came within experience, or was presented by theory, and it remained only to  
 prove,

prove, that if negotiation should fail, we had much to gain, and nothing to lose. We should demonstrate, he said, to all the world, that the war, on our part, was strictly defensive; and we should convince the people of England, that their money was not expended to *gratify the caprice of an individual*. In France the advantage would be still greater; in France, where enthusiasm supplied the place of military discipline and military skill—where it made the people submit to tyranny almost beyond human patience—we should diminish that enthusiasm, by shewing them, that they were engaged not in a war of defence, but a war of conquest.

Mr. Fox then entered into an examination of the conduct of the war, which he shewed had been deficient in every material point. “If,” said he, “any independence of spirit remains in this house, if there is a man in it not the sycophant of ministers, that man cannot hold up his head and say, he does not in his conscience believe that the campaign, as far as this country is concerned, has exhibited nothing but the imbecility of those who  
planned

planned it. The minister possesses great talents and great eloquence; and his having been so long in office must have considerably increased the number of his admirers; but he must pick and choose from the very lowest class of those who pay court to him, before he can find thirty persons, even at his own table, who will say that he is a war minister. They will tell us that he may do better another time; but how much British blood and treasure must be lavished, while the minister is serving his apprenticeship to this trade of war?"

A question of great constitutional importance was agitated early in the session, which exhibited the despotic and liberticide principles of Mr. Pitt and his adherents in a way more glaring and alarming than they had yet appeared. A considerable body of Hessian troops having been landed in the Isle of Wight, without the consent of parliament, Mr. Grey moved in the house of commons, "That to employ foreigners in any situation of military trust, or to bring foreign troops into this kingdom, without the consent of parliament first had and obtained, is contrary to law."

This

This incontrovertibly was the old constitutional doctrine on the subject ; but the minister and his followers maintained, that it was the king's undoubted prerogative to introduce foreign troops into his dominions in time of war ; and that in the case then before the house, nothing had been done illegal, unconstitutional, or in violation of the declaration of rights and the act of settlement.

Mr. Fox, with great strength of argument, resisted these slavish doctrines, and proved their illegality from an unanswerable series of precedents.—He entreated gentlemen to act with caution and deliberation on as momentous a question as ever arrested the attention of a British senate. It had been asserted, he said, that the foreign troops had been landed in England for the purpose of foreign service ; but he cared not what was the cause, where the consequences were fatal to the bill of rights. Subsequent events might reveal the mystery. Who could tell what might attend this unwarrantable exercise of the prerogative, if these troops were to become the instruments in the hands of a wicked prince, or of a venal

venal minister. The divine prerogatives of the crown, was a language which he did not expect to have heard during that night's debate. During the arbitrary reign of James, it was considered blasphemous to attempt defining those limits, to which he set no bounds; but now he conceived that words more suitable to the tongues of British freemen were those that defined and supported the divine rights of the commons. We were assured by his majesty's ministers, as an excuse for the landing of these troops, that they are not to remain long in the country. But this is not the question. Will the minister say, that it is legal or consistent with the spirit of the constitution? Who are to tell an army of Austrians, of Hulus, of Hanoverians, or of Hessians, that their further continuance in England was contrary to law? Was the house to wait till it was surrounded by foreign mercenaries, and then present them with a bit of parchment, or the bill of rights, to convince them that they were violating the liberties of Englishmen, and acting repugnant to our constitution? Who was to translate the contents? And when they were translated, could the minister

ter answer what deference they would pay to that bill, which had been treated with so much indifference by him and his adherents? Mr. Fox conjured the house to consider that the liberty of Europe had been destroyed by the illegal use of the mercenary arms of kings and princes. The liberties of the people, and the privileges of parliament, he pronounced at stake; and he entreated those who heard him not to desert either, through private friendship or personal interest. If there were any in that house, Mr. Fox said, who were infected by the alarms attempted to be propagated, of a party in England who wished to limit the powers of the monarchy, this was the time for them explicitly to declare themselves. He, for his part, did not believe that there was any such; for a few, and those inconsiderable men, he could not dignify with the appellation of a party. But, if there were any such, it was the duty of the house of commons to remove their suspicions, by shewing themselves the zealous guardians of the constitution; by proving that they were not governed by circumstances of personal affection; and by demonstrating, that they were as hostile to

to

to any invasion on the part of the prerogative, as to any innovation on that of the democracy. The present war might be absurd, or the contrary; but the war was not now the question. The constitution and liberty were at stake; and it was their duty to say whether they would put so formidable a weapon as a foreign army into hands which were likely to be actuated by human temptations, by human frailty, and by human ambition. —We had no invasion to fear but an invasion of the constitution, and the commons, which were its natural watchmen, ought to regard with a tenacious and jealous eye, any measures calculated to destroy the balance of power in the three estates, by any unconstitutional extension of the prerogative of the crown. When the eyes of the world were turned to the constitution of England, he implored the house not to cause their admiration to cease by defacing its noble structure.

Notwithstanding these unanswerable arguments, the previous question, which was moved by a new partizan of the minister, was carried by a majority of 184 to 35. Such was the unhappy

tone of the public mind in the house of commons, and such the blind, obsequious confidence reposed in a minister the most arrogant in his counsels and the most incapable in his actions, of any that ever directed the affairs of a free and powerful people.

Mr. Fox bore a large share in the discussions which took place in consequence of the cruel, and, in the judgment of many, illegal sentences passed on Messrs. Muir and Palmer by the Court of Justiciary of Scotland. Taking a review of the opinions delivered by the Scotch judges upon those trials, he reprobated them in the strongest terms, and clearly pointed out their falsehood, barbarity, and absurdity. "One of the lords of the justiciary," said Mr. Fox, "asserted that no man had a right to speak of the constitution unless he possessed landed property: men of personal property, though they might have immense sums in the funds, were told that they must not discuss such topics. When judges speak thus at random with levity and ignorance, what is the inference I would draw?—that the temper of the  
judge



judge is manifold from such conduct, a conduct which would have disgraced even the times of the Stuarts. Another lord, in the exercise of his judicial trust, wandered into the *Roman law*, not finding any written precedent in the laws of his country sufficiently strong to serve his purpose. Having recourse to this extra judicial authority, he at last discovered that the mildest punishment which could be inflicted on one of these unfortunate gentlemen was, *transportation for fourteen years*. The Roman law left it at his discretion to give Muir either to the *gallows*, to *wild beasts*, or to *Botany Bay*. And of the whole he had happily selected the mildest! A judge had seriously supported such unaccountable nonsense from the bench. Recollecting that *torture* had been abolished, and dreading the consequences of a surrender of the prisoner to *wild beasts* in a civilized country, he put his invention to the rack, and at last hit upon the mild punishment of *fourteen years' transportation* beyond the seas!—They send the unjustly accused and convicted to herd with the most infamous and abject criminals, and even think this punishment is too mild for the offence.

offence. Were I to live in Scotland, I would conclude my life, my liberty, and my property insecure. I would place no confidence in enjoying either."

Mr. Fox then said, "It cannot escape the recollection of some gentlemen, that, not many years ago, there were associations in this country formed exactly on the same principles that Mr. Muir and his friends had formed their associations; and it is precisely for those very offences which were committed by those very associations in England, that Mr. Muir and Mr. Palmer are now condemned to transportation for fourteen years.—But it will be said, that the French revolution has changed the nature of affairs. It may be so; but I wish never to believe that what was once meritorious, what was once fit, and what was considered as the only means of preserving the liberties of our country, can, all of a sudden, have so changed its complexion, can become so black and atrocious a crime, as to call down on the head of him, who so far reveres the constitution of England, as to wish to restore it to its primitive perfection,

perfection, the unrelenting vengeance of persecution ; while those very men, who perhaps set this fatal example, have fled into the arms of power, as into an asylum, and are now enjoying the emoluments of the highest places this kingdom knows, the wages perhaps of their apostacy. Yes, these unfortunate gentlemen have done what the chancellor of the exchequer and the duke of Richmond have done before them. They have done no more. Can the house forget the addresses of these two persons to the people ? and this, not to petition for a reform in parliament, not simply to state the abuses, and, in the manner of suppliants, to pray for redress of those abuses ; but to demand (I say demand) them as their right. As long as gentlemen shall remember the Thatched-House, and these very associations, it is impossible to forget their addresses to the people. O human folly and inconsistency ! exclaimed Mr. Fox, why are these very men now exalted to the most envied stations, while the unfortunate Muir and Palmer are doomed to waste out their days in a dreary and inhospitable climate ; the companions of outcasts and felons, of

the most degraded of the human species? And have not we, at some period or another, all of us called assemblies? Have we not all of us been guilty of crimes which might send us to Botany-Bay? Happy I am to boast, that however I may disapprove of those violent prosecutions that have been conducted in this country against individuals on charges of sedition, which when compared with the trials now before us are merciful and humane; happy am I to boast, that it is my fortune to be a subject of, and to live in England. Were I a native of Scotland, I would instantly prepare to leave that land of tyranny and of despotism. Till such infamous laws be abrogated, you may talk of justice, you may talk of juries; but all trials will be mockeries. Till these infamous laws are abrogated, the liberty of the subject is unsafe and unprotected, and Scotland, like France, is a land of despotism and oppression,

“ Till such time as there is a law to send me to Botany-Bay for avowing my sentiments, I shall think it a duty incumbent on me to condemn the actions of those in power, whenever they call forth  
the

the general execration of mankind. If England, unhappily relapsing into despotism, should ever be governed by such principles, then farewell ! a long farewell to our boasted freedom ! And sure am I that no country connected with it can ever enjoy the blessings of civil liberty."

A bill which was brought into the house of commons to enable his majesty to take into British pay, and embody Frenchmen for the purpose of serving on the continent, afforded Mr. Fox an opportunity of delivering his sentiments on the emigrants, and the mischiefs that were likely to arise from employing them against their own countrymen.—“ With respect to those unfortunate men, the emigrants,” said he, “ there is no man has more compassion for them, there is no man that feels more sincerely for their misfortunes and their situation, than I do. It is true I differ in sentiments and opinions with most of them. I disapprove of their conduct in many instances ; but if this difference of opinion was a cause of withholding sympathy and compassion, this would be a miserable world to inhabit. Difference of  
D D 4
opinion

opinion is, in my mind, one great cause of the improvement of mankind, because it leads to enquiry and discussion. It is my opinion that in politics as well as religion, toleration of opinion is wisdom ; for upon this depends all the peace, I had almost said all the virtue, and, consequently, all the happiness of the world. This humane doctrine is the great leading feature of the mild and beneficent system of christianity, and what has tended to render it such an inestimable blessing to mankind. I shall therefore by no means say any thing harsh of those men, though differing from them in sentiments ; on the contrary, it appears from their conduct, that they are sincere in their professions. But because I sympathise with these men, is it necessary that I should pledge the faith of this country for the restoration of all they have lost by the revolution, and for the total subversion and destruction of the present ruling powers in France? Such a conduct, if adopted, would, in my opinion, expose this country to great and tremendous evils. Considering the present situation of France, I look upon this war in itself as formidable to this country and to its constitution.

Whatever

Whatever may be the objects to be attained by it in the minds of other men, I cannot tell; to me, two only seem most desirable to be entertained; the first, that its duration should be as short as possible; the second, that, in its prosecution, it should be as little bloody and savage as possible. I object to the employing the emigrants as militating against those two wishes of my heart; for it will certainly tend both to prolong the war, and render it more savage, bloody, and inhuman than any war which has ever disgraced the annals of nations."

Towards the conclusion of his speech, Mr. Fox broke out into a beautiful apostrophe to humanity. "It has been said, and truly," continued the orator and friend of the human race, "that one of the most evil consequences of war is, that it tends to render the hearts of mankind callous to the feelings and sentiments of humanity. When we daily hear of the massacres of such numbers of individuals that memory cannot even recollect their names! When we contemplate the slaughters at Lyons, at Marseilles, at Bourdeaux, at  
Toulon!

Toulon ! I much fear that the effect will be injurious to the morals of Europe : the misfortunes at these, and other places, are so great, that the mind is bewildered and amazed in the magnitude and complication of the misery. I am clearly of opinion, that the human mind may be made so familiar with misery, and scenes of horror, as at last to disregard them, or at least to view them with indifference. It is difficult always to preserve the acuteness of the feelings ; and it is in my mind no small misfortune to live at a period when scenes of horror and blood are frequent. By the constant repetition of such scenes, our feelings are by degrees blunted ; and in time we become indifferent to what would at first interest us with the most amiable sympathy and distress. Humanity, on this account, has been, by the stoics, deemed a weakness in our natures, and in their opinions impeded the progress of judgment, and consequently the improvement of morals ; but my sentiments so widely differ from theirs, that I think humanity not only not a weakness, but the strongest and safest friend to virtue. No man can lament more than I do the mischief  
done



done to mankind by making the heart too familiar with misery, and rendering it at last indifferent; because, on thẽ heart and on the feelings chiefly depend our love of virtue, more than on the wisest precepts of the wisest men. This humanity is one of the most beautiful parts of the divine system of christianity, which teaches us not only to do good to mankind, but to love each other as brethren; and this all depends on the sensibility of our hearts, the greatest blessing bestowed by Providence on man, and without which he would, with the most refined and polished understanding, be no better than a savage. In my opinion, the feelings of all Europe have already suffered by the repeated horrors of France; but, with regard to their cause, I confess it is my belief, that the French have in a great measure been driven to these violent scenes of bloodshed and horror. It is with a nation as with an individual; for if an individual be placed in a situation in which he feels himself abandoned by the whole world, he finds that no one is his friend, no one is interested in his happiness or welfare, but all mankind, as it were, by general consent, his enemies, he must become

become a misanthrope and a savage, unless he possessed a mind more heroic and exalted than any we have a right to expect. Such was the situation in which France had been placed; almost all Europe united against that single people; not for the purpose of regaining any territory upon the Rhine, or restraining the strides of an ambitious monarch towards universal empire, as was the case of the combination against Louis XIV; not for the purpose of repelling an aggression, or to obtain reparation for an injury, or satisfaction for an insult, or indemnification for losses, and security for future peace, but for the open and avowed purpose of destroying a people, or compelling them to accept a form of government to be imposed upon them by force of arms; and that too, the form which, from every conjecture possible to be made, that which they most detest and abhor, their ancient monarchy. Can it be wondered at that the French, under such circumstances, are savage and ferocious? I do not say that it is the intention of the combined powers to compel them to return to their ancient form of government; it is enough that they are under the  
apprehension

apprehension of it, and that almost the whole of Europe are leagued in arms against them ; and no man can deny, that as a people, they have an equitable and moral right to resist such an attempt, and to refuse their submission to such dictation.

A right honourable gentleman (Mr. Burke) has drawn a pleasing picture of the happiness of the people of France under their monarchy, and bestowed what I consider an unmerited eulogium on that form of government. He tells us, that the French peasant then sat in happiness and security under his vine or his olive ; now, I have certainly no pretensions to any thing like profound philosophical observation on men and manners, but I have been in France when this mild and temperate monarchy was in being, and have seen some of their peasants who, far from having any thing like security for the possession of any property they might have, it was altogether at the disposal of the higher orders ; and their situation in general was, to all appearance, so replete with misery, so abject and so wretched, that they could  
not

not be objects of envy to the subjects of the most absolute despots upon earth. I know France has been called "a mitigated absolute monarchy;" but this I deny from experience, and contend, that it was most fierce and barbarous. I do not mean to compare the situation of the people of France, under their monarchy, with the situation of the people of this country, or with the situation of the inhabitants of Holland, or the United States, or the happy cantons of Switzerland; it is my intention to compare them with the inhabitants of Germany and Italy, and the other despotic governments of Europe, and to contend, that their situation was by far the most wretched and distressed of any of them. Seeing this to have been their situation, and apprehending the object of the combined powers to be to replace them in that bondage, it is not surprising that they are become furious.

"In a former debate, I heard it asked, whether if any of the emigrants employed by this country should be taken, and put to death, we were to retaliate? I heard also, in reply, a solitary, but dreadful

dreadful *yes*. (Mr. Burke said *yes*.) Dreadful are the consequences that must follow the adoption of a system of retaliation ; dreadful the situation in which these unhappy men will be placed, who must, if taken, be considered as rebels, and put to death. As to these unfortunate men, the war will be a civil war to all intents and purposes ; and every man knows that civil wars have never been distinguished for humanity.—An opinion which I am now about to state is perhaps, like many of my other opinions, singular ; it is, that war ought to be carried on as merciful as possible, without any regard to persons. I cannot find this opinion either in books, or in the practice of Europe. Let us look to our own history, and to times called good. We have had, during the present century, in this country, two rebellions ; did we then reverence this merciful maxim ? Did we consider that the treason of every man was done away by his holding a commission from a foreign power ? No ; Mr. Radcliffe offered this plea, but it did not avail him, he was put to death. If the French were to land in this kingdom, and there chanced to be any body of people

so abandoned to all sense of duty, so lost to the love of their country, so dead to their own interest and happiness, as to join them, would you pardon any of them who should produce a commission from the convention? You would not. If, therefore any of these persons are taken in the field of battle, is it to be supposed that the convention will respect the commissions granted by the king of Great Britain, or that they will afford them protection, or secure them from punishment? If you determine not to retaliate, in what a disgraceful and calamitous situation do you place those whom you employ! And if you retaliate, good God! in what horrors will Europe be involved! In whatever point of view we consider the measure, it appears highly objectionable; and, if adopted, will tend to render the war more bloody and of longer duration.

“ If we take a view of ancient history, and see how wars have been conducted, and compare them with the present, we shall then see the reason why the present war is more bloody, and more cruel, than any of those wars recorded in  
modern

modern times. In all modern wars, the contest has been, generally speaking, concerning the possession of territory; at least the loss of territory, for the most part, has determined it; each acknowledging the independence of another as a nation; and therefore the parties, like two individuals at law, did not seek to destroy each other after their difference was determined. In ancient wars, the contest was between powers seeking the destruction of each other as a nation, and the extermination of each other as a nation. It is not my wish to take from the mild effects of the christian religion, which also has tended to soften the manners of men, but the merciful manner in which modern wars have been carried on, in comparison of the ancient, has resulted chiefly from this great difference between their objects. *Delenda est Carthago*, said the Roman senate. Athens conceived it was for her interest to destroy the government of Sparta, and *vice versa*: the Macedonians were convinced of the necessity of destroying the Greeks. To these wars of the ancients, the civil wars of modern times alone afford a parallel, because their objects are also to

effect the destruction of governments; and for this reason, they are less merciful and mild than wars waged between independent sovereigns. The present contest with France may justly be termed a civil war, in the force, the acrimony, and savageness with which it is carried on, in which all Europe is involved.

“ The combined powers have declared that the government of France must be destroyed, and that declaration has rendered the French desperate and cruel. This is a system at which humanity shudders; this is a system promoted by the present bill; a system openly avowed and maintained by those who support the principles of this measure. This system has already had its effects in this country; it has rendered the people callous; some through fear, a power which deprives a man of rationality; others from indifference, which prevents a man from exerting his intellects, and benumbs his feelings. To what but this can be imputed the excessive severity of the sentences lately passed upon individuals, (Maier, Palmer, Gerald, &c.)— for having done  
 1 nothing



nothing more than an honest man, acting perhaps under the influence of a misguided judgment, might conceive his duty ; in doing nothing more than pursuing a little too closely the former steps of their present prosecutor ? To what but this can be imputed the general disinclination of the house, and lastly, its absolute refusal, to interfere with these sentences ? If any man, three years ago, had committed such an offence, and had received such a sentence, the house would have been fired with indignation, and interfered to prevent its execution. That punishment so enormous should be inflicted on gentlemen of a liberal education, and irreproachable manners, probably possessed of good hearts, and whose only crime so nearly resembled the virtues of other men, who even arrogated to themselves some merit on that head ; that such men, for a bare misdemeanor, should receive a sentence worse than death ; a sentence that has the certainty of death, without its immediate release from misery—a lingering, peevish infliction of a punishment, which, in cruelty, exceeds immediate death ; and all this for a conduct not long since deemed

meritorious. This is owing to the horrid examples of France, and arises from imordinate fear and miserable apprehension. Am I not, then, entitled to say, that this war is dangerous to the constitution of the country, since it tends so directly to extinguish, in this house, and in the people, that spirit which has hitherto guarded the constitution from the daily attacks of the executive power? Impressed so forcibly with these sentiments, I feel myself unable to withhold my opinion; not from any expectation of being able to make any very deep impression on the majority of this house; that I am well convinced would be a hopeless expectation; but because I conceive it my duty so to do, that the public may be called upon to exert their judgment.

“ There are two points more to be considered, and then I shall take my leave of the subject: first, the probable effect this system would have on the French character; and the other, the immense expense the measure might introduce in the public expediture of this country. With regard

regard to the first point, it is to be observed, that the French character is a marked one; and nothing is more prominent than an attachment to their country, which you may call patriotism or nationality, but it is the desire of having France appear great and magnanimous in the eyes of the world. Perhaps in this they have never been equalled, except by the ancient Romans. This ought to make us cautious as to what may be the result of employing any very considerable number of those men. Let us consider, that should we even succeed in placing Louis XVII on the throne, and a question of indemnity arises; perhaps these very French troops we have employed may take part against us; they may possibly have also other interests in betraying us. I do not mean to say that they will do it, but at the same time it will not be altogether discreet to hold out to them so great a temptation. But suppose we should fail in our attempts, and should be forced to return to the first objects of the war, what will then be the consequence? We shall become the sad spectators of the ruin we have roused: we shall hear these emigrants reproach us in this

manner: "*We depended on your promises, and you have deceived us; we have relied on you with confidence, and you have thus prevented us from using any endeavour to reconcile ourselves to our country.*" We shall then be forced either to cast them out to the wide world in misery and distress, or to burthen the people of this country for their maintenance; a burthen that will be more heavy and less just than that in consequence of the protection afforded the loyalists in the American war. With regard to the expense, it is impossible to say to what extent it may go; and as our resources, like all human things, have their limits, we cannot be quite sure the people will be able to bear the burthen; nor can we be sure, supposing them able, they will be long willing to do so. When so desirable an end will be accomplished God only knows; but I contend that we should endeavour to accelerate the period of peace, and to make the war as little savage and ferocious as we can. This bill, as inimical to these two very desirable objects, which are so much the wish of my heart, shall have my decided negative."

