



3189



J. 3

John Patton Belfast
MEMOIRS

I. 3

OF
THE PUBLIC LIFE

OF
JOHN HORNE TOOKE, ESQ.

CONTAINING

*A Particular Account of his Connections with the most
eminent Characters of the Reign of George III.*

HIS

TRIALS FOR SEDITION, HIGH TREASON, &c.

WITH

**HIS MOST CELEBRATED SPEECHES IN THE HOUSE OF
COMMONS; ON THE HUSTINGS, LETTERS, &c.**

—
BY W. HAMILTON REID.
—

Justum et tenacem propositi Virum.

HORACE.

=====
LONDON:

**PRINTED FOR SHERWOOD, NEELY & JONES,
PATERNOSTER-ROW.**

—
1812.



J. G. Barnard, Skinner Street, London.

PREFACE.

THE life of a man whose superior endowments have been highly respected, even by his enemies, cannot fail in being uncommonly interesting. In this account, in which care has been taken to collect every public act, in which the subject of it has borne any conspicuous part, the reader will find the speeches of Mr. Horne Tooke, delivered from the *Hustings* during the *Westminster Election*, have been reprinted from the author's corrected copy.

The substance of the different trials in which Mr. Horne Tooke has been involved on the charges of libel and high treason, will be found here divested of nothing but their formality, with apposite remarks. Mr. Horne Tooke's conduct in *Parliament*, and his connection with many of the first characters in the kingdom, particularly with Sir Francis *Burdett*, the late Mr. *Paul*, &c. have also been noticed, with a view to the illustration of their political principles.

It is presumed, that the leading features of Mr. Tooke's life will effectually remove those prejudices which have been raised against him; and to which his eccentricities, and not his crimes, may have accidentally afforded some shadow of reality.

It will also be seen in the following Remarks on the political Life and Character of Mr. Horne Tooke, that it was principally to his persevering efforts in the cause of liberty that we owe the privilege of reading the Parliamentary Debates in the newspapers; a trait in his character not sufficiently known or appreciated. Several remarks also occur in the Introduction, calculated to remove objections made against Mr. Horne Tooke's principles since his decease.

THE EDITOR.

INTRODUCTORY REMARKS

ON THE

POLITICAL LIFE AND CHARACTER

OF

JOHN HORNE TOOKE, ESQ.

AS it is chiefly in the light of a public man in which Mr. Tooke's actions are here to be considered, the task of collecting and retailing private anecdote, or chit-chat, (whatever importance some people attach to this Boswellian embellishment of life writing) is willingly waved here, as a very inferior consideration. If it be only with his public life that the public have to do, it is not necessary his biography should be confined to any person or persons, particularly privileged; not even to his most intimate friends, whose impartiality might probably be suspected, if not called in question. Much as the many esteem the deceased, as canonization is justly disclaimed in this enlightened age, Mr. Tooke's friends will not be disposed to receive every trivial trait in his private life as

a religious relic; for, as he was no *saint*, it is not likely that his admirers should be *idolaters*. Every word he uttered was not an oracle, nor was every action of his life essentially different from those of his compatriots and fellow men.

The leading events with which he was connected as well as the important results in which he was concerned, being collected and arranged with as much accuracy as time and circumstances would admit of, his merits remain to be weighed in that scale of estimation which can only be derived from actual facts and a just comparison of his character with that of others who have moved in directions by any means similar, or who have had any claims upon mankind, either on the score of patriotism or public virtue.

Mr. Tooke, it must be admitted, has had opportunities beyond many other men, for the sole reason, that in the nature of things these opportunities very seldom occur. He came into public life much about the time when the nation at large was big with the hopes they had conceived from the throne being newly filled by a British Prince, much in the same manner as the hopes of the coun-

try were lately raised in consequence of the elevation of another British Prince to the Regency ; and apparently the result in chagrin and disappointment will be the same in both cases.

Mr. John Horne, it will be seen, became in a measure a public man in a very early part of his life, when he was first acquainted with the celebrated Mr. John Wilkes, at Paris, about 1767. With a head so peculiarly turned for politics as his, no obstacle, no opposition, not even the difference he had with some of his friends, and particularly with Mr. Wilkes, were able to divert his attention any other way. From the very first it will appear, that it was to *measures* and not to *men*, that he looked for the removal of grievances which he saw daily increasing. It is apparent such was Mr. Tooke's political sincerity, that had there been a man in the world in whom he could have borne with any thing like double dealing, that man would have been Mr. Wilkes. Mr. Wilkes was a reformer in theory, Mr. Horne a reformer in practice. The unhappy disagreement between these two great men, was one of those evils which have so frequently ope-

rated as a species of *good* to a profligate administration. It was one of those potions of *wormwood*, which, when introduced into the public cup, such men have generally had the address to turn into *honey*. Mr. Wilkes wished to repose among roses, and to be wafted upon the breeze of popular praise; but Mr. Horne Tooke despised this kind of publicity, and often walked upon thorns. One seemed eager to anticipate a triumph without any conflict, while the other was persuaded there could be neither safety nor dependence in the state till that was decided: hence Mr. W. complained of “the lack-laugher *sang froid* of the parson,” and was as *gay* as if the battle had been over; while Mr. Horne was *grave*, knowing it had scarcely begun. In fine, Mr. Wilkes used his pen and spared his purse, and Mr. Tooke hazarded both his person and his purse. Mr. Wilkes was among those who received, and Mr. Horne among those who gave.

Not wishing to be a sleeping partner in the great house of political reform, Mr. Horne not only sacrificed his interests, but even his personal resentment in the great cause; and, his quarrel with Mr. Wilkes, he certainly did se-

parate as much as any man could do, from every thing attached to his politics. Besides his endeavours to bring the murderers of young Allen to justice, when the meeting of the freeholders of Middlesex took place, on Monday, April 17, 1769, at Mile End Assembly Room, in consequence of the unconstitutional determination of the House of Commons, that Mr. Luttrell ought to have been returned member for Middlesex, and *not* John Wilkes, Esq. Mr. Horne Tooke signalized himself much, and made a motion that a Committee of *Grievances* and *Apprehensions* be appointed to take into consideration the alarming attack made on the Right of Election. He supported his motion by many strong and convincing arguments, and it was carried unanimously.

Mr. Horne Tooke's patience and perseverance in overcoming difficulties was truly admirable. With respect to the affair in St. George's Fields beforementioned, "by his indefatigable and undaunted exertions, he brought, under circumstances of unprecedented difficulty and danger to his own personal safety, *six* out of *nine* murderers to trial, although, to the eternal disgrace of the

country, he failed in bringing them to justice. Immediately after the massacre, when Mr. Horne visited the place, in order to investigate the affair, he met with so much opposition from the Justices, and so many rebuffs from all to whom he applied, that a gentleman (who had joined him in his benevolent exertions) at length told him that "the Justices would not discharge their duty, they seemed bent on more mischief and blood;—for his part, he had a family to consider, and should retire, and advised Mr. Tooke, for his sake, to do the same." To which Mr. Tooke answered, "that he was determined to stay and procure a warrant and apprehend the offenders." He did stay, and surmounted unprecedented difficulties and fatigues in his laudable and amiable struggle in the cause of humanity; in which he succeeded, as we have just said, in bringing *six* of the offenders to *trial*, though not to *justice*! We would also dwell upon his signal exertions to bring the ruffians to punishment, who perpetrated the horrid murders at Brentford, as well as his manly and humane conduct towards the Widow Bigby, in assisting her to prefer her appeal even against

the Royal Pardon, after it had been extended to the KENNEDYS, the murderers of her husband."

Mr. Horne Tooke even went still farther at this meeting in advocating the cause of Mr. Wilkes; for in reference to the massacre in St. George's Fields on the 10th of May, 1768, during the time his friend was confined in the King's Bench, he repeated the circumstance to the Freeholders at the Assembly Room, after which an account of what he had spoken, appeared in the *Middlesex Journal*, that explained very fully and particularly the transactions of the bloody 10th of May, 1768, together with the subsequent proceedings on the trial of the soldier—and thus Mr. Tooke justified his declared intention of publishing a narrative of that affair and its results. In justice to Mr. Wilkes it must be acknowledged, that in several instances he also sacrificed his private passions to the public cause.

Not less painful was Mr. Horne Tooke's endeavours in behalf of the weavers of Spitalfields, whose crime very much resembled that of the Nottingham frame breakers and others, excepting that the former were not

goaded to their excesses by absolute famine. Some of them had the audacity to go in a *body* to St. James's, and to petition against the wearing of French silks.

For these Spitalfields weavers, Mr. Horne Tooke was charged with receiving subscriptions, which he never did receive, though with other gentlemen he took no small pains to save the lives of some innocent men; but though one was petitioned for by the Lord Mayor and all the Aldermen who sat on the bench at his trial, with the strongest circumstances in his favour; and though another was unanimously and strongly recommended to mercy by the Jury, they were both hanged. *Their* crime was not murder. But Mr. Horne Tooke and his friends had better success in their endeavours to stop the farther merciless prosecution of that unhappy body of men. And what was done was done without collection or subscription, no money being paid, except twenty pounds out of Mr. H. Tooke's own pocket towards procuring counsel for one Baker, a journeyman weaver, whom Lord Mansfield had refused to admit to bail, till Term time, and till after hearing counsel, although the same

Lord Mansfield confessed that he was committed on a charge for an offence bailable at the very first view, and which did not admit even the shadow of a doubt.

Mr. H. Tooke's humane interference in behalf of the weavers might have been collected from his correspondence with Mr. Wilkes, and might possibly have been passed over here with other circumstances of inferior importance, had not envy already availed itself of some of the actions of his early life, with the view of blackening the latter part of his career. However, the ignorance, equally with the wilful misrepresentations of these slanderers, will perhaps become more glaring as we proceed.

“ An eminent historian of this country,* speaking upon one of the periods of Mr. Horne Tooke's activity (1771) observes, “ Unfortunately about the same time an accident occurred, which revived in an alarming degree the indignation and resentment of the people against their Representatives. Though nothing can appear more reasonable

* Vide Belsham's *Memoirs of the Reign of George III.* Vol. i. 343.

than that the public at large should be furnished with all such means of information respecting the conduct of their Representatives in Parliament, as may consist with the order and dignity of the House, it had been long a subject of complaint, that the speeches of the Members were, in contempt of the Resolutions of the House, regularly printed in the public papers; and several of the Members having formally stated that their speeches had been misrepresented in the Report, although such misrepresentation, if of any real importance, might doubtless have been easily corrected, a motion was made and carried, not indeed unanimously, that the printers, Wheble and Thompson, should appear to answer this complaint at the Bar of the House. The printers taking no notice of this general summons, a second order was issued, and declared to be final. No more regard being paid to the second order than to the first, a motion was made, that Wheble and Thompson should be taken into the custody of the Serjeant at Arms. In consequence of information, that the parties had absconded, a royal proclamation was issued, offering a reward of 50l. each

for apprehending the two printers. In the mean time six other printers were, for similar offences, ordered to the Bar of the House, five of whom obeying the summons, were reprimanded and discharged, and the remaining delinquent, Miller, was ordered to be taken into custody for contempt of the House. Wheble being apprehended and carried before Mr. Wilkes, recently chosen an Alderman of London, he was discharged by that Magistrate, and bound over to prosecute the person who apprehended him; and in a letter to the Earl of Halifax, Secretary of State, Mr. Wilkes declared, "that Wheble had been apprehended in violation of the rights of an Englishman, as well as of the chartered privileges of a Citizen of London." Thompson was also apprehended, and discharged in the same manner. Miller being taken into custody by the Messenger of the House of Commons at his dwelling, was carried before the Lord Mayor (Crosby) and the Aldermen, Wilkes and Oliver, at the Mansion House. The Serjeant at Arms attending to demand the prisoner, the legality of the warrant was denied, and the printer not only discharged,

but the Messenger of the House, on pretext of a false arrest, ordered to be committed to prison in default of bail, which was at first refused, but at length reluctantly given; and for these proceedings, the thanks of the Corporation of London was immediately voted them."

This inefficient narrative by the historian, the defects of which are not supplied by any subsequent account of a transaction in which Mr. Horne Tooke had the principal share, we must here supply from the information of some of the parties concerned: to whom then are we indebted for this manly and successful opposition to tyranny, and the advantages that resulted from it in an enlargement of the liberty of the press? To Mr. Horne Tooke as the principal mover and agent. About this time he thought proper to report in the *Middlesex Journal* (a paper bought by himself and others, and *published*, but not *printed* by Mr. Wheble) and not only to report, but to descant with some freedom on the speeches of some of the Members. Among those upon whom he was the most severe was Colonel Onslow, a Member of the House, whom Mr. Tooke in his writings

called "Cocking George," from his attachment to cock-fighting. This brought on the subsequent orders of the Speaker to arrest the publishers of various newspapers, that had used the *real*, and not as before, the *feigned* names of the Members.

But though this circumstance is not noticed by any of the writers of Mr. Tooke's Memoirs, Obituaries, &c. it is not less true that Mr. Wheble became the scape-goat for the rest of the supposed defaulters, in being advised by Mr. Horne Tooke not to attend the order of the Commons in the first instance; and when a warrant was issued against him, it was not served, and some delay took place in consequence of a discussion between Messrs. Sawbridge and Townshend, who had presided as Magistrates of the City of London, in which it was agreed to order the release of Wheble, if apprehended, and commit the Messenger for a breach of the peace. But though thus acting together at this period in the public cause, Messrs. Sawbridge, Townshend, and Horne Tooke, had then separated from Wilkes, on account of his insisting that no money should be issued from the Bill of Rights Society, but

for his use, and to pay his debts. Another Association, however, was soon formed, called the Constitutional Society, and which Society voted and presented to Mr. Wheble an hundred guineas.

These proceedings thus originating with Mr. Horne Tooke, excited a very strong desire for reading the Parliamentary Debates, and from this period (1771) they began to be extremely dilated, though to the present hour they are held a breach of privilege. It ought not to be omitted that Mr. Horne Tooke's associates in the *Middlesex Journal*, in which the speeches of the Members were first of all indicated accordingly as they belonged to each speaker, were Philip Thickness, Esq. father of Lord Audley: Mr. Haseltine, a Proctor in Doctor's Commons; Mr. William Davis, and Mr. Newberry, Booksellers, &c.

Emboldened by this precedent, Mr. William Woodfall, afterwards undertook to occupy the whole of his paper with the debates of the two Houses during the Session, though it was frequently the *evening* before his *morning* paper appeared! Others, however, have so far improved upon his plan, that a

large newspaper excluding almost every thing but the Parliamentary proceedings, may generally be laid upon our tables in the forenoon,

Mr. Wheble, whose firmness in the cause of freedom, gave Mr. Tooke and his friends an opportunity of bringing their contest with Government to an issue, is one of the few survivors of his early adherents, and has been for several years past, a worthy member of the Common Council of this City. Bingley Miller, and Thompson have, with their patrons, paid the debt of nature.

Some writer has brought forward the circumstance of Mr. John Horne taking the name of Tooke from a friend, as the indication of a culpable condescension on the part of the former. This objection seems rather to have arisen from a degree of ignorance of the nature of gratitude in some elevated minds. Mr. Tooke was, it is understood, a very respectable member of the Society for the preservation of the Bill of Rights, at an early period ; and though his will, so much in favour of Mr. Horne, whom he requested to take his additional name of Tooke, was opposed by a counter-claimant, it ultimately

received the further confirmation of a court of law.

How highly Mr. Horne Tooke esteemed the liberty of the press may justly be inferred, from the interest he took in the public papers, in following up the example of exposing corrupt Ministers, began in these vehicles by the immortal Junius. From these two illustrious characters, the regular opposition papers, as they have been called, derive their origin. It is true, that through the weakness of some, and the venality of other Editors and Proprietors, the Government can always influence three parts out of four of the newspapers. And though in the nature of things, a press perfectly independent cannot be expected, yet more good than evil will result to the public, both from the liberty, as well as the licentiousness of the press.

But it is from public men, and real patriots, that the most impartial press receives its tone. For till Sir Francis Burdett, and the few noble friends who acquiesce with him, spoke a language not courtly indeed, but harsh and alarming in the dull and heavy ears of corruption, the language of the press

was comparatively servile and soothing to what it has been since. Corruption, which during the present reign, has been gaining upon the liberties of the people with giant strides, was not to be averted by a tame forbearance and gentle entreaty. It required the energy of a Cobbett, and the firmness of other truly independent Whigs to keep the high-flying Tories in any thing like decorum. Yet Mr. Horne Tooke's prediction in 1796, "That taxes, burdens, and oppressions would still be heavier, and that the Ministers of this country were pursuing a career in which they could not stop," has been *infallible*. And in spite of all the labours of his disinterested friends and compatriots, to the stupid objection, that we are not yet ruined, it must indeed be answered: It is very true. But to suppose we are not verging fast towards ruin, must be the height of folly and blindness. Why have the common people now, and ages since, complained of dear times, &c. It is, because, as the price of provisions in the rude ages were low as well as the price of labour, it was therefore neither strange, nor yet untrue, that every generation should be told by its forefathers

and predecessors how wonderfully cheap things were in their times ! As for the price of *labour*, that is an article such partial historians generally omit. These writers, whose object is to stifle complaint, whether just or unjust, should first make it apparent that former legislators, making laws to prevent monopoly and oppression, have bestowed a great deal of labour in vain ; and that with all the wisdom with which we so frequently compliment our forefathers, they have acted very absurdly in crippling the freedom of trade and commerce with any restrictions ; consequently, Lord Kenyon was a mere driveller when he observed, “ the statute laws against monopoly were repealed in *an evil hour*.” The meanest attendant or clerk of a corn market, could have replied to him, the hour of that repeal was the most fortunate that could possibly have occurred. But notwithstanding all the plausibility of these Gentlemen, and the pretended loyalty of those who stigmatize every complaint with the name of *croaking*, stubborn and unyielding facts, which mark the present period as without any precedent in the annals of our history, with real dearth and absolute scar-

city, have frequently for a time afflicted this and other kingdoms, to the ruin and distress of thousands. But the *perpetuation* of famine was reserved for Mr. Pitt and the friends and advocates of eternal war. If the cause of the high price of provisions is asked—the answer is ready in one word, and that is—*war*. A war unprecedented in its causes as well as its effects. As to its causes, they are unhappily concealed in consequence of the length of its duration. The minds of men are mostly made up from the most recent, and not from distant occasions.

The length of any contest renders its origin so comparatively dark and complicated, that few have time or patience to make the necessary enquiries. The indolent many, therefore, adopt the opinions of the active and interested few. It is the same with the common ideas of the rise and results of the present war ; of which too many argue as if a proposition not perfectly demonstrable in the whole, might not be allowed to be so in part. And thus if a house is evidently falling, we must not say so till it is evidently a heap of ruins.

One truth is clear, that unless the price of

provisions quickly fall, that of labour rise, or trade recover its original vigour, many thousands more of aged persons and children must fall upon the parishes. The number of paupers already amount to a fifth part of the population. It was lately hinted to Government in an examination relative to a town in the North, where many hundred manufacturers are out of employ, that it would be a *favour* to provide them with implements of husbandry, and send them to New South Wales! The every day appearance of many once busy towns, is now become that of Sunday, for its stillness and absence of business. In countries where many little farms have been enveloped in great ones, the surrounding cottages have mostly disappeared; the young men are in the armies, and the old ones in the workhouses. But this is not all; the symptoms of decay have reached the capital, the *heart of the country*. It is no exaggeration to say, that half of the counting houses in London are shut up, or nearly deserted: these and warehouses are now every where to be let, as advertisements and notices will shew every reader and passenger.

Still foreign trade continues rather to di-

minish than increase, and probably only waits the doubtful period of peace to disappear altogether. The war therefore, if not just, is now become fatally necessary; at least for our existence. There are many reasons why peace would be of little or no benefit. In the first place, it would add some hundred thousands to an idle population, for whom, in consequence of the operation of our restrictions on the trade of the Continent, it would be physically and morally impossible to find employment; consequently, the starvation or emigration of thousands must take place, and not carrying money out of the kingdom with them. In what character must they leave it? As servants! What a humiliation! But is there no remedy? No; there can be no remedy, unless the Government can afford to give up more than half of its present revenues. The enormous height of the taxes, of house-rent, and provisions, have long compelled our manufacturers to do infinitely more work for a bare subsistence, and to answer the demands of the present war, than the people of any other nation do for theirs; consequently, the foreign markets have been long glutted. Add to this

cause, the mischievous introduction of machinery, has still lowered the price of labour, which Mr. Tooke would have proportioned to that of provisions.

If then in time of war, when so many thousands of our people are in arms in different parts of the world, there be not by any means sufficient employment for those that are at home, what are to be done with the additional hands which would be thrown upon us by a peace? If, while our Island has become, as it were, the Counting-House of the Creation, and if with the sweep of the whole sea in every part of the globe, and the exclusive command of every port in the world, in consequence of the continuation of the war, we barely exist as a commercial people, what must be the result of admitting any rival in the case of a peace? Much less can we bear the idea of the liberty of the seas to *all* nations; we who subsist as a commercial country wholly and solely by our peculiar possession of the ocean, and the exclusion of others from equal privileges! This must be the effect of our "turning Commerce into a Sword." And as the present war differs from former wars in many re-

spects, so will the peace that *must* follow it sooner or later, differ from any other peace ; unless all Europe, and we may now add, South America also, should be again disorganized in our favour.

All this dread order break—for what? for thee?

Vile worm! Oh, madness, pride, impiety!

And yet it must be so, if we are saved as a nation without such a radical reform as Mr. Tooke and his friends sought to obtain.

Again, former wars lasting only a very few years, and sometimes less, and trade not being radically disturbed, the persons concerned in it generally found their old employers and employments again. Now the extreme length of the present war taking away thousands of youth without any trade or calling, they may return home in a state of manhood without any capacity to maintain themselves. And yet it is to this period alone that we have been taught to look for happiness and plenty. In the interim, as every thing should be done *for* the people, and nothing *by* the people, let us hope that our representatives warmed by the example of that patriot and his friends, whose life will be more fully detailed

in the following pages, may yet avert our worst fears, and fulfil our best hopes. Mr. Horne Tooke, though since his demise he has been charged with undue notions of resistance to the supreme power, held no such doctrine. His example in particular, which should ever be admitted before precept, exhibited no weapons that he would prefer to reason and argument. In spite of all the violence which has been imputed to him by prejudiced persons, his whole life was an illustration of that moderation which he always wished to adopt in his favourite views of reform; that is, while others pursuing the same object, wished to go all the way to *Windsor*, Mr. Tooke said, and his actions proved, that he would be contented to stop at *Hounslow*. It is not always from kings that subjects have the most to dread; but from those who usurp an unlawful authority over kings; and then the lawful sovereign must yield to the trammels imposed upon him, or, as Mr. Tooke phrased it, contest the point with, "**THEIR NEW MAJESTIES**, the king then having no means left to protect his most faithful subjects."

PUBLIC LIFE

OF

JOHN HORNE TOOKE, ESQ.

