

Parliamentary History

Lord Chatham 645/6 anno 1770

Wilkes

Lord Chatham rose up a second time, and observed, that it plainly appeared from what the noble lord had said, that he concurred in sentiment with the opposition; for had he concurred with the ministry, he would, no doubt, have avowed his opinion; that it now behoved him equally to avow it in favour of the people; that he ought to do so as an honest man, as an independent man, as a man of courage and resolution; that to say, that if the Commons had passed an **unjustifiable vote**, it was a matter between God and their own consciences, and nobody else had any thing to do with it, **was such a strange assertion** as he had never heard, and **involved a doctrine subversive of the constitution. What! if the Commons should pass a vote abolishing this House, abolishing their own House, and surrendering to the crown all the rights and liberties of the people, would it only be a matter between God and their own consciences, and would nobody else have any thing to do with it? You would have to do with it—I should have to do with it—every man in the kingdom would have to do with it—and every man in the kingdom would have a right to insist upon the repeal of such a treasonable vote, and to bring the authors of it to condign punishment.** I therefore again call upon the noble lord to declare his opinion, unless he will lie under the imputation of being conscious to himself of the illegality of the vote, and yet being restrained, by some unworthy motive, from avowing it to the world.

Lord Mansfield replied not.

Lord Chatham P647/ 8

Horned Cattle

That he had heard with great concern of the distemper among the cattle, and was very ready to give his approbation to those prudent measures which the council had taken for putting a stop to so dreadful a calamity. That he was satisfied there was a power in some degree arbitrary, with which the constitution trusted the crown, to be made use of under correction of the legislature, **and at the hazard of the minister**, upon any sudden emergency, or unforeseen calamity, which might threaten the welfare of the people, or the safety of the state. That on this principle he had himself advised a measure, which he knew was **not strictly legal**; but he had recommended it as a measure of necessity, to save a starving people from famine, and had submitted to the judgement of his country.

Rockingham 745

State of the nation

His lordship added, That he had not dwelt so strongly as he might have done, upon that great invasion of the constitution, which had now thrown this whole country into a flame: the people were sufficiently alarmed for their rights, and did not doubt but that matter would be duly enquired into. But he considered it as the point to which all the other measures of the administration had tended. That **when the constitution was violated**, we should **not content** ourselves with repairing the **single breach**, but **look back into the causes, and trace the principles which had produced it, in order, not merely to restore the constitution to present health, but, if possible, make it invulnerable hereafter.**

Upon the whole, he recommended it strongly to their lordships, to fix an early day for taking into their consideration the state of this country in all its relations and dependencies, foreign, provincial, and domestic for we had been injured in them all. That consideration would, he hoped, lead their lordships to advise the crown not only how to correct past errors, but how to establish a system of government more wise, **more permanent**, better suited to the genius of the people, and, at least, **consistent with the spirit of the constitution.**

Seconded by the Duke of Grafton

The Earl of Chatham 747/8
State of the nation

My lords, I meant to have risen immediately to second the motion made by the noble lord. The charge, which the noble duke seemed to think affected himself particularly, did undoubtedly demand an early answer; it was proper he should speak before me, and I am as ready as any man to applaud the decency and propriety with which he has expressed himself.

I entirely agree with the noble lord, both in the necessity of your lordships concurring with the motion, and in the principles and arguments by which he has very judiciously supported it. I see clearly, that the complexion of our government has been materially altered; and I can trace the origin of the alteration up to a period, which ought to have been an era of happiness and prosperity to this country.

My lords, I shall give you my reasons for concurring with the motion, not methodically, but as they occur to my mind. I may wander, perhaps, from the exact parliamentary debate; but I hope I shall say nothing but what may deserve your attention, and what, if not strictly proper at present, would be fit to be said, when the state of the nation shall come to be considered. My uncertain state of health must plead my excuse. I am now in some pain, and very probably may not be able to attend my duty when I desire it most, in this House. I thank God, my lords, for having thus long preserved so inconsiderable a being as I am, to take a part on this great occasion, and to contribute my endeavors, such as they are, **to restore, to save, to confirm the constitution.**

My lords, I need not look abroad for grievances. The grand capital mischief is fixed at home. It corrupts the very foundation of our political existence, and preys on the vitals of the state.—The constitution has been grossly violated—The constitution at this moment stands violated. Until that wound be healed, until that grievance be redressed, it is in vain to recommend union to parliament; in vain to promote concord among the people. If we mean seriously to unite the nation within itself; we must convince them that their complaints are regarded, that their inquiries shall be redressed. On that foundation I would take the lead in recommending peace and harmony to the people. On any other, I would never wish to see them united again. If the breach in the constitution be effectually repaired, the people will of themselves return to a state of tranquillity—If not— may discord prevail for ever! I know to what point this doctrine and this language will appear directed. **But I feel the principles of an Englishman,** and I utter them without apprehension or reserve. The crisis indeed alarming; so much the more does it require a prudent relaxation on the part of government. If the King's servants will not permit a **constitutional question to be decided, according to the forms and on the principles of the constitution** it must then be decided in some other manner; and rather than it should given up, rather than the nation should surrender their birth-right to a despotic minister, I hope, my lords, old as I am I shall see the question brought to issue, and fairly tried between the people and the government. My lord, this is not the language of faction; let it be tried by that criterion, by which alone we can distinguish what is factious, from what is not—**by the principles of the English constitution. I have been bred up in these principles; and know that, when the liberty of the subject is invaded and all redress denied him, resistance is justified.** If I had a doubt on the matter, I should follow the example set us by the reverend bench with whom I believe it is a maxim, if any doubt in point of faith arises, or any question of controversy is started, to appeal at once to the great source and defence of our religion—I mean the Holy Bible: **the constitution has its political bible,** by which, if it be **fairly consulted by every political question** may and ought to be **determined. Magna Charta, the petition of Right, and the Bill of Rights form that code,** which I call **the Bible of the English Constitution.** Had some of his Majesty's unhappy predecessors **trusted less to the comments of their ministers, had they been better read in the text itself, the glorious Revolution** would have remained only possible in theory, and would not now have existed on record **a formidable example to their successors.**

Mr Fox 1797
Seditious Liabilities

These are the two principal features of that act that merit your attention. With respect to the other act, for the prevention of seditious meetings and assemblies without inquiring whether the rights taken away by that act were proper subjects of legislation, I may at least, doubt the propriety of their being made so. The statute clearly affects rights which, their very nature and essence, must have been antecedent to the power of

legislation, and it is not merely a question of morality, but of the highest political prudence, whether rights that are principles, rights which make the foundation of the legislature itself, and without which no legislation can be legitimate, ought to be made the provisions of a statute. It is a manifest axiom in a popular government, that man has the fundamental right to state his opinion ; this right must be recognized, since it was on the exercise of this right that the government itself was formed. Need I illustrate the doctrine? It is recognized in the Bill of Rights. No man will deny that the right of petition to parliament is as inherent to the people of England as the right of petition to the crown. **Why, then, did not the Bill of Rights state the one as well as the other ? Why, but because the one had been attacked and questioned, not the other and it has been truly said of the Bill of Rights, that it only asserted the privileges which had been outraged; it did not enumerate all the rights which had not come into dispute.** But it is said, that this is not the first instance in which difficulties have been thrown in the way of petition; and reference is made to the act of Charles '2nd, in which distinction is made between assemblies convoked by the sheriff, persons entitled to the elective franchise, and other persons. No argument, in my mind, can be so dangerous as that which raises distinctions as to the right of petition.