When

When the bill for the suspension of the habeas corpus act was brought forward by ministers, Mr. Fox expressed his astonishment, that it should have been thought necessary to have recourse to a measure so sudden, so violent, and so alarming, and that too upon facts which had been notorious for years.—Was it pretended, he asked, that the great body of the people were dissatisfied with the government and the constitution? No such thing! It was the boast of ministers and their adherents, that every part of the country was most strictly united in love and attachment to the constitution. But the birth-right of Englishmen was to be taken away, because some low persons, without property, and without consideration, in the country, were found to entertain opinions about a parliamentary reform that were thought to be dangerous. How long," said Mr. Fox, will it take to eradicate these opinions from the minds of these men? Is it meant to keep them all in confinement under this bill? Ministers will be forward, I suppose, to disclaim any such intention. What then do they mean to do? To suspend one of the grandest principles of the constitution

stitution of England, until there shall be found no men within the kingdom tinctured with discontents, or who cherish the design of reform. If they mean to suspend the habeas corpus act until such time, there is an end of it in this country. What do they declare by this to all mankind? That there is no period when it will be possible to restore to the country this grand and inestimable right; that the constitution of England is fit only for an Utopian society, where all men live in perfect concord, without one jarring sentiment, without one discontented feeling; but that it is utterly unfit for a world of mortal and mixed men, not fit for any state of society that ever did exist upon the face of the earth, or that is ever likely to exist. Never, never then, upon this doctrine, is it probable that we shall ever recover this most essential part of the British constitution; for it is not the will of Providence that society should be formed so perfect and unmixed, so free from all passions, as to meet the ideas upon which it is contended that the constitution of England could with safety be conferred upon them."

With

With regard to the popular societies, then the objects of so much real or pretended alarm, Mr. Fox said, " Though there are among these societies men of low and desperate fortunes, who may be ready to embrace any enterprize, however hazardous ; and though there may be others, whom, I believe, from their characters, to possess wicked intentions ; yet still this is no argument with me for throwing forth a general obloquy on measures that are in themselves harmless. To deny to the people the right of discussion, because, upon some occasion, that right has been exercised by bad or indiscreet men, is what I cannot subscribe to. The right of popular discussion is a salutary and an essential privilege of the people. We all entertain becoming respect for the executive government, that is, for the chief magistrate of the kingdom, but our respect for the king does not prevent the vigilance of parliament. In my opinion the best security for the due maintenance of the constitution is in the strict and incessant vigilance of the people over parliament itself. Meetings of the people, therefore, for the discussion of public objects, are not merely legal,  
but

but laudable ; and unless it is to be contended that there is some magic in the word *convention*, which brings with it disorder, anarchy, and ruin, I can perceive no just ground for demolishing the constitution of England, merely because it is intended to hold a meeting for the purpose of obtaining a parliamentary reform. With respect to their plan, that of universal suffrage, I never had but one opinion on the subject. I have constantly and uniformly considered universal suffrage as a wild and ridiculous idea. When my noble relation (the duke of Richmond) had one day taken pains to explain his ideas on this subject, a learned and ingenious friend of his said to him, with as much truth as wit, " My lord, I think the best part of your grace's plan is its utter impracticability." I have always been of opinion that it was utterly impracticable ; and though I cannot agree with the opinion, that rather than continue the present state of representation, I would incur all the hazards of universal suffrage, yet I am ready to say, that the measures of last year, the horrid and detestable prosecutions, the scandalous sentences that have been passed, and  
the



the scandalous way in which they have been executed, do not tend to make me wish less than heretofore for some reform, that shall protect the country against the recurrence of such abuses.— If the habeas corpus act be suspended on such slight arguments as have been advanced this night, and we are to go on step by step, as we are threatened, with the introduction of the Scotch criminal code, with the extinction perhaps of the trial by jury, and I should then be asked what is my opinion, I do not know but I should be ready to prefer any change to such a horrid situation as the country would then be reduced to. I am ready to own, that the events which have lately passed in France have made a most powerful impression on my mind. I should not do justice to myself if I did not frankly confess, that they have served to correct several opinions which I previously held; they have served also to confirm many former opinions. They have convinced my mind of the truth of an observation of Cicero, one of the most common, which is early taught in our grammars, but from which, when a boy, my heart revolted. It is this;

“ Iniquissimam

“*Iniquissimam pacem justissimo bello antefero.*”

“I had, in the ardour natural to youth, thought this a most horrid and degrading sentiment. What, give up a just and glorious cause, merely on account of the dangers, and perhaps the miseries of war! When I came to maturer years, I thought the sentiment at least doubtful; but I am now ready to confess, that the events of the French revolution have made the wisdom of the sentiment clear and manifest to my mind. I am ready to say, that I can hardly frame to myself the condition of a people in which I would not rather covet to continue, than advise them to fly to arms, and strive to seek redress through the unknown miseries of a revolution. Our own glorious revolution was happily clear of all these horrors; that of 1641 shewed a great deal of this kind of calamity; but the French revolution has exhibited the scene in its most shocking aspect. The more, however, that my heart is weaned from such experiments, the more I detest and abhor all acts on the part of any government, which tends to exasperate the people, to engender  
discontent,

discontent, to alienate their hearts, and to spirit them up to resistance and to the desire of change. The more I deprecate resistance, the more I feel bound to oppose all foolish and presumptuous acts on the part of government, by which they shew disdain for the feelings of the people, or by which they strive to keep down all complaint by inhuman severities. I am convinced that wise men, deliberately weighing the relative duties of government and people, and judging of human nature as it is, would see the wisdom of mutual concessions, would recommend incessant conciliation, and would deplore all the measures which could exasperate the minds of the people to wish for the horrors of a change. Nothing is so clear from all the history of England, as that we have never been so fortunate as when the government has conciliated the people; never so miserable, as when a wretched system of persecution has been unhappily and unwisely adopted by ministers. Persecution has never been successful in extirpating opposition to any system either religious or civil. It is not merely the divinity of christianity that has made it triumph; for other religions, certainly

certainly not divine, but which were founded in imposture, as well as a number of the wildest sects, have thriven and flourished under persecution, on account, as I believe, of that very persecution. The human mind is roused by oppression; and so far from yielding to persecution, exerts all its energies in consequence of the attacks it has to encounter. Is it believed, that if there is a party in this country, who cherish in their hearts the desire of reform, that the sentiment can be extirpated by exercising over the individuals legal severities? Impotent are the men who think that opinions can be so encountered. There are some things that are most successfully vanquished by neglect. America held out to us the true course and the wise feeling. Let us, like her, demonstrate to every man the blessings of our system. Let us make the people proud to court comparison; and strive rather to add new blessings to those they enjoy, than to abridge those they already possess."

Before the prorogation of parliament, Mr. Fox made a motion for peace, not from any expectation,

tion, he said, that the house would coincide with him in opinion, but to afford an opportunity of reviewing the situation of public affairs, and of drawing those inferences which past transactions might seem to warrant. He concluded with moving a series of resolutions, the principal of which imported, that it was the duty of his majesty's ministers to promote a pacification by every means in their power, by proposing to France equitable and moderate conditions; and above all things, by *abstaining from any interference in the internal affairs of France.*—That it was the opinion of the house, that in every possible case, it was equally desirable that his majesty should make a clear declaration of his views. If it was the intention not to interfere in the internal government of France, nothing could contribute so much to advance a negotiation with those who exercised the power of government in that country, as such a declaration solemnly and explicitly made. If, on the other hand, it was intended to interfere, it was highly essential to make the degree of interference precisely known, to induce such parts of the French nation as were dissatisfied

fied with the present government to unite and exert themselves with satisfaction and security." The previous question was carried on these resolutions by a majority of 208 to 55. Thus were the prudent and reasonable warnings of this great man neglected, and the blood and treasure of the nation lavished on a war, of which ministers were afraid or ashamed to confess the real objects.

In the ensuing session of parliament Mr. Fox continued to resist with unabated zeal the pernicious system of terror, alarm, and persecution, which at this period distinguished Mr. Pitt's domestic administration, and to expose, with the most pointed severity, the folly, imbecility, and profusion of his foreign politics. On the 24th of March 1795, he moved, in a most able and luminous speech, "That the house of commons should resolve itself into a committee, to enquire into the state of the nation." This solemn mode of enquiry ought not, he observed, ever to be resorted to but in cases of peculiar emergency, and such he esteemed the present. He had himself introduced a similar motion, in 1777, after  
the

the surrender at Saratoga; but the perils to the country were then trifling and insignificant compared with what they were at present. A general discontent was diffused through the country, from the idea that the house of commons was not the representative of the people; and what better arguments could dissatisfied people have, than to say that at such a moment the house of commons did not attempt to bring the executive government to account, or enquire into the measures which had uniformly produced such calamity and disaster? If when the public mind was evidently changed, the house should continue to repose a blind confidence in ministers, to impose new burthens on the people, not only without requiring them to negotiate, but without even demanding of them any account of the blood and treasure they had squandered, and should further resist a motion for enquiring into the use they had made of the confidence already granted them—great advantage might be given to whoever wished to disseminate disaffection.—In justification of his motion, nothing more, he thought, was necessary than to state to the house, that, after a war of

two years, we had been uniformly unsuccessful, had lost the objects for which the war was said to be undertaken, while the enemy had gained more than the wildest imaginations ever ascribed either to their ambition or their principles. An enquiry, such as was necessary, divided itself into various branches. The first object was an examination into our resources of money, of men, and of the probability of using them effectually. 1st, our resources arose from our trade, manufactures, and population. 2nd, From our allies, their will and power to serve the common cause. And 3d, The principles of the war, and our conduct in it. Upon that all eyes would be turned; and by retaining the character of moderation and justice, we could alone procure the resources of vigour, wisdom, and prudence. These are the most essential parts of our resources; for should it turn out as ministers asserted, that we had entered upon the war with vigour, and conducted ourselves with prudence and moderation; if a system of wisdom and vigour was productive of such calamities, the result would be absolute despair. An enquiry must, in this view, be favourable



able to ministers; if they had acted thus, it was manifest the cause of failure lay in the principle itself, and not in them. But if they had not acted with wisdom and vigour, it might be seen that the principle was good, though the conduct had been defective. They must, upon enquiry, either change the principle, or censure the conduct; and it was highly necessary to ascertain this essential truth.

The house of commons, Mr. Fox said, had a right to demand an enquiry into the conduct of the king of Prussia. Was he an ally? Was he a neutral? Was he an enemy? Perhaps the king of Prussia might argue, that as the war was undertaken against jacobinical principles, he rendered the greatest assistance to the allies by attacking Poland. That monarch had alledged that he could do nothing without a subsidy: we had given him 1,200,000l., and the use he made of it was to invade Poland. With respect to the emperor, we were to give him four or six millions, which ever he pleased to accept, and if he chose to withdraw in the middle of the campaign, we could

not, and had no check on his conduct. What was, however, still more material, was, that next year he would be equally unable to move without another loan; and Great Britain must sustain the whole weight of the war. Though great subsidies were also paid to the Italian princes, we scarcely heard of a movement in that country; and as to Sardinia, would its neutrality not have been as serviceable to us as the diversion it had made? Spain had lost Navarre, Biscay, and Catalonia, and must also be subsidised, or soon make peace with the enemy. All this called for enquiry. It was the duty of the house to examine whether our conduct had been such, from the commencement of the war, as entitled us to the good opinion of the virtuous and enlightened part of mankind.

Mr. Fox next proceeded to examine what was the conduct of ministers towards neutral powers. "I am one of those," said he, "who firmly believe, as much indeed as man can believe any thing, that the greatest resource a nation can possess, the surest principle of power, is strict attention to the principles of justice. I firmly believe

believe that the common proverb, of honesty being the best policy, is as applicable to nations as to individuals ; that this, which the conviction of mankind has made an axiom, is universally true. If therefore we have been deficient in justice towards other states, we have been deficient in wisdom, and have enfeebled our arm in our efforts against the enemy.—It is of infinite importance to a nation that respects its honour—that even respects its interest, which is inseparable from its honour—to gain the good opinion of surrounding nations for justice, magnanimity, and moderation. Has Great Britain done this or the reverse ? What has been your conduct to America, whom you first shamefully injured, and then servilely courted ?—To Sweden, to Denmark, to Genoa, to Tuscany, and to the Swiss Cantons ?”

Mr. Fox, after dwelling for some time on the peevish and offensive memorials presented to the different neutral courts, and passing some high compliments on the wisdom and firmness of the Danish minister, count Bernstorff, Mr. Fox insisted once more, in the strongest terms, upon the

necessity of a specific avowal of the war. Ministers, he said, should either declare the form of government in France immaterial, and that we fought to repel an unprovoked aggression, and to protect the Dutch, or, according to the idea of Mr. Burke, we should have declared that we took up arms for the restoration of the monarchy in France, and of the emigrants to their property, and the re-establishment of ancient institutions. But ministers had so shuffled and trimmed between different systems, they had dealt out their declarations and professions in such ambiguous language, that they had lost all claim and title to confidence; and, through the childish hope of embracing the incompatible advantages of these different plans, they had forfeited every benefit to be derived from the decided adoption of any one of them.

With respect to the preceding disastrous campaign, Mr. Fox said, our great and leading error was, confidence in the king of Prussia, in the Belgians, and in the Dutch. It was evident *a priori* that our confidence was ill founded, and *a posteriori*

*posteriori* it had proved to be so. We told the people of the Austrian Netherlands that we were fighting for their religion, and the people of the United Provinces, that we were fighting for their liberties; but they did not believe us. We forced the Dutch into a war, which they had no inclination to undertake. "So early as the beginning of the year 1793," said Mr. Fox, "I stated it as my opinion, that the Dutch would not demand our assistance. I was answered that they durst not demand it, but that this was no reason for our with-holding it, and that if it was offered, they would not refuse it. I replied that I believed the case to be exactly the reverse, and that if you offered your assistance, although the Dutch might not desire it, yet they durst not refuse it. All that has happened since has confirmed my opinion. While we were fighting, the Austrian Netherlands, the Dutch gave us but feeble and reluctant aid. When we were driven out of the Austrian Netherlands, and the United Provinces were to be defended, the Dutch, instead of rising in a mass to defend them, joined in welcoming the French."

Mr. Fox next adverted to the situation of Ireland, and contended that the irritated state of that country was solely to be imputed to the misconduct of his majesty's servants. If the house refused to make any enquiry into these things, they would make themselves responsible for all the calamities which might and probably would ensue. He thought highly, he said, of the eloquence, and even of the talents of the minister, as exerted in a particular line ; but he was a minister of art and plausibility merely, not of discernment, not of candour, not of generosity—in *rebus politicis, nihil simplex, nihil apertum, nihil honestum.*

In reply to an observation made by Mr. Pitt, that his conduct, if not counteracted, would tend to lower the dignity of the country, Mr. Fox indignantly said, “ I desire to know, and I ask the minister to inform me, if he can—I ask any man in this house to inform me, when it was that I endeavoured to lower the dignity of this country ? He alluded to the present war—what had been his conduct, and what did I advise this house upon that subject ? I would have offered reasonable terms

terms to France before the war commenced, and for that purpose I proposed a negotiation: he affected to disdain it. What has been the event? Will even he himself now attempt to say, that there is a chance of making so good a peace at this time as we might have had then? Does he even hope that he can ever negotiate with France in a situation less dishonourable to us than the present? I would have negotiated with them before a fight. He must negotiate after a fight, and after a defeat too, if he negotiates at all. I would have negotiated with them while we were rich in our resources, and our commerce was entire. He must negotiate when both are desperately impaired. I would have negotiated before our allies were defeated, and while they were yet supposed to be in union. He must negotiate after victory has been declared in favour of the enemy, and the allies have been deserting us, and abandoning one another.—It is with heartfelt satisfaction I reflect, that in every thing I ever proposed, I have supported the true dignity of this country; and I regard it as a circumstance of good fortune to me, that *I never gave an opinion*

*opinion by which one drop of British blood was shed, or any of its treasure squandered."* On this occasion the minority received a small accession of strength, 63 voting for Mr. Fox's motion, against 219 who resisted enquiry.

Early in the ensuing session of parliament, a bill was brought forward by Mr. Pitt, (in consequence of some outrages offered to the king in his way from St. James's to the house of lords and of some popular meetings that had been held in St. George's Fields and elsewhere,) for the prevention of seditious meetings. The uncommon severity of the provisions of this bill, and its execrable spirit, excited the lively indignation of all the friends of freedom. The object of the minister, whose conduct had rendered him justly odious to the nation at large, was to put an end to all public discussion, and free investigation of public measures. To effect this abominable design, the bill enacted that no public meeting should be held without leave previously obtained of a magistrate, who was to be present at the meeting, and was empowered, if any thing of a  
seditious



sedition appeared, to dissolve it, and any resistance to his authority was declared to be felony. By another clause of the bill, public lectures on political subjects and debating societies were prohibited, and even lectures on philosophical subjects were put under various restraints. On the first reading of the bill, November the 10th, 1795, Mr. Fox rose to express his abhorrence of its principles. He declared that the indignation he felt at the atrocious outrage offered to the king on the opening of the session, was not inferior to that of any man, but he should do injustice to his feelings were he not to avow that it was equalled by the indignation he experienced in consequence of the motion he had just heard. An attempt had been made, he said, to ground the necessity of the bill on the proceedings of the assemblies so highly reprobated by ministers, who contended that they struck at the existence of parliament itself: but if such were the real case, were not those who broached these rebellious tenets amenable to the law, and liable, on conviction, to condign punishment? There was no evidence, he affirmed, that the late outrages, though justly complained

complained of, originated in the meetings alluded to. Proclamations were no evidence; they were the fabrication of ministers, frequently to serve the worst purposes. Public discussions, on national subjects, he contended, were not only legal, but the very life's blood of the English constitution; and without them no liberty could subsist. The bill, it was said, would not prevent, but only regulate them. "But attend," said Mr. Fox, "to the regulation; I thought that I knew the rights of men, and the rights of Englishmen." [Here Mr. Fox was interrupted by cries of hear from the treasury benches.] "What," continued he, "do you suppose it a slip, and that the rights of man is a sentence without a meaning? Have men no natural rights? If so, Englishmen's rights can have no existence. But the rights of man, I say, are clear: man has natural rights, and he who denies it is ignorant of the basis of a free government: he is ignorant of the first principles of ours, for these rights are connected with the best parts of the history of our country."—The people, Mr. Fox continued, who had an unalienable right to deliberate on their grievances,  
and

and to demand redress from the legislature, were forbidden by this bill to exercise these rights without the attendance of a magistrate, and previous notice to him of their intention. He was empowered to arrest any one present, whose words he might think proper to call seditious, and even to dissolve the meeting at his own pleasure. "Say then at once," Mr. Fox exclaimed, "that a free constitution is no longer suitable to us. Conduct yourselves at once as the senators of Denmark did: lay down your freedom, and acknowledge and accept of despotism, but do not mock the understandings and the feelings of mankind, by telling the world you are free. Can a meeting under such restraints as the bill imposes and requires be called a meeting of freemen? Will the people of this country suffer their feelings to be thus insulted? Or is it possible that they can regard this measure in any other light than as a total extinction of their liberty?"

Mr. Fox hoped that the people would perceive the danger which threatened their freedom, and meet together, while it was still lawful, to consult  
in

in what manner to preserve it from the infringement designed by the bill proposed, and to express their detestation of it. Those who failed to do so, he pronounced traitors to their country ; and concluded with declaring, that if the bill was persisted in, he would move a call of the house.

The motion for leave to bring in the bill being carried by a majority of 214 to 42, Mr. Fox moved for a call of the house, which was acceded to by the minister, and fixed for the 24th of November. Mr. Fox, at the same time, declared, that if the principle of the measure were admitted by the house, he would take no part in the discussion of the detail. Accordingly on the third reading of the bill, on the 27th of November, Mr. Fox, attended by the principal members of the opposition, left the house.

But however fruitless were the efforts of Mr. Fox to awaken the house of commons to a proper sense of the blessings of liberty, and a just apprehension of the fatal designs of a corrupt and tyrannical administration, his speeches at the meeting of the  
 inhabitants

inhabitants of Westminster, and at the whig club; produced a most powerful impression on the public mind, and occasioned petitions from all parts of the kingdom to be presented to parliament against the bill, and another of a similar tendency introduced by lord Grenville. Never did his popularity run higher; never was his matchless eloquence more nobly exerted in defending and vindicating the rights of the people.

From this period, for a considerable time, Mr. Fox took very little share in the proceedings in parliament; but, on the 10th of May 1796, a few days before the close of the session, he moved an address to the king, in which the misconduct of his servants was described with unanswerable force and ability\*. Mr. Fox's motion, as usual, was  
negatived

\* This address, a lasting monument of the political wisdom of one statesman, and of the political frenzy of another, declared, "That the duty incumbent upon parliament no longer permitted them to dissemble their deliberate opinion that the distress, difficulty, and peril, to which their country is now subjected, have arisen from the misconduct of the  
king's

negated by a prodigious majority; and in a few days afterwards parliament was dissolved by proclamation.

king's ministers, and are likely to subsist and increase as long as the same principles which have hitherto guided those ministers shall continue to prevail in the councils of Great Britain. It is painful to us to remind your majesty of the situation of your dominions at the beginning of the war, and of the high degree of prosperity to which the skill and industry of your majesty's subjects had, under the safeguard of a free constitution, raised the British empire, since it can only fill your mind with the melancholy recollection of advantages wantonly rejected. Nor shall we presume to wound your majesty's benevolence, by dwelling on the fortunate consequences which might have arisen from the mediation of Great Britain between the powers then at war, which might have enforced the permanence of our prosperity, while it preserved all Europe from the calamities which it has since endured,—a mediation which this kingdom was so well fitted to carry on with vigour and dignity, by its power, its character, and the nature of its government, happily removed at an equal distance from the contending extremes of licentiousness and tyranny.—From this neutral and impartial system of policy your majesty's ministers were induced to depart by certain measures of the French government, of which they complained as injurious and hostile to  
this

clamation. "Thus happily" (to borrow the words of an historian, whom I have had occasion before to

this country. With what justice these complaints were made we are not now called on to determine, since it cannot be pretended that the measures of France were of such a nature as to preclude the possibility of an adjustment by negotiation; and it is impossible to deny that the power which shuts up the channel of accommodation must be the real aggressor in war. To reject negotiation is to determine on hostilities; and whatever may have been the nature of the points in question between us and France, we cannot but pronounce the refusal of such an authorised communication with that country as might have amicably terminated the dispute to be the true and immediate cause of the rupture which followed.

"Nor can we forbear to remark that the pretences under which your majesty's ministers then haughtily refused such authorised communication have been sufficiently exposed by their own conduct in since submitting to a similar intercourse with the same government.

"The misguided policy which thus rendered the war inevitable appears to have actuated your majesty's ministers in their determination to carry it on at all hazards. At the

to quote with applause, Mr. Belsham, a writer equally distinguished for the elegance of his language

same time we cannot but observe, that the obstinacy with which they have adhered to their desperate system is not more remarkable than their versatility in the pretexts upon which they have justified it. At one period the strength, at another the weakness of the enemy, have been urged as motives for continuing the war; the successes as well as the defeats of our allies have contributed only to prolong the contest; and hope and despair have equally served to involve us still deeper in the horrors of war, and to entail upon us an endless train of calamities.