THE name of Mr. John Horne Tooke, of whose abilities the elegant Junius was far from thinking meanly, so far back as the commencement of the present reign, has been associated with so many important events, and his uncommon genius exerted on so many difficult and trying occasions, that any similar opportunity of displaying such endowments has seldom fallen to the lot of any humble individual. From hence it has been observed, "That from the beginning of this eventful reign to the day of Mr. Tooke's decease, scarcely has any public occurrence passed in which he has not had a greater share than belonged to his private station. He has accordingly been one of the most active individuals in a period of general

activity. He has lived in more revolutions of parties and politics than any other man of the day, and in all of them have his talents, his influence, and his indefatigable exertions shone pre-eminently conspicuous." Notwithstanding, it has been justly observed, "No man's character has been less understood. Many, while alluding to his name, conceive the idea of a furious declaimer, replete with anger and revenge, and thirsting after the perdition of all that is good and virtuous among us. They represent to their terrified imaginations a man of squalid appearance and intemperate manners, and would be astonished to discover the scholar rising above his age and nation, the politician blending the patriot and the statesman together, and the man of breeding exhibiting the courtier's grace without any of his insincerity."

It requires no extraordinary acumen to discover that all this gross misrepresentation originated merely in a party spirit, principally from the share this gentleman took with many others, in the American and French revolutions. Since then, calumny, when applied to him and the disinterested

few who have been proud of his attachment, has known no limits; nor has candour ever been consulted when he or his friends have been the subject of speaking or writing. Nothing but his late lamented death has been able to soften the asperity of his enemies, or induce them even to *name him* with temper; and now we have been told for the first time, by a *Ministerial print*, "That this celebrated political and philosophical writer died at Wimbledon, yesterday morning (Thursday, March 19). He was a gentleman of the most profound learning and erudition; and had he uniformly turned his abilities to proper purposes, might have rendered himself eminently beneficial to his country. His successful controversy with the celebrated *Junius*, was of itself sufficient to raise him to the first class of political disputants; nor was he finally led away from the path of loyalty, until in a luckless moment he was seduced within the baleful influence of the revolutionary vortex of France, that curse of Europe, and mortal plague of civilized man. We have not room at present to say any thing more of this truly great scholar and remarkable man.—*Requiescat in pace!*"

From Mr. Tooke's first appearance in public, it is true, that though educated for the church he was very early in life distinguished as a political character ; as one who then had his friends and admirers among the many. And as this kind of admiration was consistent with those half-measures, and that trimming kind of political conduct by which the people of England have been too long amused and cajoled, this he might have enjoyed as long, and perhaps longer, than many of his competitors ; but his great mind disdained the credit thus cheaply attained, and no sooner was it evident that he entertained a mean idea of the mode of reform, most common in the mouths of pretended patriots, than he was accused of " comparing his own purity with the looseness and corruption of others ; of regarding himself as the clearest sighted, and most disinterested of patriots ; of despising, in comparison of his own whiggism, that of all the leaders in the opposition ; and of traversing the views of his friends by requiring of them a disinterestedness, and a political wisdom, of which he and they were alike incapable ; and that his views of the perfection of political society

had no respect to the passions and prejudices of human nature, but were like those of the French philosophers, framed, as if he could have contrived a scheme of government, and could then have made a race of men for the express purpose of living under it."

Now, though this language will easily be recognized as that of the advocates of state corruption and venality, the best reply to the charges it contains will be found in a review of his life.

Mr. John Horne Tooke, who, it seems was destined to be a thorn in the side of despotism till the latest hour of his life, was born about the year 1737, his father being a respectable poulterer near Soho Square, and afterwards Treasurer to the Middlesex Hospital. Previous to young Mr. Horne's being sent to Westminster School, it is said, he attended an Academy in or near Soho Square. It was soon observed that our young scholar possessed talents of no ordinary capacity; of course, the report that he used, whilst at Westminster, to employ lads of inferior capacity to perform his tasks for him, does not appear very probable.

From hence we are told, that at the usual

age Mr. Horne was removed to Eton, and soon distinguished himself by the shrewdness of his remarks, the keenness of his wit, and the severity of his satire; but these last were never exerted but against what either was, or appeared to him to be, an abuse. From this celebrated school he was sent to Cambridge, and entered of St. John's College in 1751. In addition to his former character he now added that of industry; his assiduity in the prosecution of his studies was laudable and exemplary. Even at that early period, he is supposed to have conceived his plan for the better construction of his native language, and from which he afterwards derived so much celebrity in his *επεα πτερόεντα*. While at Cambridge Mr. Horne took the degree of A. M.; it was not a little remarkable, that this was attempted to be withheld from him by Lord Mumford, a relative to the nobleman (Lord Temple) who afterwards opposed his sitting in the House of Commons.

That principles in direct opposition to those of non-resistance and passive obedience had excited this kind of proscription cannot be doubted. But as some apology for Mr.

Horne's early propensities, it has been asserted, " That about 1750, when he might probably imbibe his first notions of politics, the opposition of the school of Bolingbroke, and the ministry, who were chiefly from that of Walpole, were zealously contending who should, in the eyes of the people, bear away the palm of the purest whiggism. In the contention, they both avowed impracticable principles. Bishop Hoadly, Squire, the speeches of the Whig Managers of the trial of Sacheverel, the boldest papers of the *Craftsman*, with the orations of Pitt, Lyttleton, and a few others; and the most eloquent remains of the literature of the authors of the revolution, formed the favourite political library of the Whigs. These books were read with so much the more earnestness, because they were accounted to breathe much of the spirit of the classical authors of Greece and Rome. They were, of course, put, at an early period, into the hands of Mr. Horne. Warmed, therefore, with the principles he had thus imbibed, it is said, he had published several political letters in the newspapers, before he obtained the degree of Master of Arts. He, however, not only obtained his

degree, but having entered into holy orders, while yet a very young man, obtained the living or chapelry of Brentford, and was promised that he should be appointed one of the chaplains to his Majesty, with a prospect of such other preferment, as should be sufficient to satisfy his wishes. These prospects were set aside by an event which, in the end, had a tendency to dissolve the connection between Mr. Horne and the church, for ever.

The circumstance of the arbitrary arrest and imprisonment of Mr. Wilkes, then member for Aylesbury, by a general warrant, (afterwards declared to be illegal) called forth the energies of the nation, and awakened a degree of jealousy, which it had never felt since the exclusion of the House of Stuart from the British throne.

Mr. Horne was abroad when this occurred; but soon after the subsequent exile of Mr. Wilkes he visited him in Paris, and formed a connection which remained long unbroken. After Mr. Wilkes's return, and when he had been disappointed in his attempt to represent the city of London in Parliament, Mr. Horne, at his own risk,

opened houses for him at Brentford, when he put up for Middlesex, and finally enabled him to triumph, in consequence of being returned to Parliament as one of the knights of the shire. The quarrel which afterwards took place between these two friends, supplied a source of scandal for their enemies : but it must be allowed on all hands, that the character of Mr. Wilkes was far from spotless ; his cause, however, was unexceptionable ; and no man knew better than Mr. Horne how to discriminate between them, as will appear by the following extract of letters to Mr. Wilkes in 1771.

“ I found you (says Mr. Horne) in the most hopeless state ; an outlaw, plunged in the deepest distress, overwhelmed with debt and disgrace, forsaken by all your friends, and shunned by every thing that called itself a gentleman, at a time when every honest man who could distinguish between you and your cause, and who feared no danger, yet feared the ridicule attending a probable defeat.”

“ Happily we succeeded, and I leave you, by repeated elections, the legal representative of Middlesex, an Alderman of London, and about thirty thousand pounds richer than when I first knew you ; myself by many degrees poorer than I was before ; and I

pretend to have been a little instrumental in all these changes of your situation."

" I was your friend only for the sake of the public cause, that reason does in certain matters remain ; so far as it remains, so far am I still your friend ; and, therefore, I said in my first letter, ' the public should know how far they *ought*, and how far they *ought not* to support you.' To bring to punishment the great delinquents who have corrupted the parliament and seats of justice, who have encouraged, pardoned, and rewarded murder ; to heal the breaches made in the constitution, and by salutary provisions to prevent them for the future ; to replace once more, not the administration, for which they are very unfit, but the checks of government really in the hands of the governed."

This rupture between Mr. Wilkes and Mr. Horne, soon afterwards involved him in another, with the celebrated Junius, who evidently felt and respected his talents.

In a letter addressed to his Grace the late Duke of Grafton, dated July 9, 1771, Mr. Horne Tooke is accused of apostacy, and the dereliction of all his former political principles.

In the course of a few days, this letter, which appeared in the Public Advertiser, drew forth the memorable reply of Mr.

Tooke in the same paper, beginning with, "*Farce, Comedy, and Tragedy—Wilkes, Foote, and Junius*, united, at the same time, against one poor parson;" when after rebutting the insinuations of Junius respecting his "new zeal in support of administration," and professing the utmost abhorrence to their measures, he observes:

"You are bound to refute what I here advance, or to lose your credit for veracity. You must produce facts: surmise and general abuse, in however elegant language, ought not to pass for proofs. You have every advantage, and I have every disadvantage. You are unknown, I give my name: all parties, both in and out of administration, have their reasons (which I shall relate hereafter) for uniting in their wishes against me; and the popular prejudice was as strongly in your favour, as it is violent against the parson."

"Singular as my present situation is, (adds he) it is neither painful, nor is it unforeseen. He is not fit for public business, who does not, even at his entrance, prepare his mind for such an event. Health, fortune, tranquillity, and private connexions, I have sacrificed upon the altar of the public; and the only return I receive, because I will not concur to dupe and mislead a senseless multitude, is barely that they have not torn me in pieces. That this has been the only return is my pride, and a source of more real

satisfaction than honours or prosperity. I can practise before I am old, the lessons I learned in my youth:—nor shall I ever forget the words of my ancient monitor—

—————“ ’Tis the last key-stone

“ That makes the arch; the rest that there were put

“ Are nothing till that comes to bind and shut.

“ Then stands it a triumphant mark! then men

“ Observe the strength, the height, the why, the
“ when

“ It was erected; and still walking under,

“ Meet some new matter to look up and wonder.”

It cannot be said, that this consistency was not literally verified in the death of Mr. Horne Tooke, the key-stone of *his* political life. However, to return to Junius, in the rejoinder to this letter, this wary disputant was thrown off his guard, in talking wildly about the folly of professions, though he himself was fighting under a mask; but the round assertion which he made, “ that Mr. Wilkes is to be supported as long as he is a thorn in the King’s side,” gave Mr. Tooke an advantage of that decisive nature which he did not fail to improve.

“ But what cares Junius (says he) for the security of the constitution; and he has *now* unfolded to us his diabolical principles. As a public man, he must ever condemn any measure which may tend accidentally to

gratify the Sovereign; and Mr. Wilkes is to be supported and assisted in all his attempts (no matter how ridiculous and mischievous his projects) *as long as he continues to be a thorn in the King's side.* The cause of the country, it seems, in the opinion of Junius, is merely to *ver the King*; and any rascal is to be supported in any roguery, provided he can thereby plant a thorn in the King's side. This is the very extremity of faction, the last degree of political wickedness. Because Lord Chatham has been ill treated by the King, and treacherously betrayed by the Duke of Grafton, the latter is to be the pillow on which Junius will 'rest his resentment,' and the public are to oppose the measures of government, from mere motives of personal enmity to the Sovereign! These are the avowed principles of the man, who in the same letter says, 'if ever he should be convinced that I had no motive but to destroy Wilkes, he shall then be ready to do justice to my character, and to declare to the world that he despises me somewhat less than he does at present!' Had I ever acted from personal affection or enmity to Mr. Wilkes, I should justly be despised: but what does he deserve, whose avowed motive is personal enmity to the Sovereign? The contempt which I should otherwise feel for the absurdity and glaring inconsistency of Junius, is here swallowed up in my abhorrence of his principle. *The right divine and sacredness of Kings* is to

me senseless jargon. It was thought a daring expression of Oliver Cromwell, in the time of Charles the First, that if he found himself placed opposite to the King, in battle, he would discharge his piece into his bosom, as soon as into any other man's. —I go farther: had I lived in those days, I would not have waited for chance to give me an opportunity of doing my duty; I would have sought him through the ranks, and, without the least personal enmity, have discharged my piece into his bosom, rather than into any other man's.

“The King, whose actions justify rebellion in his government, deserves death from the hand of every subject; and should such a time arrive, I should be as free to act as to say. But till then, my attachment to the person and family of the Sovereign, shall ever be found more zealous and sincere than that of his flatterers. I would offend the Sovereign with as much reluctance as the parent; but if the happiness and security of the whole family made it necessary, so far, and no farther, would I offend him without remorse.”

To this conclusive mode of argument no direct reply was given: in fact, Mr. Tooke's letter was dated July 31, 1771, and Junius did not resume his labours till August 15; when, taught to respect his antagonist, he addressed an epistle, not to Mr. Horne, but

the printer of the Public Advertiser: which circumstance is alluded to in Mr. Horne's parting letter, dated August 17, 1771, in which he says,—

“ I congratulate you, Sir, on the recovery of your wonted style, though it has cost you a fortnight.—I compassionate your labour in the composition of your letters, and will communicate to you the secret of my fluency. Truth needs no ornament; and, in my opinion, what she borrows of the pencil is deformity.

“ You brought a positive charge against me of corruption. I denied the charge, and called for proofs. You replied with abuse, and re-asserted your charge. I called again for proofs. You reply again with abuse only, and drop your accusation. In your fortnight's letter there is not one word upon corruption.

“ I have no more to say, but to return thanks to you for your condescension, and to a grateful public and honest ministry for all the favours they have conferred upon me. The two latter, I am sure, will never refuse me any grace I shall solicit; and since you have been pleased to acknowledge, that you told a deliberate lie in my favour, out of bounty, and as a charitable donation, why may I not expect that you will hereafter (if you do not forget you ever mentioned my name with disrespect) make the same acknowledgment for what you have

said to my prejudice. This second recantation will, perhaps, be more abhorrent from your disposition; but should you decline it, you will only afford one more instance, how much easier it is to be generous than just, and that men are sometimes bountiful who are not honest.

“At all events, I am as well satisfied with your panegyric as Lord Chatham can be. Monument I shall have none; but over my grave it will be said, in your own words, ‘Horne’s situation did not correspond with his intentions.’

“JOHN HORNE.”

From this contest, it has been observed, “the *recreant* Junius withdrew, not without some share of disgrace; and the writer who had foiled Sir William Draper, terrified Lord Mansfield, exposed the Duke of Grafton, and assailed the throne itself with a torrent of reproach, felt for the first time *the hand of a master*.”

But to advert to the more immediate cause of the disagreement between Mr. Wilkes and Mr. Horne, a great division had lately taken place in the Society for the Support of the Bill of Rights; and Alderman Oliver, who had been committed to the Tower with Crosby, had refused to

serve with John Wilkes in the office of sheriff; and had haughtily suggested to Wilkes, not to stand candidate for the shrievalty on the same year with him. Wilkes would not desist from his purpose at the bidding of one incomparably his inferior; but Wilkes and Bull, therefore, stood candidates together, and were opposed by Messrs. Kirkman, Plumbe, and Oliver; and in this opposition they were supported by Mr. Horne, once the warm friend of Mr. Wilkes. If personal resentment entered into this measure of Mr. Horne, the disappointment which attended his party must have been a just mortification. Wilkes triumphed over every obstacle,—Oliver was lowest on the poll, and Wilkes and Bull were returned by a great majority. It was this untoward circumstance which Junius seized upon, when writing to the Duke of Grafton; and, in his forty-ninth Letter, observed in his usual sarcastic way:

“The unfortunate success of the Reverend Mr. Horne’s endeavours in support of the ministerial nomination of sheriffs, will, I fear, obstruct his preferment. Permit me to recommend him to your Grace’s protection. You will find him copiously gifted with those

qualities of the heart, which usually direct you in the choice of your friendships. *He too was* Mr. Wilkes's friend, and as incapable as you are, of the liberal resentment of a gentleman. No, my Lord; it was the solitary, vindictive malice of a monk, brooding over the infirmities of his friend, until he thought they quickened into public life, and feasting with a rancorous rapture upon the sordid catalogue of his distresses. Now let him go back to his cloister, the church is a proper retreat for him; in his principles he is already a bishop."

Unfortunately for the judgment thus pronounced by Junius, every event which has occurred in the life of Mr. Horne Tooke, since this pompous paragraph was penned, has shewn, that in the character he drew, no man could have been more egregiously mistaken. He was evidently deceived in his ideas of the strength of the adversary with whom he ventured to grapple. Mr. H. was not the man to be wrought upon by a declaimer, or daunted by attempts at intimidation.

The wit of Junius also, which used to be keenly felt by others, seemed to have its edge turned when it came in contact with Mr. Horne Tooke. With respect to Mr.

Wilkes, Mr. Horne was told by Junius, that he ought to have foreseen that the charges he urged could never do Wilkes any harm. After all (says he), when we expected discoveries highly interesting to the community, what did it end in? Some old clothes, a Welsh poney, a French footman, and a hamper of claret. Wits that are apt to jump, are very frequently in the habit of jumping over facts, and therefore with respect to these *old clothes*, another enemy of Mr. Horne Tooke adduced the following copy of a letter from him to Mr. Wilkes, written when they were both abroad, “as curious in shewing that Mr. Horne Tooke was never proud of a clergyman’s garb, and had always an ambition to be a fine gentleman.”

“DEAR SIR,

“According to your permission, I leave with you—

- | | |
|------------------------------------|----------|
| 1 Suit of scarlet and gold, | } cloth. |
| 1 Suit of white and silver, | |
| 1 Suit of blue and silver—camblet, | |
| 1 Suit of flowered silk, | |
| 1 Suit of black silk, and | |
| 1 Black velvet surtout. | |

“ If you have any fellow feeling, you cannot but be kind to them ; since they, too, as well as yourself, are outlawed in England, and on the same account—their superior worth.

I am, Dear Sir,

Your very affectionate Humble Servant,

JOHN HORNE.”

Paris, May 25, 1767.

The following extract from a letter addressed by Mr. Horne Tooke to Mr. Wilkes, exhibits a just and curious state of Mr. Wilkes's debts, and of the assistance which he received in money from the Society for the support of the Bill of Rights, in the month of April, 1770:

“ On the 17th of April, 1770, Mr. Wilkes was released from the King's Bench Prison: and at the next meeting of the society, April 24, he was proposed to be ballotted for as a member ; and at the following meeting, May 2, was unanimously chosen.

“ In my last, I shewed what was the situation of the society's accounts at that time ; and stated both what had been done, and what remained to do : viz.

Debts of Mr. Wilkes discharged as	
above - - - - -	£12,000
To Mr. Wilkes for his support -	1,000
To his election expenses - -	2,973
To his two fines - - - - -	1,000

“And by all the list of claims on Mr. Wilkes, he remained indebted 6,821l. 13s. :

“It is proper I should now mention what was Mr. Wilkes’s *visible* situation. He had an estate of 900l. a year, out of which, 200l. a year was payable to Mrs. Wilkes, and an annuity of 150l. was due to Mr. Reynolds, he having purchased the same for 1,000l. ; so that there remained to Mr. Wilkes, a nominal 550l. a year. Besides this income, Mr. Wilkes had 2,000l. in ready money: the other 2,000l. of the sum recovered from Lord Halifax, were said to be paid to Mr. Reynolds ; i. e. 1,200l. for Mr. Reynolds’s law charges, &c. and 800l. to discharge some debts contracted by another breach of trust towards the Buckinghamshire Militia, when Mr. Wilkes was their Colonel.”

Doubtless these items were given by Mr. Horne Tooke to justify an insinuation, that Mr. Wilkes had put his patriotism to sale. From this charge, it seems, Mr. Tooke was so far from retracting, that he reproaches Junius with the supposition, that “should Mr. Wilkes once more commission Mr. Thomas Walpole to procure for him a pension of one thousand pounds upon the Irish establishment for thirty years, he must be supported in the demand by the public, because it would mortify the king!”

Should he wish to see Lord Rockingham and his friends once more in administration, *unclogged* by any stipulations *for the people*, that he might again enjoy a pension of one thousand and forty pounds a year, viz. from the first Lord of the Treasury, five hundred pounds; from the Lords of the Treasury, sixty pounds each; from the Lords of Trade, forty pounds each, &c.; the public must give up their attention to points of national benefit, and assist Mr. Wilkes in his attempt, because it would mortify the king!

Junius, he proceeds, may choose to suppose, that these things cannot happen! But that they have happened, notwithstanding Mr. Wilkes's denial, I do aver. I maintain, that Mr. Wilkes did commission Mr. Thomas Walpole to solicit for him a pension of *one thousand pounds* on the Irish establishment for thirty years, with which, and a pardon (this was during his outlawry), he declared, he would be satisfied: and, that notwithstanding his letter to Mr. Onslow, he did accept a *clandestine, precarious*, and eleemosynary pension from the Rockingham administration; which they paid in proportion to, and out of, their salaries; and so entirely

was it ministerial, that as any of them went out of the ministry, their names were scratched out of the list, and they contributed no longer. I say he did solicit the government (of Canada) and the embassy (to Constantinople), and threatened their refusal nearly in these words: "It cost me a year and a half to write down the last administration: should I employ as much time upon you, very few of you would be in at the death." When these threats did not prevail, he came over to England, to embarrass them by his presence, and when he found, that Lord Rockingham was something firmer, and more manly than he expected, and refused to be bullied into what he could not perform, Mr. Wilkes declared, that he could not leave England without money; and the Duke of Portland, and Lord Rockingham, purchased his absence *with one hundred pounds a piece*, with which he returned to Paris. And for the truth of what I here advance, I appeal to the Duke of Portland and Lord Rockingham, to Lord John Cavendish, to Mr. Walpole, &c. I appeal to the hand writing of Mr. Wilkes, which is still extant.

Alas! to all these stubborn facts and un-

yielding accusations, the mighty Junius had nothing more to urge than "that he never was the champion of Mr. Wilkes; that he was not obliged to answer for the firmness of his future adherence to the principles he professes; and that he had no reason to presume, that he would hereafter disgrace them!"

It is not less singular than true, that the prosecution and imprisonment of Mr. Horne Tooke, for a libel, took place in 1777, two years after the supposed offence. The remark that Mr. Tooke then made, that "the Attorney-General is the Officer of the Minister of the day, and not of the King," a fact from whence the frequency of prosecution for libel has arisen, has been pretty well verified since that period. And as the remarks then made by Mr. Horne Tooke, contain some of the earliest specimens of his superior knowledge of the laws of his country, an abstract of the trial here referred to, will not be misplaced.

This trial came on before Lord Mansfield and a Special Jury, at Guildhall, on Friday, July 4th, 1777.

Mr. Buller opened on the part of the crown, and briefly stated to the jury the subject matter of information, which was an adver-

tisement, dated King's Arms Tavern, Cornhill, June 7, 1775, and purporting to be an account of the Constitutional Society's having met on the said 7th of June, and agreed, "that the sum of 100l. should be raised, to be applied to the relief of the widows, orphans, and aged parents of our beloved American fellow-subjects, who, faithful to the character of Englishmen, preferring death to slavery, were for that reason only, inhumanly MURDERED by the KING'S troops at or near Lexington and Concord, in the province of Massachusetts, on the 19th of last April;" which advertisement was signed by John Horne, the defendant.