“ After the original professed objects had been obtained by the expulsion of the French armies from the territories of Holland and the Austrian Netherlands, we find your majesty’s ministers, influenced either by arrogance or by infatuated ambition, and the vain hopes of conquests which, if realised, could never compensate to the nation for the blood and treasure by which they must be obtained, rejecting unheard the overture made by the executive council of France, at a period when circumstances were so eminently favourable to your majesty and your allies, that there is every reason to suppose that a negotiation commenced at such a juncture must have terminated in an honourable and advantageous



guage and the soundness of his political principles) " thus happily an end was put to the political

advantageous peace; to the prospects arising from such an opportunity they preferred a blind and obstinate perseverance in a war which could scarce have any remaining object but the unjustifiable purpose of imposing upon France a government disapproved of by the inhabitants of that country; and such was the infatuation of these ministers, that, far from being able to frame a wise and comprehensive system of policy, they even rejected the few advantages that belonged to their own unfortunate scheme. The general existence of a design to interpose in their internal government was too manifest not to rouse into active hostility the national zeal of that people; but their particular projects were too equivocal to attract the confidence or procure the co-operation of those Frenchmen who were disaffected to the government of their country. The nature of these plans was too clear not to provoke formidable enemies, but their extent was too ambiguous to conciliate useful friends.

" We beg leave farther to represent to your majesty, that, at subsequent periods, your ministers have suffered the most favourable opportunities to escape of obtaining an honourable and advantageous pacification. They did not avail themselves, as it was their duty to have done, of the

tical existence of this still confiding, still confounded parliament, which had so enormously, and

unbroken strength of the general confederacy which had been formed against France, for the purpose of giving effect to overtures for negotiation. They saw the secession of several powerful states from that confederacy, they suffered it to dissolve without an effort for the attainment of a general pacification. They loaded their country with the odium of having engaged in a combination charged with the most questionable and unjustifiable views, without availing themselves of that combination for procuring favourable terms of peace. That from this fatal neglect, the progress of hostilities has only served to establish the evils which might certainly have been avoided by negotiation, but which are now confirmed by the events of the war. We have felt that the unjustifiable and impracticable attempt to establish royalty in France by force has only proved fatal to its unfortunate supporters. We have seen with regret the subjugation of Holland, and the aggrandisement of the French republic; and we have to lament the alteration in the state of Europe, not only from the successes of the French, but from the formidable acquisitions of some of the allied powers on the side of Poland—acquisitions alarming from their magnitude, but still more so from the manner in which they have been made; thus fatally learning that the war has

tended

and with such blind and obstinate rashness, added to the pressure of the public burdens, and involved

tended alone to establish the very evils for the prevention of which it was avowedly undertaken.

“ On a review of so many instances of gross and flagrant misconduct, proceeding from the same pernicious principles, and directed with incorrigible obstinacy to the same mischievous ends, we deem ourselves bound, in duty to your majesty and to our constituents, to declare that we see no rational hope of redeeming the affairs of the kingdom but by the adoption of a system radically and fundamentally different from that which has produced our present calamities.

“ Unless your majesty’s ministers shall, from a real conviction of past errors, appear inclined to regulate their conduct upon such a system, we can neither give any credit to the sincerity of their professions of a wish for peace, nor repose any confidence in them for conducting a negotiation to a prosperous issue. Odious as they are to an enemy, who will still believe them secretly to cherish those unprincipled and chimerical projects which they have been compelled in public to disavow, contemptible in the eyes of all Europe for the display of insincerity which has marked their conduct, our only hopes rest on your majesty’s royal

volved the nation in a contest the most ruinous, the most unjust, and the most unnecessary, in which it had ever been engaged since the foundation of the English monarchy.”

At the general election it was soon seen that Mr. Fox's popularity had suffered no diminution

wisdom and unquestioned affection for your people, that you will be graciously pleased to adopt maxims of policy more suitable to the circumstances of the times than those by which your majesty's ministers appear to have been governed, and to direct your servants to take measures, which, by differing essentially, as well in their tendency as in the principle upon which they are founded, from those which have hitherto marked their conduct, may give their country some reasonable hope, at no very distant period, of the establishment of a peace suitable to the interests of Great Britain, and likely to preserve the tranquillity of Europe.” Mr. Belsham speaking of this incomparable address, says, “The ministers, stung and mortified to the quick, in vain attempted to clear themselves from the severe and heavy imputations contained in it—imputations which will most indubitably be ratified by the verdict of a discerning and impartial posterity.”—*Memoirs of the Reign of George III.* vol. V, p. 408.

with

with his constituents, either on account of his reprobation of the war, or his strenuous support of those sacred principles of liberty at this period so peculiarly offensive to the court, and by other persons, free from its contagious influence, dreaded on account of the scenes of anarchy and bloodshed that had occurred in France. The candidates for Westminster were the same as at the preceding election, but owing to the more agitated spirit of the times, and the necessity there appeared for independent men to shew by their votes whose conduct they approved, a much greater number of electors voted than on the former occasion, the numbers at the conclusion of the poll being for

Mr. Fox	5160
Lord Hood	4814
Mr. Horne Tooke	2819

But however strongly the public voice was declared in favour of Mr. Fox and the whig party, in Westminster and other populous places, it was soon found that the new house of commons retained a full share of the old leaven, and that what,

by an insulting mockery of terms, is called an appeal to the sense of the people, had produced no diminution of the ministerial majorities. The bulk of the nation, it was well known, anxiously desired the return of peace, and the restoration of those privileges which the fears or the malice of a treacherous and apostate administration had wrested from them; but, in the house of commons, where their voice ought to have been heard, and where their wishes ought to have been attended to, owing to the corrupt state of the representation, the minister was enabled to maintain his majorities, and to persevere, unchecked, in his mad and destructive career.

Parliament met early in the month of October 1796; and the king's speech breathing pacific sentiments, Mr. Fox congratulated the house that his majesty had at length been advised to do what it had fallen to his lot so repeatedly to advise for the last three years, namely, to open a negociation for peace; but he could not help lamenting that this measure had not been adopted before a hundred millions of money had been squandered, and  
thousands

thousands of lives been sacrificed, in this bloody and fruitless contest. He, who thought the war was originally unnecessary, and that every moment since its commencement was a proper moment for commencing a negotiation for peace, could not object to the measure which his majesty had announced he had been advised to take in the present moment.—“ I will not,” continued Mr. Fox, “ say one word about the particular and the fit time for such a measure, all times appearing to me to be equally wise and salutary for endeavouring to restore to the people the blessings of peace. Nor will I recollect, much less retaliate, the personal invectives that were thrown out against myself—that an attempt to negotiate with such a people, was to lay his majesty’s crown at their feet, and that it was a degradation to the honour and dignity of Great Britain—that to propose to open a negotiation was in fact to sue for peace, and that such conduct was neither dignified nor political. Such was the language of the last parliament, and such were the animadversions made on the advice which I then gave. I will content myself with repeating what I then said, that “ *to propose a negotiation*

*negociation is not to sue for peace.*" It is at every moment dignified and proper to strive to restore the blessings of peace; and it is certainly one thing to propose a negociation in which the terms are to be fairly and manfully discussed; and another to sue for peace. He who objects to this distinction is not animated by that feeling which ought ever to be uppermost in the mind of a statesman—an anxious desire of shortening the calamity of war, and of paving the way, by every practical means, to the restoration of the blessings of peace. He ought ever, therefore, to make it manifest in his conduct, that no career of conquest, and no reverse of fortune, could divert him from that single object—a negociation for peace in preference to any other object."

Mr. Fox praised ministers for having omitted in the king's speech phrases to which they had been so bigotted before, of the war having been undertaken "for the cause of religion, humanity, and social order." These words, he said, were calculated only to inflame and exasperate the two nations against each other, and to set the probability



bility of peace at a greater distance. He was also glad that they had not come forward with the constant and unfounded phrase, "that the war was necessary."

In reply to an insinuation in the address, that the domestic tranquillity which happily reigned in the country was owing to the two degrading, abominable, and abhorred acts, passed in the last session of the preceding parliament, Mr. Fox denied that it was in the nature of such laws to produce tranquillity. "They may, indeed," said he, "produce a forced calm, but this I consider as a real alarm. Where discussion is stifled, and men are condemned to brood in secret over the grievances which they feel, such a tranquillity is more alarming than tumult. It is a tranquillity which every man who loves freedom ought to see with pain, and every man who loves order to contemplate with terror. To the protection of the ancient constitution alone I ascribe that undisturbed tranquillity which the country has enjoyed. Let me then, Sir, be clearly understood, that I do not join in this insinuation of praise upon

upon these abominable laws, nor ascribe to them effects to which I believe them inapplicable. Much as I wish for a general approbation of the measure of endeavouring to procure peace to this country, yet, Sir, I should think it was purchased at too dear a rate, if coupled with the approbation of these abhorrent laws ; and I have thought it my duty to say so much, that my vote may not be misinterpreted into an acquiescence of that part of the address. I am one who think that the whole system of the war has been a faulty system ; that the system of domestic politics has been equally so ; I must, therefore, be of opinion, that whatever the result of the negotiations may be, it will still be the duty of the house to re-consider the general system of politics adopted of late years, and whether it be possible to go on if that system be persevered in. Peace certainly is the great object : it is preferable to any single object of policy ; but whether peace will be effectual if there be no change in domestic politics, may be a matter of doubt. That peace, however, will be beneficial, whatever may be the system pursued, I am ready to assert. If the system continue

tinue to be bad, peace will diminish the calamities of it; if it be amended, peace will augment the benefits of it.—In one case it will be a palliative, in the other it will be a remedy; in either case it cannot but be productive of good, and therefore it shall have my warmest support.”

Some estimate may be formed of the temper and materials of the representatives who composed the house of commons at this period, and of the so much vaunted constitutional principles of Mr. Pitt, from a circumstance which was disclosed on the opening of the budget, in the beginning of the month of December. It appeared that Mr. Pitt, previous to the dissolution of the preceding parliament, had advanced various sums of money to the emperor of Germany, to the amount of about 1,200,000 l., and the house of commons was now called upon to sanction with its approbation the dangerous and illegal proceeding. This scandalous and unconstitutional conduct of the minister was attacked by Mr. Fox with great severity, and became a subject of warm discussion. When the matter first transpired, Mr. Fox called upon those gentlemen,

gentlemen, who had been members of the preceding parliament, to recollect that for the last three months of that parliament, not a week had elapsed in which the minister was not called upon to declare, whether his majesty meant to grant any pecuniary assistance to the emperor.—Did the minister mean to say that he intended to give it to him, but that he thought his own authority was sufficient for that purpose; that it was superfluous to submit such a subject to parliament? Perhaps he did. He might borrow an example from his own conduct to keep the measure in countenance. It was of a piece with his advice to his majesty to continue him in office against the declared opinion of the house of commons in 1784. But now he had gone one step farther, for he had shewn to the people of Great Britain, that he thought himself a better judge than the parliament of Great Britain, to whom their money, and how much of it also, should be given:—"I wish to know," said Mr. Fox, "upon what principle it is that the minister takes this power upon himself, rather than refer it to the commons of Great Britain, to whom, and to whom only, it constitutionally

constitutionally belongs.—Did he give you any intimation of his having advanced this money before you were called together? Did he give you any intimation of it before this very night, when he comes before you with his fresh burthens on the people? Not a word! For this conduct, I say, he ought to be *impeached*.”

Mr. Fox then proceeded to observe, that the minister had that night omitted the brilliant comparison which he had so often made between the French and English finances. The French had been stated week after week, and month after month, to be not on the verge, but in the gulf of bankruptcy. He had omitted also to state that the French had, by becoming the allies of the Dutch, partaken of their sluggishness. He did not know, he said, whether the French had passed the gulf of bankruptcy. He hoped they had, for while they were in it, they were most dreadful enemies to this country.—The minister, continued Mr. Fox, year after year calculated upon the events of the war, and year after year the public had been misled by his calculations. What security

curity had the house and the public that the minister would not miscalculate in future as he had already done, so often in the course of the war. By his miscalculations he had added to the debt of the country one hundred and fifty millions, and rivers of human blood had been made to flow all over the world. The minister at length talked of peace, and he hoped in God we should soon enjoy that blessing ; but as the minister was particularly fond of his own calculations, he wished he would, some day or night, sit down in his closet, and calculate *what a sum of human happiness he had destroyed by his false calculations already ; what a waste of human life he had occasioned ;* and all this because he could not sooner discover that the French “ were not capable of maintaining the relations of peace and amity \*.”

\* Mr. Fox resumed the subject with great force and eloquence in subsequent debates, and on the 14th of December moved, “ That his majesty’s ministers having authorised and directed, at different times, without the consent, and during the sitting of parliament, the issue of various sums of money for the service of his imperial majesty, and also for the  
service

When the papers relative to lord Malmesbury's unsuccessful mission to Paris came under the consideration of the house, (Dec. 30th, 1796,) Mr. Fox, in a most splendid and luminous speech, marked with all the ingenuousness, the exalted honour, and profound political discernment which had so long distinguished the parliamentary efforts of that great and unrivalled statesman, took a view

service of the army under the prince of Condé, have acted contrary to their duty, and to the trust reposed in them, and have thereby violated the constitutional principles of this house." This motion, which in the reign of George II. would probably have been followed by another for impeaching the minister who had had the audacity to commit so flagrant a breach of the privileges of the commons, was negatived by a majority of 185 to 81, and an amendment carried in favour of Mr. Pitt; such was the venality, the blind confidence, or the deplorable want of spirit in that body of men, who, by our ancestors, were emphatically denominated *the guardians of the public purse*, but who now, with the exception of one transient gleam of sunshine that broke over their heads, and for a moment redeemed them from the public scorn, may justly be stigmatised as willing servants of corruption, zealous patrons of abuses, the steady, inflexible enemies of reform.

of the leading causes which had produced the failure of the negotiation. He commenced with observing, that it was impossible to survey the situation of the country but with the most serious and painful reflections, and feelings of the deepest regret. After a war of four years, which they had been repeatedly told had been honourable and advantageous to the British arms,—after the immense expenditure of treasure incurred—after the enormous effusion of human blood—after the incalculable additions to human wretchedness, so far were we, he said, from having gained any of the objects for which we embarked in the war, so far were we from having achieved any advantage, the minister had that night come forward in a most elaborate speech to prove, that the enemy have become more unreasonable than ever in their pretensions. If we may believe the right honourable gentleman, a war of four years, far from having produced any change of disposition in the enemy, has only served to increase the insolence of their style, and the exorbitance of their pretensions. It would have been some consolation, if, after the right honourable gentleman had stated

at



at such length, and with such an elaborate display of eloquence, the extravagance of these demands, he had suggested some means of reducing them. How often have we been told that the resources of the French nation were exhausted? But has it not been found from experience, that in proportion as the finances of the French have been acknowledged, even by themselves, to be at the lowest ebb, in the same proportion have their exertions been found wonderful and unparalleled. After the egregious failure of all his former predictions, what claim could the minister possess to the confidence of the house, in that crisis to which his measures had reduced the country?— France appeared as the conqueror of most important and extensive territories. Belgium was annexed to her empire; great part of Italy had yielded to the force of her arms, and Holland was now united to her fate by bonds of the strictest alliance. If, indeed, these acquisitions could be regained to the cause of Great Britain and her allies by magnificent boasts or pompous declamations, if the tide of victory could be turned by dexterity of debate, and the efficacy of our exer-

tions bore any proportion to the insolence of our boasting within these walls, then indeed we should not have been reduced to the necessity of negotiating for restitution, but have dictated terms of peace long ago in the heart of Paris. We were not at all deficient on the score of confident exertion, or presumptuous menace. But it was by other means, by other criterions, and by other trials, that the conduct of ministers was to be measured.

“ Weak and inconsiderable,” said Mr. Fox, “ as I am in this house, I did my utmost, previous to the commencement of this unfortunate contest, to persuade the government to send an ambassador to Paris, when undoubtedly he would not have met with the treatment which an ambassador of Great Britain is alleged to have received. But when they say that this ambassador was dismissed in a way unexampled in the history of civilized nations, they surely must have forgot the manner in which M. Chauvelin was sent from this country. At a subsequent period, when the whole of Belgium was regained, when the French were not  
1. possessed

possessed of one foot of ground in that territory, did I then neglect my duty to my country? No! I then renewed my motion for peace. This was at the period before the powers combined against France had gained the fortress of Valenciennes; but when it was certain that it must fall, I contended then it was the period to make peace. And now, I ask, if an attempt had been then made to negotiate, whether we might not have expected to obtain peace on terms equally honourable and advantageous as any we can now possibly claim? Would we have obtained a peace less favourable to the general balance of power, or less likely to be permanent in its duration than any which can be concluded under the circumstances of the present moment? Again and again have I pressed upon the house the necessity and policy of adopting measures for the restoration of peace, and again and again have my motions for that purpose been rejected. In order to shew how greatly ministers miscalculated the nature of the contest, at that former period when I argued for peace, it was said, "What, make peace before you have achieved a single conquest, and

when you are just beginning to make advances into the country of the enemy!" Such, at that time, was the style of reasoning brought forward in opposition to the argument which I urged in favour of peace. So widely were ministers then deceived with respect to the nature of the contest, so falsely did they calculate as to the turn of subsequent events. Unhappy calculation! Perverse mistake! The contest did not respect a particular branch of trade, or a limited extent of territory. The most important interests of the country were at stake. The ministers, by their calculations, were not pledging Jamaica, or any island in the West Indies. They were pledging Great Britain itself, the fate of which may in some degree be considered as dependant on the issue of this night's debate. The right honourable gentleman, formerly in talking of the nature of the contest, had made use of a memorable expression, and which could not easily be forgotten. He intimated that the nature of the contest was such, that our exertions ought to know no bounds, except so far as they were limited by our resources; and that our efforts must be extended  
to

to the utmost pitch, before we could either hope for an honourable termination of the struggle, or the secure and permanent enjoyment of peace. He expressly declared that we ought not to cease from the contest till we should be able to say,

——— *Possit quæ plurima virtus*  
*Esse fuit. Toto certatum est corpore regni.*

Mr. Fox then proceeded to animadvert upon the manner in which the negociation had been conducted, and argued that ministers had not evinced themselves sincerely disposed to cultivate the good will of the French nation. In every negociation, he said, the difficulty of coming to any definitive arrangement must be infinitely increased by the mutual prevalence of distrust between the parties. If the minister had some reason to suspect the sincerity of the French directory, had not they at least equal grounds to entertain the same doubts with respect to his views in the negociation? After every epithet of reproach had been exhausted by ministers to vilify their characters, was it to be expected that they

would readily listen to terms of peace dictated by those ministers, except they were brought into that state of necessity and submission, which precluded them from any alternative, and compelled them to an unconditional compliance with any pacific proposition that might be presented to their acceptance. Mr. Fox, after ridiculing lord Malmsbury's repeated professions of "high consideration" for the French minister, said, with cutting severity, he could not help smiling, when he recollected that lord Auckland was created a peer for no other merit, than because he had declared that the men now addressed in such respectful terms "ought to be put under the sword of the law," and because, adopting a new style of diplomacy, he had denounced them as miscreants and traitors to all Europe.

Mr. Fox, after arguing strongly on the folly of making Belgium the *sine qua non* of a pacification, with a prophetic spirit asked, "What, in the prosecution of this unhappy contest, are the people of England to look for, but terms still worse than those which might be obtained, if  
ministers

ministers entered on negotiation with sincerity? "Consider," said he, "what your disgrace will be, if you fail to recover Belgium, which you have told the world is a *sine qua non*. You say it may be recovered by force of arms. Good God! what is the probability of such an event? What are we to do? What can we do? Have you considered all the difficulties that may attend it? Are you prepared for all the hazards that may accompany it? If you are, say so at once boldly, and act like men, but do not abuse the people of this country by a delusive pretence—the shadow of a negotiation.—I know that these little tricks and artifices have had their end; they have often, much too often, been employed to cover the dexterity of a debate; and in some situations they may almost appear harmless; but these little quibbling distinctions are not adapted to the important affairs of which we are now to consider. The minister, in ordinary cases, shall be welcome on my part to his little triumph in such artifices; but these are not times to indulge him in them. He is not made for these times of difficulty. When the fate of a question, comparatively in-

different,

different, is before us, his talents are well adapted to obtain success, which, for my own part, I do not envy him ; but when the fate of empires depends upon our proceedings, we should not give way to his vanity. These are times that require openness and candour, and a determination to look at the posture of our affairs in a direct, open, and undaunted manner.”

Mr. Fox concluded with moving the following address—“ That this house had learnt, with inexpressible concern, that the negociation for the restoration of peace had been unhappily suspended. In so awful and important a crisis the commons felt it their duty to speak to his majesty with that freedom and earnestness which became men anxious to preserve the honour of the crown, and to secure the interests of the people. They deplored that, from the documents submitted to their consideration, his majesty’s ministers appear not to have been so sincere in their professions for peace as their repeated declarations had indicated. The insincerity of the overtures made for that purpose was to be inferred from their  
having



having insisted as a *sine qua non*, on the surrender of the Netherlands by France.—That this house had farther to regret that his majesty's ministers had repeatedly refused to enter into any negotiation with the French republic, upon the arrogant and insulting pretence that the government of France was not capable of maintaining the relations of peace and amity amongst nations; and on this unfounded assumption had advised his majesty to continue a war ruinous in itself, after the defection of the major part of his majesty's allies.—That this house having thus humbly submitted to his majesty the reflections which his majesty's gracious communication immediately suggests, feel themselves in duty bound, for the information of his majesty, and the satisfaction of an exhausted people, to proceed with unremitting diligence to investigate the causes which have produced our present calamities, and to offer such advice as the critical and alarming circumstances of the nation may require."—Upon a division Mr. Fox's motion was rejected by 212 to 37 voices, at so low an ebb, at this period,

were

were public virtue and common sense among the representatives of the nation.