As soon as Mr. Buller had concluded, the Attorney-General arose, but was prevented from proceeding, to inform the jury more fully of the case, by the defendant, Mr. Horne, who addressed himself to the court, and declaring he thought that the proper moment to urge an objection which struck him as exceedingly essential, desired to be heard: the court assenting, Mr. Horne turned to the jury, and began speaking, when he was told by Lord Mansfield, that he must make his objection to him, and not to

the jury. Mr. Horne replied, that his lordship had stopped him before he had heard what he meant to offer, and which his lordship when he heard would have found to be altogether regular; the words he was about to say to the gentlemen of the jury being of no other purport than to intreat them to attend particularly to his objection; a circumstance exceedingly necessary, as the matter he wished to urge was very material, and as juries had of late but too frequently been considered as *out of court*, when any point of law was debated. Lord Mansfield again desired him to proceed, when he began objecting to the practice of the court, on the late trials of the printers (convicted of publishing the advertisement, of which he was charged in the present information as the author) in admitting the Attorney-General to reply, although the defendants called no witnesses. Lord Mansfield observed, that this objection was premature, and that, if necessary, the time to urge it was, when the Attorney-General should attempt to reply. Mr. Horne shewed why it was of importance to him, that the matter should be settled in this stage of the trial, urging that he was aware the

Attorney-General would take all advantages, fair and unfair, to convict him, and that he should shape his defence agreeably to a knowledge of the circumstance; whereupon Lord Mansfield declared that he would consent to it, if Mr. Attorney had no objection. The Attorney-General declared his acquiescence, and Mr. Horne proceeded, beginning with observing, that although he thanked the Court, and Mr. Attorney-General, for acceding to this motion, he was not so well pleased with accepting that, as a matter of favour, which he had demanded as a matter of justice. He then proceeded to descant on the usage of the Courts, endeavouring to shew, that although the practice he objected to was not without precedent of late years, it was nevertheless injurious and oppressive to the subject, as well as inequitable, unjust, and contrary to every principle of that protection and safety, which the reason of the laws, and the ancient modes of dispensing justice, were calculated to afford to innocence. In the course of his argument, Mr. Horne took occasion to mention, as one proof of the injurious tendency of this practice, the consequence which had attended his ac-

quiescing in it, upon his own trial some years since at Guildford, where the present Lord Onslow was plaintiff, and was entering into an ample detail of that affair, when he was again stopped (both by my Lord Mansfield and the Attorney-General), who informed him that he must confine himself to such matter as had an analogy to the subject before the court and jury.

Mr. Horne persisted in his argument, asserting, that what he was about to say, was a case in point, which corroborated the doctrine he was holding out, and that, as he knew little more of law than what he had derived from his having for some years frequently attended the court in which his lordship presided, he hoped he might be indulged in quoting a precedent which concerned himself, and of which he was consequently a perfect master. He then went on to shew, that in his cause tried at Guildford in 1771, he was advised by his counsel to forsake the advantage of examining witnesses, in order to disprove the having spoken certain words stated in the declaration as defamatory, but rather to admit them as true (although he could have proved their falsity), than afford

the leader on the other side an opportunity of replying; that he acquiesced in this advice; the consequence of which was, that the leading counsel for the plaintiff did reply, that his counsel rose to object, and that his lordship (who then also tried the cause), overruled the objection, and suffered the reply, upon which the jury had given a verdict against him, with 400*l.* damages. Mr. Horne urged a variety of arguments to shew, that the practice he objected to, was contrary to law.

Lord Mansfield, in answer, told him, that nothing was more clear, than that the Attorney-General had a right to reply, if he chose it; that there was not a doubt of this right; that it had been often exercised, and might be exercised again, when Mr. Attorney thought it necessary.

Mr. Horne complained that his lordship, by taking upon himself the duty of the Attorney-General, had deprived him of hearing from that officer's mouth such arguments as he doubted not the Attorney was able to have offered, and which he would have endeavoured to have refuted; he observed, that at all hazards his situation was a very dis-

advantageous one, but that he was particularly unfortunately circumstanced, if the judge, who was to try him, took upon himself to do the business of the Attorney-General ; for between the two he should find it extremely difficult to obtain a verdict in his favour.

Lord Mansfield replied shortly, and after repeating that the practice in question was not only consonant to usage, but founded in justice, as matter might arise from a defendant's answer which it might be exceedingly necessary for the plaintiff's council to speak to, desired the trial might go on, and told Mr. Horne, that if there was any informality in the proceeding in the trial, or if he thought either the judge or counsel did him injustice, he had a remedy by a subsequent appeal to the Court, who would set aside any verdict obtained irregularly.

Mr. Horne warmly answered this, and said, " Oh ! my Lord, my Lord, let me not hear of remedies of your Lordship's pointing out ; that poison is the most baneful of all, which poisons the physic ; your Lordship's remedies are worse than the diseases of the patients who apply them ; and it is but a

poor satisfaction for a man who receives a wound to receive a plaster from the same hand. At Guildford your Lordship talked to me of a remedy, I submitted, and tried it; it is true I set aside the verdict, but it cost me two hundred pounds. The verdict was but 400*l.* and the remedy cost half as much; it was therefore a pretty dear remedy!" Mr. Horne's heat carried him so far just in this part of the trial, and he was so hasty in his animadversions on the conduct of the Judge and the Attorney General, treating each with a degree of unexampled severity, that Lord Mansfield was provoked to a declaration, that if he did not behave more decently, he should be under a necessity of committing him.

The Attorney General replied at some length, to what he termed loose slander, aspersion, low and scurrilous abuse.

Mr. Wilson proved buying the papers which contained the advertisement, dated King's Arms Tavern, June 7, 1775, signed John Horne, which being proved, were again read by the officer of the court.

Mr. Henry Sampson, and Mr. William Woodfall, having given in their evidence Mr. Horne began his defence.

“ GENTLEMEN OF THE JURY,

“ I am happy in addressing myself to you, in hopes I shall meet with more candour and a better fate, than in addressing myself to my Judge. I am sure you will make allowances for my peculiar situation, when opposed to the ablest and most ingenious at the bar. I stand before you, charged as a culprit of the very first impression. But when the Attorney-General began his speech to you, he boasted so much of his own honour, worth, and integrity, that any one just coming in at that moment, would have taken him for a culprit making his own defence, instead of accusing another. I have heard and attended to the Attorney-General. The letter I acknowledge, and am sure he is not serious in thinking to obtain over a London jury, without law, reason, or argument. I have only to request your particular attention; because, by that and the oath you have taken, you are to judge of me, and all I require is, to be judged of accordingly; and while I have such judges, by the facts before-stated, I am sure you will be bound by your oaths to acquit me of any criminal intention. And as long as the King's troops in America, or any other part, continue to commit murder, I will declare it, and publish it.

“ Gentlemen, in these days, murder and treason meet favour, but libellers and printers are followed to the utmost severity; and true or false, the doctrine of our day is, it is still a libel. But when murder is committed,

I ever dare and will call it so; and if any crime is in the paper read to you, I avow it, and will most clearly prove the contents. I will ever say, write, and think it was an inhuman murder committed on our fellow-subjects in America.

“ If informations are to do the business, what occasion for a grand jury, whose business is first to inquire of them sufficient grounds of accusation? To say, a man is to be brought to his trial. Business of *ex officio* informations are filed without the form of an oath. All my law is derived from the State Trials, and I am not sorry for it, because they are said to be libels on the Judges. The fact must therefore be true. It is said in them, that Judges are against the prisoner, because the attorney is appointed and promoted by the King, who has an interest in the conviction of the defendant; and the court of King's Bench have assumed the power of passing judgment. My crime, therefore is to have a temporary death; to take what little I have, and then shut me up in confinement, which is only genteelly murdering a man; and while I am thus seriously pleading, the Judge and Mr. Wilkes are laughing together. But if you are pleased to put me there, I will ever publish what I think, even there, or go where I will; and if the Attorney-General pleases to follow and file informations every time I write, I promise him business enough; and before I

am shut up, I am sure you'll suffer me to take a little excursion.

“ I was present, when, before my Judge, the Attorney-General De Grey moved that Mr. Wilkes be committed to the King's Bench. The Judge now on the bench hastily told him, he might choose his prison; all are the King's. A Scotch author (Mannet) says, the Attorney-General may prosecute and convict, in spite of all truth, honour, and justice; and the worst of murders are those committed under the colour of justice; yet he was never prosecuted. The Attorney-General is the officer of the minister of the day, not of the King; for when by a change of circumstances out goes the minister, follows the Attorney-General. An instance of this is now before me (looking at Mr. Dunning) a gentleman who was not turned out for want of abilities. The Attorney and Solicitor-General, those two brazen figures, sit in the house, one on each side the minister, to support and defend, and speak to all his measures; though this may make a smile, yet it is of serious consequence, especially when the known honour and integrity of those gentlemen are called in question: and though prosecution, at two years' distance, is commenced at the request of the most corrupt House of Commons that ever disgraced this or any other country.

“ If these observations draw your attention to be careful of the verdict you give, the end will be fully answered; and as the ad-

ministration is good or bad, it produces less or more prosecution for libels; and this is one in 1777 for a harmless advertisement in 1775. But it is said to have an attendance to evil; times, situation, and circumstance, are material to attendance and intention; and what might be fairly deemed a libel in 1777, could not in 1775, before the Americans were prescribed or declared rebels to this country; and if it was or could be deemed a libel in 1775, the Attorney-General has lost his time in prosecuting. Simple contract debts are prosecutable to six, treason to twenty years, but there seems no limit to libels, and if once a crime, always so. I hope this will produce an act to oblige the Attorney-General to prosecute in a certain given time, otherwise I am not sure I may be prosecuted to-morrow, for libels wrote in 1768; and I now look at a gentleman (the worthy member for Bristol) who is as liable as myself to be prosecuted for a libel; and if no line is drawn, I tremble for the consequences, not to myself; and an appeal for rape or murder is prescribed within a year and a day, no prescription for libels. And the gentleman I allude to may be expelled, and that followed by many others; and I confess I believe change and circumstances produced the prosecution; for I was no sooner entered and commenced commons in the Temple, than this information was filed. And since this was wrote, a civil war has commenced, much blood spilt, and I wish much more may not

ensue. To prove this I subpoenaed General Gage, but he will not attend; because long after this, the proclamation was issued, desiring the Americans in so many days to come in, do so and so, or they would be deemed rebels. It is clear they were then so, and consequently the advertisement cannot fairly be deemed a libel. Not that I did not then, and now, and will ever think and call it a murder. But I shall be told, if it was, why not prosecute in a court of justice? I wish I could; but that was prior foreseen, and cured by act of parliament, screening the offenders from trial on one hand, and inviting them to acts of cruelty and murder, on the other."

He called the Attorney-General to be examined, which he positively refused.

Lord George Germaine was next called, who did not appear.

Mr. Lacey proved the 100l. paid to the order of Franklin.

Captain Booth of the 63d regiment, and Alderman Oliver being examined, the Attorney-General rose in reply, principally to defend himself from what he termed, the aspersions of Mr. Horne; and he said it was his own fault the information was not tried sooner, for it was filed at Michaelmas 1776.

Lord Mansfield, in summing up, insisted

upon the right of the Attorney-General to reply, which he said was never doubted or disputed.—The jury, after staying out of Court a short time, returned their verdict, *Guilty*.

During his imprisonment, on account of his attack on a ministry, of whose conduct and principles, its surviving partizans cannot now reflect without shame, as being both impolitic and unjust, Mr. Tooke applied himself once more to the study of philology; and evinced how well he was calculated to discuss this subject, in a Letter to John Dunning, Esq. afterwards Lord Ashburton. Boswell, in his *Life of Johnson*, vol. II. p. 266, observes: “This year (1788) the Rev. Mr. Horne published his ‘Letter to Mr. Dunning, on the English Participle.’ Johnson read it, and though not treated in it with sufficient respect, he had candour enough to say to Mr. Seward, ‘Were I to make a new edition of my Dictionary, I would adopt several of Mr. Horne’s etymologies: I hope they did not put the dog in the pillory for his libel; he has too much literature for that.’”

After having been in possession of the

Chapelry of Brentford about eleven or twelve years, and resigning the same, Mr. Tooke conceived that he had become again a layman; and having been entered of the Inner Temple in 1756, he kept his *commons* regularly as a student of the society of the Inner Temple. But that envy which always pursues extraordinary talents soon shewed itself here; for when the day for his call to the bar arrived, to the surprise of the public, the Benchers of that Inn objected to his admission, not for want of any recommendation, or any suspicion attached to his moral character, but only because he had been in *holy orders*: and yet, during a former period of our history, the clergy being the only learned body of men in the nation, became the lawyers and judges of the state; and to this day, the names of the officers, viz. Clerk of the Court, originally *Clericus*, or one in holy orders, and the coifs of all the serjeants, still testify the fact. However, though secret influence was used in this opposition to Mr. Tooke, the vote of the benchers was not unanimous; some of them afterwards were candid enough to declare they had been

misled, and expressed their regret upon the circumstance.

But notwithstanding Mr. Tooke had excluded himself from the pulpit, and was thus prevented by a harsh resolution from distinguishing himself at the bar, yet his countenance and support of political men were of considerable weight. 'This, it is said, appeared evident, on the coalition between Mr. Fox and Lord North. 'That Mr. Tooke had many claims to the character of a great political writer, was manifest on many occasions, besides those already noticed; for in 1788 appeared "Two Pair of Portraits presented to all the unbiassed Electors of Westminster—By John Horne Tooke, an Elector of Westminster." In this production it has been said, "he painted Mr. Pitt with too fanciful a pencil, while he at the same time distorted the features of a great commoner, whose subsequent conduct was such as to attract Mr. Tooke's applause, and to wash away the remembrance of the ever to be deplored coalition with the *ostensible* author of the American war, by a life devoted to the service of his country."

Being thus still better known to the Electors of Westminster, in 1790 Mr. Tooke suddenly became a candidate for that city, at the same time with Mr. Fox and Lord Hood, who expected to be chosen without opposition. On this occasion he kept himself in reserve till the very morning of the election, when he published the following hand-bill, in which he declared his purpose :

“ To the Electors of Westminster.

“ GENTLEMEN,

“ I think it my duty, on the present occasion, to solicit your votes, to represent you in the ensuing Parliament.

“ The evident junction of two contending parties, in order to seize with an irresistible hand the representation of the city of Westminster, and to deprive you even of that shadow of election, to which they have lately reduced you, calls aloud on every independent mind to frustrate such attempts, and makes me, for the first time in my life, a
CANDIDATE.

“ I do not solicit your favour, but I invite you, and afford you an opportunity to do yourselves justice, and to give me an example (which was never more necessary) against the prevailing and destructive spirit of personal party, which has nearly extinguished all national and public principle.

“ The enormous sums expended, and the infamous practices at the two last elections for Westminster,—open bribery, violence, with the scandalous chicane of a tedious, unfinished, and ineffectual scrutiny, and a tedious, unfinished, and ineffectual petition,—are too flagrant and notorious to be denied or palliated by either party; and the only refuse of each has been to shift off the criminality upon the other. Upon whom and how will they shift off the common criminality, equally heavy on them both, that neither of them has made even the smallest attempt, by an easy, parliamentary, and constitutional method, to prevent the repetition of such practices in future?

“ If the revenue is threatened to be defrauded in the smallest article, law upon law, and statute upon statute, are framed from session to session, without delay or intermission. The country swarms with excisemen and informers, to protect it. Conviction is sure—summary—speedy;—the punishment, outlawry and death. Where, amongst all their hideous volumes of taxes, and of penalties, can we find one salutary statute, to guard the right of representation in the people, upon which all the right of taxation depends?

“ Your late representatives, and your two present candidates, have between them given you a complete demonstration, that the rights of electors (even in those few places where any election appears to remain) are

left without protection, and their violation without redress. And for a conduct like this, they who have never concurred in any measure for the public benefit, they who have never concurred in any means to secure to you a peaceable and fair election, after all their hostilities come forward, hand in hand, with the same general and hacknied professions of devotion to your interest, unblushingly to demand your approbation and support!

“Gentlemen, throughout the history of the world, down to the present moment, all personal parties and factions have always been found dangerous to the liberties of every free people; but

THEIR COALITIONS,

unless resisted and punished by the public, are certainly fatal. I may be mistaken; but I am firmly persuaded, that there still remains in this country a public, both able and willing to teach its government, that it has other more important duties to perform, besides the levying of taxes, creation of peerages, compromising of counties, and arrangement of boroughs. With a perfect indifference for my own personal success, I give you this opportunity of commencing that lesson to those in administration, which it is high time they were taught. The fair and honourable expences of an election (and of a petition too, if necessary) I will bear with cheerfulness. And if, by your

spirited exertions to do yourselves right, of which I entertain no doubt, I should be seated as your representative, whenever you shall think you have found some other person likely to perform the duties of that station more honestly and usefully to the country, it shall without hesitation be resigned by me, with much greater pleasure than it is now solicited.

“ I am, Gentlemen,

“ Your most obedient servant,

“ JOHN HORNE TOOKE.”

Wednesday, June 16, 1790.

That Mr. Tooke should not succeed in obtaining his election, although he polled a great number of good votes, is not astonishing, when it is considered, that he possessed neither parliamentary nor hereditary interest; and that he was not supported by any of the great aristocratical families, who arrogate an influence in Westminster; but, on the contrary, had not only their weight and consequence to contend with, but that of the navy, the army, and the public offices in addition. The stand which he made, however, was memorable, and worthy of the man who conceived it.

And thus, it was this unnatural coalition between the Whig Club and the Treasury,

in which the liberties of the citizens of Westminster were bartered away by the above two parties, which caused Mr. Tooke to appear as a candidate to give the citizens of Westminster a choice, as it was otherwise agreed that Lord Hood should not be opposed by the Whig Club, nor Mr. Fox by the Treasury; and there was not to be a third candidate. Mr. Tooke also declared, that he would open no house nor give any cockades, but only pay for advertisements, &c. He offered himself to their choice merely to break this scandalous coalition, and restore the election to its original purity.

But he had not yet done with those whom he considered as the tools of venality and corruption—he therefore, soon after the election, presented the following memorable Petition to Parliament, which was of course considered by the Speaker as highly indecorous.

“ To the Honourable the Commons of Great Britain, in Parliament assembled.

“ The Petition of John Horne Tooke, Esq.

“ Sheweth,

“ That your Petitioner now is, and at the time of the last election for Westminster,

was an Elector for Westminster, and a candidate to represent the said City and Liberty in the present Parliament. That in the said City and Liberty there are seventeen thousand two hundred and ninety-one householders, rated in the parish books, unrepresented in Parliament, and without the means of being represented therein, although by direct and indirect taxation they contribute to the revenue of the State very considerably more than those who send a hundred Members to Parliament. That at each of the three last elections for Westminster, viz. in 1784, in 1788, and in 1790, notoriously deliberate outrage and purposely armed violence was used, and at each of these elections murder was committed. That for these past outrages, as if there was no Attorney-General, no Government, and no Legislature in the land, not the least redress has been obtained, nor the least punishment, not even the least censure inflicted; nor has any remedy whatever been appointed or attempted, to prevent a repetition of similar outrages in future. That at the election for Westminster a scrutiny was demanded in behalf of Sir Cecil Wray, which was granted on the 17th of May, 1784, and with the approbation or direction of the then House of Commons, was continued till the 3d of March, 1785, when a very small comparative progress having been made (viz. through the small parish of St. Anne, and not entirely through St. Martin's, leaving

totally untouched the parishes of St. George, St. James, St. Margaret, St. John, St. Paul Covent Garden, St. Mary Le Strand, and St. Martin Le Grand) the said scrutiny was, by the direction or approbation of the House of Commons, relinquished, without effect, after having lasted ten months, and with an expense to Sir Cecil Wray of many thousand pounds more than appears by some late proceedings in Chancery to be the allowed average price of *a perpetual seat in the House of Commons, where seats for legislation are as notoriously bought and sold*

* * * * *

“ That on the election for Westminster in 1788, there being an absolute and experienced impossibility of determining the choice of the electors by a scrutiny before the Returning Officer, a petition against the return was presented to the then House of Commons by Lord Hood, and another petition also against the return was presented by certain electors of Westminster; and a Committee was consequently appointed, which commenced its proceedings on Friday, April the 3d, 1789, and continued till June 18th, 1789, when the Committee, as able and respectable as ever were sworn, to try and determine the matter of any petition, on their oaths ‘ Resolved, That from the progress which the Committee have hitherto been able to make since the commencement of their proceedings, as well as from an

attentive consideration of the different circumstances relating to the cause, a final decision on the business before them cannot take place in the course of the present Session; and that not improbably the whole of the present parliament may be consumed in a tedious and expensive litigation.—Resolved, That from the necessary length of the preceding, and from the approach of the general election, which must occur, not later than the spring of 1791 (nearly two years more), the prosecution of the cause, on the part of the petitioners, promises to be fruitless, as far as it respects the representation of Westminster in the present parliament.—Resolved, That it be recommended to the petitioners to withdraw their petitions under the special circumstances of the case.—That notwithstanding this extraordinary and perhaps unparalleled application from a Court of Justice to its suitors, Lord Hood and the other petitioners having refused to withdraw their respective petitions, the proceedings of the Committee continued till July the 6th 1789, when a very small comparative progress having been made the petitioners, from a conviction of the impossibility of any decision by the Committee, were compelled to abandon their petitions without any effect, or tendency towards effect, after a tedious and expensive litigation of three months and three days, and with an expense to the candidate of more than 14,000l.

“ That under these circumstances, as the Petitioner declined demanding a scrutiny before the Returning Officer, so he is compelled to disclaim all scrutiny before a Committee of the House of Commons; for although the act of the 10th of George II. by which the said Committee is appointed, recites in its preamble, that ‘ Whereas the present mode of decision upon petitions complaining of undue elections, or returns of members to serve in Parliament, frequently obstructs private business, occasions much expense, trouble and delay to the parties, &c. for remedy thereof, &c.’ yet it would be less expensive and less ruinous to the Petitioner to be impeached, even according to the present mode of conducting impeachments, and to be convicted too of real crimes, than to be guilty of attempting to obtain justice for himself and the injured electors of Westminster, by the only mode which the new remedial statute of the 10th of George III. has appointed for that purpose; however well adapted that mode of decision may be to settle the disputed claims of the proprietors of small boroughs, for whose usurped and smuggled interests alone the framers of the bill, and of those bills which have since been built upon it, seem to have had any real concern.

“ That by the 9th of Anne, chap. 5th, the right of electors (before unlimited by qualification in the objects of their choice) is restricted in cities and boroughs to citi-

zens and burgesses respectively, having an estate freehold or copyhold, for their own respective lives, of the annual value of three hundred pounds above reprises. That this very moderate restriction, however vicious in its principle, leaving all citizens and burgesses eligible possessing life estates, freehold or copyhold, of the annual value of three hundred pounds, will henceforth only serve as a snare to the candidate and a mockery of the electors, if such candidate possessing a life estate of three hundred pounds a year must expend fifty thousand pounds (and there is no probable appearance that a hundred thousand pounds would be sufficient) in attempting by a tedious, expensive and ineffectual litigation, to sustain the choice of his constituents, and to prove himself duly elected.

“ That though your Petitioner complains (as he hereby does) of the undue election and return of Lord Hood, and the Right Hon. Charles James Fox, to this present Parliament, for the City and Liberty of Westminster, yet is your Petitioner, by a persecution and proscription of more than twenty years, disabled from making that pecuniary sacrifice which by the present new mode of investigation is (and ought not to be) necessary, effectually to prove such undue return; and yet your Petitioner fully trusts that notwithstanding a very great majority of the House of Commons (for so it continues to be styled) are not as they

ought to be, elected by the * * * *
 * * * * and must therefore
 naturally and necessarily have a * *
 * * * * against a fair and real
 representation of the people, yet your Petitioner fully trusts that he shall be able to lay before a Committee, chosen and sworn to try and determine the matter of this petition, evidence of such a nature as the Committee will, on their oaths, think proper to report to the House, some resolution, or resolutions, other than the determination of the return; and that the House will make such order thereon as to them shall seem proper. And your Petitioner doubts not that, as an elector at least, he shall in consequence receive such redress as will be much more important to him, and to the electors of Westminster, than any determination of the return.

“ JOHN HORNE TOOKE.”

This petition, according to the usual mode, being referred to a Committee, was declared frivolous and vexatious; but by a wise policy, too frequently and fatally departed from in matters of higher moment, no farther notice was taken of it by the House, nor by the Government; a demand excepted, which was made in the Court of King's Bench on the Petitioner for certain damages which were supposed to have ensued in consequence of his appeal to the House of Commons.

The trial which ensued proved extremely remarkable and interesting, on account of the circumstances that attended it.

Mr. Garrow stated for the Plaintiff in the Court of King's Bench, that this action was brought to recover the sum of 198*l.* 2*s.* 2*d.* the taxed costs of a petition presented to the House of Commons by the Defendant, and which by a Committee of that House was voted *frivolous and vexatious*. To this declaration the defendant pleaded that he owed nothing to the plaintiff, and thereupon issue was joined. Mr. Erskine, another of the plaintiff's counsel, after observing that the act did not entitle them to enter into a discussion of the merits, called Mr. Dunn, who proved that the warrant, containing a certificate of the expences, had been signed by the Speaker of the House of Commons. An examined copy of the Journals of the House was also produced, by way of ascertaining that the petition had been voted *frivolous and vexatious*.

Mr. Horne Tooke, who acted on this occasion as he had done before, without depending upon the aid of counsel, addressed the Jury in a long and able speech, in which

he endeavoured to impress on their minds that there were only three efficient and necessary parties in the present cause: Mr. Fox the plaintiff, himself the defendant, and themselves the gentlemen of the Jury. The Judge and the Crier of the Court (added he) attend alike in their respective situations, and they are paid by us for their attendance; we pay them well; they are hired to be assistants and reporters, but they are not, and they were never intended to be the controllers of our conduct.—This was not a trial, he observed, between Mr. Fox and him about the trifling sum of two hundred pounds; that was by no means the ultimate object; *a great and important national right was at stake*; the last and only security which the full grown corruption and ingenuity of the times had left to the people of the land for their lives, their liberties, and their fortunes; this last and only security, “a real trial by a Jury of our countrymen, is now attempted to be wrested from us.”

After entering into a variety of curious and interesting details relative to the two prevailing parties of the day, Mr. Tooke complained of the crimes implied in the

words "*frivolous and vexatious*," invented in 1789, the judgment and application of which were reserved for another tribunal. 'This action of debt he considered as a penalty for the commission of a new offence; the act itself, he said, was a *spring gun*, and spoke plain language, not to be misunderstood: "Tread not near our boroughs, for woe to the man in future, who shall be caught in our traps, *our frivolous and vexatious traps*."

After a variety of pointed observations the plaintiff read his Petition to the House of Commons, and then produced a very apposite passage from Blackstone's Commentaries on trial by Jury, and concluded his speech in the following words:

"Now I desire you will reflect what proofs of the debt have been brought before you. An examined copy of the Journals of the House of Commons, and the Speaker's certificate, have been produced. But what are you to try and examine? The Speaker's certificate! If the Speaker's certificate is sufficient to take away our property, why should not the Speaker's certificate be followed by an execution? What occasion is there to call a Jury together to try nothing? And yet to make them solemnly swear to try

well and truly? I ask again, unless it was for the purpose of perjuring a Jury, why might not the execution have immediately followed the Speaker's certificate, as well as your verdict? Why? there was no reason upon earth but one. It was done to colour the transaction. They are not yet quite ripe enough to strip from us at once (and let us know it at the time) our right to a trial by Jury. But they have completely done it in effect. They have left us the Jury, but taken away the trial!

“ They have by a subterfuge taken away the trial, which is the important part, and left us the Jury, which, without trial, is a mere mockery.

“ As men then, as Englishmen, as Christians, if you have any sense of any other tie or religion, you are compelled to pay a sacred regard to that oath which you have sworn, that you *will well and truly try*, and that your verdict shall only be in consequence of having well and truly tried the merits of the question. Where crime is the question, the Jury must judge of the guilt charged, and of its extent; and in actions for property, they must judge whether any thing is really due, and to what amount; for if the Jury are not to try and decide upon the whole merits of the question before them, no man in this country can be safe in life or property for ever hereafter.—Gentlemen, you are all strangers to me; you ought to be, and I believe you to be twelve good and honest

men ; and if you are so, and act and do your duty accordingly, I will venture to say you will sleep this night more happily and with more satisfaction than ever you slept in your lives."

Such an impression did this speech make on the Jury, although it was, as the lawyers term it, *in the very teeth of an Act of Parliament*, that they could not agree in their decision while in Court, but retired to consider of it ; and it was not till an interval of four hours and twenty minutes had elapsed, that they returned a verdict *for the Plaintiff!*

Thus (it has been remarked) ended a cause, which will be equally memorable on account of the circumstances that gave rise to it, and those which accompanied it ; a cause in the course of which the defendant, in the first common law court in the kingdom, and in the face of the whole world, accused a Judge of the denial of justice ; the two great parties in the kingdom of a wretched struggle for the sordid and precarious enjoyment of power, place and emolument ; and a House of Commons of England of gross and flagrant corruption !

The conduct of Mr. Tooke in the Westminster election was by no means considered as personal against Mr. Fox. Even this Right Honorable Gentleman, after expressing the highest personal respect for him at a public meeting, it is said, actually conducted him to his carriage during a shower, and held his own hat over his head, declaring, "that he ought to be careful of the health of a man of such importance to the commonwealth!"

But if this was merely intended as a compliment, Mr. Tooke's real importance to the country was never more realized than in consequence of his ever memorable trial for pretended high treason, on the 10th of September, 1794. It is certain that a number of societies existed at this time, whose professed object was that of a parliamentary reform, a cause originally abetted, invigorated and supported by the masculine talents of the heaven-born Minister himself, previous to his holding the reins of government as Chancellor of the Exchequer. These societies, perhaps from their number, as well as the zeal of some of the members, became the objects of ministerial vengeance;

but though plots were reported to have been hatched by them, the object of which was to overturn the executive government and extinguish the monarchy; though the Tower of London was actually fortified, and the Habeas Corpus Bill suspended, it cannot be said that a shadow of proof as to the reality of these plots was produced in the trial of Mr. Horne Tooke, either on his part or on the part of Thomas Hardy, Thomas Holcroft, John Thelwall, and ten other persons, against whom bills were then found!

Under the impressions heightened by alarmists and the creatures of corruption, who dreaded the loss of their own power and interest more than any real danger to the nation, the special commission of Oyer and Terminer, issued for the trial of the State Prisoners, confined in the Tower of London, on a charge of high treason, was opened at the Sessions House, Clerkenwell, by the President, Lord Chief Justice Eyre, with an elaborate charge to the Grand Jury, who in the course of their proceedings found a bill of indictment against Mr. Tooke and the persons before mentioned, and on the 25th of October they were arraigned before the

Special Commission at the Old Bailey. The members of the Jury sworn to try the general issue of this memorable cause were not only very zealous friends of the government, but adherents of the administration, and most of them members of the Loyal Associations in and near London ; but through the admirable precautions of the law they were also men impartial, intelligent, and of characters highly respectable. The indictment was of uncommon length, and contained nine counts, implying nine overt acts of high treason, and the substance of the charges against the prisoners were as follows :

“ With withdrawing their allegiance from the King.—With endeavouring to excite rebellion and war against His Majesty, in order to subvert and alter the Legislature, and depose his said Majesty.—With preparing and composing certain books, resolutions and instructions, and traitorously causing and procuring the same to be published.—And with maliciously and traitorously procuring and providing arms and offensive weapons, to wit, guns, muskets, pikes and axes, to levy and wage insurrection and rebellion against our said Lord the King,” &c.

On Monday, November 17, the trial of

Mr. Horne Tooke came on, and continued during that and the five following days.

The very outset of this trial was attended with some circumstances as extraordinary as the person that gave rise to them. If Mr. Horne Tooke did not teach his Judges *law*, he certainly taught them usages which they knew not, or were unwilling to acknowledge. The Judges had taken their seats, Mr. Tooke was put to the bar, the names of the pannel were called over, and every thing was supposed to be going on in the usual way, when Mr. Tooke from the Bar desired he might quit that situation and be more properly placed *near* those Counsel which the Court had assigned him for his defence! — Naturally surprised at this demand, Lord Chief Justice Eyre observed, this was an indulgence he hardly ever knew given to any person in Mr. Tooke's situation. To this observation Mr. Tooke replied :

“ My Lord, I am perfectly aware that it is unusual, but I beg your Lordship to observe, that every thing in the course of these proceedings is unusual. I beg your Lordship to consider, that the proceedings on the last trial (that of Mr. Hardy) took up, as I am well informed by a short hand

writer, one thousand six hundred pages of close printed octavo; that the trial took up eight days, with the interval of one day, and the matter of that indictment was such that it is impossible for me to instruct my Counsel, *standing here*; and they cannot know every passage of my life, and some things are imputed to me as passages in my life which are not so, and which will be brought before you. How is it possible for my Counsel to know that which is only known to myself? I do not *ask* this as an indulgence, I beg your Lordship's pardon, I *claim* it as my right by law. If I were a Judge, that word *indulgence* should never proceed from my lips. My Lord, you have no indulgence to shew; you are bound to be just, and to be just is to do that which is ordered. What is not ordered I shall not ask, and your Lordship cannot grant; but if you think it is not my right by law, to be placed by the side of my Counsel, I must encounter the learning and abilities of the Attorney and Solicitor General, by attempting to shew that it is the right of every person standing in my situation. My Lord, I am not so foolish as to desire to give your Lordship or any other person offence, when it is so strongly my interest to please all. I have died twice, and the second time has been a torture. I have a stake as great as any that can be conceived by the mind of man; no less than whether my family shall be beggared, and my name rendered infamous to all posterity. It is very well known that the

best gamesters, when the stake is deep, play the worst. I hope that will not be my case. If I am permitted to sit near my Counsel, I may prevent a great waste of time to the Jury, to the Court, and to yourself. I shall be very glad if what I now ask is granted. If you keep me nine hours, instead of nine days at this Bar, such a declaration will be equal to a sentence of death. I came from a very close custody, my Lords; that custody has been attended with many degrading, and with some uncommon circumstances. At my age, and with my infirmities, this has in some measure impaired the health and strength of my body. I come to you *half* a man, and your Lordships will expect a *whole* defence, and I do not doubt that I shall be able to give you that defence, provided you furnish me with proper and necessary means of giving it."

The Lord Chief Justice still contending that it was an indulgence which Mr. Tooke required, he replied, that he was willing to accept it either as an indulgence, or upon any other footing. A chair was then ordered to be prepared, and the Bar entirely cleared, that nobody might interrupt the prisoner. Upon this Mr. Tooke left the Bar, and coming into the body of the Court, sat down by his Counsel, Mr. Erskine and Mr. Gibbs.

Some of the Jury having claimed leave of absence from the Court, on account of ill health, Mr. Tooke again addressed the Court. He expressed great anxiety for the preservation of the criminal law of England, and wished it might be preserved in its utmost purity. When he had walked along, lost in reflection, and had come to himself again, he had sometimes observed there was not before him the train of objects which he had been accustomed to, and instantly he recollected he must be out of his road. He had then stopped and gone back, because the accustomed succession of objects did not occur to him. "To apply that observation to these proceedings, let us consider (said he) where we are. In the last trial, the Jury returned to the charge day after day in custody, unshirted and unshaven, while the Judges left Court and went home, and returned again and again. Now, if the Jury are to remain unshaved and unshirted, so must the Judges; for the Court is likewise in custody, and the eyes of every person present are their keepers. On this occasion the criminal law of England has been totally destroyed; for my part, I would as readily trust any Jury in England at large, as the Judges." He next

attended to the monstrous increase of the Crown, by returning such a pannel of jurors as the present, namely, two hundred and twenty-eight, of which the prisoner could only challenge thirty-five.—“ What has now become of the criminal law of England? If you do not now find the succession of objects to which you have been accustomed, stop! turn round, for you must be in the wrong. From the glorious structure of the criminal law of England, you cannot take out one stone, but the whole fabric must come tumbling down about your ears. I would rather die on this spot than the Judge and Jury should separate before the end of this trial. The law of the land never intended a trial for high treason (a crime which ought to lie in the palm of your hand) to last for so many days, during which the Attorney-General, the Solicitor-General, &c. were making known to the Jury the nature of it, upon which my life, my fortune, and my character depend. Let me die in this place rather than that all the rules and practice of the criminal law should be destroyed. I will do every thing in my power to prevent it.”

Every thing being afterwards granted according to Mr. Tooke's wishes, he had occasion to ask whether letters written to him, were to be produced against him? When the Lord Chief Justice saying, that all papers found in his possession were admissible evidence, but that the application of the contents would depend on the proof of his having acted upon them; Mr. Tooke said, that if so, he might be convicted of any thing: for although he did not answer letters, he had letters sent to him of all sorts. The day before he was taken into custody, he received a letter, affirming that the writer was God the Father, God the Son, and God the Holy Ghost, which was supported by various quotations from scripture.

Except the amazing deficiency of Mr. William Pitt's memory, when he was examined on this trial, as to the part he had formerly taken to procure a parliamentary reform, there was nothing so clear as Mr. Tooke's innocence of the charges brought against him. Among others, the evidence of the Bishop of Gloucester, who had known Mr. Tooke forty years, were strongly in his favour. And though a variety of papers were

produced, the books of the Society for Constitutional Information, brought forward, and its Secretary, and a number of witnesses examined at the bar, nothing was adduced that could possibly be deemed legal evidence of either conspiracy or guilt. On the other hand, the innocence of the prisoner became conspicuous; and he himself was so much at ease, notwithstanding a very bad state of health, that he afterwards declared, that if the song which was brought forward on the trial of Mr. Hardy, had been produced against him, he was determined to have sung it; “for (added he) as there was no treason in the words, I should have left it to a jury of my countrymen to have declared, whether there was any in the tune!”

Mr. Erskine, in his defence, asserted it to be the office of the jury to decide whether the record, *inseparable in its members*, was true or false. “My whole argument has only been, and still is (said he), that the intention against the King’s life is the crime, that its existence is matter of fact, and not matter of law, and that therefore it must be collected by you, Gentlemen of the Jury, instead of being made the abstract result of a legal

proposition from any fact which does not directly embrace and comprehend the intention which constitutes the treason."

The reply on the part of the Attorney-General was more remarkable for its *length* than *effect*. One memorable circumstance however occurred; for that officer appears to have surrendered the long contested point of *royal inviolability*, as he asserted, at least according to the printed trial, taken in short hand by Joseph Gurney, "that if the king were to take a different parliament than what the law and constitution of England had given him, *he ought to lose his life*; and I trust (added he) would be willing to lose his life, rather than act contrary to his coronation oath."

On this Mr. Tooke, with his usual readiness, exclaimed, "What! is the Attorney-General speaking treason? I should be unhappy to mistake you, (addressing himself to Sir John Scott): Did you say the King ought to lose his life, if he took any other parliament?"

After the merits of the cause had been fairly and fully canvassed, and a number of respectable persons called by Mr. Tooke,

had spoken to his character, the jury having withdrawn for only eight minutes, delivered in a verdict of *not guilty* by their foreman, to the unspeakable satisfaction of the audience, as well as of the populace, with which all the avenues to the court were crowded.

As soon as a calm had ensued, Mr. Tooke addressed himself to the Court, and observed, "that his mind was better formed to feel and acknowledge kindness than to solicit it."

"To prevent the prosecution of other persons for libel (said he) I myself have suffered a prosecution for high treason. I return your Lordship thanks; I return my Counsel thanks, my noble friend Mr. Erskine, who has been so ably supported by Mr. Gibbs; and you, Gentlemen of the Jury, I return you my thanks. I am glad I have been prosecuted; and I hope this will make the Attorney-General more cautious in future. He said he would have no treason by *construction*; and there is no suspicion against me but by construction and inference."

The conduct, ability, eloquence, and innocence of Mr. Horne Tooke, added to his long, rigorous, and unjust imprisonment, produced a marked impression upon his

enemies; even some of the minions of power, forgetting themselves for the moment, testified an involuntary joy at his deliverance. The Lord President observed, it was distressing to see a gentleman with his capacious mind, his cultivated genius, and possessing those talents which might benefit the state, under accusation of high treason. Several of Mr. Tooke's friends shed tears, being overcome by their feelings.

Thus, as a popular historian has observed, " On the trial of Mr. Tooke, it appeared that this gentleman, supposed to have been so vehemently democratic, had been a remarkably guarded and temperate advocate of reform; that he very rarely attended the meetings of the societies, and had even incurred their suspicion and dislike on this account. He had frequently declared his attachment to the House of Peers as an useful and necessary branch of the constitution; and he had uniformly reprobated the Duke of Richmond's plan of universal suffrage. In a conversation with Major Cartwright on the subject of reform, Mr. Tooke had made use of the following familiar, but illustrative expression: " You would go to Windsor,

but I should choose to stop at Hounslow." The most extraordinary circumstance attending this trial was, the examination of the Duke of Richmond and Mr. Pitt, who were subpœnaed as witnesses by Mr. Tooke. The former was interrogated merely as to the authenticity of his famous letter to Colonel Sharman, in order to shew, that as to the matter of reform, the Corresponding and Constitutional Societies did not extend their ideas farther than one of his Majesty's Cabinet Ministers; and the latter to prove, that the mode of conducting the business was similar to that adopted by Mr. Pitt and the reformers of 1780. On this occasion the peculiar features of Mr. Pitt's disposition conspicuously displayed themselves. To a variety of very material questions relative to the Westminster Convention in that and the following years, he was seized with a total want of recollection! With great difficulty, however, he was brought to recollect a meeting at the Thatched House Tavern, in May 1782. Mr. Tooke asked him what that meeting was, but a convention of delegates from different great towns and counties of England, sent by committees of those towns

and counties? He said, "He did not recollect how that meeting was composed!" Mr. Sheridan, however, had a better memory; he enumerated the places where meetings on the subject of reform had been held; at Guildhall, the Thatched House Tavern, and the Duke of Richmond's at Privy Garden. Here Mr. Pitt thought proper to correct his evidence, and confessed he was present at some meetings in Privy Garden, where there were delegates from different counties; that is to say, "he confessed that he was himself chargeable with the very same act, for the commission of which, now he had abandoned the cause of parliamentary reform, he had resolved to exterminate those by the sword of justice, who still adhered to it, under all its difficulties and discouragements."

The acquittal of Mr. Tooke and his colleagues at this time, occasioned much warm approbation of Mr. Erskine's pleading. This gentleman very happily quoted a remark of the celebrated Dr. Johnson on the acquittal of Lord George Gordon. "I am glad (said he), he was not convicted of this constructive treason; for though I hate him, I love

my country! and I love myself." Of all the wicked inventions of lawyers, the doctrine of *constructive treason*, is perhaps the worst; by this unwary people may be convicted of a capital offence, while unconscious of the violation of any law.

"But Mr. Erskine, on this momentous occasion, spoke like a man inspired, and at once redeemed the honour of his profession, and established the safety of his country." Mr. Tooke's superiority on this occasion, was most discernible in his presence of mind, in his firmness, and in the address with which he parried the arguments of the counsel employed against him. In the examination of the witnesses particularly, he shewed an incomparable capacity, while the counsel, the court, and the witnesses were not aware of the drift of his questions; he was striking out for himself, testimony the most useful, either for his vindication, or for destroying the credibility of what was offered with an opposite view. "The English lawyers, it has been observed, are remarkable for their ability in examining witnesses, yet no English lawyer is remembered to have exhibited so much

skill in this difficult piece of the business of the bar as to Mr. Horne Tooke."

In the general election which followed the dissolution in May 1796, Mr. Horne Tooke again appeared upon the hustings at Covent-Garden, much to the embarrassment of Admiral Gardner, the ministerial candidate, though he was again out-voted. "Such," it has been observed, "was the poignancy of Mr. Tooke's satire in the addresses to the electors, which closed the business of each day, that the brave veteran who had never shrunk from a contest with the foes of his country, seemed over-awed and crest-fallen in the presence of so superior an antagonist."

These speeches at the time they were made, it is confessed, were by many thought violent, by others visionary; and by a third description of persons, the poignant censure which they contained, was imputed to the personal resentment, and the private pique of the author, smarting under a recent persecution. As much of Mr. Tooke's defence in delivering these speeches was only in the *anticipation* of the *future* consequences of the

Minister's conduct, and the system he then pursued, less regard was paid to it than if it had related to what had been passing at the moment. But the fact was, that Mr. Tooke standing upon an eminence of intellectual foresight, which few men arrive at, consequently saw farther than they did at the time. Like *good wine* these political prolu-sions were very pleasant at the period they were first delivered; but being re-considered, they will now be found like *old wine*, much the better for keeping. Great numbers of people who might have heard Mr. Tooke sixteen years ago predicting, "That the Ministers of this country were pursuing a *career* in which they *could not stop*; and that corruption, like a dropsy, would swell till it burst," would naturally have ascribed that to his prejudice, which was only due to his penetration; but now there are few, indeed very few, who cannot feelingly subscribe to the melancholy fact; the pre-disposing causes of which, as well as the consequences, are so frequently alluded to in the speeches delivered from the Hustings in Covent-garden.

But previous to the opening of the poll, he

published the following Address to the Electors, which with the orations at the close of each day's poll, we wish to preserve in the order they were delivered.

Advertisement of John Horne Tooke to the Electors of Westminster, previous to the opening of the Poll.

“ GENTLEMEN,

“ It is only in times like the present, when attempts are flagitiously made to murder innocent men, that the progress of a Candidate can possibly be from the Hustings to Newgate, and from Newgate back to the Hustings. The circumstance declares the times: for any man who could reasonably be even suspected of deserving what I have suffered, would be abandoned by the whole human race.

“ But you must be well aware, that if I had never known, or knowing, had not loved the free constitution of my country, I should not have been VOTED a traitor by the usurping proprietors of boroughs: who under an insidious pretence, of attachment— not to KINGSHIP, which we acknowledge, but to MONARCHY, which we abhor, are endeavouring to undermine (it is not the place for me here to say how far they have undermined) the lawful government of KING, LORDS AND COMMONS; and to substitute a tyranny of their own, under (the most odious of all forms) a temporary, elective dictator, depen-

dent only upon their own corrupt and prostituted votes.

“ In the pursuit of their plan, and for the establishment of their power, they are endeavouring to seat themselves on the same throne, by the side of their sovereign : by perverting those laws of treason which were **EXCLUSIVELY** designed to protect the person of the King, and his share of the Government—by perverting them to protect equally the share which themselves have usurped.

“ If they can succeed in this, their next step is a short one ; they will trample on him. And whenever the crown shall hereafter be awakened, and, too late perhaps, compelled to struggle with these usurpers, the most loyal adherents of royalty will be destroyed as traitors against their **NEW MAJESTIES** : the King will have no means left to protect his most faithful subjects ; and the crown may find itself without a defender.

“ This, this attempt of theirs, is the great master-treason against the crown, the nobility, and the whole commons of the realm.

“ In order the more efficaciously to resist these traitors to us all, these unacquitted felons, or to lay down my life usefully to the public in opposition to their plunder and tyranny, I again offer myself to represent you in the ensuing parliament.