When the order of council appeared prohibiting the bank of England to issue payments in specie, Mr. Fox again strongly urged the necessity of an enquiry into the conduct of his majesty's servants. No man, he said, had any doubts of the solvency of the bank, before the minister laid his rapacious hands upon the treasure deposited there, and converted it to the most unlawful and unconstitutional purposes. In reply to the arguments of those who defended the conduct of the minister on the ground that he was supported by vast majorities in parliament, and had invariably possessed the confidence of the house of commons, Mr. Fox said he had no doubt but many who supported the minister were actuated by honourable motives: but when he found men confide in him year after year, long after they have been told the effects which that confidence will produce, and when year after year those effects have as constantly appeared as they have been

been foretold, surely it is not very ungracious to suppose that there is at least an unfortunate obstinacy in the continuance of such a confidence. An honourable member (Mr. Wilberforce) has said that "the minister did not suppose, at the commencement, that this war would have been of so long duration; the minister mistook the matter, and therefore we ought not to judge of him too harshly." Is mistake a ground for confidence? "He has expended much more money than could be wished." Is that a ground for confidence?—Another honourable supporter of the minister admits that he has been unfortunate, but says, "misfortune is no proof of guilt." Certainly not. Then we are told "we cannot prove the guilt of the minister." How should we be able to prove it without enquiry? "Have we not repeatedly," said Mr. Fox, "asked for it, and has it not as repeatedly been refused? When I see this sort of conduct on the part of those who support the minister, must I be told I am using harsh language when I say they are actuated by corrupt motives? Do I impute corruption to all the supporters of the present minister?"

ter? I certainly do no such thing; but to many of them I do. Here I am reminded of a sentiment which was uttered by the late lord Chatham: he said, "that he had known men of great ambition for power and dominion, many whose characters were tarnished by glaring defects, some with many vices, who, nevertheless, could be prevailed upon to join in the best public measures: but that the moment he found any man who had set himself down as a candidate for a peerage, he despaired of his ever being a friend to his country."—"Look," said Mr. Fox, "at the history of the minister, and of the peerages he has given away, and then ask yourselves whether he has not gained an enormous influence in that way? Examine whether he has not disposed of more peerages than any other minister ever did in England in the same length of time, in any part of our history?—I have heard much of negative successes in the course of this war. I do not wish to be an egotist, but I think I may say, without vanity, that I have some negative merit. I have not had the misfortune to counsel this odious, this ruinous war! I have not had the  
misfortune

misfortune to lend assistance to the destruction of hundreds of thousands of my fellow beings ! I have not had the misfortune to load my country with hundreds of millions of debt ! I have not had the misfortune to set my name to a proclamation, manifesting to the world the bankruptcy of my country ! These are my negative merits, and I claim them as my due ; and the minister is welcome to despise, while I enjoy, the comfortable reflection that arises out of them."

Mr. Fox concluded with saying, enquiry was, at all events, indispensable ; for, to use the celebrated argument of Demosthenes to the Athenians, if it should appear that the deplorable situation of the country was brought on by the gross misconduct of the minister, then the people would have the consolation to reflect that their affairs might yet be retrieved ; but if, as the minister asserted, affairs had been wisely and prudently conducted, then the people could expect nothing but inevitable ruin.—On a division, 67 supported Mr. Fox's motion, against 141.

The

The distracted state of Ireland, owing to, the detestable system of politics adopted by administration, induced Mr. Fox, on the 23d of March 1797, to call the attention of the house to the situation of that unhappy country. A variety of circumstances, he said, had concurred to produce the present heats in Ireland, but he should confine his observations to two or three leading points. These were, whether, in consequence of the concessions that had been made to Ireland, she had, in fact and substance, the advantage of an independent legislature? Whether in that form of a free constitution which they had obtained, the people possessed that political weight to which they were entitled? And whether their just voice and influence had been promoted? In viewing the inhabitants of Ireland, he said, the Roman catholics were usually estimated about five sixths. It was true that considerable concessions had been made in their favour, and several of their grievances removed; but the question, in point of fact, was, whether these concessions had tended to remove dissatisfaction, and to conciliate attachment?"—It was a matter, he was afraid, of  
too

too obvious notoriety, that a regular system had been devised for enslaving Ireland. A systematic plan of corruption upon principle, was followed up by a suitable system of measures. It was asserted, and offered to be proved in the Irish parliament, that it had been the system of government, by the sale of peerages, to raise a purse to purchase the representation, or rather the misrepresentation of the people of Ireland. It was offered to be proved, that one half, or even a majority of the house of commons, were creatures of the crown. The manner in which these matters were considered by the people in Ireland was this. "You have granted us," say they, "an independent legislature, independent certainly of your legislature, but dependent certainly upon your executive government." The concession, therefore, they viewed not as a blessing, but as a mockery and an insult.

With regard to the demands of the catholics, Mr. Fox said, "I know an opinion has gone forth, that the catholics have now no substantial grievances to complain of; and that the presbyterians

have still less. It is said that the catholics have had ceded to them all the privileges of the most importance: that they can vote for members of parliament, and that they are not distinguished from the protestants but by being excluded from the high offices of state, and from being members of parliament. If this were all, I should still say that they have a right to all the privileges possessed by the protestants. Upon what principles ought they to be excluded? On what grounds of justice? Sir, on no grounds of justice; the only reason, therefore, must be a reason of policy, which is sufficient proof of a hostile mind against them; but let us consider it in other points of view. Is it nothing to have no share in the government, and to be excluded from the higher offices in the state? It is invidiously objected by the government, that it is not civil liberty which the catholics want, but power and emolument. To this I would answer for the catholics, yes; nor is it any discredit that they should be actuated by such desire. I would say that civil liberty could have no security without political power. To ask for civil liberty without political power, would



would be to act like weak men, and to ask for the possession of a right for the enjoyment of which they could have no security. I know that distinctions have been made between civil and political liberty, and that it is possible for whole classes, whole casts and descriptions of men, to enjoy the one without possessing the other. Still, however, I assert, that it can only be by sufferance. The catholics may justly say, therefore, that it is not this nor that concession that will satisfy us, but give us that which alone can give us security for its continuance. It is objected also that the catholics are not merely ambitious of power, but actuated by views of private emolument. But if this be true, is it improper that the catholics, contributing so largely to the support of government, should be desirous to share the emolument which it bestows, as a compensation for what they sacrifice? The compensation indeed is trifling, but still, should they in point of right be excluded from their proportion? Yet, how strongly will their claim be felt, when it is considered who are the disputants? Are the catholics to be told by a few monopolizing politicians,

what should we lose by it? Would Ireland be less useful to Great Britain? What is she now? Little more than a diversion for the enemy. If you keep Ireland by force now, what must you do in all future wars? You must in the first place secure her from insurrection. I will therefore adopt an Irish expression, and say, that you can only govern Ireland, by letting her have her own way.—The consequences of a war with Ireland were dreadful to contemplate; public horrors would be so increased by the laceration of private feelings, as to spread universal misery through both countries; the connection was so intimate, that no rupture could happen without wounding the most tender friendships and the most sacred ties. Rigour has already been attempted; let conciliation and concession be tried before the last appeal is hazarded. My wish, said Mr. Fox, is, that the whole people of Ireland should enjoy the same principles, the same system, the same operation of government, and all classes have an equal chance of emolument.” Mr. Fox concluded with moving an address to his majesty, “that he would be pleased to take into consideration the  
 disturbed

disturbed state of Ireland, and to adopt such healing and lenient measures as might appear best calculated to restore tranquillity, and to conciliate the affections of all descriptions of his majesty's subjects in that kingdom."

The motion was opposed by Mr. Pitt, as tending to infringe on the legislative independence of Ireland. He thought concession unnecessary, and that the admission of catholics into parliament would endanger the existence of the established church. As long as French principles were abroad in the world, he would strenuously oppose any alteration in the present constitution of parliament, and therefore the motion should have his decided negative.

Mr. Fox in a most masterly reply, lamented that he found it was the determination of government to persevere in a system that must be attended with incalculable mischiefs. He, however, had performed his duty.—“ I have been a long time,” said this great statesman, “ deprecating

coercive measures. I deprecated the adoption of them against America in 1774. In 1793, I deprecated their being employed against France; and now I deprecate the same system being followed with Ireland. Though my advice has not hitherto been followed, it is some consolation to me individually that it was not withheld; and whatever consequence may result from what is now pursuing towards Ireland, I shall not have to reproach myself with not having remonstrated against it. All these measures of coercion flow from the same source. War has been preferred to negotiation, and force to conciliation, because, in this age of philosophy, instead of regulating our plans by a mild and enlightened policy, we have acted upon the maxims of barbarism. I shall now conclude with quoting the words of an ancient orator, (Cicero,) which I recommend to the serious consideration of every person to whom is assigned the important task of legislation:—  
 “Carum esse civibus, bene de republica mereri, laudari, coli, diligi, gloriosum est; metui vero, et in odio esse, invidiosum, detestabile, imbecillum, caducum.”—

caducum."—On a division of the house the numbers for Mr. Fox's motion were 84, against it 220\*.

Mr.

\* About this time a petition was presented to the king, from the city of Westminster, praying the removal of his ministers. From circumstances that transpired at the meeting where it was agreed to, and from the language of the petition, there is every reason to suppose that Mr. Fox was the author of it.—It commenced by stating the incontrovertible facts, "that in the four years' prosecution of the war ministers had squandered upwards of 130 millions of money, and had imposed taxes to the amount of six millions and a half annually." The petition then proceeded in the following terms.—"We humbly represent to your majesty, that in the hands of those ministers nothing has succeeded. Instead of restoring monarchy in France, they have been compelled to recognize the republic there established, and to offer terms of peace to it. Instead of dismembering the territories of that republic, they have suffered it to add to them the Netherlands, Holland, and great part of Italy and Germany; and even part of these kingdoms, which the fleets of that republic have insulted, has only been preserved from the calamities of invasion by the accidents of the season.—In their negotiation for peace they have been  
equally

Mr. Fox, wearied out with unavailing opposition, determined at length to retire, in a great degree,

equally unsuccessful. It was to be expected. When they asked for peace, they were abject, but not sincere; they acknowledged their impotence, but not their errors. They discovered the most hostile dispositions towards France at the very time they proved their utter inability to contend with her.—When they wanted to obtain our consent to the war, they assured us that it was necessary for the safety of our commerce. At this moment most of the ports of Europe are shut against us; goods to an immense amount are lying on the hands of our merchants, and the manufacturing poor are starving by thousands.—They assured us that the war was necessary for the preservation of property and public credit. They have rendered every man's property subject to an order of the privy council, and the bank of England has stopped payment.—They assured us that the war was necessary for the preservation of the constitution. They have destroyed its best part, which is its liberty, by oppressive restrictions upon the right of petitioning, and upon the freedom of the press; by prosecuting innocent men under false pretences; by sending money to foreign princes without the consent of parliament; while, by erecting barracks throughout the kingdom, they give us reason to suspect their intention of finally subjecting the people to military despotism.—

degree, from the fatigues and the chagrins of a constant attendance in the house of commons. He announced this resolution in a speech he made (May 26, 1797,) on Mr. Grey's motion for a parliamentary reform, which he earnestly recommended to the adoption of the house. In the conclusion of his speech he observed, that power had been indefatigable and unwearied in its encroachments; every thing had run in that direction through the whole course of the present reign. This was the opinion of sir George Saville,

ism.—They assured us that the war was necessary for the preservation of the unity of our empire. But they have so conducted themselves, and are still so conducting themselves in Ireland, as to alienate the affections of that brave, loyal, but oppressed and persecuted nation, and to expose the most flourishing of its provinces to all the horrors of lawless military violence.—These are no common errors; they are great crimes, and of these crimes; before God and our country, we accuse your ministers.—They have tarnished the national honour and glory; they have oppressed the poor with almost intolerable burthens; they have poisoned the intercourse of private life; they have given a fatal blow to public credit; they have divided the empire, and they have subverted the constitution.”

of

of the marquis of Rockingham, and of all the virtuous men who, in their public life, proved themselves to be the advocates of the rights of the people. They saw and deplored the tendency of the court ; they saw that there was a determined spirit in the secret advisers of the crown to advance its power, and to encourage no administration that should not bend to that pursuit. Accordingly, through the whole reign, no administration who cherished notions of a different kind had been permitted to last, and nothing, therefore, or next to nothing, had been gained to the side of the people, but every thing to the crown, in the course of the reign. During the whole period we had no more than three administrations, one for twelve months, one for nine, and one for three months, that acted upon the popular principles of the early part of the century ; nothing, therefore, had been gained to the people, while the current had steadily run towards the crown. "I believe," said Mr. Fox, "that we are come to the last moment of possible remedy. I believe that at the present moment the disaffected are few ; but if we go on with our convention-bill  
and



and acts of exasperation of all kinds, the few will soon become the many, and we shall have to pay a severe retribution for all our present pride. What a noble lord (Hawkesbury) said some time ago of France, may be applicable to this very subject. "What," said he, "shall we degrade ourselves by going to Paris, and there asking in humble diplomatic language, to be on a good understanding with them?" Gentlemen will remember these lofty words, and yet we have come to this humiliation; we have negotiated with France, and I should not be surprised to see the noble lord himself going to Paris, not indeed at the head of his regiment, but on a diplomatic commission to those very regicides, to pray to be on a good understanding with them \*. Shall we, then, be blind to the lessons which the events of the world exhibit to our view? Pride, obstinacy, and insult, must end in concessions, and those concessions must be humble in proportion to our unbecoming pride. Now is the moment to pre-

\* It need scarcely be noticed that this prediction was afterwards almost literally verified.

vent all these degradations ; the monarchy, the aristocracy, the people may yet be saved ; it is only necessary, at this moment, to conquer our own passions. Let those ministers, whose evil genius has brought us to our present condition, retire from the posts to which they are unequal. I do not hesitate to declare, that the present administration neither can nor ought to remain in place ; let them retire from his majesty's councils, and then let us, with an earnest desire of recovering the country, pursue a moderate scheme of reform, under the auspices of men who are likely to conciliate the opinion of the people.—I do not speak this, sir, from personal ambition. A new administration ought to be formed ; but I have no desire, no wish, of making a part of any such administration ; and I am sure that such an arrangement is feasible, and that it is capable of being accomplished without me. My first and chief desire is to see this great end effected ; I have no desire to be the person, or one of the persons to do it ; but though my wish is for retirement, I shall always be ready to give my free and firm support to any administration that shall  
restore

restore to the country its violated rights, and re-establish its strength upon the basis of free representation \*."

### Soon

\* Among other excellent constitutional doctrines laid down in this speech, the question how far representatives ought to be bound by the instructions of their constituents, was most ably argued. Mr. Fox admitted, that having to legislate for the empire, representatives ought not to be altogether guided by instructions that might be dictated by local interests. "But I cannot," said he, "approve of the ungracious manner in which I sometimes hear expressions of contempt for the opinion of constituents; they are made with a very bad grace in the first session of a septennial parliament, particularly if they should come from individuals, who in the concluding session of a former parliament did not scruple to court the favour of the very same constituents, by declaring that they voted against their conscience in compliance with their desire, as was the case with an honourable alderman (Curtis) of the city of London. But there is one class of constituents, whose instructions it is considered as the implicit duty of members to obey. When gentlemen represent populous towns and cities, then it is disputable whether they ought to obey the voice of their constituents, or follow the dictates of their own conscience; but if they represent

Soon after Mr. Fox had an audience of the king, and with great magnanimity imparted to his  
majesty

represent a noble lord, or a noble duke, then it becomes no longer a question of doubt ; he is not considered as a man of honour who does not implicitly obey the orders of his single constituent. He is to have no conscience, no liberty, no discretion of his own ; he is sent here by my lord this, or the duke of that, and if he does not obey the instructions he receives, he is not considered as a man of honour. Such is the mode of reasoning that prevails in this house. Is this fair ? Is there any reciprocity in this conduct ? Is a gentleman to be permitted, without dishonour, to act in opposition to the sentiments of the city of London, or of the city of Westminster, or of Bristol ? But if he dares to disagree with the duke or lord, or baronet, whose representative he is, then he is to be considered as unfit for the society of gentlemen ?—This is the chicane of tyranny and corruption ! and this at the same time is called representation. In a very great degree the county members are held in the same state of thralldom. A number of peers possess an overweening influence in a county, and a gentleman is no longer permitted to hold his situation than as he acts agreeably to the dictates of those powerful families.—Let us see how the whole of this stream of corruption has been diverted from the side of the people to that of the crown ;—with what a  
constant,

majesty his readiness to retire to private life, that he might not be considered as any impediment to a change in his councils : at the same time he informed his constituents, that if his conduct, in with-holding his attention from parliament, was displeasing to them, he was ready at any time to give them an opportunity of choosing another representative, by vacating his seat. The good sense of the electors of Westminster, however, and their steady attachment to Mr. Fox, prevailed over all the artifices which were used at this period to alienate them from him, and never was his popularity higher. His birth-day, on the 24th of

constant, persevering art, every man who is possessed of influence in counties, corporations, or boroughs, that will yield to the solicitations of the court, is drawn over to that phalanx which is opposed to the small remnant of popular election ! I have looked to the machinations of the present minister in that way, and I find that including the number of additional titles, the right honourable gentleman has made no fewer than one hundred and fifteen peers, in the course of his administration. How many of these are to be ascribed to national services, and how many to parliamentary interest, I leave to the house to inquire."

January 1798, was celebrated at the Crown and Anchor tavern, upwards of two thousand persons, many of them of the first distinction, attending to do honour to the occasion. At this meeting a circumstance occurred, which in a very particular manner excited the resentment of the court. The duke of Norfolk, a nobleman not more esteemed for his high rank and illustrious descent, than for his love of liberty and munificent patronage of the useful arts, who presided on the occasion, gave, among other toasts commemorative of the principles of the great man whose anniversary they were met to celebrate, "*The majesty of the people.*" This sentiment, however, proved so offensive at St. James's, that in a few days the duke of Norfolk was dismissed both from the command of his regiment of militia, which he had trained with great assiduity, devoting his whole pay as commanding officer to improve the comforts and appearance of his corps, and likewise from the lord-lieutenancy of one of the ridings of Yorkshire. At the next meeting of the whig club, Mr. Fox presided, and having most ably vindicated the duke of Norfolk, repeated the obnoxious toast.

For

For this assertion of the principles which seated the house of Brunswick on the throne, but which in this unhappy reign have been held in abhorrence, his majesty, by the advice of his ministers, on the 9th of May 1798, ordered the council book to be laid before him, and struck out the name of Mr. Fox from the list of privy counselors. Whether this proceeding was more disgraceful to the great statesman whom it was meant to affect, or to those puerile statesmen who advised it, requires no stretch of political sagacity to determine. Mr. Fox's name needed no titles of honour to give it lustre: no titles of honour, no marks of distinction, could redeem his odious opponents, whose wretched counsels had rendered the present reign an almost perpetual spectacle of blood and horror, of corruption, extortion, disgrace and calamity, from the hatred and just execration of an oppressed and insulted people.

Mr. Fox, though he ceased now regularly to attend parliament, sometimes, in compliance with the wishes of his constituents, attended for the

purpose of opposing particular measures which appeared injurious to their interests. In this way he opposed the bill for tripling the assessed taxes, and that for laying a tax upon income; and also, at the request of those who were friends to the abolition of the slave trade, he attended in his place, and delivered a most eloquent speech in favour of that measure. Alluding to some of the gentlemen who belonged to the society for the suppression of vice, who were supposed not to be very friendly to the abolition, Mr. Fox expressed his astonishment how they could hold forth an uncommon austerity of manners, in trifling and insignificant circumstances, and at the same time neglect humanity and benevolence, the true vital spirit of christianity.—Was there a man in that house who could seriously and gravely think that he could serve his country by voting for a continuance of the slave trade, and that he could shew his piety to the world, by taking care not to be at the opera after twelve o'clock on Saturday night, or to be seen travelling on Sundays?

When



When the present head of the French government announced his accession to the chief consulship, and, in his celebrated letter to the king, expressed his strong desire that a negotiation should be opened, Mr. Fox, considering it as a new era in the war, again attended in the house of commons, and most earnestly entreated the minister not to slight the pacific disposition of the enemy; nor at the end of seven years of the most calamitous contest ever known, again amuse the house with notions of finance, and calculations of the exhausted resources of the enemy, as a ground of confidence. After having gone on from year to year with such assurances, could we still be deluded with the hope, he asked, that we had the same prospect of success on the same identical ground? And without any other security, were we to be invited to carry it on, at this era of the war, upon principles which, if adopted, would make it eternal.

Mr. Fox lamented, with every genuine friend of peace, the harsh and unaccommodating language which ministers had used in their reply to the  
K K 3
pacific

peaceful communication of the French government. Such conduct had ever been reprobated by diplomatic men of ability and candour.—After proving that the French had not been so blameable in the commencement of the war as ministers were desirous to shew, Mr. Fox next proceeded to consider that part of their arguments which represented the war—such was the hypocrisy or fanaticism of this detestable administration—as a religious war. If he understood, he said, the true precepts of the christian religion, as set forth in the New Testament, there was no rule or doctrine whatever by which we could be justified in waging a war for religion : the idea was subversive of the very foundation upon which it stood—“ peace and good-will amongst men.” Yet this sacred name had been too often grossly used as the pretext for the most unprincipled wars. The conduct of the French, he admitted, was not justifiable towards foreign nations ; but ministers, in their eagerness to throw odium upon them, had made an indiscriminate catalogue of the nations they had offended without investigating the sources of their several quarrels, or enquiring into

into the provocations they had received. However culpable the French might have been, was this a moment to dwell upon their enormities, or to waste our time and inflame our passions by criminating or recriminating upon each other?— If this war of reproach and invective, said Mr. Fox, was to be countenanced, might not the French complain, with equal reason, of the outrages and horrors committed by the powers opposed to them? And if we were not to treat with the republic on account of the iniquity of their former transactions, ought we to connect ourselves with other nations equally criminal? If it was necessary to be thus rigid in scrutinizing the conduct of an enemy, ought we not to be equally careful in committing ourselves to an ally who had manifested the same want of respect for the rights of other nations? If it was material to know the character of an enemy with whom we were to treat for peace, surely it was more material to know that of allies whom we were to pay for assistance, and with whom we were to enter into the closest bond of friendship. What had been the conduct of these allies to Poland? Was there

K K 4

there

there a single atrocity of the French in Italy, in Switzerland, in Egypt, more inhuman than that of Austria, Prussia, and Russia towards Poland? What had there ever been worse in *their* violation of solemn treaties, in the plunder and devastation of unoffending countries, in the horrors and massacres perpetrated upon the subdued victims of their rage in any district they had over-run? What could have been worse than the conduct of these three great powers in the miserable and devoted kingdom of Poland? Yet these all were or had been our allies in this war for religion, social order, and the rights of nations! But, it might be said, we regretted the partition—Yes! and united ourselves to the actors; in fact, by acquiescence confirmed their atrocities!—But then, said Mr. Fox, they were our allies; and though they divided Poland, there was nothing perhaps in the *manner* of doing this which stamped it with peculiar infamy. The hero of Poland (general Suwarrow) might be merciful and mild, as much superior, as it was said, to Bonaparte in bravery, and in the discipline which he maintained, as in virtue and humanity. He was ani-

1

mated

mated too, it was said, by the purest principles of christianity, and restrained in his career by the benevolent precepts which it inculcates. Let unfortunate Warsaw and the miserable inhabitants of Praga speak! What were the deeds of this magnanimous hero with whom Bonaparte is not to be compared? He entered Praga, the most populous suburb of Warsaw, and there let his soldiery loose on the unarmed and unresisting people: men, women, and children, nay even infants at the breast, were doomed to one indiscriminate massacre. And why? because they dared to join in a wish to meliorate their condition as a people, and to improve their constitution, which had been confessed by their own sovereign to be in want of amendment. Such was the hero upon whom the cause of religion and social order was to depend; whom we were to praise for his discipline and virtue, and to hold out as our boast and dependence, whilst the conduct of Bonaparte was represented to unfit him to be treated with even as an enemy\*.

Are

\* To those who cannot see, in passing events, the Providence

Are we for ever to deprive ourselves of the benefits of peace, continued Mr. Fox, because France has perpetrated acts of injustice? With the knowledge of these acts of injustice we had already treated with them twice, and yet the minister refused to enter into a negotiation now. But he then treated with them, he said, "because the unequivocal sense of the people of England was declared in favour of peace." The majority in parliament spoke a different language. Was

vidence of God in the moral governance of the world, the punishment which Austria and Prussia has lately undergone, and the humiliation of Russia, will afford no instruction: but, for my own part, I am not ashamed to confess what I feel—that I perceive in the recent events in Poland the manifest interposition of Divine Providence, for the chastisement of injustice, treachery, and cruelty. What, at the time Mr. Fox's speech was delivered, (January 28th, 1800,) could scarcely be supposed within the verge of probability, has occurred. The victorious chief of the French nation, like Suwarrow, has entered Warsaw as a conqueror. Let the inhabitants of that city decide upon the humanity of the two commanders! If any of the inhabitants of Ismael survive the sword, let them, in the name of justice, be confronted with the burghers of Vienna and Berlin!"

it

it then acknowledged that the unequivocal sense of the people *might be spoken by the minority*, and that it was not by the test of numbers that an honest decision was to be ascertained? The house of commons decided against, what the minister knew to be the sense of the country; but he himself acted upon that sense against the vote of parliament. The negociation went off (as we were informed) upon the question of Belgium; but he now asserted it was because the French advanced principles incompatible with all negociation. Why did he not acquaint the people of England that this was the reason? Why, on the contrary, did he publish a manifesto, immediately on the rupture, declaring, "that whenever the enemy should be disposed to pacification, nothing should be wanting on our part to the accomplishment of this desirable object?"—The house, Mr. Fox said, were called upon that night to support the ministers in rejecting a frank, candid, and respectful offer of negociation, and to countenance the continuance of the war. But if, instead of this question, they had been asked to address his majesty with thanks for accepting the  
overture

overture for opening a negotiation, would not the gentlemen on the opposite side have voted as cordially for such an address? He appealed to their consciences whether they would not have upheld an address directly the reverse. Alas! how was the character of that house of commons degraded, which, after supporting the minister in his negotiation of 1796 and 1797, and in his *solid system of finance*, would again vote with him, notwithstanding their inward conviction that he was wrong, in the same measures, or bring themselves to join him in any measures, however opposite to the former? But Bonaparte, it was said, had declared to the directory that the two governments of Great Britain and France could not exist together. Had not Mr. Pitt declared the same thing in that house? If we were to bring up all the idle speeches of the French, and they were to repeat ours, there would be no end to these reciprocations of animosity; and we might proceed for ever in shedding blood about words. Our own history was replete with instances of the ill-consequences of despising proffered occasions to make peace. At Ryswick we accepted the



the terms we had refused five years before; and the same peace which was concluded at Utrecht might have been obtained at Gertruydenburg. The peace of 1768 was not accompanied with securities, and it was no sooner made, than the French, as usual, began with their intrigues. What security did the right honourable gentleman himself exact in 1783? It was well known that soon after they formed a plan, in conjunction with the Dutch, to attack our Indian possessions, exciting the natives against us, and driving us out, as they were desirous of doing now; only with this difference, that the then cabinet of France entered into the project in a moment of profound peace, and when they imagined us to be lulled in perfect security.—It was the interest of France, to make peace; if it continued her interest, said Mr. Fox, she would keep it; and if not, break it again. Such was the state of nations, and the only security on our part was vigilance.

Adverting next to the arguments which had been advanced to shew the probability that the power of Bonaparte might be of no long duration,

tion, Mr. Fox observed that much had been said of the short-lived nature of military despotism; yet such was the government erected by Augustus Cæsar, which endured for six or seven hundred years. Indeed it was too likely, where-ever it was established, to be durable; nor was it true that it depended upon the life of the first usurper. Half the Roman emperors were murdered, yet the tyranny continued. What difference would it make in the quality of the military establishment of France, or in our relation to that country, if Bonaparte were removed? That the house should express such abhorrence of this frame of government was somewhat singular, when it had so recently affirmed it to be the system peculiarly suited to the exercise of free opinion, and which had been so happily established over Ireland. The persons and the property of that people were left in many districts to the entire will of military commanders; and this was held out as advantageous to the Irish, at the time when they were to discuss, with unbiassed judgments, the most interesting question of a legislative union. Notwithstanding the existence of martial law, so far

far from thinking Ireland enslaved by it, we had pronounced it the best period, and the most favourable circumstance, under which she could declare her opinion. Those who spoke thus of military despotism in Ireland, had little reason to rail at it in France. The minister thought that the change of property in France would not form an insurmountable barrier to the return of the ancient proprietors, property being so much depreciated that the purchasers would easily be brought to restore the estates. But surely this was improbable: it was the character of every such convulsion as that which had ravaged France, that an indescribable load of misery was inflicted on private families, and the heart sickened at the recital of their sorrows. Revolutions did not imply, though they might occasion, a total alteration of property; but the re-establishment of the Bourbons did imply it—and this was the great difference. If the noble families of France had foreseen the duration and extent of the evils which were to fall upon their heads, there is no doubt but they would have taken a very different line of conduct. But unfortunately they fled their country; the king

king and his advisers sought foreign aid; a confederacy was formed to restore them by military force; and as means of resisting this combination, the estates of the fugitives were confiscated and sold. However compassion might deplore the case, it was not a thing unprecedented; the people had always resorted to such means of defence. Now the point was, how was this property to be got out of their hands? The purchasers of national and forfeited estates were said to amount to 15,000,000 persons: what possible hope could there be of compelling so large a number to deliver up their property?—Louis the XVIIIth, said Mr. Fox, published a manifesto at Mittau, assuring his friends that he was about to come back with all the powers that formerly belonged to his family. He did not promise them a constitution which might conciliate their minds; but stated his intention of restoring the ancient regime, to which they naturally attached a bastille, lettres de cachet, gabelle, &c. &c. The noblesse, for whom this proclamation was made, would naturally expect, if the monarch was to be restored to his privileges, that they were to be reinstated

in

in their estates, without any compensation to those they considered as usurpers. Was this likely to induce the people to wish for the restoration of monarchy? There might be a number of Chouans in France, and others dispersed in certain provinces in France, who retained an attachment to royalty; but if Bonaparte should attempt some similar arrangement to that of Henry IV, when he quelled the insurrection of the Hugonots, and conciliated that party by granting them important privileges, and raising them to high posts in the government—should Bonaparte, continued Mr. Fox, pursue this conduct, who dare pretend to say, he would not succeed? The French would not be likely to forget the revocation of the edict of Nantes, one of the memorable acts of the house of Bourbon;—an act never surpassed in impolicy, in injustice and atrocity, by any thing which had disgraced jacobinism.

A successful campaign led us to cherish the hope of now placing this *most worthy* family upon the throne; but this was not the first campaign, he reminded the house, which had been success-

ful, and yet our endeavours were unaccomplished. The situation of the allies, with all they had obtained, was not comparable at this time to what it was when we had taken Valenciennes, Quesnoy, and Condé : we had now only recovered a part of what we had lost. One campaign was successful to us, another to the French ; and thus, animated by the passions of revenge, hatred, and rancour, we might proceed from year to year, prolonging human misery ; and all this upon speculation. We are told, we must keep Bonaparte some time longer at war, as a state of probation. We must pause till the bowels of Great Britain be torn out, her best blood spilt, her treasures wasted, till we had fully made the experiment ! “ Oh ! ” exclaimed the indignant orator, “ that ministers would place themselves in the field of battle, and there learn to judge of the horrors which they prolonged. ”—Was this the system calculated to establish justice, to restore humanity, to endear religion ? May the Supreme Being deliver us from it ! and enlighten our understandings, that we may no longer consider war as the natural state of man, and peace as a dangerous extremity !

Mr.

Mr. Fox concluded a most brilliant and masterly speech with observing that the people of England were friends to peace, although by the laws lately made to restrain the expression of their wish, public opinion could not be heard as heretofore. It was afflicting, he said, to see the strides of arbitrary power, whereby liberty of every kind, both of speech and writing, was abridged, and to observe in Ireland the rapid approaches to that military despotism, which was now made an argument against peace with France.—But, however irresistible the arguments of Mr. Fox, on a division of the house, they were found to have made but little impression on that body, 260 members supporting the war-breathing address of the minister, against 64 who had the honesty and boldness to recommend peace.

After this ineffectual attempt to impress the house of commons with his own wise, moderate, and pacific sentiments, finding the current of ministerial influence, in spite of all the experience of their imbecility and folly, too strong to be successfully combated, Mr. Fox again retired to

the enjoyment of private life, and did not return to parliament till after Mr. Pitt's dismissal from office, and the appointment of Mr. Addington to fill his place, in the beginning of the year 1801. He attended, on the 25th of March, to support a motion made by Mr. Grey, for an enquiry into the state of the nation, and condemned in severe terms the treacherous conduct of the late minister in relation to the catholics of Ireland. The catholics had been told, he said, that the union would favour their claims; but what had been the right honourable gentleman's conduct? If resistance made in another quarter to these claims had induced him to resign, could he not as a private member have brought forward a motion in the house which he could not while in the cabinet? It was surely a reflexion upon parliament to say, as he had said, that he could not there propose a measure which he approved. For his own part, he must repeat that he strenuously believed in the original rights of man: he believed that all legitimate governments were founded not only in fact, but in consequence, upon principles of liberty; and that no government was

adequate



adequate to its true end which did not recognize them. Catholics had rights as well as protestants, and no man should be deprived of his rights because he worshipped God according to the dictates of his own conscience. Mr. Fox then proceeded to consider the state of Ireland, and reprobated the introduction of martial law into that kingdom. The mass of a people, he said, could never be disaffected without great blame being due to the government. Conduct which had produced such havoc, conflagration, and horror of every description, as that in Ireland, was the criminal cause of it. The recall of earl Fitzwilliam had been attended with the most fatal consequences; for then it was that the rebels began their correspondence with France, despairing of any mild conciliatory government at home. He represented the state of our relations with foreign powers, the decay of our manufactures, and the miseries of our labourers, many of whom were unable to supply themselves with the necessaries of life, as all loudly calling for enquiry. With regard to the change of administration, he hoped it would prove a fortunate occurrence; but if the new

ministers, as some apprehended, were only puppets directed by those who had quitted their stations; and if they adopted the system of their predecessors, with the additional blame of being hostile to the catholic claims—acting in this point from their own motives—they would be unworthy confidence\*.

In

\* The untimely and lamented death of the duke of Bedford, who had long lived in habits of the greatest attachment and cordiality with Mr. Fox, and uniformly supported the principles of that illustrious statesman, both in the house of peers and elsewhere, occasioned him, on the 16th of March 1803, to deliver one of the most beautiful and pathetic orations to the memory of his departed friend, that is to be found in the compass of the English or any other language. Fortunately for the world, this speech, so worthy of the heart and understanding of him by whom it was delivered, so worthy of the exalted and patriotic nobleman to whom it was applied, has been transmitted to us by Mr. Fox himself, and is, it is believed, the only one of his speeches that he ever took the trouble of preparing for the press. It is as follows :

“ If

In the various discussions that took place relative to the preliminaries of peace signed on the

1st

“ If the sad event which has recently occurred were only a private misfortune, however heavy, I should feel the impropriety of obtruding upon the house the feelings of private friendship, and would have sought some other opportunity of expressing those sentiments of gratitude and affection, which must ever be due from me to the memory of the excellent person whose loss gives occasion to the sort of motion of course, which I am about to make to the house. It is because I consider the death of the duke of Bedford as a great public calamity ; because the public itself seems so to consider it ; because, not in this town only, but in every part of the kingdom, the impression made by it seems to be the strongest, and most universal, that ever appeared upon the loss of a subject ; it is for these reasons that I presume to hope for the indulgence of the house, if I deviate, in some degree, from the common course, and introduce my motion in a manner which I must confess to be unusual on similar occasions. At the same time, I trust, sir, that I shall not be suspected of any intention to abuse the indulgence which I ask, by dwelling, with the fondness of friendship, upon the various excellencies of the character to which I have alluded, much less by entering into a history of the several events of his life, which might serve to illustrate it. There

1st of October 1801, and to the ill-fated definitive treaty subsequently concluded at Amiens, Mr. Fox warmly

was something in that character so peculiar and striking, and the just admiration which his virtues commanded was such, that to expatiate upon them in any detail is as unnecessary as upon this occasion it would be improper. That he has been much lamented, and generally, cannot be wondered at, for surely there never was a more just occasion of public sorrow. To lose such a man!—at such a time!—so unexpectedly!—The particular stage of his life too in which we lost him, must add to every feeling of regret, and make the disappointment more severe and poignant to all thinking minds. Had he fallen at an earlier period, the public, to whom he could then (comparatively speaking at least) be but little known, would rather have compassionated and consoled with the feelings of his friends and relations, than have been themselves very severely afflicted by the loss. It would have been suggested, and even we who were the most partial must have admitted, that the expectations raised by the dawn are not always realised in the meridian of life. If the fatal event had been postponed, the calamity might have been alleviated by the consideration, that mankind could not have looked forward for any length of time to the exercise of his virtues and talents. But he was snatched away at a moment when society might have been expected to be long

warmly commended the conduct of ministers for having put an end to the war, and very strenuously

long benefited by his benevolence, his energy, and his wisdom; when we had obtained a full certainty that the progress of his life would be more than answerable to the brightest hopes conceived from its outset; and when it might have been reasonably hoped, that, after having accomplished all the good of which it was capable, he would have descended not immaturally into the tomb. He had, on the one hand, lived long enough to have his character fully confirmed and established, while, on the other, what remained of life seemed, according to all human expectations, to afford ample space and scope for the exercise of the virtues of which that character was composed. The tree was old enough to enable us to ascertain the quality of the fruit which it would bear, and, at the same time, young enough to promise many years of produce. The high rank and splendid fortune of the great man of whom I am speaking, though not circumstances which in themselves either can or ought to conciliate the regard and esteem of rational minds, are yet in so far considerable as an elevated situation, by making him who is placed in it more powerful and conspicuous, causes his virtues or vices to be more useful or injurious to society. In this case, the rank and wealth of the person are to be attended to in another, and a very different

ously defended the terms on which peace had been obtained. He could not, he said, style the peace  
a glorious

different point of view. To appreciate his merits justly, we must consider, not only the advantages, but the disadvantages, connected with such circumstances. The dangers attending prosperity in general, and high situations in particular; the corrupting influence of flattery, to which men in such situations are more peculiarly exposed, have been the theme of moralists in all ages, and in all nations; but how are these dangers increased with respect to him who succeeds in his childhood to the first rank and fortune in a kingdom such as this; and who, having lost his parents, is never approached by any being who is not represented to him as in some degree his inferior! Unless blessed with a heart uncommonly susceptible and disposed to virtue, how should he, who has scarcely ever seen an equal, have a common feeling, and a just sympathy, for the rest of mankind, who seem to have been formed rather *for* him, and as instruments of his gratification, than together *with* him for the general purposes of nature? Justly has the Roman satirist remarked,

Rarus enim fermè sensus communis in illa  
Fortuna.——

This

a glorious one, for such a peace could only be the result of a glorious war; but he thought it safe  
and

This was precisely the case of the duke of Bedford, nor do I know that his education was perfectly exempt from the defects usually belonging to such situations; but Virtue found her own way, and on the very side where the danger was the greatest, was her triumph most complete. From the blame of selfishness no man was ever so eminently free. No man put his own gratification so low, that of others so high, in his estimation. To contribute to the welfare of his fellow citizens was the constant unremitting pursuit of his life, by his example and his beneficence to render them better, wiser, and happier. He truly loved the public; but not only the public, according to the usual acceptation of the word; not merely the body corporate (if I may so express myself) which bears that name, but man in his individual capacity, all who came within his notice, and deserved his protection, were objects of his generous concern. From his station the sphere of his acquaintance was larger than that of most other men; yet in this extended circle, few, very few, could be counted to whom he had not found some occasion to be serviceable. To be useful, whether to the public at large, whether to his relations and nearer friends, or even to any individual of his species, was the ruling passion of his life.

“ He

and honourable. If we could have had a better without the risk of continuing the war, ministers  
 were

“He died, it is true, in a state of celibacy ; but if they may be called a man’s children whose concerns are as dear to him as his own—to protect whom from evil is the daily object of his care—to promote whose welfare he exerts every faculty of which he is possessed : if such, I say, are to be esteemed our children, no man had ever a more numerous family than the duke of Bedford.

“Private friendships are not, I own, a fit topic for this house, or any public assembly ; but it is difficult for any one who had the honour and happiness to be his friend, not to advert (when speaking of such a man) to his conduct and behaviour in that interesting character. In his friendship, not only was he disinterested and sincere, but in him were to be found united all the characteristic excellencies which have ever distinguished the men most renowned for that most amiable of all virtues. Some are warm, but volatile and inconstant ; he was warm too, but steady and unchangeable. Never once was he known to violate any of the duties of that sacred relation. Where his attachment was placed, there it remained, or rather there it grew ; for it may be more truly said of this man than of any other that ever existed, that if he loved you at the beginning of the year, and you did  
 did



were unquestionably censurable ; but he thought this could not be shewn. He was much gratified,  
 he

did nothing to forfeit his esteem, he would love you still more at the end of it. Such was the uniformly progressive state of his affections, no less than of his virtue and his wisdom.

“ It has happened to many, and he was certainly one of the number, to grow wiser as they advanced in years. Some have even improved in virtue, but it has generally been in that class of virtue only which consists in resisting the allurements of vice, and too often have these advantages been counterbalanced by the loss, or at least the diminution, of that openness of heart, that warmth of feeling, that readiness of sympathy, that generosity of spirit, which have been reckoned among the characteristic attributes of youth. In this case it was far otherwise ; endued by nature with an unexampled firmness of character, he could bring his mind to a more complete state of discipline than any man I ever knew. But he had, at the same time, such a comprehensive and just view of all moral questions, that he well knew to distinguish between those inclinations, which, if indulged, must be pernicious, and the feelings which, if cultivated, might prove beneficial to mankind. All bad propensities, therefore, if any such he had, he completely conquered and suppressed,

he said, to hear that liberal system of policy laid down, "that it was not what we had gained which  
made

pressed, while, on the other hand, no man ever studied the trade by which he was to get his bread—the profession by which he hoped to rise to wealth and honour—nor even the higher arts of poetry or eloquence, in pursuit of a fancied immortality, with more zeal and ardour than this excellent person cultivated the noble art of doing good to his fellow-creatures. In this pursuit, above all others, diligence is sure of success, and accordingly it would be difficult to find an example of any other man to whom so many individuals are indebted for happiness or comfort, or to whom the public at large owe more essential obligation.

"So far was he from slackening or growing cold in these generous pursuits, that the only danger was, lest, notwithstanding his admirable good sense, and that remarkable soberness of character, which distinguished him, his munificence might, if he had lived, have engaged him in expenses to which even his princely fortune would have been found inadequate. Thus the only circumstance like a failing in this great character was, that, while indulging his darling passion for making himself useful to others, he might be too regardless of future consequences to himself and family. The love of utility was indeed his darling, his ruling passion. Even  
in

made our treaty so much the better, nor what we had not gained that made it so much the worse ;”

in his recreations (and he was by no means naturally averse to such as were suitable to his station in life,) no less than in his graver hours, he so much loved to keep this grand object in view, that he seemed, by degrees, to grow weary of every amusement which was not, in some degree, connected with it. Agriculture he judged rightly to be the most useful of all sciences, and, more particularly, in the present state of affairs he conceived it to be the department in which his services to his country might be most beneficial. To agriculture, therefore, he principally applied himself, nor can it be doubted but with his great capacity, activity, and energy, he must have attained his object, and made himself eminently useful in that most important branch of political economy. Of the particular degree of his merit in this respect, how much the public is already indebted to him—how much benefit it may still expect to derive from the effects of his unwearied diligence and splendid example, is a question upon which many members of this house can form a much more accurate judgment than I can pretend to do. But of his motives to these exertions I am competent to judge, and can affirm, without a doubt, that it was the same which actuated him throughout—an ardent desire to employ his faculties in the way, whatever it might be, in which he could  
 most

worse ;" we had gained Trinidad and Ceylon, both valuable acquisitions; we had not gained the Cape  
of

most contribute to the good of his country, and the general interests of mankind.

"With regard to his politics, I feel a great unwillingness to be wholly silent on the subject; and at the same time much difficulty in treating it with propriety, when I consider to whom I am addressing myself. I am sensible that those principles upon which in any other place I should not hesitate to pronounce an unqualified eulogium, may be thought by some, perhaps by the majority of this house, rather to stand in need of apology and exculpation, than to form a proper subject for panegyric.—But even in this view I may be allowed to offer a few words in favour of my departed friend. I believe few, if any of us are so infatuated with the extreme notions of philosophy as not to feel a partial veneration for the principles, some leaning even to the prejudices of the ancestors, especially if they were of any note, from whom we are respectively descended. Such biasses are always, as I suspect, favourable to the cause of patriotism and public virtue; I am sure, at least, that in Athens and Rome they were so considered. No man had ever less of family pride, in the bad sense, than the duke of Bedford; but he had a great and just respect for his ancestors. Now  
if

of Good Hope, and he was not one of those who regretted it, as, from its destination, we should have

if upon the principle to which I have alluded, it was in Rome thought excusable in one of the Claudij to have, in conformity with the general manners of their race, something too much of an aristocratical pride and haughtiness, surely in this country it is not unpardonable in a Russell to be zealously attached to the rights of the subject, and peculiarly tenacious of the popular parts of our constitution. It is excusable at least, in one who numbers among his ancestors the great earl of Bedford, the patron of Pym, and the friend of Hampden, to be an enthusiastic lover of liberty; nor is it to be wondered at if a descendant of lord Russell should feel more than common horror for arbitrary power, and a quick, perhaps even a jealous discernment of any approach or tendency in the system of government to that dreaded evil. But whatever may be our differences in regard to principles, I trust there is no member of this house who is not liberal enough to do justice to upright conduct even in a political adversary. Whatever therefore may be thought of those principles to which I have alluded, the political conduct of my much-lamented friend must be allowed by all to have been manly, consistent, and sincere.