“ If the purpose of your election were to choose a master, or to promote a minister, or to bestow any portion of power or emolument on the object of your choice, I should ac-

knowledge myself to be the last person who ought to present himself to your notice. But if your purpose be to appoint a servant, whose duty it is to pursue your interest, not his own, to maintain your rights, not to obtain an office for himself, to follow singly your will, independently of all parties and all other connexions, I may then with confidence offer myself, and say, that in me you shall, if you please, find

A faithful Servant,
JOHN HORNE 'TOOKE."

Wimbledon, May 28, 1796.

Friday, May 27, 1796.

Mr. Fox was proposed as a candidate by Mr. Thomas Scott, and Mr. Harry House; Admiral Gardner, by Sir Thomas Turton, and Admiral Ommancy; and Mr. Horne Tooke, by Mr. Sutton Sharpe, and Mr. Felix Vaughan. Mr. Fox, in a short and sensible manner, said a few necessary words on his public claims, and on the confidence which the public placed in his integrity. Admiral Gardner having no words to throw away, said nothing; but Sir T. Turton made a dreadful long speech for him—much too long for the people, for they fairly hooted him down. Mr. Tooke very shrewdly said, „Gentlemen, I will not keep you one mo-

ment from this poll : the worthy Baronet has spoken quite enough for all the three candidates.

At the close of the poll Mr. Tooke spoke at some length with the utmost liberality to both the candidates, and with great ability discussed the interests of the electors, as they regarded the common good of the nation. But as it did not occur to any one till after the first day to take notes of what was said at the time, it is to be lamented that we can only give a very imperfect sketch of a very impressive speech.

He observed that the situation of the country at this moment was serious and awful indeed : that our prospect abroad was gloomy ; at home, “ every thing short of despair ! ” That at such a moment it was highly important to the electors to consider well whom they should send as their representatives into a parliament which might perhaps *have to determine the final destiny of the country* : That of the political sentiments of two of the candidates, they were able from long experience to form some opinion : That the third candidate came a stranger to them ; by stranger he did not mean that the Admiral

was personally or professionally unknown; on the contrary, Mr. Tooke acknowledged that he was well known, as a brave and gallant officer, and a worthy good man, and one of the best of qualities they must have observed in him this day—great good nature: for he had borne an intolerable badgering on the Hustings, with a temper that was to his credit. But Mr. Tooke meant that he was politically a stranger, unless indeed, he had attracted their notice by the uniform though silent support which he had given to the measures of the Minister in the last Parliament.

Mr. Tooke said, he concurred with every word Mr. Fox had uttered in reprobation of the present war; and he wished the electors to observe, that during the present reign we had engaged only in two wars; and that both these wars were upon a principle *adverse to Liberty!!* The first against liberty in America! The second against liberty in France! That his declared disapprobation of the war with America, had cost him twelve hundred pounds, and twelve months imprisonment. That for his disapprobation of the war with France, he had suffered six months of *close* custody in the Tower, and one month of *close*

custody in Newgate, had held up his hand arraigned as a traitor, and sat in that situation during a whole week's trial at the Old Bailey !

He said, that if any man who was unacquainted with all the three candidates, had recourse only to their advertisements upon the present occasion, he might be inclined to suppose they were all three in unison, and had drawn up their addresses in concert. The Admiral's address speaks of "*domestic enemies.*" It is required to explain who these domestic enemies are. Mr. Fox's address gives the explanation ; for it asserts, and truly, that " the last Parliament has added more to the burdens, and taken away more from the rights of the subject, than any Parliament recorded in the annals of our history. While the third candidate (meaning himself) points out the remedy, the means of getting rid of these domestic enemies, the proprietors of boroughs—those false weights upon the constitution, which give motion to the whole machine of ministerial corruption. Thus, he said, had the addresses of the three candidates, taken together, made out amongst them the true situation of the

country. From this situation of the country, he said, resulted matters of most serious consideration for all the electors and non-electors of the kingdom. All constitutional and necessary check was taken away from the Courts of Justice ; they might perceive it by sentences passed contrary to all legal precedent, and which were fit only for the devils in hell to pronounce. It was idle to talk of the torture used in other countries. What do they think of a sentence to be **FLOGGED DAILY FOR FIVE YEARS?** *for such had been passed.* Perhaps they might not be aware of the force of technical terms, "To be kept to hard labour." What was hard labour? What a jailor (chosen and picked out for the purpose by those who passed the sentence) might choose to think hard labour! What was the legal meaning of the word "kept?" It was *flogged*, and he defied any lawyer to explain it away.

He said that such were the doctrines and practices to which the electors were now called by their votes to give their assent or dissent. He advised them, therefore, to leave the Admiral better employed in combating the foreign enemy at sea, and not to employ

him in fighting the Minister's battles in the House of Commons.

Saturday, May 28, 1796.

“ GENTLEMEN,

“ The contest is now brought to that point which I wished, and which I hope the electors wish. The question for the great City of Westminster now to decide is, whether it is, or is not their wish to have any voice in the ensuing Parliament, which may have to decide the fate of the country. The electors of Westminster will certainly consider whether any man in his senses ever did, or ever could employ a pair of horses in such a manner as to put one *before*, and the other *behind* the carriage, so that they may strain and struggle against each other in opposite directions; or whether a man that did so would be likely soon to arrive at the end of his journey. This must be precisely the case if they elect Mr. Fox, and Sir Alan Gardner. I have never been, and never shall be of any party. Every man's honour ought to be in his own keeping. His own principles, and the instructions, orders, and commands of his constituents, should always be the sole guides and directors of his conduct. I do not, however, so differ from one of the candidates, but that I may often be instructed and assisted, and (where his way of thinking may permit it) be supported in the cause of the electors by his great abilities. This is an advantage,

which the ministerial candidate cannot have, and which probably he will not desire.

" I have gained a personal advantage by this contest, even so far as it has already proceeded. Ever since Mr. Pitt has been elected dictator of this country, not elected by the people, but by the *pretorian band*, by the means of loans, contracts, places, pensions, titles, ribbons, for many are still desirous to have them, although the history of this country abundantly proves that many have received a ribbon for *services* that deserved a *halter*. (*Here there was a very long interruption of applause*) I reckon it a great advantage to myself, that the course of the poll has shewn, and no doubt will continue to shew, that I have the honour to be the candidate most hated by him, *and perhaps the most feared*. The electors of Westminster have likewise an advantage, for they have shewn, what I never doubted, that there still exists a public: they have proved, what I always believed, that Englishmen are still Englishmen. The disinterested and generous support they have given me, I should at any period have thought cheaply purchased with my life, and no man shall ever hear me complain, whenever or however I may be called upon to pay that reckoning. The satisfaction I receive will not indeed give any additional health or strength to my body: but whilst I am addressing you, it banishes all sense of pain.

" A more important advantage may be

gained by this election. The electors may teach kings, they may give a most important lesson to the *present King*, and to all future kings of this country, by proving to them that they may safely discard all faction and partiality, and corruption and bribery, all indirect and underhand management, from the scheme and system of their government, and may with full security rely and cast themselves upon the people: for when they see the disinterested support which the people give to the smallest, they may judge what gratitude they would shew to the greatest, if convinced by their conduct that the real object which they have in view was the safety, and happiness, and liberty of the people."

Monday, May 30, 1796.

"GENTLEMEN,

"Sir Alan Gardner has told you in his advertisement, (and would have told you again if you would have listened to him) that he loves his king and his country. It is necessary also for me, I perceive, by the state of the poll, to say that I love the king *according to law*, but I love my country better. A king may employ his time in hunting the harmless stag or timorous hare, whilst his ministers may enjoy the more sanguinary chace of running down his people. At present, therefore, I say, I love my king according to law; and whenever a king shall protect me and my fellow subjects from

the murderous plots and conspiracies of his ministers, I will love him beyond the law, beyond the letter of the bond. But, gentlemen, the gallant Admiral has told you he has two loves, and he seems to have made a prudent choice, and been a thrifty wooer. For his love to his country, he has obtained, and deservedly obtained, the rank, and honours, and emoluments of his profession, he is an Admiral and a Baronet. For his love to his king, (as it is called) the Minister has appointed him to a seat at the Admiralty Board, with a salary, as I take it, of 1200l. a year.

[Sir Alan Gardner said, he was not now a Lord of the Admiralty, he had quitted it. Mr. Hood made the same observation.]

“ If I have made a mistake, let me rectify it as I go on; the Admiral, it appears, has been divorced from his second love. However, this intelligence neither moves me nor him, for he will not be the first Admiral, who, after he has been divorced, has married his lady again. Having been so fortunate in his first amour, will you wonder to be told that the Admiral has fallen in love again. He has fallen in love with a widow, who brought to each of her two last husbands a British Peerage for her portion. It is nothing wonderful that a Baronet, a little Baron, should wish to become a Baron. Unfortunately, peerages are too often disposed of at the conclusion of a Parliament; and when disposed of in such profusion as at

present upon Members of the House of Commons, I cannot help considering it a sort of political adultery ; and for my own part I should think it as much honour to be called a *cuckold* as a *lord*.

“ The worthy Admiral wishes to protect us from our foreign and domestic enemies. He must be sincere, for he has said so. I have an interest in believing him, for I think it will speedily end this contest. The expense of corruption necessary to obtain a majority of votes for the beginning of a war, and the continuance of corruption for a majority of votes to continue the war, is many times greater than the expense which would be sufficient to support eternally defensive and victorious wars against all the world. It is impossible, under this double expense, to carry on a war against a nation which has cut off that expense of corruption. If the nation with which we are at war has cut off the greater expense of corruption, and if this be one of the chief causes of their success, surely then the getting rid of corruption would be of more advantage to this country than the efforts, however great, of any single Admiral, or all the Admirals in the world.

“ I have shewn to the Admiral, to you, and to the public, (unless he or any man can venture to contradict me) how we may attain the means of arriving at that situation which has been obtained by foreign success. And I persuade myself that the Admiral will never suffer his name to be joined with

persons——— [*Here Mr. Tooke hesitated for some moments, and a few persons laughed.*] I mean to say enough, and not too much. My difficulty is not to bring out words, but to stop them. The gallant Admiral does not know the *infamous tricks employed by Administration* in support of his election. I trust I have said enough to persuade him to retire from this contest."

Tuesday, May 31, 1796.

"GENTLEMEN,

"When I had the honour of addressing you yesterday, I was interrupted in consequence of a mistake which I made in respect to the ministerial candidate, not having studied the Red Book so fully as I might have done. They were glad of an opportunity of shewing that the Admiral was not at present a Lord of the Admiralty. But this was an error to which every man is liable, for they shift their places and their titles so frequently, it is impossible to know by what names they choose to be called, since the Lord Hawkesbury of yesterday is to-day the Earl of Liverpool. In consequence of this mistake, I did apply myself to the study of the Red Book, and found the Admiral's name. If he thought it an advantage to him to deny that he was at the Admiralty Board, will he think it an advantage to him that he has the sinecure place of Major General of Marines? For his friend, who is equally anxious to prove that he has not a seat at the Admiralty,

he, likewise, has a sinecure place of Collector at St. Kitts, I take it, of 1600*l.* a year.

“ However, for the mistake I hope they will forgive me, when they consider that I never did, nor ever will receive from the present or any future king or administration, directly or indirectly, by myself or any other person, the benefit of one farthing. Having settled that account, I beg to take notice to you of conversations which have taken place among the friends of the ministerial candidate, and of circumstances which have been stated in a ministerial paper of this day. It has been mentioned as a subject of reproach, that there was a coalition between Mr. Fox and myself. I mention it the rather, because it may possibly serve in some measure to direct the conduct of the electors in the future course of the poll.

“ The Ministers have shewn that they fear it and dread it, and well they may; for if all the persons who have voted singly for Mr. Fox had given their second votes to me, and all who have voted singly for me had given their second votes for Mr. Fox, the ministerial candidate must by this time have turned tail. You will give me leave to state to you what is the cause of this ministerial fear: it is not so much that they fear the loss of one vote more or less in the house, as that they seek to make it appear that the public is weaker than it really is, and that the ministerial influence is stronger than it really

is. And those who consult the poll, which very few ever do, will perceive that the numbers who have polled for Mr. Fox and me on this occasion will shew what a decided opinion has been given by the electors against the present detestable Administration!

“ I wish that the poll of this day may be the example of the future days of the poll. Mr. Fox is at the head of the poll; it gives him pleasure, and I desire it should be so. I am the second upon the poll; and I think I have polled between 40 and 50 to-day more than the Admiral.

“ I have ventured to say this to you, not fearful of any imputation of coalition, for my character is known to be intractable: if you please, obstinate. I hope, however, I am very flexible to reason and sound argument; but I do acknowledge, and I make it my boast, that upon all great public questions, neither friends nor foes, nor life nor death, nor thunder nor lightning, shall ever make me give way the breadth of one hair!”

Wednesday, June 1, 1796.

“ GENTLEMEN,

“ Sir Alan Gardner has this moment desired me to speak a *few words for him*. I beg that you would hear the Admiral. I have a great interest that you should do so. I should be extremely gratified if you would at all times hear Admiral Gardner speak against himself. It is impossible and would

be unbecoming in me to say so much against the Admiral as he would against himself.

“ After what Mr. Fox has said, it is fit for me to give some account of my conduct during the poll. I never made any engagement except one—except that engagement which I entered into shortly after I was born, to oppose by all the means in my power, *oppression and tyranny*, in whatever shape they presented themselves.

“ I have not presumed to dictate to any Elector ; but, whoever has asked my opinion, I have done what I shall continue to do—I have begged him to vote for Mr. Fox. I am not, have not been, and cannot be neutral, even what Mr. Fox has this moment said, makes it impossible—for he has declared, that the Ministry build their power upon corruption, and that by their two infamous Bills, they have destroyed the very vitals of the Constitution. How then can I possibly be neutral, when one of the Candidates, Mr. Fox, opposed these measures ; and the other Candidate is now connected with them, and was a Member of the last Parliament, giving his aid to all those evils of which we complain. But when I say so, though I differ with Mr. Fox on this occasion as I have on other occasions, I impute nothing to him, he has his way of thinking, and I have mine.

“ The Ministry have made a great poll to-day, and if there were any adversity in it, it would not be so bitter to me as to those

not so much accustomed to it, because it has been the chief food of my life ; but I do not consider it as adversity.—The seat is by no means the ultimate object of my pursuit, it makes but a small part of what I seek ; however I believe, in spite of this poll, that the seat will still be obtained. I have been asked by some of my friends, and those some of the best friends of the public cause in which we are engaged, how I could possibly expect to succeed in this election, against a Ministry who had been able in three years to raise and squander so many millions to the King of Prussia, the King of Sardinia, the Emperor of Germany, to Hesse, to Hanover, to Brunswick, and the rest of the hirelings.

“ I have been asked besides, will not they who have spent a hundred thousand pounds in the late prosecutions—who have imprisoned and ruined hundreds of innocent men merely to destroy you—will they not spend two hundred thousand pounds, if necessary, to keep you out of Parliament ?

“ Gentlemen, these questions appear to me to be reasonable and well founded. But this does not dismay me, let it not dismay you.—[*Here thousands cried out, ‘ IT NEVER SHALL.’*] The millions which they have already squandered upon despots in this crusade for despotism, are gone from this country never to return ; and many millions more than they can by any means extort from us, will still be wanted for the same purpose. This profuse and profligate Mi-

nistry, the friends of the Candidate (Sir A. Gardner) are deep in debt to every person, and every service.—The Constable who took me into custody attended, (an honest and a good man) he attended the first day of the poll, to give me a vote. [*A long interruption by a great shouting, during which Sir A. Gardner said, "Hear the sequel, hear the sequel."*] Sir Alan Gardner begs you to hear the sequel. I'll give it. The Constable complains that Mr. Dundas, who gave him that illegal and infamous warrant, for which he must one day be brought to justice; he complains, that this scoundrel Secretary of State (*An interruption by the Ministerialists.*) I desire to be clearly understood (*interruption*) let me be fairly understood. I mean that he is a *scoundrel* both as a Secretary of State and a man. I wish to tell you that sequel which Sir A. Gardner recommended you to hear. I was speaking of the Constable. He complained that this Secretary of State, who sends him to take up and put in dungeons better men than himself, never paid him a farthing for his trouble. He complains that they owe him near 300l.

"I have before desired you not to be dismayed at this poll, nor should you be dismayed at the appearance of the state of the country. The Ministry have undertaken what is beyond their power. The expense of enforcing slavery in Europe, whilst they are establishing it at home, will exceed the

wealth of all the individuals of this country collectively, although they should continue for ever tame enough to be drained and beggared to the last shilling in this cause. It is pretty evident, nay, it is plain, that their resources begin to fail; one resource, however, they have—I know they have it—to procure ready money for Elections of this kind, for I know they have used it before upon similar occasions. I will tell it you as shortly as I can, and afterwards the reasons why I tell it you.

“ An Act of Parliament was made some years ago to prevent the misapplication of public money—the receipt for the different offices is sent to the Bank, and the different Boards are to give specific drafts for the specific purposes to which the money is to be applied. The Solicitor or Agent produces certain bills to the Board, which, he says, should be paid—the Board orders the payment, so that all things stand fair in their account—the money is received from the Bank—(I speak, I believe, in the hearing of persons who know the truth of what I say). The confidential Agent or Solicitor receives that money, and lends it to the confidential friend of the Minister, to — at our elections.

“ Thus you see no laws will ever make us safe, unless we have a fair representation of the People in the House of Commons, to enforce the execution of the laws.

“ Now for the reasons why I have told

this: first, To shew you that our's is a trifling and ridiculous triumph, when they reluctantly gives us an honest law or two that will never effectually be put in practice. And in the next place, to give warning to all concerned in this iniquity.—I give them warning.—You will certainly bring them to justice. Now then, Gentlemen, for the last reason, and I am sorry I have detained you so long.—I hope this will tend to make us even more *unanimous* than we are, that even those *contractors* and *tradesmen* of Government, and *public creditors* who must vote against me, who are *compelled* to have their names appear upon the *ministerial list* at an election, will see that it is *their interest* that I should be returned, that the *public creditor* may not be *unjustly kept out of his money*, but have it fairly as soon as his *bill* is ordered for *payment*.

Thursday, June 2, 1796.

“ GENTLEMEN,

“ I rarely trouble you with any reference to the numbers on the Poll, but I must entreat you not to be alarmed at the numbers you have seen to-day. I beg you to reflect, that little more than three thousand persons have polled, and that there remain ten thousand Electors who have not yet given their votes. I beg you to consider the difference between the Voters—the Voters for the Ministerial Candidate are *disciplined troops*;—on our side they are all *volunteers*, and as in-

dependent in the times of their coming up to poll as they are in the motives for their votes. —Consider, besides, that the Placemen, the Pensioners, and Contractors, are all struggling hard for their profits, and the Ministers for their forfeited lives. Their eagerness then will not surprize you, and that will account for the alertness of the Poll on their side ; but I little doubt that Mr. Fox and myself shall still both of us succeed in this Election. If it should be otherwise, if the worst should happen, let this be our comfort, it will not be a pardon for the crimes of the Ministry, but only a short reprieve.

“ During the course of this Poll, Mr. Fox and myself have had a disadvantage—a disadvantage which your justice and kindness to us will, I hope, remove. The disadvantage is, that by permitting us to address you, and listening to what we say, we are not only liable to mistakes, to which all men are subject, and especially in such a situation as this, but we are also liable to those misrepresentations and misinterpretations which our adversaries are very industrious to circulate. From this disadvantage the Admiral has been relieved. This day you have, for the first time, done what I hope your justice to him, and your kindness to us, will induce you to do during the remainder of the Poll. You have heard, and will continue to hear, the Admiral.

“ There has been a misinterpretation or misapprehension of two things which I said

yesterday ; the first requires a very short explanation. I said, it would gratify me if you would permit the worthy Admiral to speak against himself. I meant by speaking against himself, no want of ability, no personal imputation upon him, but merely that in order to defend himself he must defend the Ministry by whom he is supported, and to whom he has given and must hereafter give his support ; and I supposed, that his defence of the Ministry would be the strongest condemnation of himself.

“ I have but one circumstance more to mention to you—it brings with it such thoughts into my mind as almost prevents my utterance. I applied an epithet, a gross one, in a very personal manner, and which must needs have been offensive to the ears of all decent men. But if they will give me a patient hearing, and listen to the end of what I have to say, I flatter myself, that the Candidate himself, and all his friends, and all the adherents even of the Ministry, will go away satisfied with me this day. I shall have no occasion for reasoning or argument, but shall barely state a fact.

“ It is unnecessary to bring back to your memory, that I have been kept in close custody seven months—excluded, during that time, from all communication or correspondence with any of my family or friends. It is unnecessary to remind you, that I have held up my hand, as a traitor, at the bar of the Old Bailey. But, with what I shall tell you, I

suppose you are all entirely unacquainted, because it is not to be found in any account of the proceedings.

“ Mr. Dundas, my next door neighbour, and who had been so for two years, knew perfectly well the situation of my family, with which others of the Ministry might not perhaps be acquainted; but he knew it perfectly well. My family consists singly of myself, and two young women my children. He, a father of children himself, took me away suddenly, detained me in close custody, without any communication or correspondence, and left my house and my family for twelve days and nights in the possession of four common Thief-takers from the Police-Office.

“ It almost overpowers me when I think of it.—Look at the refinement of this man’s malice; it was not enough that their father’s head should be stuck upon a pole, that his body should be quartered, that his fortune should be confiscated, and that his children should be sent out naked, and friendless, and beggars into the world, unless he could contrive that they should be sent out *dishonoured* too. These are the men whom the Admiral must support. I must do justice to one person in the Administration, who was a father, and in a situation like my own—he felt compassion for me, and did contrive a communication for me, by which I was enabled to prevail upon a lady and her daughter to put themselves into the same terrible circumstances, and go down to my house in the

middle of the night, to continue and reside with my family, to save them from this intended dishonour.

“ Now then, Gentlemen, I call upon all who hear me; men, women, parents, children, the Candidate himself, and his adherents, if you have hearts say, whether I was wrong in the epithet I used. For my own part, I say I was wrong in using that epithet, but I was wrong by necessity, for there was no word in the language strong enough to apply to him.”

Friday, June 3, 1796.

“ GENTLEMEN,

“ Before you heard the gallant Admiral, I foretold to you that you would hear him speak against himself. You have heard him, and have you not heard him speak against himself? Mr. Fox has made it almost unnecessary for me to notice any thing that the Admiral has said, except that he has missed the strongest instance of the Admiral's self-condemnation. He says, ‘ that Mr. Fox has constantly voted against the measures of the Minister good and *bad*.’ Need I draw the consequence? He acknowledges that his friend, the Minister, has proposed bad measures.

“ The Admiral has changed his phrase. He is a week older, and is now no longer a lover, but a friend. He tells you that he is a friend to the King, and a friend to the Constitution. I did not hear him say one

word about the people, and yet it is for their sake alone that we have either King or Constitution. He has likewise avowed, that he is a friend to the Ministry; and though he has said so, I suppose he would wish it to be understood, that he is also a friend to his country. To be a friend to both, appears to me to be at this time very difficult; they appear as opposite as light and darkness. Yet it is not absolutely inconsistent, if you call in to your aid the circumstances of time and place. He may declare himself a friend to his country here upon the Hustings, and prove himself a friend to the Minister by his vote in the House of Commons. But for the direction of your conduct in the course of the poll, he should have offered to you reasons why you should be the friends of the Minister.