“ It now remains for me to touch upon the last melancholy

have all the benefits of that possession without the expense. A noble lord (Hawkesbury) had regarded

choly scene in which this excellent man was to be exhibited, and to all those who admire his character, let it be some consolation that his exit was in every respect conformable to his past life. I have already noticed that prosperity could not corrupt him. He had now to undergo a trial of an opposite nature. But in every instance he was alike true to his character, and in moments of extreme bodily pain and approaching dissolution, when it might be expected that a man's every feeling would be concentrated in his personal sufferings—his every thought occupied by the awful event impending—even in these moments he put by all selfish considerations; kindness to his friends was the sentiment still uppermost in his mind, and he employed himself, to the last hour of his life, in making the most considerate arrangements for the happiness and comfort of those who were to survive him. While in the enjoyment of prosperity, he had learned and practised all those milder virtues which adversity alone is supposed capable of teaching; and in the hour of pain and approaching death, he had that calmness and serenity which are thought to belong exclusively to health of body and a mind at ease.

“ If I have taken an unusual, and possibly an irregular,  
course

garded any acquisitions in the Mediterranean as subordinate and secondary objects to Ceylon and  
Trinidad ;

course upon this extraordinary occasion, I am confident the house will pardon me. They will forgive something, no doubt, to the warmth of private friendship—to sentiments of gratitude, which I must feel, and, whenever I have an opportunity, must express, to the latest hour of my life. But the consideration of public utility, to which I have so much adverted as the ruling principle in the mind of my friend, will weigh far more with them. They will in their wisdom acknowledge, that to celebrate and perpetuate the memory of great and meritorious individuals is in effect an essential service to the community. It was not therefore for the purpose of performing the pious office of friendship, by fondly strewing flowers upon his tomb, that I have drawn your attention to the character of the duke of Bedford: the motive that actuates me is one more suitable to what were his views. It is, that this great character may be strongly impressed upon the minds of all who hear me—that they may see it—that they may feel it—that they may discourse of it in their domestic circles—that they may speak of it to their children, and hold it up to the imitation of posterity. If he could now be sensible to what passes here below, sure I am, that nothing could give him so much satisfaction as to find that we are endeavouring to make his memory and example, as he took care his life should be—useful to mankind.

Trinidad; and, considering the subject in a commercial point of view, had said, that the Dutch, without possessing Minorca, had carried on the principal part of the Levant trade; but it was not in this light that he contemplated the question. He was truly desirous of peace, and hoped it might be lasting, yet he could not divest himself of the apprehension, that there might again be

“ I will conclude, with applying to the present occasion a beautiful passage from the speech of a very young orator\*. It may be thought, perhaps, to savour too much of the sanguine views of youth, to stand the test of a rigid philosophical enquiry; but it is at least cheering and consolatory, and that in this instance it may be exemplified, is, I am confident, the sincere wish of every man who hears me. “ Crime,” says he, “ is a curse only to the period in which it is successful; but virtue, whether fortunate or otherwise, blesses not only its own age, but remotest posterity, and is as beneficial by its example as by its immediate effects.”

---

\* Essay on the Progressive Improvements of Mankind; an oration delivered in the chapel of Trinity college, Cambridge, December 17, 1798, by the Honourable William Lamb.



wars between the two countries, and in such an event, Malta would be a more important possession than either Ceylon or Trinidad. But the question was, could we, by any pressure of war, prevail on France to cede to us Malta or the Cape? By an attack on her colonies? No, for that had already been done. By an attack on the European territories of France? Absurd to imagine it! By exhausting her finances? Oh no!

Mr. Fox, after praising the conduct of administration in not following the example of their predecessors, and deluding the people by senseless assertions of the French being on the verge of bankruptcy, said that they had adopted a wiser mode: they well knew that by insisting on Malta or the Cape, they must have concluded the peace on less dignified terms, or must have continued the war. That we might have gone on with the contest he would not pretend to deny, for he was not ignorant of the resources of the country; but these resources (it had been justly remarked) ought to be reserved for the defence of our honour and independence.

On the question whether the terms of peace were preferable to a continuance of the war, Mr. Fox entered largely into the evils attendant upon it : we had seen, he said, the poor depending upon alms ; we had seen the mass of the people living upon charity ; all levelled by the most dangerous equality, an equality of claims to be fed ; claims changing the nature of charity into necessity. The miser felt it his indispensable duty to give, as well as the humane ; and the industrious and the idle, the honest and the dissolute, endured hunger, and were alike to be sustained ; for whatever preference we might feel in relieving the former, we could not suffer the latter to perish. This evil had been produced by the war, and the events of the last three months proved it : we had had a most abundant harvest, and though it reduced the price of grain, and in some, though not in so great a degree, of other provisions, they began to rise again ; but when the news of peace arrived, the fall was more rapid and considerable than it had been from the period of harvest to that event. Could any one doubt, after considering this effect, whether it were better for the poor to be fed, that we should possess the Cape or Malta ?

There

There were persons, Mr. Fox said, who lamented the peace as glorious to France. If it were so, and not inglorious to England, it gave him no concern; the opinions of men depended in a great measure upon their conceptions of the causes of the war. If one of its objects was the restoration of the accursed despotism of France, to him it was another recommendation of the peace that it had been obtained without the accomplishment of such an object. He should ever retain his former sentiments, that on our side the war began, and was carried on against the freedom and independence of France. France, indeed, had been the first to *declare* war, but this, he contended, did not prove her the aggressor. We refused to hear an authorised negociator sent to treat with us; we took no steps to procure reparation, or disavowal of acts alledged against us; and a nation which refuses to hear what another has to propose must be considered as inimical. The pretended grounds on our part were the navigation of the Scheldt, the decree of the 19th of November, and other acts of the French government; but Mr. Fox confessed that

he himself understood the real object to be the restoration of the house of Bourbon; not that it was the *sine qua non*; but he contended that ministers avowed it with confidence, prosecuted it with perseverance, and relinquished it with reluctance. It was now said, that not having been able to obtain the first, they had contented themselves with the second best object of the war; but who could have thought that this second best object, this succedaneum, was Ceylon and Trinidad? That ministers who had held forth such pompous design, would ever have admitted the acquisition of an island in the east or west to be that *indemnity for the past*, and that *security for the future*, for which they had so long, so obstinately, and so fatally persisted in the prosecution of hostilities.

Mr. Fox could by no means agree as to the propriety of the time in which the treaty was made; in his opinion it came many, many years too late. He would put it to the house whether at the time the opposition was most railed against for advising pacific measures, we could not have  
made

made peace on terms equally advantageous with the present? Would not France, on the breaking out of the war, said he, have acceded to any terms? Would she not have relinquished Holland, and perhaps abandoned her designs on the Netherlands? But since that eventful period, could we not have negotiated better very often? For instance, after the surrender of Valenciennes? Again at Lisle, when we only failed from the extravagant pretensions of administration. In January 1800, when the chief consul made a direct overture, and we returned answer that the most effectual mode of facilitating peace would be to restore the Bourbons, not indeed as the only means, but it was left to the French to suggest any other. Did we then hint at the cession of Ceylon or Trinidad? Would not Bonaparte have ceded these? We might then have had Egypt by the treaty of El Arish: the gallant Abercromby, indeed, would not have fallen, covered with laurels in the lap of victory, nor would our brave troops have acquired immortal honour, but we should have gained Egypt without the waste of blood and treasure. At that time the instability  
of

of the French government was argued as a reason for refusing to negotiate ; but neither its stability nor its instability were of any real consequence, none of the convulsions and changes of the French revolution having produced any material difference in her relations with foreign powers. —We were then told by ministers to pause, and we did pause from January 1800 to October 1801, and since our insolent reply to the overture of the first consul, had added 73 millions to our national debt. This pause cost five times as much as all the duke of Marlborough's campaigns.

The experience of the first coalition, Mr. Fox said, should have deterred Mr. Pitt from attempting any other ; and as to the principles and power of France, which were represented as so dreadful, he confessed he had little apprehension of the principles, of the power much. He was sensible, and he lamented as much as any man, the weight and preponderance which France had acquired on the continent ; but this was an effect, not of the peace, but of the war ; and the right honourable gentleman had proved himself the greatest curse  
of

of his country by his inveterate hostility, which produced nothing else than the aggrandizement of France. How did we come to our present situation, said Mr. Fox, but by maintaining a war upon grounds originally unjust? This it was that had excited on the part of the enemy a spirit of proud independence, that had inspired them with resistless vigour, and with a zeal and patriotism which no opposition could check, and no attack could subdue.

With respect to the future, Mr. Fox thought the interest of the country would be best consulted by moderate establishments; and that it was by commercial pursuits we should endeavour to compensate for the aggrandizement of our ancient rival. He was not sanguine enough, he said, to calculate on seven years of peace, but he hoped the new state of affairs in France would turn the disposition of her people to a mind less hostile to England.—The trade of France, it had been said with truth, had been nearly annihilated; but the accounts from the interior of that country did not represent her in so deplorable a state as some gentlemen

tiemen were willing to suppose ; and it was not to be overlooked that the revolution had removed many of those internal grievances, under which she had groaned during the old government. It had abolished the corvees, a most vexatious tax ; the feudalities, the odious and unjust immunities of the rich from the payment of taxes, and the privileges of the nobility, by which he did not mean those privileges which placed them as a barrier between the crown and the people, but those which enabled them to oppress and tyrannize over the lower orders of their fellow creatures. In a word, Mr. Fox thought that France had made those reforms which we had done two centuries ago.—Mr. Fox concluded his speech with some observations on the situation of Ireland, and expressed his ardent wishes that the blessings of the constitution might be restored to that unhappy country.

On the dissolution of parliament towards the end of June 1802, it was the wish of Mr. Fox to have retired from public life, but the zeal and importunity of his friends prevailed on him not to  
withdraw



withdraw his vast talents from the service of the nation ; and he published the following forcible address to the electors of Westminster, severely characteristic of the political degeneracy and unblushing subserviency of the late house of commons.

“ To the Independent Electors of the City of Westminster.

“ Gentlemen,

“ Having for some years utterly despaired of rendering any useful service to you or the country, by a regular attendance in the house of commons, I should not have presumed, upon the present occasion, to offer myself to represent you in parliament, if I were not informed by many respectable persons among you, that by so doing I shall best consult the peace and independence of constituents to whom I am under greater obligations than any other man ever owed to persons in a similar relation.

“ In

“ In consequence of this information, and in compliance with the desire with which it was accompanied, I once more offer myself as a candidate for your favour, and request the honour of your votes and support at the ensuing election.

“ At the same time it is fair to state that I see not the smallest reason to expect that the character of the next parliament will be at all different from the last, and that if I find myself in like circumstances, my conduct will be the same.

“ To expatiate upon those measures of the late house of commons, which have fixed in me so ill an opinion of public affairs, or even to point them out one by one, would far exceed the necessary limits of an address of this nature ; suffice it to say, that according to the judgment which I formed of that assembly, the principles of national policy, liberty, humanity, and justice were to them as nothing—the will and pleasure of the crown every thing. No tax, however unjust in its principle, or tyrannical in its execution, did they ever refuse. No enquiry, however disastrous or disgraceful

graceful the occasion, did they ever institute. No proposed suspension or surrender of the liberty of the subject seemed to cause among them the slightest hesitation; and if it happened that, in consequence of such measures, the liberty, character, and means of livelihood of individuals were sacrificed to the alledged exigencies of government, not compensation to the sufferers, but indemnity to those who inflicted the suffering, was the first object of their concern. Private misery excited no compassion; torture itself raised no indignation.

“ That our general situation is much improved by the peace, I was among the first to admit; and the disposition manifested by the first consul and government of France, to preserve the good understanding between the two nations, a disposition which, I own, appears to be met by a correspondent desire on the part of our present ministers, has every day more confirmed me in my opinion. But it is not to the late parliament that we are, in any degree, indebted for that blessing. If the king's servants had peremptorily refused that very  
peace

peace which has spread such universal joy through every part of the country—if they had rejected those very terms which have been approved by a majority almost unexampled (on such an occasion) in the annals of parliament, is it a calumny upon the late house of commons to say, that the conduct of the ministry would, in that case, have been equally sanctioned by their decided approbation.

“ When, therefore, my motives are considered, I trust that even such among you as may have disapproved of my abstaining from a regular attendance in parliament will not very severely condemn me ; and, if I feel any anxiety for your suffrages upon the present occasion, it is not for the sake of sitting in parliament, but as a proof that the city of Westminster continues to me that kindness and esteem which it has been the object of my life to deserve, and my happiness so long to have enjoyed.

“ I am, gentlemen, your most obliged and

“ Obedient humble servant,

“ CHARLES JAMES FOX.”

“ St. Anne's Hill, July 1, 1802.

A slight contest ensued at the election, owing to the folly or presumption of an obscure individual of the name of Graham, who, without pretensions of any sort, thought proper to declare himself a candidate. In a few days, however, his cause appearing hopeless, he had the discretion to decline the contest, and Mr. Fox and the court candidate were declared duly elected. The numbers who voted for this election were

Mr. Fox	2673
Lord Gardner	2434
Mr. Graham	1691

Soon after this period Mr. Fox set out on a tour to Paris. In the course of his journey through the interior of France; he was received every where with the profound respect so eminently due to his talents and his virtues; and on his presentation to the first consul, that person twice addressed him in terms the most flattering and engaging. If the news-paper reports of what passed at the first interview between these two wonderful men, the one the greatest military leader that the world ever saw, the other un-

equalled for his political attainments and eloquence, and endowed with all the virtues of the heart, he correct, the first consul accosted him with saying, "There are in the world but two nations; the one inhabits the east, the other the west. The English, French, Germans, Italians, &c. under the same civil code, having the same manners, the same habits, and almost the same religion, are all members of the same family; and the men who wish to light up again the flames of war among them, wish for civil war. Those principles, sir, were developed in your speeches, with an energy that does as much honour to your head as to your heart." From the same authorities it appears that Mr. Fox dined with the first consul on the same day, and held a long and interesting conversation with him on the subject of the freedom of the British press, which Mr. Fox defended with his usual candour and spirit, and maintained the necessity of its continuance as long as England continued a free nation.

The chief object of Mr. Fox's journey to Paris was to consult the public archives for materials  
towards

towards a history of the revolution of 1688, the composition of which amused his leisure hours in his retirement from parliamentary business. The French government afforded every facility to his researches, and Mr. Fox, in a letter addressed to the editor of the Monthly Magazine, (March 1804,) mentions, that in the archives of the secretary of state's office, Barillon's and d'Avaux's correspondence afforded him much very useful and curious matter: but that the Stuart papers, formerly belonging to the Scotch college, were irrecoverably lost.—What progress Mr. Fox had made in his projected history, at the time of his decease, I have not the means of determining, but, I fear, from the nature of the work, and the variety of evidence to be examined, and of authorities to be collated, that much progress could not have been made in it.—It is a matter, however, of much satisfaction to reflect, that his papers, in whatever state they may be, are in the hands of a noble person in every way qualified to do justice to the memory of his illustrious relative; and I indulge the hope, which must be common to every friend of freedom, that some interesting

N N 2

remains,

remains, be they only fragments, of the pen of so distinguished an advocate and lover of freedom, may yet be made public for our advantage and that of posterity.

Mr. Fox returned to England to attend the opening of parliament in November 1803. The speech from the throne declared, that his majesty was actuated by a sincere disposition for the maintenance of peace, but various circumstances indicated that his majesty's servants were by no means actuated by a disposition as sincere. The press, under their immediate influence, groaned with invectives against the French government, and the minor orators of their party, in both houses of parliament, lost no opportunity of vilifying the character of the chief of the French nation. Instead of endeavouring to allay national animosities, these orators and writers laboured incessantly to kindle anew the flames of national resentment; and the ministers of the crown, if they did not secretly encourage, at least connived at this war of newspapers and vapid declamation.

Mr.



Mr. Fox, in his speech at the opening of the session, took a most luminous view of the state of European politics, and in the strongest terms deprecated the renewal of hostilities. The continuance of peace, he said, was infinitely desirable: he felt its importance in the strongest manner. But adverse as he was to the renewal of hostilities, he did not mean to assert that no circumstances might have followed the peace, which might justify ministers in refusing to comply with its provisions. He would avow an opinion for which he had not unfrequently been exposed to ridicule, that he considered the preservation of national honour to be almost the only legitimate cause of war. This doctrine he held on the plain principle, that honour is directly and inseparably connected with self-defence. If it could be proved to him that the national honour had been insulted, or the national dignity disgraced, this would be a fair and legitimate cause of recommencing hostilities.—In the circumstances of Europe, he saw no ground of war as far as this country was concerned. It was his conviction that there was on the part of the French government, and of

the French people, a strong desire to restore their commerce to new activity, and their manufactures to new life; and this, he believed, was the field in which, if any contest was to be carried on betwixt the two countries, they wished the dispute to be conducted. Mr. Fox said, he lamented as much as any man could do the immense aggrandizements of France; but repeated his former assertion, that "France had been made great by the war, and not by the peace." A good deal had been said about the disposition of the people in this country being in favour of a renewal of the war. But this arose, he affirmed, from the coalition of some newspapers, which affected to hold out this as the real disposition of the people. They might wish to gratify spleen, or to increase their circulation by contriving something to excite the curiosity of their readers; but if the publishers of newspapers were to be the means of plunging the nation again into a destructive contest, it would be the most base and ignoble cause in which a people were ever engaged. But we were also told, that a most considerable body in this country, the commercial interest,

terest, were strongly actuated with a desire that the war should be renewed. To this representation he was not disposed to give his assent. If, however, the fact were as represented, if human beings were to perish to gratify any passion of our nature, he would rather that their blood should flow to gratify a romantic passion like that of Alexander, than to fill the coffers of a cold calculating body of unfeeling merchants.—When there is not a single power ready to second our efforts, let us not, said Mr. Fox, by a rash step forfeit those blessings which are indispensably and eternally connected with a state of peace.—He did not say he was for peace on any terms, or purchased by any submissions; but he recommended peace as most consonant to the true honour and to the true interests of the nation.

In another of his speeches at this eventful crisis, Mr. Fox recommended the avoidance of those unmanly and illiberal libels, which both in and out of parliament were too frequently levelled at the French government. He declined supporting expensive establishments, because he was

of opinion paying off fifty millions of the national debt would strike more terror into our enemies than to maintain fifty thousand seamen. A few years of peace and moderate establishment would enable us to throw off a considerable part of that debt, which in war was called the best ally of France; while peace would equally tend to fortify us in Ireland, a point where it was evident we now were vulnerable. He remarked that the strength of England and France were different; their offensive and defensive systems were different. The credit of this country was the main spring of its greatness and of its wealth. In England, the destruction of credit, though it might not be attended with the loss of the independence of the country,—for we might still possess men and arms,—yet would spread infinite misery over the land. He was, therefore, of opinion, that we should above all things ward our finances and credit from danger, and that this was only to be done by wise and provident economy.

On the rupture with France, Mr. Fox blamed  
the

the conduct of ministers in the course of the negotiation, which, he was of opinion, might have been brought to a favourable issue, had they acted with temperance and discretion. Before he could be convinced that the war was necessary, he must be convinced, he said, that it was just, and this he was unable to discover in the documents laid before the house. After predicting, what we have seen so dreadfully fulfilled, the slight prospect of the powers of the continent coalescing successfully against France, or operating as a diversion in our favour, Mr. Fox gave notice of his intention to bring forward a motion for an address to the king, beseeching his majesty to employ the mediation of the emperor of Russia for the purpose of putting an amicable termination to the contest as speedily as possible. Accordingly, on the 27th of May, a few days after hostilities had actually commenced, he made a motion to that effect, and in a most energetic and masterly speech pointed out the numerous advantages which must attend such a negotiation. No reply was attempted to be made to Mr. Fox's arguments, but the motion was withdrawn, on the ground that it was calculated

lated to unhinge the public mind ; at the same time ministers expressed an earnest desire to cultivate the friendship of Russia.

Soon after the renewal of hostilities, the political incapacity of Mr. Addington and his colleagues became so apparent, that just apprehensions were entertained that the enemy, through the imbecility of his majesty's advisers, might be able to carry his plan of invasion into effect ; and therefore, as a measure of safety, it appeared necessary for Mr. Fox and Mr. Pitt to unite the strength of their several parties to procure the removal of a weak and inefficient administration. Accordingly, in the ensuing session of parliament Mr. Pitt supported Mr. Fox's motion for a committee to consider of the defence of the nation, and Mr. Fox supported Mr. Pitt's motion for an enquiry into the naval means of defence that had been adopted. It was now thought that Mr. Pitt and Mr. Fox must necessarily come into power together ; and the nation at large, which had so long seen these two great men opposed to each other as rivals, hailed with joy the prospect of seeing

seeing their enmities forgotten, and their talents united, for the preservation of the state. But the insidious politics and selfish ambition of Mr. Pitt prevented the hopes and the wishes of the people from being realized. When Mr. Addington had been compelled to resign, by the efforts of Mr. Fox and himself, instead of insisting, as the more noble-minded and spirited part of his former colleagues, lord Grenville, earl Spencer, Mr. Windham, &c. did, on the admission of Mr. Fox to a share of power, as the *sine qua non* on which alone they would undertake the responsibility of government, he, in an ill-fated moment, was again advanced to the head of affairs, and this country, once more, unhappily found itself under the guidance of a minister whose political career was covered with disgrace, and whose name can scarcely ever be mentioned but with execration.

But Mr. Fox was consoled for the duplicity of the minister by the firmness of his new allies, the Grenville party, who resolutely refused to come into power without Mr. Fox's co-operation; and it must likewise have been a gratification to him,

at

at this time, to have been united once more in sentiment and confidence with some of those old friends whom the French revolution had separated from him, among whom was Mr. Windham, who now cordially and powerfully supported most of the opinions of his ancient leader. Sensible of the dangers to which his country was exposed, and animated with an earnest desire, if possible, to avert the ruin that menaced her, Mr. Fox watched the proceedings of ministers with a vigilant eye, and notwithstanding the love of retirement he had so frequently expressed, determined to scrutinize their conduct minutely. In the session of 1805 he was particularly active, and it must be confessed that the events of that session were of a nature well calculated to draw forth the great powers of his mind.

In the discussions on the policy of a war with Spain, he strongly reprobated the insidious instructions sent out to Mr. Frere to prolong the negotiation, at the very time when orders were given to our naval officers to stop the ships of that power. To what purpose, said he, instruct Mr.