To his friendship for the Minister, he may probably be directed by a common proverb—‘Always speak well of the bridge which carries you safe over.’ You need not trouble your head at whose expence the bridge was built, or who is to keep it in repair. But, Gentlemen, I beg not to be misunderstood. I do not think that your late Representative, Lord Hood, nor your present Candidate, Admiral Gardner, have had, or ever will have, half so much as their professional merit and services deserve. No honest man will ever repine at the well-earned reward of bravery and talents. The naval and military services are two ungrateful professions. Nei-

ther the privates nor the officers have half the support which they deserve, nor are ever sufficiently recompensed. But I complain, and the public have a right to complain, that the Minister perverts the professional talents and private virtues of brave men, and employs them as instruments to subvert the liberties of the country. To common Boroughs, the Minister may send men of no character, or men of infamous character—but, for a great city like this, he always takes care to pick out a person of the best character he can find, and who will submit to be made this use of.

“ If any person was to say to a man of common sense, ‘ I bring with me here an excellent *cook*, he serves me up very good dinners, I recommend him to you for a *hair-dresser*, the other would laugh in his face; and yet such is the manner in which the Minister insults your understandings. If the Admiral should question me about the rigging of a ship, I should certainly make a very scurvy figure; and I strongly suspect, that if I was to put two or three questions to the Admiral about the rigging of a Constitution, he would not make a better. What has the glorious first of June to do with a Representative in Parliament? And yet the Minister has made a shameful pretence for the influence of corruption, and I have no doubt but you will also have another gallant service of the fourth of June.—All sort of decent respect to the King are certainly pro-

per, but is that the anniversary most dear to Englishmen? Is there no other anniversary dear to us? Yes, there is one that is more dear to us than the birth-days of all the Kings who have ever lived, or who have blessed this earth. I mean the birth-day of our Liberty, the anniversary of the Revolution of 1688; that Revolution, obtained by our forefathers, was by them expressly intended to guard us against the evils of which we now complain, and against the politics which the Admiral now avows. The Admiral contents himself with telling us that he is a friend to the Ministers, but he did not tell whether it was for their integrity or their wisdom that he admired them. We all of us feel their integrity in the taxes and the burthens which they have laid upon us; and as to their wisdom, let me give to you an idea and a sample of it.—The people were starving for bread—the wise Corporation of the City of London met from day to day to find some relief to the starving people. The Privy Council met, and they requested the Corporation to suspend their determination until they (the Privy Council) could find relief—What did this Privy Council say?—that they must find a substitute—to Englishmen a substitute for bread!!! if you do not admire the wisdom admire the impudence of it—Observe what would follow this. Suppose you had accepted of grains or grass for a substitute? If that had ever become the food of man, there would have been a scarcity of

that too, and you would have had to find another substitute. But I say to you, (and for this declaration I may again be called a traitor) accept no substitute for bread; for, if once the common people of the country submit to eat grains and grass, or any thing worse than bread, they will never henceforward have any thing better.

“ The Admiral told you, if he had as many words as the candidate on his left hand, he would do something. I know not what. Now you must all have noticed every day that the Admiral has expended more words with you who stand in the front of the hustings, before the close of the poll, than have been used by Mr. Fox and me together after it was closed. He wants no words. He has a manly figure, a good voice, well chosen expressions; and when he talks upon a subject with which he is acquainted, and is not restrained from uttering his real sentiments, no man acquits himself better, and therefore I shall trouble you no farther, but wish you to request of him to answer those things which he has now heard.”

“ *Saturday, June 4, 1796.*

“ GENTLEMEN,

“ The Admiral has undoubtedly said nothing to you to-day that I can possibly contradict or reason upon. He has barely informed you, that your exertions have placed him at the head of the poll, and that the



same exertions, continued in the same manner, will keep him there.

“It has been used as a reproach to Mr. Fox and me, that we had united for the purpose of the present election: I wish that reproach had a better foundation. In one thing, however, we certainly are of a mind, and probably in many others, as I believe and trust we are. But I think I risk no contradiction from any quarter in saying, that we certainly agree in this—that the stinking rubbish of the present Administration must be removed before the foundations can possibly be laid of a building, which Freemen may inhabit with safety and comfort.

“If the present election had been carried with a high hand against the Minister from its commencement, as if it should still (as it easily may) be carried with a high hand at the close of the poll; I have no doubt but the present administration would barely continue during the necessary interval for forming another.

“I hope, Gentlemen, you will not be at all disheartened by the numbers upon the poll, but that for your own honour you will remember the manner in which the horse-dealer tries his cattle. Any sorry jade will draw, if the carriage follows without much resistance, but the experiment he makes is this—he ties his horses to a tree, and when they find the tree does not follow, some of them after hard struggles lie down in despair,

and no lashing can produce a fresh exertion. These are jades. Other horses strive and struggle, and strain and drag, until the horse-dealer is contented and satisfied with their bottom.

“Gentlemen—We are tied to a tree, the tree of corruption, and in this country its height and bulk and weight is indeed vast and enormous. The disinterested and generous exertions which you have already made in the course of this poll, have, I will venture to say, shaken it. Pull again—it will totter! and again, I say, Gentlemen, pull again, and it will tumble to the ground.

“May I be permitted, Gentlemen, to direct your pull. The Electors of Westminster do not want inclination to the public cause of liberty in which we are engaged. They only require invitation. If every Gentleman who hears me this day, and is well affected to the same cause, will exert himself, and call upon, and bring up to the poll a willing Elector, the Minister’s triumph will be of very short duration, and we shall at once send the Admiral with glory and spirit back again to sea.”

“*Monday, June 6, 1796.*

“GENTLEMEN,

“I have more satisfaction from this day’s Poll than from all the days which are past: not because I have polled a greater number of votes, but because my poll continues steady. This poll shews a steady people,

and the steadiness of the people is of more consequence than the gaining of any election. You have this day thrust down the Admiral one step. The Admiral tells me that is a very small step: it appears, therefore, he does not value very much in being the first in your esteem. I trust you will go on and give him an opportunity to shew the excellence of his temper, by trying how he will bear to be put down the other step.

“The Admiral has said nothing to you this day but to return you thanks, which he does not owe; for the numbers upon the poll are notoriously not given to Sir A. Gardner, but to Mr. Pitt, the Minister.

“The Admiral told you the other day (with what decorum you will consider) that he should much rather choose to be returned your Representative in Parliament (which is merely a political situation) along with the Right Honourable Gentleman, than with the other Candidate, although at the same time he declared that he disliked the politics of that Right Honourable Gentleman. He did not, however, add a single word of disparagement of the other Candidate, whom he rejected for a colleague—I do not think he can. But if he can, or if those who sent him here can, I should be glad to hear it; and I think, after such a voluntary and uncalled-for declaration, he owes it in his own justification to you: in the mean time, I am left to find out the reason of his preference from the expressions which he has used. I

am compelled to suppose, that the Baronet's reason is contained in the two words *Right Honourable*, for with these words he graced that gentleman's name. A title before a name may be a very natural motive for a Baronet's preference in the choice of his colleague, but I will endeavour very shortly to convince, that it would be a very bad motive for you in the choice of a representative, and I shall do it with the greater satisfaction to myself, because Mr. Fox has a much better and a much more solid claim to your support; I mean that very opposition to the Minister which the Baronet dislikes.

“In this country, if any of you have been at the parade, or at a review, you have seen the commanding officers standing gallantly before their men (as the Candidates do here upon the Hustings), and give the word of command *in front*; you are egregiously mistaken if you suppose they do the same in the time of action. No, Gentlemen; they then give the word of command *from behind*. This will always be the practice in all other services, as well as the military, as long as favour, and birth, and title, and parliamentary corruption, and money, promote men to superior offices. The higher their station, the safer in time of action will be their situation. Now then, Gentlemen, look at the conduct of that enemy, from whom you may learn some other things more useful than the *telegraph* which we have adopted. With them superior merit and bravery alone

promote their private men from the ranks, and place them in command, and even at the head of their armies. See the never-failing consequence of this practice in their last brilliant victory at Lodi, when a column of their bravest grenadiers were for a moment stopped; and hesitating at the furious cannonade of the Austrians, six of their generals rushed foremost at the head of the column, gave their command, and (what was better) their example *in front*, the victory immediately followed.

“ You, Gentlemen, the Electors of Westminster, and all the other Electors throughout England, will do well to consider and to ask yourselves these questions:—

“ In our present cruel struggle between liberty and slavery, who are the persons starving for want of bread?

“ To whom do the Ministry propose a substitute for bread?

“ Who are the persons oppressed, beggared, dishonoured, vilified, and ruined?

“ Who are languishing and rotting in their gaols?—[*A voice from the crowd said, HORNE TOOKE.*]—It is true, I have been frequently in prison, but at present I had forgotten myself, I was thinking only of you.

“ I wish you to consider, who are sentenced to be flogged to death; or are tortured (the cruelest of all torture) with putrid diseases in their prisons?

“ Who are sent as felons to Botany Bay?

“ Who are cast into dungeons, and treated and tried as traitors ?

[*Many persons present exclaimed, “ THE PEOPLE.”*]

“ Gentlemen, you say true. It is so. It is we ; we, the privates in the ranks.

“ Where all this while were our political General ? Where were our Right Honourable and Honourable Representatives ? *BEHIND, SAFE in the REAR, reposing on their beds of Pension and Privilege.*

“ Gentlemen—Believe me, you cannot possibly have the smallest chance, you cannot reasonably entertain even the smallest hope of success, unless at your elections you pass by these Lords and these Lordlings, these Barons and Baronets, and choose your Representatives from amongst the privates in the ranks.”

“ *Tuesday, June 7.*

“ GENTLEMEN,

“ I have heard, with great concern, that an insult was offered to Sir A. Gardner last night. I am firmly persuaded, that such an insult was not offered to him by any persons who have stood before these hustings during this election. If I thought it was, I should scarcely trust myself ever to open my lips here again ; for I have spoken to inform you, but not to inflame you.

“ I am very much pleased that you have listened patiently to the Admiral this day ;

had you not, it was certainly my determination to have troubled you no more; for it appears to me as dishonourable to continue to deliver my sentiments in opposition to those of another candidate, who is not permitted to speak, as it would be to strike a man whose hands were tied.

“ But, Gentlemen, as you have heard him with respect, and as I am persuaded he will retire this night to his house as quietly as either of the other candidates, I venture, for your information, to ask him some questions, which I should otherwise have suspended. The Admiral can certainly give you material information, which no other person here can.

“ The Admiral has solemnly pledged himself to you for two things. To vote for an *honourable* peace, whenever that *honourable* peace can be obtained. [*Mr. Tooke here turned to the Admiral, and asked him whether it were so? The Admiral answered, ‘ Yes.’*] The Admiral does not retract, as I dare swear he never will any thing that he says. He confirms the pledge. He has likewise pledged himself to combat the domestic enemies of the country. He told you, that he spoke to you as a seaman, which I suppose means the sincerity characteristic of the profession. He would disdain to make, or appear to make, in a solemn manner, an ambiguous or equivocal promise. I shall, by my questions, give him an opportunity to make it impossible for his most unjust and

bitterest enemies to suppose that he could do so.

“An honourable peace!—What is an honourable peace? By your hearing the Admiral patiently and silently, you will certainly know; and it is necessary that you should know what it is he has promised, and for what he has solemnly pledged himself to you. Does the Admiral mean, as the Minister formerly told us, that in order to make it an honourable peace, an indemnification will be necessary for all the lives which have been sacrificed, and all the millions which have been squandered in this unjust, disgraceful, and disastrous war? I do not mean, without any deduction from the Prussian subsidy, for value received. I mean that part of it which was paid for the protection of Hanover, though for my own part I would not consent to deduct a farthing for it.

“Does he think it a necessary condition of an honourable peace, that despotism should again be re-established in France.—*[Many of the people cried out, No, no!]*—Gentlemen, I beg you not to forget that I expect that answer from the Admiral, and not from you.

“Does the Admiral think it a necessary condition, that the Stadtholder should be restored to that despotism in Holland, which he before obtained by the intrigues of our Ministers and the Prussian troops?

“Does he think it necessary that the Emperor should again be empowered, not-

withstanding our guarantee to the contrary, to pillage and enslave Brabant and Flanders?

“ Does the Admiral think it a necessary condition, that no European power but ourselves should possess a foreign country ?

“ Most probably the Admiral will not say, that these are now the necessary conditions of an honourable peace ; for by this time they must have passed away from the dreams of the Minister.

“ Perhaps, on the contrary, the Admiral and the Minister may now tell us very reasonably, and truly, the honourableness of the conditions of a peace depends upon the circumstances and situation of the country which make it. Perhaps he will tell us, that Denmark acknowledges the French nation and Government—that Sweden acknowledges them—that Venice and Tuscany, and Switzerland and Genoa, acknowledges them—that America not only acknowledges, but is united in the closest bonds of friendship with them ; besides our amiable allies of Tunis, Algiers and Morocco.

“ Perhaps the Admiral will tell us, that Prussia has been pretty soundly beaten by them, and is now partly a defensive ally ; and partly, as far as the line of demarcation is concerned, an offensive ally also. That Spain has been conquered by them, and is now in defensive alliance with them, and without great care will soon be offensive too. That the Italian dominions of the King

of Sardinia have been conquered, and are now actually in their possession, and the King himself at their feet. That Holland has been conquered by them, and is now established a free and independent republic. That the French are now in possession of the Netherlands, and of most of the German territories on this side of the Rhine. He may tell you more; he may tell you, that a blacker cloud hangs over our head. He may, perhaps, tell you, that if by our great superiority at sea, we should once convince the French, and all Europe, that they cannot possibly hold a single island in the West Indies, or a single establishment in the East, they may probably change their plan, and convert it into a war of devastation in the West, and an auxiliary war in the East, and effectually prevent us from having any benefit in those foreign settlements, in which we will not permit them to have any share.

“ If he should tell you all this, he will tell you nothing but the truth; and if he shall maturely reflect upon these things, he will probably before he leaves you, change the terms of his promise and his pledge, and may think those terms fit and honourable in our present situation, which would have been thought the basest and most disgraceful in any former situation which this country ever held, before they were cursed with the present *incapable, tyrannical, and detestable Ministry*.

He will, therefore, probably change the words of his promise, and pledge himself to vote for a speedy and necessary Peace.

He will tell you his mind upon this tomorrow; he will explain to you what he meant by that honourable Peace, and if he should not do it in words, his silence will explain itself.

Wednesday, June 8.

“ GENTLEMEN,

“ I have as much private and personal respect for Sir Alan Gardner, as I for any Gentleman with whom I am as little acquainted; and yet, it was not for his sake but for your's that I requested you to hear him patiently, and not to let him go away as great a stranger as he came. By stranger, I mean that you should be as little acquainted with his political sentiments and principles, as you were the first day he set foot upon the Hustings.

“ You have heard him, and a most extraordinary explanation he has given of what he means by an honourable peace—a *peace of which we are not to be ashamed!* But would it not be well if he could tell us of a *War of which we should not be ashamed.*—But to know what *he* means by an honourable peace, you must press him farther, for we know as little by his present explanation, as we did before. Perhaps, so great is his attachment and opinion to his friend, the Minister, that he may be inclined to think

that any Peace, or any War, will be honourable which the Minister shall approve.

“ Consider that you will have no other opportunity of inquiring into the sentiments of your Representatives for six or seven years to come. For the Minister, as I take it, has sent Sir Alan Gardner here upon this occasion for two reasons ; the first, and I suppose the chief reason is, that he imagines he can rely upon his vote in the House of Commons. The second reason is, that he is a professional man. The Minister is very grateful to those who vote as he would have them. Preferment out of a profession always vacates a seat in Parliament, but professional preferment does not. The Minister, therefore, chooses a professional man for his Candidate at Westminster, kindly and genteely towards you, merely to save you the trouble of repeated elections. The Minister I have no doubt, would, if he could, save you the trouble of having any election at all : he certainly takes as much care as he possibly can to prevent it. He proved it to you not long ago, when he made Lady Hood a Peeress. (*Some persons hissed, some shouted, some laughed.*) It is impossible for me to know whether the Gentlemen hiss at the Peerage or me. (*Numbers shouted “ the Peerage, the Peerage.”*) I beg not to be misunderstood, I mean to make no reflection on the Peerage ; I say now, as I have said before, that Lord Hood has not half what he deserves. I mention it only as an instance

of the Minister's care to prevent your trouble : for when he had secured the Peerage to the family, he delayed the patent to Lord Hood till the dissolution of Parliament, in order to defeat your election of a new Representative.

Gentlemen, on the same principle, if you should, which, notwithstanding the numbers on the poll, I still think you will not do ; but if you should return Sir Alan Gardner your Representative in Parliament, I much fear we shall lose the benefit of his exertions in his first profession against our foreign enemies. For I should not wonder if the Minister should be unwilling to trust Sir Alan again to sea, for fear some accident should happen, to produce that which he dislikes more than all other things, another Westminster election. It is fortunate, however, for the Admiral, that he has taken up a new profession, that of combating our domestic enemies. I call it a new profession, because it certainly never before was understood to make a part of the qualification of a seaman, I refer to the Admiral himself. I am sure he will acknowledge, that when he was examined and passed as a Lieutenant in the Navy, not one single question was put to him by the Board of Admiralty about the means of annoying domestic enemies. But this new profession he has now taken up, he has pledged himself to combat the domestic enemies of the country. Surely then, it is fair to ask him to explain himself. Surely,

it is fair to ask him to point out these domestic enemies—it may be done in two words. He may tell us who they are, and with what weapons he means to combat them. Who but himself can tell? Perhaps when the Admiral talks of domestic enemies, he means me; perhaps he means you; perhaps he means the electors of Westminster who have supported me; perhaps he means all those who are enemies to his friend the Minister. If he does so, that would be a large list indeed, for it would include all those persons who are the real and true friends of the country.

“ But I am not willing to give the Admiral too long a task at once, perhaps the length of what I said yesterday, may be the cause of the shortness of his answer to day. Let him tell us first who these domestic enemies are; let him satisfy us that he has not made a formal declaration of war against *Falstaff's men in buckram, and in Kendal Green*.—The Admiral must have meditated deeply on this subject, he must have done so; it is impossible that he should rashly have dishonoured his country by supposing domestic enemies, unless he certainly knew that there were such. Let him first then declare these enemies, and we will come to him for instructions how to combat them. We will fight against them under his standard, under any standard except the standard of the present Minister, for *he* treacherously told us formerly, that the proprietors of boroughs were

our domestic enemies; and afterwards, by the most atrocious means, he endeavoured to take away our lives for following his own instructions.

"They certainly were his own instructions, for I have them in his own handwriting. And yet I ought to be cautious how I say *certainly*, for I have no *better* authority for it than the Minister's own *oath* in the late trials at the Old Bailey.

Thursday, June 9, 1796.

"GENTLEMEN,

"You have with great propriety listened patiently to the Admiral this day, and I think in some measure you have been paid for it. You see it is very plain that he does not want words, and it is very plain to me that he does not want matter. The only difficulty which he appears to me to labour under, springs not from himself but from another quarter. He is restrained, he *must not let out too much!!* As he explained to you what he meant by an "*honourable PEACE*," so has he explained what he meant by "*domestic ENEMIES!!*"

"Gentlemen, I have discovered who are the domestic enemies—you may discover it not from their words, but from the *practice of the Minister* and his followers. You know that disciplined armies are not permitted to plunder and pillage their friends. Those are the enemies from whom *they take the booty*.

“Gentlemen, a NATION that has been treated as this has been has a right to demand two things—*security for the future*, and JUSTICE for the past!!! One of the Candidates, Mr. Fox, by his declarations to you from the Hustings, has given you full reason to be satisfied, that he will exert his utmost endeavours to obtain them both for you. For my own part, for all that is personal to myself, I should be well contented to let the DELINQUENTS GO FREE, provided we could obtain security for the RIGHTS OF THE PEOPLE in future. The *other Candidate* has given you *no reason to expect his assistance* in obtaining either. He is looking anxiously forward to that *honourable PEACE*, of which neither he nor you, nor the Minister will be ashamed. The MINISTER, ashamed of the peace!! Who has *not* been *ashamed* of the War!!!

“The Admiral sorrowfully told you he might be reduced to *half-pay*: and, that in case of such an event, his MAJOR-GENERALSHIP of the MARINES would not be worth more to him than about SIX HUNDRED POUNDS A YEAR!!! —[*Great shoutings and interruption for some time.*]—Gentlemen, I am frequently compelled, perhaps from the improper manner in which I express myself, to request you not to misunderstand my words. The GENERAL, I mean the Admiral, though indeed I might call him either, for he is both!! [*again shouting and interruption*] I do not mean to cast the

slightest imputation upon the *reward he has received!!!* Before God, I think he deserves double. But the Admiral did not, as I wish he had, he did not seem to cast *a thought*, at least he did *not utter a word* concerning those *other gallant Officers* in the service, who, with an equal claim with himself to reward, will be reduced as well as himself to half pay, and have *no friend* in the Minister to make them also *Generals of Marines*. Another consideration affects me much more strongly; if there are to be *sham* Generals and *sham* Colonels of Marines for the Officers, why are there not *sham* marines for the PRIVATE men? However, Gentlemen, these neglected Officers and privates will certainly have *one resource* left. They, too, may take up the *new* profession against the *domestic* enemies!!! and it would not be wonderful if they all did so.

“ The sea-service is not a very active one, compared to this new service. Few Admirals, however fortunate, can expect to be in more than five or six brilliant actions in the course of their lives. The Admiral has been in some. I mean to do him justice. But look at the other profession; see the difference of the activity and the difference of the *booty*. I will give you an instance of it. I mean that of Mr. Willian Grenville, now Lord Grenville. I think *he* commenced his political warfare against *domestic* enemies, in the office of Secretary to the Lord Lieutenant of Ireland, and he continued in that

situation long enough to gain and take from *the enemy* one or two very comfortable reversions.

“ But, Gentlemen, this was *only skirmishing* in Ireland,—and, therefore, very fortunately for us, I mean very fortunately *for him*, (one is very apt to make those mistakes in speaking,) I say, very fortunately for him, he came over to us in England to join the *main battle* against *the foe*. He had scarce set his foot in the country when he attacked, not a very strong post, I mean, a seat at the *Treasury Board*, and that produced him 1,600*l. a-year*. [Many of the people cried “ *What, no more?*”] You say, “ *What, no more?*” HE said, “ *the same!!!!*” However, he was scarcely warm in his seat, than he was again *in action*, and was quickly made *Paymaster General of the forces*.

“ This brought him 2000*l. a-year!!* But still his mind ran more upon receipt than payment—he soon quitted that station to become *Speaker of the House of Commons*, and that place is worth 6000*l. a-year!!!* You think now, perhaps, that I have finished the list of *his exploits*. Nothing like it! The *wig* of the *Speaker* was scarcely *fitted to his head*, when he became Secretary of State and a Cabinet Counsellor. [Many cried “ *what is that worth?*” what is *that worth?*”] Why, it is worth, besides the salary, just as much as the conscience of the possessor will let him make of it. But his

activity in these hostilities does not stop here. He is quickly made a **PEER**! [Numbers cried out "*what is that? what is that?*"] Why I should have more difficulty to answer that question than any others. But his duty in the House, as a Peer of the Realm, and his employment as a Cabinet Counsellor, and the business of his office as Secretary of State, were not enough for his *active* spirit. He had still time left for **FARTHER HOSTILITIES**, and he was made **RANGER** of both the parks. This brought him 2 or 3,000*l.* a year. But all this would not do! He pushed on and attacked an old dismantled fortification, (many of the guns were dismounted) but still it shewed a formidable face to *the enemy*! He attacked it gallantly and *took* it! He was made *Auditor of the Exchequer*! And this produces to him, I believe, 7,000*l.* a year more!—Perhaps you will ask me, *When he will think he has enough?* I can tell you *to a farthing*. As soon as he is in possession of the utmost farthing *he can get*!

“Now, Gentlemen, there is something very strange, very extraordinary, which ought to be noticed, that in all these active services and in all these *hardships* which he has gone through, this Gentleman was never once known, at least as far as I have ever heard, he was never known once to complain for *want of bread*: no, nor of *the dearness* of bread, nor of any *other pressure* which we all of us feel from our **TAXES** and other

BURDENS!!! He had *found a substitute!* This is one of those wise statesmen of this great nation, who entered into a solemn league and covenant, into a solemn compact and agreement with each other, that they would not, for several months to come, touch either **PUDDING OR PIE!!!** They proposed also a substitute for you. They did not indeed say what it should be, but these ministerial gentlemen are always very shy in explaining the terms and words which they make use of upon these occasions. You may have seen how it is here, when we push them to explain the *meaning* of their words, they are as silent as dead men. There is a saying indeed, that “dead men tell no tales;” but that is not true in political matters, for in them it seems that dead men only tell tales.

“The famous historian, Mr. Gibbon, lately departed, has left a written account of *his* campaigns against the *domestic* enemy, and he explains the terms he uses as he goes. *He too* was for one or two parliaments in the House of Commons; he too declared that he had a *friendship for the Minister*, and he explained the term. By “friendship for the Minister,” he means that he *voted with him upon every question*. The Minister had likewise a friendship for him, and he explains what that meant. No bribery nor corruption—nothing of the kind. The Minister *gave* to him what he terms “a *convenient salary*” of 850*l.* a year. Whilst Mr. Gib-

bon held this post, the *domestic enemy* attacked it, the Minister's troops were discomfited, and Mr. Gibbon lost the convenient salary!!—What should he do now? *Gratitude*, he says, made him join *another set of Ministers*. He explains the term *gratitude*, which he uses here, to mean the expectation he had of a *thousand* a year from them as Commissioner of the Customs. Well! He fought with them under their banners, and they conquered: but then he complains that they did him great injustice; but he explains what he means here by injustice, and his explanation will make it unnecessary for me to explain any further; these are literally his words, “My VOTE,” says he, “was counted in the day of *battle*; but I was *overlooked* in the DIVISION of the SPOIL!!!!”

Friday, June 10, 1796.

“GENTLEMEN,

“The Admiral bids me go on, for he shall say no more: he stopped at the word *love*.* You see how unfortunate he is now

* Sir Alan Gardner said he was 18 a-head of Mr. Fox on this day's poll. If his friends would continue their exertions, he should still continue a-head of him. It was entirely owing to their kindness, their favour, their partiality, their affection, their LOVE for——[A loud burst of laughter] When silence was obtained, he told Mr. Tooke, that he had no more to add to his speech.

in his amours. No wonder, gentlemen, he told you yesterday that he remembered the grand Rebellion in 1745. But, gentlemen, you hear every day from the other two Candidates, that the one or the other is at the head of the poll: I am afraid they may give you the change, and make you forget there is another struggle here than *which of these two* should be at the head of the poll. I have never troubled you with the state of the poll; and yet I have every day examined it: and since we are to talk of the poll, I will endeavour to make you understand it. I would not have you be discouraged at the numbers you see upon the board. In what I am going to say, I beg you not to suppose that I am ironical. I really am well contented with the state of the poll: and when I say I am well contented, I mean that the public has reason to be well contented—for I am out of the question; it is their election not mine. It is of some consequence that you should understand this poll. To understand it, you must see it dissected. I have dissected it daily. I may reason mistakenly, but I mean to reason fairly.

“ At the close of the poll yesterday it stood as follows: Mr. Fox’s votes are of three sorts.

Votes for Fox and Gardner 1663

Fox and Tooke 1572

Single votes for Fox only 726

Total ——— 3961

“ To judge of this poll, you must consider

the sorts of votes—because we must not dissemble ; we must do justice to the *devil*. In order to estimate between the public and the minister, we must consider the influence which produced the votes. These votes for Fox and Gardner I attribute to the minister's influence. I cannot suppose that any of the personal friends of Mr. Fox, or of his politics, could have polled so unnaturally. If there should be an exception of two or three, or more, it would not alter the general aim of the reasoning. I suppose these 1663 votes to have been given to Mr. Fox by the Minister. I stated to you in the beginning of this election, that I had the honour to be the candidate most hated by the Minister ; and for this there are many reasons. Amongst others, you know that the degree of personal malice which one man entertains against another, is not in proportion to the injuries received, but to the injuries done. The Minister has not yet attempted to murder the Right Hon. Gentleman, *but he has attempted to murder me !* This then, gentlemen, is one reasonable ground for my supposition. Besides, this my statement, the Admiral, who is the *minister's representative* here, confirmed : for he told you in so many words, that he should choose to be returned your representative in Parliament with the Right Hon. Gentleman, rather than with me. Supposing, therefore, that these double votes for Fox and Gardner are to be attributed to the Minister's influence, I deduct them from Mr.

Fox's poll, and with that deduction his poll will amount to 2298. I had polled last night 2303. I therefore estimate that I had then polled five votes more than Mr. Fox: but I ought not to say that I have polled, but that the public have polled. Now, I reason thus: if the electors of Westminster, notwithstanding the long friendship they have had for Mr. Fox, and their long acquaintance, have polled thus upon this occasion, they have done it from a just persuasion that their own lives are at stake in the present struggle; for if the Minister can murder small men in the manner he has attempted, he will soon be able to murder the great. This poll, therefore, springs from no dissatisfaction with Mr. Fox, but from your compassion for me, and your indignation at the attempt against me.

“ Let us now examine the Minister's votes; I say the Minister's—for Sir Alan is entirely out of the question. He will not be displeased with me for saying so. You may depend upon it, his vanity is not at all increased by this poll. He knows it is the Minister's, not his: and he wishes the Minister to have the full honour of it. The Minister has polled 3884. His numbers are, for Fox and Gardner, 1663; Gardner and Tooke, 15; single votes for Gardner, 2206. [*Great shouting by the minister's friends.*] There is no mighty occasion for exultation at the numbers; for he might have had the 1663 as single votes into the bargain. The 15

votes for Tooke and Gardner—(*Numbers cried out, "Give them to him, give them to him."*) No, I cannot spare the Admiral these fifteen votes, as many of you would have me do. It is an extremely unnatural poll; but I think it is easily accounted for. Certainly they did not vote for the Admiral by my influence; and as certainly they did not vote for me by the Admiral's influence. Why, then, it evidently must have been thus: these are men whose principles and heart inclined them to the public cause; but they must have been under some commanding influence, which they could not refuse; and must have said, when applied to, as has often been the case, "Since you will have it so, I will give one vote according to your desire, and the other according to my own inclination." I deduct, therefore, these fifteen from the Admiral's poll, and then his numbers will stand 3869. From my own poll of 2303, I believe you will agree with me that I need not deduct any. I have no personal connexions, I have no personal influence, and I have no money.

"What Mr. Fox has told you concerning the declaration of the public opinion by the numbers on the poll, is of some importance; and yet I hope not of so great importance as some may imagine. If it is of importance that he should be at the head of the poll, you must well bestir yourselves; for the minister is at present at least 1500 before him—But do not be discouraged; and if it is possible,

put Mr. Fox at the head of the poll, in spite of the minister's 1500; though I confess I think that the public, in fair reasoning, have already declared themselves abundantly: for, when you consider, that, in the minister's poll, the *judges* have voted—the *masters in chancery* have voted—the *king's messengers*, his *footmen*, his *scullions*, and all that are dependent upon his household, all that are dependent upon the Admiralty and all the other boards, officers in the customs and excise, and *others who have no right to vote*, you will see, when all these come to be deducted, what a *thin, meagre, wretched skeleton*, the minister's poll will make.

“It is impossible to form a precise judgment of this poll, until it is finally closed. This I can certainly say that I have not, for my own part, yet polled one-third of those who have declared themselves in my favour. At the close of the poll I certainly mean to dissect the whole of it; and if it shall appear likely to be useful to the public, I will give it to you—not by word of mouth indeed, for I must not, until another election, talk to more than fifty people together, without the interference of a Justice of Peace; but for your information I will print it.

“I fear I have detained you too long. I shall add but one word more. Whilst I was addressing you yesterday, the Admiral made (what I wish he would more often make) an observation upon what I was saying to you. I was giving you an instance, merely as a

sample of the rest, of the *grasping greediness* and *public plunder* of *Lord Grenville*; the Admiral said, he did not see what this had to do with the election. I know it is a *sore* place; and for that reason I touched it. Now I think it had much to do with the election and with the public, and ought to influence materially the conduct of the electors. It is of the utmost consequence to them, and if I had time, here upon the hustings, I would inform them through what pockets all their enormous taxes flow. 'The Admiral surely knows of what consequence it often is to find out a leak at sea. I have found out the **PUBLIC LEAK**—not where it *runs in*, but where it *runs out*: and the consideration and importance of it ought to direct your votes; for if you return the Admiral to Parliament, he has not undertaken, and he will not undertake, to pursue any measures to stop this ruinous leak; but if you return me to Parliament, *I certainly will either stop that leak, or die in attempting it.*"

Saturday, June 11.

After Mr. Fox had addressed the people, Mr. Tooke said,

"GENTLEMEN,

"It appears to me almost unnecessary to utter one word after what Mr. Fox has said. I am willing to concur in the statement of the poll which he has now given, nor am I

disposed to contest any thing with a man that has spoken as he has now done.

“ This poll is now drawing towards a close, and this will probably be the last opportunity I shall have of addressing you. I will not tire you with thanks for the great favour and indulgence which I have experienced from you. I beg only to assure you, that no man alive feels the insults of enemies less, or the kindness of friends more.—If God shall be pleased to protect my life from disease, and from the putrid dungeons of tyrannical and sanguinary men, whatever may be the final event of this poll, *I will certainly meet you here again upon the first vacancy.*

“ Gentlemen, Ministers have this day dared to commence the Reign of Terror in this land. I draw, therefore, the consequence from what Mr. Fox has said to you. ‘Two objects alone shall engage the remainder of my life. To obtain for the People what they have a right to *demand*, and must soon have ---*Security for the future and Justice for the past.*’

Monday, June 13.---Fifteenth Day.

The poll finally closed at three o'clock, when the numbers were—

For Mr. Fox - - - - 5160

Admiral Gardner - - 4814

Mr. Horne Tooke - 2819

The Election was consequently proclaim-

ed by the High Bailiff to be in favour of Sir Alan Gardner and Mr. Fox.

Mr. Tooke was not present during the whole of the day.—The Admiral sneaked off amidst the hootings and hissings of surrounding thousands. Mr. Fox was chaired with general approbation.

On the following day Mr. Tooke took *his* leave of the Electors in the following Advertisement.

“ GENTLEMEN,

“ By the time when I shall next meet you at another election, your taxes, burdens, and oppressions will be still heavier; and your desire of relief more ardent: for the Ministers of this country are pursuing a career in which they cannot stop. They must go on, or go off. Corruption, like a dropsy, will swell till it burst. And the means of force and coercion which they have lately prepared for us—their Treason and Sedition Bills, their volunteers, their fencibles, and their barracks—only tend to hasten the crisis.

Be moderate and firm. If we can do no better for our country, let our carcasses at least manure the soil which has fed us. Our ancestors, in the last century, who fled from slavery, loved liberty well; but they who staid, and, by their sufferings and exertions,

vindicated and established it, loved it better, and deserved better of posterity.

“ Again, Gentlemen, I request you to be moderate and firm, and we shall soon obtain, what ought to be the morning and evening determination of every Englishman—Security for the future, and justice for the past. I am, Gentlemen,

“ Your most obedient servant,

“ JOHN HORNE TOOKE.”

Wimbledon, June 14, 1796.

On Tuesday, June 28, a meeting was held at the Crown and Anchor Tavern in the Strand, to commemorate the late *triumph* of Mr. Tooke's Election in Westminster; for it was a triumph to have near three thousand unsuborned, voluntary voters, in support of principle against interest, against every personal consideration of hope and fear, except the fear of not doing a duty—except the hope of self-approbation when that duty was done.

On this occasion the room at the Crown and Anchor Tavern (the largest in London) was crowded, with five tables; and the overflow of the people filled every room in the house—a very singular compliment to the merits of Mr. Tooke.

William Bosville being in the Chair, the

Chairman said, "Fellow countrymen, we have been told from the Hustings, that we are tied to a tree—the Tree of Corruption. I give you a toast—

"Pull, pull, pull, and pull again,' with three times three; 'Security for the future and justice for the past,' with three times three; and, 'The birth-day of our liberties.'"

A gentleman said, it was the wish of the company near him to drink the health of the person on whose cause they were assembled; and therefore he should, without any apology, give "John Horne Tooke." This toast was received with great applause. Mr. Tooke said,

"GENTLEMEN,

"It will be impossible for me to thank you sufficiently for the honour you have done me. It is very much unexpected, because I understood the Stewards did not intend to name any person in their toasts. We meet for principles: and the most distant idea of any man, or any party, would certainly be an injury to our cause. I accept and thank you for the toast, as the health of the principles.

It is totally unnecessary for me to say one word of exhortation to a company like this; but I may give you a word or two of comfort. 'The *Reign of Corruption*, you may be assured,

is towards its close. I will do it as shortly as I can. A very little knowledge of our History will shew, that *Terror* was the engine principally employed for the despotism of the STUARTS: That Government attempted to be absolute by Terror: they proceeded as Tyrants always do—*using power as their right hand, and reason only as their left*. A little more than an hundred years ago, they were shipwrecked in that attempt to govern by Terror. *They succeeded in murdering those whom they pleased, and were murdered themselves for the murders* which they had committed. A different æra, and a different system, followed; and those who did not dare to pursue the system of Terror, followed the system of Corruption: and this has drained the People almost to the dregs; for the conduct of Lord NORTH was such, that when Mr. PITT came into office, he did not find money enough to corrupt with—barely enough for *himself* and his *family*: and he was compelled to have recourse to the Corruption of Vanity. New titles were employed. We had but one Marquis then, and now we have them in great plenty. If I am not mistaken, this title of Marquis was first conferred in England by that weak tyrant RICHARD the Second. Englishmen would not bear it; and the man upon whom it was conferred, was compelled to make an apology to the House of Commons, and get rid of the title. Another of Mr. PITT's methods was to increase the number of Knights

of the Garter: it was determined that Princes of the Blood should not be reckoned among the established number. Another method was to establish the new Order of St. Patrick. Another method was to pretend, that to be a Baronet was a necessary step to being a Baron, in order to make that foolish title of Baronet desirable; for a number of persons had said they were *Gentlemen*, and would not degrade themselves to become Baronets. But the source of Corruption being almost dry, they proceed to the System of Slaughter! *They attempt our lives!* They think we are afraid to die—For they never resort to Terror whilst they can go on with Corruption. But as Ribbons are still desired, it is probable, indeed it is rumoured, that some fresh Orders will be created. And as we have this one advantage by the tax upon houses, that we are able to know how many there are in the land, so, if Mr. PITT will but give a Ribbon to every one who is willing to wear it, we shall be able to tell, exactly to a unit, how many *fools* there are in the Country."

An Elector, whose name we do not know, said, that as they had drank the Universal Cause of LIBERTY, he should be glad if Mr. Horne Tooke would state to the Meeting, whether it is consistent or within the bounds of the duty of a Member of Parliament to explain his opinion upon the subject of Parliamentary Reform. He wished to

know what Reform Mr. Fox did approve; for he understood Mr. Fox did not like Universal Suffrage and Annual Parliaments. If Mr. Fox continued an enemy to all Reform, he could not expect the friendship of the People. Without Reform, he saw no use in their putting their Representatives into the House; for Mr. Fox was always in a Minority whilst he opposed the Minister; and if Mr. Tooke was in the House, he would be always with the Minority too. He wished, therefore, that Mr. Tooke or Mr. Fox would inform the People what means they were to use to regain their Rights, and expel their profligate Ministers.

“ Gentlemen.—Nothing in the world ever gives me more pleasure than to be called upon as the Gentleman has done. It is the manner in which Gentlemen should call upon all those persons who are their Representatives, or who offer to become their Representatives, and scrutinize every sentiment they hold which relates to Public Liberty. I am called upon for two things—one, which I can answer—and one which I cannot. As far as relates to myself, I am able to do it, I am willing to it, and I am glad to do it; but when I am called upon to explain the sentiments of a Gentleman who is absent, I must beg to be excused. I think the best, and

hope the best, of Mr. Fox, although there are some things still left unexplained by him. However, the moment will certainly arrive, when the Gentleman who spoke last, and myself, and all who think as we do, may compel him to explain himself upon this subject even if he were not inclined to do so.

“ The Gentleman has supposed, that if I were in Parliament, I too should be in a Minority. I believe not; for both the Majority and Minority would perhaps be unanimous to hang me. For the means which the People ought to pursue to obtain a Reform in Parliament, I say, they ought to pursue any effectual means that shall be in their power. Individuals cannot do much: but in my opinion, individuals ought to pursue their Rights, even though they should produce the most sanguinary measures from the Minister against them: they ought never to desist; *for though the Minister may slaughter them, the Liberty of the People will arise out of their Blood!*”

The Chairman said, “ Fellow Countrymen, you have heard much of a substitute for bread: I will give you as a toast, ‘ Halts—a proper substitute for bribes and unmerited Pensions.’—‘ A speedy removal of the stinking rubbish of the present Administration.’”

The Chairman said, I have been desired

to give a toast—‘ The Right Hand of the People.’—‘ An effectual stop to the national Leak.’”

Mr. Tooke said, “ I am desired by the Chairman, who has made himself a little hoarse, to give the following toast: it is the sentiment of Mr. Fox, and in his own words —‘ Destruction to that Administration who has destroyed more human beings in its foreign wars than Louis the Fourteenth, and attempted the lives of more innocent men at home than Henry the Eighth.”

Mr. Jones made a very energetic speech on the necessity of steadily pursuing the grand object of Parliamentary Reform.

The Chairman, as the last toast, gave—“ The Privates in the Ranks,” drank with three times three.—A Gentleman desired to give as a toast—“ The convicted Patriots of New South Wales, and the tried Patriots all over the World.”

Mr. Bosville quitted the Chair about half past eight, amidst the applauses of the company, many of whom continued for some time longer in a convivial and peaceful circle. Some excellent patriotic songs were

sung by Mr. Rukin and other gentlemen; and at ten the company adjourned.

Mr. Tooke's disposition to baffle and perplex those whom he deemed the instruments of tyranny and oppression, has been conspicuous on many occasions: among instances of this kind, the two following letters are said to have passed between him and the Commissioners of the Income Tax, in the spring of 1799.

TO JOHN HORNE TOOKE, ESQ.

“ Office of the Commissioners for carrying into execution the Act for taxing Income.

“ *Wandsworth, May 3, 1799.*

“ SIR,

“ The Commissioners having under their consideration your declaration of income, dated the 26th of February last, have directed me to acquaint you, that they have reason to apprehend your income exceeds sixty pounds a-year. They, therefore, desire that you will re-consider the said declaration, and favour me with your answer on or before Wednesday, the 8th inst.

“ I am, Sir,

“ Your obedient servant,

“ W. B. LUTTLY, Clerk.”

TO MR. W. B. LUTTLY.

“ SIR,

“ I have much more reason than the Commissioners can have to be dissatisfied with the smallness of my income. I have never yet in my life disavowed, or had occasion to reconsider any declaration, which I have signed with my name. But the act of parliament has removed all the decencies which used to prevail between Gentlemen, and has given the Commissioners (shrouded under the signature of their clerk) a right by law to tell me, that they have reason to believe that I am a liar. They have also a right to demand from me upon oath, the particular circumstances of my private situation. In obedience to the law, I am ready to attend them upon this degrading occasion, so novel to Englishmen, and to give them every explanation and satisfaction which they may be pleased to require.

“ I am, Sir,

“ Your humble servant,

“ J. HORNE TOOKE.”

When Mr. Horne Tooke became a legislator in February 1801, being returned for the Borough of Old Sarum, under the influence of Lord Camelford, it was curious to observe the *friendly greetings* of the new Speaker, as it was fresh in every person's recollection, that three years had not elapsed

since that Right Honourable and Learned Gentleman had endeavoured, in a speech of five hours, to subject the new member to all the penalties of high treason !

On the same day that Mr. Tooke occupied his seat for Old Sarum, Lord Temple, son of the Marquis of Buckingham (a nobleman supposed to exercise a species of *patronage* similar to that of his noble relative, Lord Camelford), rose, and said—"That, in consequence of having seen a gentleman sworn in, whom he considered as not legally qualified to sit in that House, if no petition was presented against his election, he conceived it to be his duty to move the House to take the return into consideration."

From Mr. Tooke's conduct after he became a legislator, it appeared, that those persons who had formed their opinions of him as a violent partisan, had mistaken his character; hence it was observed, that on Thursday, February 19, 1801, when Mr. Sturt made his motion relative to the failure of the Ferrol expedition, Mr. Tooke spoke in favour of an inquiry, with equal temper and ability. He observed, that he was astonished when an attempt of this kind was

endeavoured to be resisted, more especially at a time "when the House of Commons was so ready to sit in judgment on the Borough of Old Sarum, and the representative eligibility of an *old priest*." Towards the conclusion, he begged leave, with his usual humour, to ask, "What kind of infection he could produce in that House? and whether a quarantine of thirty years was not sufficient to guard against the infection of his original character?"

Mr. Tooke availed himself, in the mean while, of speaking in an open and manly manner, without any reference to party or connection. On the 5th of March, 1801, on the second reading of the "Poor Relief Bill," originally proposed by the Duke of Bedford, and rejected by the Commons, because it was a money bill, till again brought in by Lord William Russell, he strongly opposed the measure. Mr. Tooke declared himself an enemy to every departure from established and approved principles: this measure, in fact, went to create two sorts and classes of paupers; to wit, paupers receiving alms, and paupers released from the obligation of paying them. He

was for increasing the price of labour to its due proportion to the necessities of life, and he wished the poor to “receive the full price of that earnings, not in the shape of alms, but of hire.”

When the House was in a committee on the high price of provisions, after Mr. Wilberforce had sat down, Mr. Tooke rose, and spoke as follows :—

“SIR,

“I am poorly qualified, and I can be little expected, to deliver an opinion upon any agricultural subject. In a committee, however, it is not necessary to make a studied harangue, and I shall now say a few words without fear of exposing myself. It appears to me, Sir, that your committees, with very good intentions, do a very great deal of mischief. They want information, they want sagacity, they want foresight. Had I had the honour to have been a member during the last session of Parliament, the *poisoning bill* (for I cannot call it the brown-bread bill,) the poisoning bill should have had my most strenuous opposition. The first Parliament of the United Kingdom have given a favourable specimen of their talents for legislating, by making the repeal of it the first of their acts. Under the names of charity, humanity, and benevolence, it was calculated to prove the ruin of thousands.