Frere



Frere to negotiate on the footing of tranquillity, still existing? To what purpose labour to prolong a peace, when war was actually begun? It was like saying, when a man had been already hanged, let him have a fair trial to see whether there was reason to hang him or not. Indeed there was something in the transaction that equalled in bad faith any of the most perfidious acts of the worst governments in any age. What instance, unrepudiated and uncondemned by history, could be found to justify it? Suppose that discussions existed between any governments; that a public minister was directed to negotiate for the removal of any obstacle that might disturb the existing tranquillity: suppose that with much address he had prevailed on the pride of the other government to submit to concessions, that he had brought them to a temper of conciliation; a post arrives from his court, and those with whom he had negotiated, then imagining that they were to reap the fruit of their concessions, instead of the confirmation of peace, find it announced that acts of open hostility had been committed while negotiations were going on upon the footing of actual

actual tranquillity. What must be the feelings of such a government? What would be thought of any public minister who could bend himself to such a scene of fraud and duplicity? Was it possible that any person in the rank of a gentleman could descend to play so unworthy a part? Yet what was the fact? Had not the Spanish frigates been captured, and was not Mr. Frere instructed to negotiate as on the footing of uninterrupted peace, and to bring matters to an arrangement, keeping altogether out of view the hostilities committed? He had no doubt, therefore, that Mr. Frere must have been imposed upon when employed to carry on a negotiation, concealing from Spain so important a fact as the capture of her frigates by an act of open hostility. What could have been the avail of any arrangement while that fact was unknown? Was it not in itself nugatory, and to the Spaniards most insulting, to negotiate with them, concealing so important a circumstance? Was there any good precedent for such a proceeding? If it was a measure of war that the Spanish frigates were captured, it was in pursuance of a system of  
policy

policy altogether irreconcilable to good faith. If it was as precaution, it was not a measure that partook of the nature of precaution, because measures of precaution were directed only against particular dangers; but the danger from the Spanish treasures, or Spanish power, were dangers not existing at particular movements merely, but dangers of that sort that were to be removed, not by precaution merely, but by war.—With respect to the necessity of a declaration of war, he said, that though wars had commenced without declaration, yet, the best authorities stated it to be most eligible to declare war first; and there was an instance at the commencement of that glorious war which began in 1702, that the government then, by a public proclamation in the *Gazette*, ordered all ships seized and detained, previous to the declaration of war, to be released, as was stated in the proclamation “in pursuance of the laws of nations.”

In reply to what had fallen from the ministerial speakers, that the conduct of opposition would have a tendency to damp the courage and zeal of  
the

the public, by censuring the measures of government, or arraigning the justice of the war, Mr. Fox asked, what could tend more to damp the national spirit, or to make the people question the resolves of parliament, than a supposition that they did not speak or vote as they really thought, but were influenced by fears of making unfavourable impressions on the public mind. As, however, both in public and in private life, sincerity was the source of confidence, and in order to convince men of one's sincerity it was necessary to be sincere, he conceived it his duty to declare his real sentiments, and to lay before his majesty his real opinions. Thinking the conduct of administration culpable both in the conduct of the negociation, and in the war with Spain, he saw no reason why he should not, by his speech and by his vote, express those sentiments, and therefore he gave his hearty assent to the amendment proposed by Mr. Grey.

Mr. Fox took an animated part in the discussions, unhappily so unavailing, to bring the delinquencies of lord Melville to punishment. In an  
admirable

admirable speech on Mr. Whitbread's motion (April 8, 1805) for a series of resolutions criminalizing the conduct of lord Melville; it was pretended, Mr. Fox said, that no loss had accrued to the public from the malversation of the noble delinquent; and a very singular argument was advanced, that as there was no loss, there was no risk. "Now," said Mr. Fox, "it happened in certain parts of my life, which I do not quote to recommend my example to others, that I was in the habit of engaging in certain speculations which are commonly called gaming. If a man should in that kind of speculation win a large sum of money, I am sure that an argument would not thence arise that he had made no risk. I rather think that the inference would be that his risk was considerable. Probably, however, in this case, lord Melville did take care that his agent should not lose any money. Trotter was the confidential agent of lord Melville, and lord Melville the confidential agent of the state; therefore, in this sort of speculation in which Trotter engaged, lord Melville could guard against much risk. If two men play cards together, and a

third person stands behind one of them, and throws out hints to the other, he that receives the hints is tolerably sure of winning. Just so in this business : lord Melville knew when navy bills were likely to be founded, and Trotter might act upon his information."

In another part of his speech Mr. Fox was particularly severe upon the answers made by lord Melville to the board of naval enquiry, from whose report the subsequent proceedings originated. He could not, he said, enter into the particulars of the report without disgust. It disgusted him to think that a man with whom he had any connection, although that connection was even of a hostile nature—that a man belonging to such a class in society—that any man of rank would, upon being asked a question, refuse to answer, "*lest he should criminate himself.*" He would appeal to any man who had a spark of honour in his bosom, whether he would not sooner have submitted to any punishment than have returned such an answer. The noble lord had stated in his attempt at defence, that he had not  
 authorized

authorised Trotter to apply any of the public money for his benefit or advantage “*to the best of his recollection.*” “Now,” said Mr. Fox, “my objection to this is, that the noble lord should have occasion to mention his *recollection* at all. There are some cases where a man may be allowed to speak as to his recollection, while in others, to mention it is to betray him. If a man was asked whether he was on a particular night in a room with a John-a-Noakes, it might be very well to answer, that to the best of his recollection he was not; but if he were asked whether John-a-Noakes did not charge him with an attempt to pick his pocket, and kick him out of the room, what would be the inference if he were to answer, that John-a-Noakes did not, “*to the best of his recollection.*”

In some of the debates that occurred in the investigation of this business, it was affirmed by the friends of lord Melville, and by his son (Mr. W. Dundas) in particular, that the example of lord Holland justified lord Melville, and that the peculations of the former noble lord had furnished

Mr. Fox with the means of defraying the extravagancies of early life. To this attack Mr. Fox made a most feeling and animated reply. "Although a considerable time has elapsed since the death of my father," said he, "I cannot but feel a high interest in whatever concerns his reputation. What the right honourable gentleman could mean by calling him to my recollection, unless to create an uneasiness in my breast, I am at a loss to imagine. For how does the case of my father apply to that of lord Melville? There was no law to forbid the paymaster of the army to apply the balances remaining in his hand to any purposes of private emolument, at the time lord Holland held that office. The difference between the case of lord Holland and lord Melville is this, that the conduct of the former was not against law, while that of the other was in the very teeth of a law proposed by himself."—With respect to the allusion to his own conduct in early life, Mr. Fox said, "I undoubtedly gambled a good deal, and I feel also that I continued that practice much too long, and lost a considerable sum of money. My father, no doubt, left me a large fortune,



fortune,—but how the right honourable gentleman can infer that my manner of spending that fortune can afford any proof of my connivance, in what he considers my father's improper manner of obtaining it—or that I was privy to the misappropriation of the public money, I leave it to the house to conjecture—What I speculated with was my own property, what lord Melville hazarded was the property of the public.”

Early in the session Mr. Fox presented a petition from the catholics of Ireland, praying to be admitted to a full participation in the blessings of the British constitution. This boon, so artfully held out to them by Mr. Pitt, lord Castlereagh, and the marquis Cornwallis, as an ample indemnity for the surrender of their legislative independence, it was now thought unsafe to grant, and those statesmen (if the epithet statesman can be gravely applied to the mercenary politician who so infamously bartered away the rights of his native country, in the Irish house of commons, for English honours and emoluments) now opposed those very claims which they had formerly admitted the

justice of, and which their promise to support had been the means of carrying into effect their favourite, but strongly-resisted measure of a consolidation of the legislatures of the two kingdoms. The catholics applied in the first instance to Mr. Pitt, but he giving a cool and discouraging answer to their application, they requested Mr. Fox to present their petition to parliament, and to support it with the weight of his powerful abilities. The petition was presented to the house of commons on the 25th of March, but, in consideration of the magnitude and importance of the subject, was not taken into consideration till the 13th of May. Mr. Fox, after an eloquent exordium, stating the importance of the subject, as being of a nature more grave and serious than any that had for a series of years come under consideration, observed that the complaints of the catholics, in every way in which they could be viewed, were of a nature deeply interesting, as they involved the dearest interests of the empire: if they were attended to, as sound policy would dictate, there could be no doubt, he said, but that the strength and resources of the empire would be wonderfully increased,

increased, without detriment to any individual or body of men. He was aware of the prejudices that existed in some minds against any concessions being granted to the catholics; but he hoped the house was too enlightened to entertain them, and that they would recollect the petitioners, whatever were their religious opinions, were still subjects to the same monarch; that they were equally loyal with their protestant brethren; that they paid their contributions to the exigencies of the state with the same cheerfulness; and he appealed to their justice whether it was not unmerited as well as cruel, that they should be denied a participation in the common rights of their fellow subjects. The stigma under which they laboured, he said, was as unjust as it was impolitic; and nothing could tend more to weaken the force of the country than the continuance of the penal statutes against the catholics with which our law-books were disgraced. He was aware that cases might be stated where the catholics had been treated with rigour and severity on account of their religious tenets; but such cases, he contended, could not be applicable to the practical view of the ques-

tion before the house, as in former days, when it was thought necessary to impose restraints on the catholics ; those restraints were imposed on them rather on account of their jacobite than religious principles. Some, he observed, had said, we have no objection to make the concessions the catholics demand as a matter of courtesy, but we deny their being granted as a matter of right. This Mr. Fox could by no means allow, and said, if the concessions were acceded to at all, they must be granted as a right, and not be considered as an indulgence. Mr. Fox then proceeded to give a history of the restrictive acts in force against the catholics, in order to ascertain whether they had resulted from necessity, and whether that necessity still existed ; and by a most argumentative and masterly chain of reasoning, proved that the necessity was no longer in existence. On the subject of the concessions being a violation of his majesty's coronation oath, he observed that this oath had been framed by parliament itself, and it was absurd to suppose that parliament would ever have committed to the care of the sovereign a power of refusing his assent to measures which  
the

the parliament itself might think highly adviseable. It had been said that an opinion entertained in a certain quarter (by his majesty) was inimical to the measure ; but to this he should reply, that such an opinion was unknown to the house, and could not be entertained or acted upon.

Towards the conclusion of his speech, Mr. Fox observed, that the British empire was engaged in a war of much expense, with an enemy who did not wage war against us by her army, her navy, her commerce, or her internal resources of money, but by her great and united population. What in such an awful exigency then ought to be the conduct of this country ? Ought not measures to be taken to unite every hand and heart in our defence against the common enemy ? We had four or five millions of our people, as brave and loyal subjects as any the empire could boast, who laboured under disabilities which cramped their energies, and rendered them useless. The instant they obtained a participation in the common rights of British subjects, these men would come forward and augment both the offensive and the  
defensive

defensive means of government ; and the country at large would have cause to bless the day that should give this respectable class of citizens a participation in their common rights. Mr. Fox, after dwelling with great strength on the policy, justice, and expediency of emancipating the catholics from the restraints under which they laboured, concluded with moving that a committee be appointed to take the petition into consideration.—A long debate ensued, in the course of which the justice of the catholic claims was fully admitted by most of the eminent speakers on both sides of the house, but the minister opposing the motion as ill timed, it was negatived by a majority of 336 to 124.

The death of Mr. Pitt on the 23d of January 1806, who may be said to have died almost literally of a broken heart, occasioned by bitter reflection on the calamities in which Europe and his country had been so fatally involved by his measures \*,  
 produced,

\* The motion for erecting a monument to the memory of  
 that

produced, after some lingering delay on the part of the colleagues of the late minister, an entire  
change

that "great and excellent statesman," (as he was called by his admirers) Mr. Pitt, was opposed by Mr. Fox in a speech of much delicacy and unaffected candour. After paying a just tribute to the splendid talents of Mr. Pitt, and expressing his fears that the sentiments he was about to deliver might be ungracious to some of his new friends, "There are cases," said he, "in which our public-duty is so clear and imperious, that no desire of praise, no motive of personal respect, no wish to gratify our friends, nor any other consideration, however powerful, can possibly enable us to dispense with it—We must then act as our consciences direct, however painful it may be to our feelings. In my conscience, sir, I believe this to be one of those cases: if the marks of respect were such as did not compromise my public duty in the compliance, no person would join in it more cheerfully, more eagerly than I would. If, for instance, it had been proposed to remedy those pecuniary difficulties which Mr. Pitt had incurred in the course of his political life; if it had been proposed to do those things for his relations in that way, which his own acknowledged disinterestedness did not allow him to do; if it had been proposed to supply the deficiencies of his own fortune, I would most willingly consent that all should be done in the most liberal  
manner.

change in his majesty's councils, and Mr. Fox,  
to

manner. But it is a very different thing to be called upon to confer honours upon Mr. Pitt as "an excellent statesman." Public honours are matters of the highest importance, because they must more or less influence posterity. They ought not therefore to be conferred lightly, but only where merit is clearly seen and acknowledged. When public honours are solicited, it becomes me to consult neither my interest nor my feelings, but to adhere rigidly and conscientiously to my public duty.—It is not to particular acts that we have to look, but to the general effects of his administration. Certainly when I look at lord Chatham's monument, when I find the inscription bearing upon the face of it the grounds upon which it was voted: when I find it there stated, that he had reduced the power of France to a very low ebb, and raised the prosperity of his country to a very high pitch, I must say that the case of Mr. Pitt can never be compared to that of lord Chatham.—I must say, that the country at present is reduced to the most dangerous and alarming situation—a situation which might call for any thing rather than honours to be conferred upon him who had the direction of measures which brought it to that state. It was said, that in the case of lord Chatham there was the most perfect unanimity, though there were many in the house who had opposed his political principles. This was  
true,



to the universal joy of the nation, was once more  
 raised

true, but the merit was clear, and the inscription related to points on which there must have been the most perfect unanimity; and though undoubtedly during the seven years' war there was a strong opposition, yet his merit on certain points, to which the inscription referred, was allowed by the bitterest of his antagonists. But though no consideration ought to induce us to betray our trust in conferring the public honours, yet there are cases in which the effects of this might be less sensibly felt. For instance, in cases where we should be compelled to oppose particular acts of an administration, we might still make a clear distinction between what was good and what was bad. In the present case I do not wish to enter upon particular acts. But I was always one of those who constantly said that the system to which Mr. Pitt lent his aid was an unfortunate and dangerous system, and the great cause of all the misfortunes and calamities that assailed us in the course of his administration. Being of this opinion, how can I conscientiously say that he was "an excellent statesman?" Let us look at the American war, and the death of lord Guildford. For the private character of that nobleman I had the highest respect and esteem. I lived with him in habits of intimacy and friendship; yet had any attempt been made to confer upon him honours of the nature now proposed, I should certainly  
 have

raised to the rank of privy counsellor, and ap-

have opposed it.—I have been uniformly of opinion, that the system upon which Mr. Pitt acted was productive of the worst effects to this country and to the world. It was a system little calculated to bring forward such men of eminence as himself, though he was so much attached to it. It was owing to him indeed, I am persuaded, that the system maintained its ground so long. His great eloquence, his splendid talents, cast a veil over it, and concealed those things which otherwise would have been exposed in all their hideous deformity. No man can be more desirous than I am, to bury in oblivion those contests in which we had so long been engaged: but I cannot consent to confer public honours, on the ground of his being “an excellent statesman,” on the man who, in my opinion, was the sole, certainly the chief supporter of a system, which I had early been taught to consider as a very bad one, an idea which the result has fully and fatally proved. Thinking thus, it cannot be expected that I should so far forget my public duty, and the principles which I have uniformly professed, as to subscribe to the condemnation of those principles, by agreeing to the motion now before the house.”

To the motion for the payment of Mr. Pitt's debts Mr. Fox gave his cordial assent, and passed some high encomiums on the disinterested integrity of his deceased rival.

pointed

pointed secretary of state for the foreign department \*. Never on any former change of administration

\* Mr. Fox, on vacating his seat in parliament, published the following address to his constituents.

“ To the Independent Electors of the city of Westminster.

“ Gentlemen,

“ My seat in the house of commons being vacant by his majesty's having been graciously pleased to appoint me one of his principal secretaries of state, I have once more to solicit your votes and interest to replace me in the honourable situation of your representative.

“ It has for five-and-twenty years been the pride of my life to enjoy your uninterrupted confidence and partiality ; and my feelings of gratitude have been continually increased by the constancy of your kindness. To make professions would be neither suitable to my time of life, nor to the long connection that has subsisted between us. The crisis is arduous—I feel all its difficulties, and to serve you and my country shall be the business of my life.

“ I have the honour to be, &c.

“ C. J. FOX.”

“ Arlington-street, Feb. 8, 1806.

tration were so many addresses sent up from all parts of the empire to the throne, expressive of the

On the day of election, Mr. Fox, after dwelling some time on the calamitous situation into which the measures of the late administration had brought the country, declared that he could have but little inducement to accept a seat in the cabinet, at a period when there was more reason to fear disappointment than to hope success. "We can discern," said Mr. Fox, "little consolation for the past, and but small hopes for the future. There is undoubtedly one splendid exception to the general gloomy state which we have to look to; I mean the very high reputation so justly earned by the British navy. Let us hope, that the immortal day of Trafalgar, though so dearly purchased by the death of that great and heroic character who commanded on that occasion, will more than compensate for all that Britain has suffered in every other quarter. We have acted upon public grounds, uninfluenced by any motives of ambition or personal interest. We have undertaken an arduous duty in a perilous crisis, and without much prospect of succeeding as we could wish. But whatever may be the difficulties we have to encounter, your support will enable us to meet them with confidence, and to overcome them with effect. With regard to general politics, I feel that it would not be suitable at my time of life, nor to the long connexion that has subsisted between us,

to

the gratitude of the people; and never was a cabinet formed better entitled to their confidence.

The new ministers proceeded with vigour to correct the abuses that had been so much countenanced by their predecessors, and to draw forth the resources of the empire in a way at once calculated to avert danger from abroad, and to inspire confidence at home. The military defence of the country underwent an elaborate revision, and a committee of finance was appointed, with rigid impartiality in the choice of its members, to examine into and report upon the malversations that were practised in the expenditure of the public treasure. Contrary to the usage of Mr. Pitt's administration, the dangers that threatened the country were not attempted to be concealed from the people, and they were honestly told the extent of the privations they would have to submit

to make professions. I am now, what I always have been—  
*a friend to liberty, an enemy to corruption, and a firm and  
 decided supporter of that just weight which the people ought  
 to have in the scale of the constitution.*”

to, and the painful sacrifices they would have to make, before they could hope to enjoy the blessings of peace.

In these labours Mr. Fox had only an individual share ; but still mindful of his former pledges to the public, his attention, at an early period after his accession to power, was turned to the abolition of the slave trade, and a bill brought in by one of his coadjutors, for preventing the importation of slaves, received his most strenuous support. He professed that he had never changed his opinions respecting that detestable traffic; that he felt the total abolition of it as involving the dearest interests of humanity, and as a measure which, however unfortunate the administration with which he had the honour to act might be in other respects, should they be successful in effecting, would entail more true glory upon them, and more honour upon their country, than any other transaction in which they could be engaged.—Mr. Fox afterwards, under the apprehension that it would be impossible for a bill of abolition to pass both houses in the course of the session, moved a  
resolution

resolution expressive of the opinion of the house, that the African slave trade was contrary to the principles of justice, humanity, and sound policy ; and also, that the house would proceed with all due speed, and take such steps for abolishing the slave trade, in such a manner, and at such a period, as should be thought most adviseable ! The speech which Mr. Fox made on this occasion was one of the last he ever delivered in the house of commons ; and he concluded it with observing, that should his motion be carried, he would think all the time he had spent in parliament, now between thirty and forty years, well bestowed. On a division the motion was carried by 114 to 15 ; and though Mr. Fox did not live to witness what he had so long ardently desired, the certainty of having given a mortal blow to this accursed disgrace to humanity and the christian name, must have soothed the dying moments of this most benevolent hearted of the human kind.

The conduct of the king of Prussia in seizing upon the German possessions of his majesty, and, at the instigation of France, excluding British

ships from all the ports in his own dominions, and those under his influence, excited a high degree of resentment in the new cabinet, and measures of retaliation were immediately determined on. Mr. Fox, in a spirited speech, took a detailed view of the aggressions of Prussia, and ably vindicated the conduct that his majesty's servants had adopted. Having shewn that previous to the battle of Austerlitz, Prussia was arbiter of the fate of Europe, Mr. Fox contrasted the conduct of the king of Prussia with that of the powers of Holland and Spain, and declared that that of the latter was honourable, as they could not avoid furnishing either money or men; but that the conduct of Prussia excited pity and contempt. Alluding to the cession of Anspach and Beyreuth, Mr. Fox observed that the degradation of this cession was much increased by the conduct of the people of Anspach, who had entreated their sovereign not to abandon them: it was a great increase of dishonour to sell a brave and loyal people for what was called an equivalent: it was an union of every thing that was contemptible in servility with every thing that was odious in rapacity. The remainder  
of



of the speech illustrated in striking terms the baseness, selfishness, and bad policy of Prussia; and he concluded with calling upon the house to support the dignity of the crown, the honour of the British flag, and the freedom of British navigation, by repelling the treacherous aggressions of the court of Berlin.

But by far the most important transaction in which Mr. Fox was engaged, during the short period his invaluable life was spared to his country after his accession to power, was an attempt to put an end to the miseries of war. Of his merits as a negociator there had long been but one opinion throughout Europe, and his well-known disposition for peace precluded all idea of any want of sincerity as to the great object he had in view. Very soon after his acceptance of the seals, a remarkable incident opened the way to a direct communication with the French government. A foreigner waited upon Mr. Fox, and communicated to him a real or pretended project for assassinating the ruler of the French nation, supposing that the design would be satisfactory to the British

minister ; but never was villain or impostor more mistaken in the quarter where he had chosen to make known his execrable intention. Mr. Fox received his communication with generous indignation ; ordered him into the custody of an officer of the police until he could be sent out of the kingdom under the provisions of the alien act, but not before he had (to use his own expression) “ as an honest man,” communicated the circumstance to the French minister for foreign affairs, in order that precautions might be taken against his attempts, should he continue to entertain his design after he had been sent out of the kingdom.

The answer of the French minister to this frank and generous communication was, as might be expected, suitable to the occasion. He observed that he had laid Mr. Fox's letter before the emperor, whose first words, after having read it, were, “ I recognize here the principles of honour and virtue, by which Mr. Fox has ever been actuated. Thank him on my part.” The minister would not permit himself to add any thing to the complimentary expression of his master, but  
concluded

concluded in the usual style of diplomatic civility. In another letter of the same date, (March 5th, 1806,) he inclosed the emperor's speech to the legislative body, and observed upon it, "You will see therein that our wishes are still for peace. I do not ask what is the prevailing inclination with you; but if the advantages of peace are duly appreciated, you know upon what basis it may be discussed."—The passage in the speech which related to England, was as follows: "I desire peace with England. On my part I shall never delay it a moment. I shall always be ready to conclude it, taking for its basis the stipulations of the treaty of Amiens."

Mr. Fox, in his reply to this communication, objected to the stipulations of the treaty of Amiens, proposed as the basis of the negotiation. "The true basis of a negotiation between two great powers, equally despising every idea of chicane, would be," he said, "the reciprocal recognition of the following principle; viz. That the object of both parties should be a peace, honourable for both, and for their respective allies,

and at the same time, of a nature to secure, as far as in their power, the future tranquillity of Europe. England cannot neglect the interests of any of her allies; and she is united to Russia by such close connections, that she would not treat, still less conclude upon any thing, but in concert with the emperor Alexander; but, whilst awaiting the actual intervention of a Russian plenipotentiary, some of the principal points might however be discussed, and even provisionally arranged.—It might seem that Russia, on account of her remote situation, should have fewer intermediate interests to discuss with France than other powers; but that court, so respectable in every point of view, interests herself, like England, warmly in every thing that concerns the greater or less degree of independence enjoyed by the different princes and states of Europe.

“ You see, sir, how inclined we are here to remove every difficulty that might retard the discussion in question. With the resources that we possess, it is most assuredly not on our own account that we need fear a continuance of the war.

Of

Of all the nations of Europe, England, perhaps, is that which suffers the least by its prolongation ; but we do not the less commiserate the sufferings of others.

“ Let us then do all in our power to terminate them, and let us endeavour, if it be possible, to reconcile the respective interests and glory of the two countries with the tranquillity of Europe, and the happiness of the human race.”

The French minister, in his answer to the above, assured the British secretary, that the emperor coveted nothing that England possessed. Peace with France was possible, and it might be perpetual, provided there was no interference in her internal affairs, and that no attempt was made to restrain her in the regulation of her custom duties, to cramp her commercial rights, or to offer any insult to her flag. “ It is not you, sir,” said he, “ who have displayed in many public discussions an exact knowledge of the general affairs of Europe and of France, who require to be convinced that France has nothing to  
desire

desire except repose, and a situation such as may enable her, without obstruction, to give herself up entirely to the labours of her industry." With respect to admitting Russia to take a part in the negotiation, M. Talleyrand observed, that the emperor might accept the mediation of a power possessing a great naval force, because, in that case, the participation of such a power in the peace would be regulated by the same interests that they had to discuss with England; but the mediation Mr. Fox proposed was not of this nature. "You do not wish to deceive us," said M. Talleyrand, "and you are well aware there is no equality betwixt us in the guaranty of a power which has three hundred thousand men on foot, and no naval force. For the rest, sir, your communication has a character of openness and precision, which we have hitherto never seen in the communications between your court and us. I will make it my duty to employ the same openness, and the same precision in my reply. We are ready to make peace with the whole world. We wish to dictate to no one. But we will not be dictated to; and no one possesses either the power or the means of doing it."

M. Tal-

M. Talleyrand, after signifying the unwillingness of the emperor to treat with Great Britain conjointly with Russia, on account of the remote situation of the latter power, commented on the relative strength of England and France. "Our interests are reconcilable," said he, "inasmuch as they are distinct. You are the rulers of the ocean; your naval forces are equal to those of all the sovereigns of the world united. We are a great continental power; but there are many who equal our power by land, and your maritime preponderance will always place our commerce at the mercy of your squadrons, immediately after your declaring war. Do you think it reasonable to expect that the emperor should ever consent to submit himself to your discretion in continental affairs also? If, masters of the sea through your own power, you propose being masters of the land likewise by a combined force, peace is impossible; for in that case you will be striving for an object which you can never attain." M. Talleyrand concluded with declaring that the emperor fully adopted the principle laid down in Mr. Fox's former dispatch, and offered as the basis of the negotiation,

negociation, "that the peace proposed should be honourable for the two courts, and for their respective allies."

The negociation now turned entirely on the admission of Russia to treat conjointly with England, and, after much discussion on the subject, Mr. Fox, in a letter dated April 20th, declared, that any negociation in which Russia was not included as a party, was wholly inadmissible.— "We wish for peace," said he, "but we cannot wish for any thing that is injurious either to the dignity of our sovereign, or to the honour and interests of the nation. But if we negotiated without Russia, considering the intimate ties by which we are united with that power, we should conceive ourselves open to the reproach of having failed in that scrupulous fidelity to our engagements, on which we pride ourselves; whilst, on the other hand, by persisting in our demand that Russia be admitted, we do not conceive that we do any thing contrary to the principle of equality to which both of us lay claim."—In conclusion, he said, "The affair is reduced to one single point.



point. Will you negotiate conjointly with Russia? We answer, yes: but if you require us to negotiate separately, we answer, no."

After some delays a negotiation was at length regularly opened, and the earl of Yarmouth, who had been detained a prisoner in France at the commencement of the war, was invested by his majesty with the proper powers to treat with the French government. For some time the negotiation seemed to proceed in a favourable train. The French consented to restore Hanover, without any equivalent, and to cede Malta and the Cape of Good Hope in perpetuity to the British crown. The integrity of the possessions of the Ottoman Porte, and likewise of the dominions of Portugal and Sweden, was guaranteed; France demanded the restoration of the foreign possessions which had been wrested from her in the course of the war, and the recognition of the new titles that had been created in the imperial family. The chief difficulty, in the way to an accommodation, lay in the island of Sicily, which the French wished to annex to the newly-conquered

quered kingdom of Naples, but which his majesty's ministers were unwilling to give up. It is probable, however, that, had Mr. Fox lived, this difficulty would have been surmounted, for indemnities might have been found for the king of Naples elsewhere, and were actually proposed by the French minister. But unhappily the declining health of Mr. Fox, at the most critical moment of the negotiation, prevented him from giving that attention to public affairs which interests so complicated and discussions so important demanded; and after his death, though the negotiations were some time prolonged, it was scarcely to be expected, from the tone and temper of the British negociator, that they could be brought to a happy issue. But these points are foreign to this Work.

To proceed to the closing scene of the mortal career of this illustrious statesman. The health of Mr. Fox had been some months declining, and latterly interrupted his regular attendance in parliament; but it was not till the beginning of August that his friends became seriously alarmed  
for

for his safety, and the afflicting intelligence was communicated to the public that his life was in danger. The disease which deprived his country and the world of this bright ornament of human nature was the dropsy, which resisting the efforts of the most eminent of the faculty to subdue, the usual operations in such complaints were twice performed upon him without producing any effectual relief; and lingering but a few days after the second operation, he breathed his last at six o'clock on the afternoon of Saturday the 13th of September 1806, without pain, and almost without a struggle.

All the accounts that have been laid before the public concur in representing the dying moments of this great man to have been in perfect unison with the character of his preceding life. No expressions of peevishness or impatience escaped him; he bore his sufferings with resignation, and received the intimation of his approaching dissolution with that firmness which nothing but the consolations of an untroubled conscience can bestow in the hour of death. Surrounded by  
weeping

weeping friends, his last moments were employed in acknowledging their kindness and soothing their grief ; and, probably alluding to that pæce of mind which he felt within, his last words were, " I DIE HAPPY."

Of the character of Mr. Fox, various estimates have been formed ; but none, which, in my judgment, do perfect justice to the merits of that incomparable man. I have endeavoured to give with accuracy the leading features of his public life, as a statesman and orator, in the preceding pages, and pointed out some of those strokes of political wisdom and foresight which so eminently distinguished him above all his contemporaries : posterity will probably be enabled to render more ample justice to his memory, for till the hopes and fears of the present day are confirmed or dispelled, till the clashing interests, which at this exigent moment occupy our attention and agitate our minds, are composed, the extent of his worth and the magnitude of our loss, cannot be duly appreciated. When the heats of the present day shall have passed away, and the  
artifices

artifices and intrigues of present parties are forgotten, then the character of Mr. Fox may be fairly weighed, and a rank will indubitably be assigned him among the first men, who, in any times, have done honour to the human name.

So far as concerned his own glory, Mr. Fox lived sufficiently long; but his existence was far too short for the good, not only of his own country, but of Europe and the world, for his benevolence embraced, and his wisdom comprehended the whole of the human race. It is the more particularly to be lamented by this nation, that he was overtaken by a mortal disease, at the moment when he had laid the foundation stone of a temple of peace, which, under his hands, might have become a solid and durable structure.

Of the various tributes that have hitherto been paid to the memory of this great man, the most just and the most eloquent perhaps is that from the pen of Sir James Mackintosh, the recorder of Bombay, who, uniting the advantages of an intimate and unreserved acquaintance with Mr.

Fox, with a mind capable of appreciating his astonishing powers, pours forth the effusions of his feelings on the subject in the following terms :

“ Mr. Fox,” says he, “ united in a most remarkable degree the seemingly repugnant characters of the mildest of men, and the most vehement of orators. In private life he was gentle, modest, placable, kind, of simple manners, and so averse from dogmatism, as to be not only unostentatious, but even something inactive in conversation. His superiority was never felt but in the instruction which he imparted, or in the attention which his generous preference usually directed to the more obscure members of the company. The simplicity of his manners was far from excluding that perfect urbanity and amenity which flowed still more from the mildness of his nature, than from familiar intercourse with the most polished society of Europe. The pleasantries perhaps of no man of wit had so unlaboured an appearance. It seemed rather to escape from his mind, than to be produced by it. He had lived on the most intimate terms with  
all

all his contemporaries distinguished by wit, politeness, or philosophy, or learning, or the talents of public life. In the course of thirty years he had known almost every man in Europe whose intercourse could strengthen, or enrich, or polish the mind. His own literature was various and elegant. In classical erudition, which by the custom of England is more peculiarly called learning, he was inferior to few professed scholars. Like all men of genius, he delighted to take refuge in poetry, from the vulgarity and irritation of business. His own verses were easy and pleasant, and might have claimed no low place among those which the French call *vers de societe*. The poetical character of his mind was displayed by his extraordinary partiality for the poetry of the two most poetical nations, or at least languages, of the west, those of the Greeks and of the Italians. He disliked political conversation, and never willingly took any part in it. To speak of him justly as an orator would require a long essay. Every where natural, he carried into public something of that simple and negligent exterior which belonged to him in pri-

vate. When he began to speak, a common observer might have thought him awkward; and even a consummate judge could only have been struck with the exquisite justness of his ideas, and the transparent simplicity of his manners.—But no sooner had he spoken for some time, than he was changed into another being. He forgot himself and every thing around him. He thought only of his subject. His genius warmed and kindled as he went on. He darted fire into his audience. Torrents of impetuous and irresistible eloquence swept along their feelings and conviction. He certainly possessed above all moderns that union of reason, simplicity, and vehemence, which formed the prince of orators. He was the most Demosthenean speaker since the *days* of Demosthenes. “I knew him,” says Mr. Burke, in a pamphlet written after their unhappy difference, “when he was nineteen; since which time he has risen, by slow degrees, to be the most brilliant and accomplished debater that the world ever saw.” The quiet dignity of a mind roused only to great objects, but the absence of petty bustle, the contempt of shew, the abhorrence



rence of intrigue, the plainness and downright-ness, and the thorough good-nature which distinguished Mr. Fox, seem to render him no unfit representative of the old English character, which if it ever changed, we should be sanguine indeed to expect to see it succeeded by a better. The simplicity of his character inspired confidence, the ardour of his eloquence roused enthusiasm, and the gentleness of his manners invited friendship. "I admired," says Mr. Gibbon, "the powers of a superior man, as they are blended, in his attractive character, with all the softness and simplicity of a child: no human being was ever more free from any taint of malignity, vanity, or falsehood." From these qualities of his public and private character, it probably arose, that no English statesman ever preserved, during so long a period of adverse fortune, so many affectionate friends, and so many zealous adherents. The union of ardour in public sentiment, with mildness in social manners, was in Mr. Fox an hereditary quality. The same fascinating power over the attachment of all who came within his sphere, is said to have belonged to his father;

and those who know the survivors of another generation will feel this delightful quality is not yet extinct in the race.

“ Perhaps nothing can more strongly prove the deep impression made by this part of Mr. Fox’s character, than the words of Mr. Burke, who, in January 1797, six years after all intercourse between them had ceased, speaking to a person honoured with some degree of Mr. Fox’s friendship, said, “ To be sure he is a man made to be loved !” and these emphatical words were uttered with a fervour of manner which left no doubt of their heart-felt sincerity.

“ These few hasty and honest sentiments are sketched in a temper too sober and serious for intentional exaggeration, and with too pious an affection for the memory of Mr. Fox to profane it with any intermixture with the factious brawls and wrangles of the day. His political conduct belongs to history. The measures which he supported or opposed may divide the opinion of posterity, as they have divided those of the present

sent age. But he will most certainly command the unanimous reverence of future generations, by his pure sentiments towards the commonwealth, by his zeal for the civil and religious rights of all men, by his liberal principles favourable to mild government, to the unfettered exercise of the human faculties, and the progressive civilization of mankind; by his ardent love for a country, of which the well-being and greatness were, indeed, inseparable from his own glory; and by his profound reverence for that free constitution which he was universally admitted to understand better than any other man of his age, both in an exactly legal and in a comprehensively philosophical sense."

In his religious opinions (if we may gather his private sentiments from his public declarations, and certainly he spoke on all occasions with equal freedom and sincerity) Mr. Fox was a sincere believer in the doctrines of christianity, without any mixture of bigotry. Whenever he delivered his opinion on the subject of religion in the house,  
there

there was never the least appearance of indifference or want of confidence in his faith; but, on the contrary, whenever he had occasion to introduce the subject, his conviction was clear, his piety was rational, and his spirit the same as that which the best annotators on the doctrines of our excellent religion have attributed to its divine author, a spirit of catholic and universal charity. Other public men might be cited as more decorous in their attendance to the forms of public devotion than Mr. Fox, but none was ever endowed with a larger portion of what constitutes the essence of religion, and what the inspired writers have denominated the first of christian virtues—charity; and, I may add, though undoubtedly there were and are men of great piety in the house of commons, whose close attention to religious subjects have done them particular honour, I have not, in the whole course of that attention to the parliamentary proceedings of the last thirty years, which the preceding pages of this volume required, found any speeches, or even allusions, to a subject in every age so interesting

to

to man, the hope of the virtuous, the comfort of the afflicted, and the terror of the vicious, so replete with genuine and unaffected religion as those of Mr. Fox.

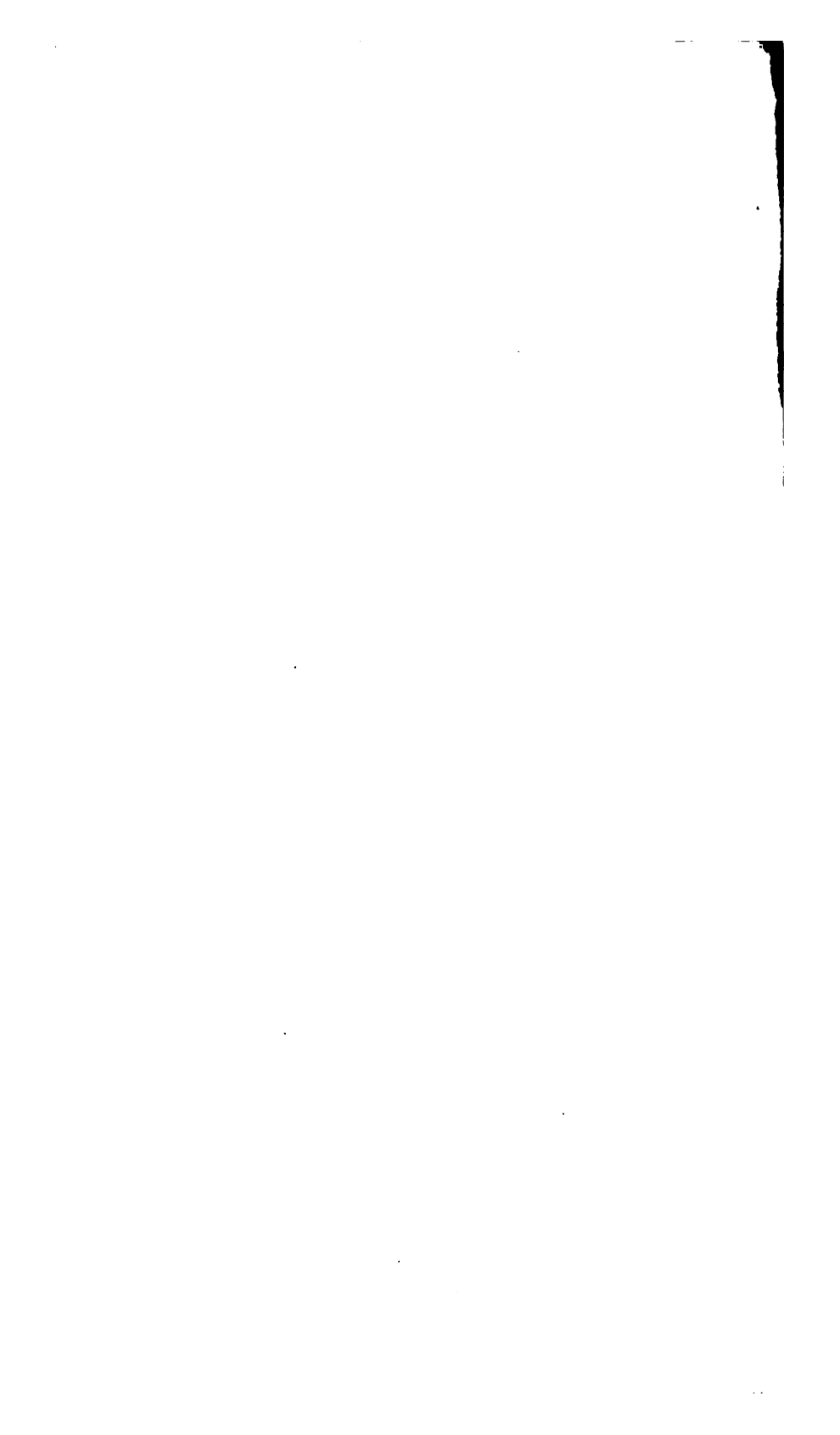
His remains were interred, by a singular coincidence of circumstances, on the same day as the anniversary of his first return for Westminster October 10, 1806, with every mark of veneration and sorrow, in Westminster Abbey ; and in the affliction of the multitude who attended to pay honour to his memory might be seen an exemplification of the mourning which his death had cast over the land. Never was grief more universal ; never could the character that was applied to a Roman patrician, who was snatched at an awful moment from his country, be applied with more propriety than to him whose hallowed remains were followed, in all the solemnity of funeral pomp, to the last sad depository of our kings, our statesmen, our heroes, and our poets.—Truly might it be read of him in the eyes of sorrowing thousands, as well those who were endeared to him

him

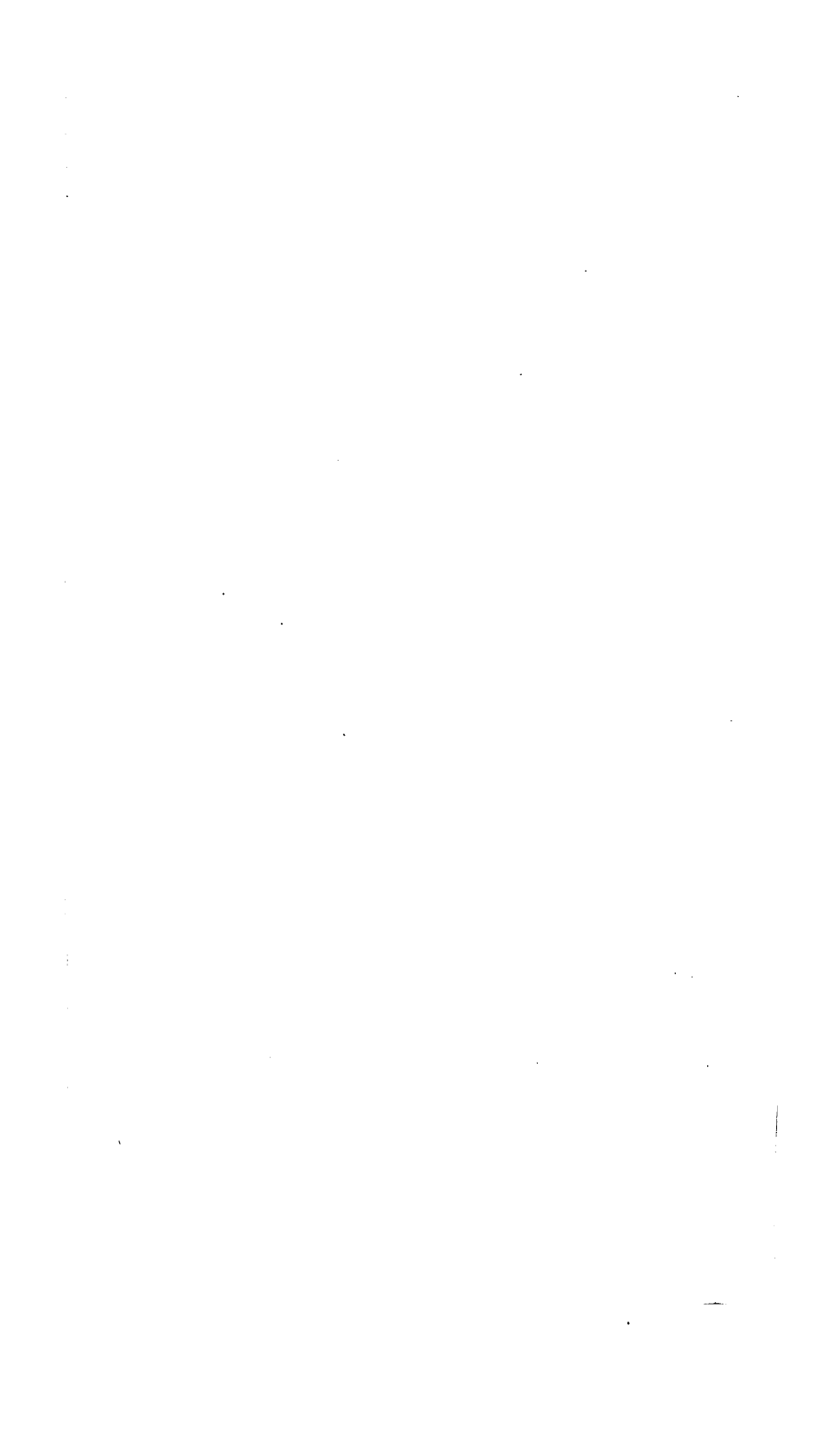
him by personal attachment, as those who revered  
him only on the public report of his virtues,  
HOC MORS LUCTUOSUM FUIT SUIS, ACERBUM  
PATRIA GRAVE OMNIBUS BONIS.

THE END.

1. 1917  
2. 1918  
3. 1919









APR 1 0 1930