“ All your measures have been of a similar stamp ; far from producing any beneficial effects, they are fruitful sources of mischief. Sir, it is idle now to think of keeping down the price of provisions : you cannot keep it down, and your awkward attempts will only make it rise the faster. Look back to the earliest times, and you see it constantly rising, and this cause continues to operate with increased force. It is in vain then to struggle with inevitable necessity. You will only heap abuse upon abuse. Remove the national debt, repeal the taxes, and then you may hope to see things at a moderate price ; but while you daily add to the amount of these, to entertain such a hope is madness. By this absurd and ineffectual attempt, the public distresses are rendered far more severe. The true friends to their country will allow things to rise in their natural course. By thus doing nothing they will do every thing. They will avoid a thousand errors ; they will save millions of lives.

“ Sir, in my humble opinion, however paradoxical it may appear, you ought to try to raise the price of every thing. This doctrine may seem extraordinary, but it may be right for all that ; and I shall at all times be ready to defend it. Notwithstanding all that has been said, I am a great enemy to innovation. I hate *innovation* in all things, in church, in state, and in agriculture. My *vital christianity* teaches me to love every

thing that is established. Do I examine the attachment I ought to have to any system or practice, I do not examine its intrinsic merits, but I say to myself—Is it established? Though a much better might be pointed out to me, still I think it ought to be adhered to, and that no rash experiment should be hazarded. These are my opinions—these have ever been my opinions. I have long been in public life; I have spoken a good deal, and written still more. But let any one examine my speeches and publications with the greatest minuteness, and I defy him to shew that I ever expressed a sentiment contrary to what I now utter. Those principles, Sir, compel me to disapprove of this measure; I cannot consent to see the system of agriculture changed; I cannot consent to see a man obliged to pay a premium against himself. It makes little difference whether the people pay more for the potatoes, or pay an additional tax for a bounty to produce them. But it is idle thus to think of lowering the price. If you wish to promote the comfort of the poor, raise as speedily as possible the price of labour. It is far too low, and must soon rise in spite of you. Though not young, I am not very old, and within my recollection the price of labour has been trebled. Effects will still follow causes, and it must soon advance much farther. Why then struggle against a necessity which no human power can controul, and no human ingenuity elude?

Where will the storm fall? I allow it must at last fall somewhere, and I say it must fall upon the public creditor. A man lends £100 to Government, and gets three per cent. for it. If the quartern-loaf is at sixpence, he gets one hundred and twenty loaves a-year, but *now* he gets only forty or fifty, and in a short time he may not get twenty. Thus, in the course of things, he may be altogether ruined. The poor will not ultimately suffer, for their wages will be increased in proportion. The landed interest will not suffer, for their rents will be increased in proportion. The revenue will not suffer, for in the same proportion the ability of the people to contribute will be increased. The mischief will only fall upon the holders of stock, and as they are not a very numerous set of men, it will not be difficult to relieve them. These steps seem to be taken to prevent the monied interest from being alarmed. They certainly would be less willing to advance their money, but it is unfair thus to try to deceive them."

Mr. Tooke then entered into some calculations, to shew the propriety of raising the supplies within the year, and the dreadful consequences which must follow from the annual augmentations made to the national debt. He concluded by apologizing for so long occupying the time of the committee,

and expressed a hope "that his errors might lead some one to the discovery of truth. The House then divided.—Ayes 39—Noes 44—Majority 5.

On Tuesday, March 10, 1801, Lord Temple rose in his place, to make his long promised motion relative to Mr. Tooke's *eligibility*, and began by professing, "That nothing but his duty to the House, and respect for its institutions, *along with his regard for the representation of the people*, could have impelled him to undertake so arduous a discussion. He also professed that he entertained no personal animosity against Mr. T. whom he was pleased to designate by the term of "Reverend Gentleman."

To attack a person of such strong mind and abilities upon such a subject, was a bold attempt, but he had such proofs of ineligibility against him, that it was impossible to fail. Whatever might be the ultimate opinion of the House, he should be consoled by the recollection of having discharged his duty as became him. The question must be decided by the rules of the constitution made by our ancestors; by those rules the people had been represented for centuries. If the

House considered themselves, which he trusted they would, the guardians of the people's rights and liberties, they would at the same time recollect that those rights and liberties were sacred deposits, which they were bound to protect against all innovation, and to transmit them pure and unsullied as they had been received.

His Lordship then proceeded to state, that innovations were dangerous in most systems, but particularly in those which had the sanction of ages in their favour: in this light stood the House of Commons of this country. One of the most solemn of its acts related to its own members, and the qualifications of those members: that act most expressly declares, in as plain and unequivocal language as words can express, *that no person who either is or has been in priest's orders, or held any office of the church, can possibly be a member of the House of Commons.* He should prove in the most clear and incontestable manner, that Mr. H. Tooke had received priest's orders; he should also make it equally clear, that he had discharged the functions vested in him by those orders, and when he had

proved these facts, he trusted he had proved enough to induce the House to acquiesce in the motion he should afterwards make, of referring the investigation of other points to a committee. At present he should content himself with moving, "That William Bourchier, Esq. clerk of the diocese of Salisbury, be examined at the bar, whether or not Mr. Horne Tooke had received priest's orders, and whether or not he had exercised the clerical function, in consequence of having received these orders."

After a few words from Mr. Fox, in which he gave it as his opinion that the noble Lord had not made out a case strong enough to go into evidence, and that it was rash and impolitic to discuss facts, of the nature of which the House could not be aware, Mr. John Horne Tooke spoke as follow:—

"MR. SPEAKER,

"I rise to resist the motion which you lately put from the chair: not that I desire to delay the discussion of this question. My only wish is that the discussion may be full and fair. I am as eager as any one that complete information upon the subject may be received, and any proper motion that has this for its object, I shall willingly support.

Before I enter into the question, I beg the House to recollect the previous proceedings. About three weeks ago the noble Lord gave notice, that if in the course of fifteen days no petition was presented to the House, he should make a motion with regard to the representation of Old Sarum.---[Some one having called out "No!" Mr. T. exclaimed, "I say, yes!"]---This was the nature of the notice, and it is in the memory of the House, that it is as I have stated it. On the fifteenth and sixteenth days I attended in my place, but nothing whatever was said. On the seventeenth, I was obliged to be absent from severe indisposition, and when I came down on the eighteenth, I found that the noble Lord had given notice of a motion for the 10th of March, respecting the eligibility of "the Rev. John Horne Tooke." His Lordship came up to me in a very polite manner, and handsomely told me what he had done. His conduct certainly, Sir, would have been more handsome, if subsequent proceedings had corresponded with this. When I asked him what the nature of his promised motion would be? he said there was a difficulty about it, as the lawyers were not agreed. This was the eighteenth day after that on which I took my seat, and still the noble Lord and his advisers remained undetermined! His Lordship, however, assured me, that if I should attend in my place next day, I should hear all the particulars; and when I mentioned my illness to him, he promised

to inform me by letter. The following day I was able to attend in person, but no explanation took place. The noble Lord made a motion for calling witnesses to the bar. I told him I would save him the trouble, as I frankly confessed that I had been ordained a priest more than forty years ago. It was declared from the chair that this would not be sufficient. For forty years I have been in the habit of attending to the proceedings of Parliament. I have been often present in this House; I have been called to your bar: I have been brought to it in the custody of the Serjeant at Arms. I must therefore know something of parliamentary forms; and I do not hesitate to declare, that it has always been the practice to receive admissions. Indeed what can this House have so worthy to be relied upon? It is never so well off as *habens confidentem reum*. You cannot administer an oath, and must be contented with simple affirmation. When an unhappy printer is brought to be examined, he is asked, whether he is guilty of printing the libel laid to his charge, and upon his confession, he is instantly sent where he deserves to go.

“ I believe that fairness and justice call upon the House to repel this motion, unless the noble Lord shall explain more fully how he intends to proceed. He has not kept the promise which he made me. These lawyers, I suspect, have advised him to break it. He says he would treat his most intimate acquaintance, and dearest friend, exactly in

the same way. For his own sake, Sir, I hope that he would not. When he is moved neither by enmity nor profit, should he tamper with the lawyers to find out a flaw in other people's titles? I formerly gave credit to his professions: I now withdraw it, as it was improperly bestowed. I do not say that he is my personal enemy. I do not believe, Sir, that I have a personal enemy in the world. He bears towards me, Sir, violent political animosity. (*A cry of order! order!*)—I beg pardon, Sir, If I am out of order; I am sure I should be sorry to be so, but it is not easy to remain cool after the manner in which the noble Lord has talked of my character, my politics, my principles, and my past conduct. He desired you to keep these out of view: I desire, Sir, that they may all be taken into consideration; the more they are scrutinized, I shall be the better pleased. You are bound to consider these topics before you come to a just conclusion, and I am at a loss what could be the noble Lord's motive for giving you such advice.

“ I apprehend that the lawyers are at the bottom of this motion of the noble Lord's. I know well the modes which these gentlemen pursue in striving to accomplish their ends. Do not let me be misunderstood, Sir, I love and honour the profession. I had once a near prospect of becoming a member of it. About five and forty years ago, I believe the very term in which the present Chief Justice of the King's Bench entered as a student, I

myself was enrolled. I reverence the profession of the lawyers; I wish to God I could always approve of their practice. Their motto I must say, however, is *dolus an virtus*. About the justice of the cause in which they engage, they are not over solicitous, nor are they very scrupulous about the means they employ to gain their ends. They seem here to have wished to make a jumble, a bustle, and a scramble, and by throwing every thing into confusion, to get a lumping vote. From the practice, I must necessarily infer, that this has been the advice, and that these have been the advisers.

“The result of this discussion is of no great consequence to me. However, I reckon myself bound to resist acts of injustice and oppression, that they may not be drawn into a precedent.

“I shall therefore state the question, and nothing more on my part I trust will be necessary. I shall be able I hope, to place it in so clear a light, that it will be understood by any country gentleman, or even by any lady, as well as the profoundest lawyer. If the House is to determine whether a person who has once been in orders can sit here, it is their duty first to consider whether there is any specific law against it. That this question must be decided in the negative, is pretty clear, from the line of conduct which has been pursued this day. To what other law are you next to resort? You surely will not rely implicitly upon the opinions of coun-

sel, however highly you may think of their knowledge, integrity, and disinterestedness.

“ Five questions immediately present themselves ; for this grand question is the fruitful mother of many more. I should be very happy, Sir, if all these five were decided against me, for if one of them is decided in my favour, all is lost, *ipso facto*, down go the contest and the controversy. The question is at present so confused and perplexed, that all must be puzzled with it. It puzzled me, Sir, for some time ; at last I succeeded in reducing it to distinct heads. We must now have recourse to the canon law, and ask, in the first place, whether the canon law legally binds the proceedings of the House ? I have no intention, whatever, Sir, to discuss the point. I merely wish to shew the inquiries the House must enter into before they come to a determination.

“ We next examine whether the canon law is binding upon the clergy in the profession and out of it, in their civil as well as religious capacity ? In the third place, is the canon law binding upon me, who have long ceased to officiate as a priest, and have laid long down that sacred character ? Two others still remain behind, equally difficult of solution, and equally necessary to be solved. Is it possible for any one who has once entered into holy orders, again to become one of the laity ? or is it once a captain, and always a captain. I know there are three canons on this subject ; one says a clergyman shall not

bear arms; another, a clergyman shall not be a civil magistrate; and a third, that a clergyman shall not use himself as a layman. Clerical representatives of the people have not certainly been very common, but we have clerical volunteers, and clerical justices of the peace. The two first canons are therefore kept back, and the last only is relied on. It is then to be determined whether a clergyman, by having a seat in the House, does or does not use himself as a layman. I said I would not argue these points: I throw out these things for the consideration of the learned gentlemen over the way, and I wish them fully to consider this statement. I have great faith to put in their opinion; let them therefore declare their judgment before the House comes to a final decision.

“ Having said so, I cannot help adverting to some things that fell from the noble Lord. It must be allowed that he displayed a liberal, generous, and elevated spirit! At the same time, I hope the House will pay little regard to his *boasted stake* in the country. I too have a stake in the country, and a deep stake; it is not stolen, to be sure, from the *public hedge*, for I planted it myself. This stake, Sir, I would not exchange for all the *notes* of the noble Lord, together with the *notes* of all his connections. In this too, I think mine is different from his, and far to be preferred to it; his cannot be increased without detracting from the public stock; mine is my character, and I cannot add to it with-

out having added to the information, comfort, and happiness of the people."

Lord Temple having persevered in his intentions, witnesses were accordingly called to the bar, and examined relative to the fact of Mr. Tooke's having been in priest's orders. On the 4th of May, the same nobleman moved "*the order of the day*," for the House to take into consideration the report of the Committee on the eligibility of Mr. Tooke to sit in Parliament. This being done, after some prefatory compliments to the Committee, and particularly the Chairman*, his Lordship went at large into the question, and endeavoured to prove from the records, that no clergyman was entitled to have a seat in that House, and consequently that Mr. Tooke was ineligible. After this, he concluded by moving, "That the Speaker do issue a new writ for the borough of Old Sarum, in the room of the Rev. John Horne Tooke, who was ineligible, being in holy orders."

Mr. Tooke began by observing, that he had had but two struggles in his life before the present, which were in any shape per-

* Mr. Abbot.

sonal. The first was, when he applied for the degree of A. M. "which, by the way, (he added) a great dog could obtain, if made to articulate *probo aliter*;" and the second, when a *doubting* set of benchers rejected his claim of admission to the bar, without any reference to law or precedent.

In regard to the present occasion, how it might end he knew not; but for the sake of others, he would maintain his right; in respect to himself, he was not in the least anxious about the privileges of his seat, as he *owed no money*.

He then animadverted on the unparliamentary conduct of the Committee, in *delegating their delegated powers* to others, to examine old records: the result of the search was, that *Clrc*, (an epithet applied in those days to any person who could read), signified a clergyman. He asserted that the Committee did not even understand the Saxon characters, and remarked, that in quoting *twenty-one cases*, they had made no less than *eleven* mistakes.

He next combated the doctrine that he could not lay down his function as a priest; which doctrine, he thought, must appear fu-

tile, when it was recollected that there were many canons that dwelt on the deposition of priests. "One of these states, (added he) that if any clergyman attempted to cast out devils unlawfully, such person should be deposed. Now for example, Mr. Speaker, if I had attempted to cast the devil out of this House, I must have been deposed, and of course been deemed eligible. But in this case my only crime is my innocence—my only guilt, that of not having scandalized my order. I feel myself, Sir, exactly in the situation of the girl who applied for reception into the Magdalen. On being asked respecting the particulars of her misfortune, she answered, that she was as innocent as the child unborn: the reply was, "This is a place only for the creatures of *prostitution*, you must go and qualify yourself before you can be admitted."

After Mr. Fox and Mr. Erskine had delivered their sentiments in opposition to the motion, Mr. Addington, the new Chancellor of the Exchequer, very unexpectedly arose, and moved the *previous* question, on which a division took place, and it was carried by a majority of 41.

As the subject of contention was thus left still *afloat*, the Premier, on the 6th of May, by a still bolder measure than that of Lord Temple, brought in a bill "to remove all doubts relative to the eligibility of persons in holy orders to sit in the Commons House of Parliament." While this was before a Committee, Mr. T. moved the following clause: "That every person in holy orders, on accepting a seat in that House, shall thenceforward be incapable of taking, holding, or enjoying, any living, or ecclesiastical promotion; and further, that he be incapable of holding any place or office of honour or profit under his Majesty." This amendment, however, was negatived, and the bill carried up to the House of Peers, where it met with but little opposition, except from Lord Thurlow.

Hence it has been observed, that so far were the framers of the Clergy Incapacitation Act from wishing to offer any indignity to the Gentleman who was the occasion of the measure, that the clause limiting its operation and effect to *future* Parliaments, was expressly made in his favour: and that "the deportment of Mr. Tooke in the House, was

indeed so perfectly decorous, as rather to create a prepossession in his favour than any prejudice against him. Of course the Member for Old Sarum continued to vote and speak as usual during the rest of the Session, but as it was enacted that he should not be eligible in any future parliament; of course he was not returned in the ensuing general election.

The acquaintancē between Mr. Horne Tooke and Sir Francis Burdett began soon after the commencement of the revolutionary war; this, however, became the subject of much conversation, and even censure, among many persons, after the duel between him and the late Mr. James Paul. In the sentiment of standing alone and unconnected with any party, he was said to have been encouraged by Mr. Horne Tooke, “to have been merely his puppet, and incapable of conceiving or uttering any thing from himself!”—Thus as the supposed instructor of Sir Francis, Mr. Tooke became so much more the object of greater indignation; but let us suppose, with the judicious author of some remarks upon Sir Francis Burdett’s

conduct at the time, * “ let us suppose that an intimacy had taken place between a young man of fortune, and an old man, confessed by all to be one of the first scholars in the country, such an intimacy confers honour on both parties ; for all who knew Mr. Tooke know this, that he would not waste his time with a blockhead. It may be, that a young man will defer much to the political sentiments of an aged politician, who has seen much of public life ; who has by travels, by books, and by mixing with all the great characters of his time, gained a fund of knowledge scarcely to be equalled, certainly not to be surpassed in this country. If we should allow this, it cannot be a discredit, nor can it be disadvantageous to a young man, unless the sentiments of his friend were such as are injurious to his country.”

“ Mr. Horne Tooke has for many years been an object of attack, and what is more singular, each party in its turn, as soon as it came in possession of power, has declared against him. Whatever we may think of

* Vide *Memoirs of the Life of Sir Francis Burdett, Baronet*, printed for Sherwood, Neely and Jones, 1810.

this singularity, one thing cannot be doubted, that he preferred his own mode of thinking to private views: and without that obstinacy of mind, as some will call it, he might have rivalled Mr. Rose, or Lord Melville, or a long list of friends of Ministers, in the enjoyment of wealth, obtained whether honestly or dishonestly from the country. He was the friend of Lord Shelburne and Mr. Pitt; he accepted nothing from either; and, in return for his friendship with the latter, he was threatened with a halter.

“ The fact is curious, that a gentleman now alive took leave of Mr. Pitt and Mr. Tooke, then very intimate friends, to make a tour on the Continent, and on his return to England the first news he heard was, that his friend Mr. Pitt had sent his friend Mr. Tooke to the Tower. The friends of Mr. Tooke *out* of power have not been his friends when *in* power. Let them who know the history of this reign answer this question. From the beginning to the present day Mr. H. Tooke will be found to have uniformly supported the principles of the Constitution as settled at the Revolution; to have opposed only what is in opposition to those principles; to have been an advocate for the true rights of the three branches of the Constitution, but, to have opposed each only when they overstepped the limits of their respective jurisdictions.”

“ But we cannot allow that Mr. H. Tooke has the influence supposed over Sir

Francis Burdett. Their acquaintance commenced somewhat more than fifteen years ago; it ripened into friendship. Such a friendship has been without doubt advantageous to Sir Francis. To have constant access to the stores of so capacious a mind is a benefit which few young men of fashion and fortune know how to appreciate; still fewer, how to avail themselves of such an advantage. Sir F. Burdett does both, and in consequence is better acquainted with our national history and our national literature than any of his competitors for the public favour. He may say with Cicero, that the time which others employ in various amusements he has devoted to the improvement of his mind, he has made the Constitution of his Country his study."

To return to the connection between Mr. Horne Tooke and Mr. Paul; on the death of Mr. Fox in 1806, a vacancy occurring in Westminster, it seems that Mr. Paul having distinguished himself in the House of Commons (to which he had been elected for Newtown, in the Isle of Wight, in 1804) by the charges which he supported against the Marquis of Wellesley, in April, 1806, and which he continued till the dissolution took place in the October following, and by a Letter which he wrote to Lord Folkstone,

recommended himself to the good opinion of Sir Francis Burdett. But Sir Francis declining to stand with him when he first put up for Westminster, he came forward himself. At this time three Candidates started, Sir Samuel Hood upon the naval interest, Mr. Sheridan upon that of the Whig Club, and Mr. Paul upon that of the people. Of Sir Samuel Hood's success no doubt was entertained from the first. Sheridan was expected to be called the friend of the people; but for two-thirds of the election he was the lowest on the poll, and he was indebted to the utmost exertions of the Court, the Whig Club, and the higher gentry for his final success. Mr. Paul obtained 4481 votes, but as he still persisted in bringing the Marquis Wellesley to justice, both the Whigs and the Court coalesced against him, and he was finally thrown out. However, the Parliament from which Mr. Paul was thus excluded did not long enjoy its honours; another dissolution took place in 1807, which again renewed the connection between Mr. Paul and the friends of Sir Francis Burdett. Upon this second dissolution Mr. Tooke asserted, that Mr. Paul was incessant in his

solicitations of Sir Francis to consent to represent the City of Westminster, and that he prevailed on Mr. Cobbett to unite his solicitations for the same purpose, but in vain. Still as the Honourable Baronet had promised to do every thing in his power to serve Mr. Paul, who was determined to stand again for Westminster, the latter unfortunately took a step in announcing a dinner of his friends at the Crown and Anchor Tavern, and Sir F. Burdett *in the Chair*, which, with the lamentable circumstance of the duel which afterwards took place between these two friends, ruined Mr. Paul in the esteem of the public at large, while the consequent chagrin of his mind and his declining health, resulting from the wound he received, put a period to his existence in the April following.

It may be necessary to recollect, that the duel before mentioned was fought on Saturday, May 2d, 1807, during Mr. Paul's second poll for Westminster, and that a second meeting of the friends of Mr. Paul and Sir Francis took place at the Crown and Anchor Tavern a few days after, evidently for the purpose of taking the general sense of

the Electors of Westminster upon the circumstances which had occurred. In fact, the impression adopted by the majority, "that Mr. Paul had ungratefully lifted his arm against the life of his friend," soon induced him to give up the contest, whilst Sir Francis (as his Committee had resolved to put him up), though totally excluded from attending the hustings by his wound, stood by far the highest of the three Candidates at the close of the poll, having upwards of five thousand votes in his favour.

Various publications ensued, written with much personal animosity. Mr. Paul made a long three shilling pamphlet, in which he endeavoured to vindicate himself, and to lay the whole blame of every thing upon Mr. Horne Tooke, upon whom he bestowed a profusion of such epithets as were the exact contrast of all that he had uttered for the preceding six months. He even descended so *low* as to mix with the party-calumny against Mr. Horne Tooke as the *dark and infernal adviser* of Sir Francis! "And if Mr. Tooke was treated as possessed of powers of the head, but totally devoid of those of the heart, except what was malignant,

Sir Francis was allowed to have the amiable qualities of the heart, but to be very weak in his intellects!"—This Mr. Paul knew was flattering the prejudice of Sir Francis's most bitter enemies; but, however, the pamphlet soon sunk into oblivion; few persons would take the trouble of wading through such a quantity of abuse, bad language, and bad argument.

As the connection between Mr. Paul, Sir F. Burdett, and Mr. Horne Tooke, may be better understood by the recital made of it by an extract from the latter, a Letter written by him on the subject to the Editor of the Times, dated

Wimbledon, May 6, 1807.

"SIR,

"I read in your paper of yesterday (May 5) that, at a meeting of the Electors of Westminster, a Mr. Power—" upon the information of Mr. Paul, stated this fact—That, at a dinner at Mr. Horne Tooke's, that gentleman declared, that in the present times, he thought it would be better that such men as Sir Francis Burdett should have nothing to do with seats in Parliament."

"It is not very decorous, I believe, to bring before the public the free and unimpor-

tant conversation which passes in a mixed company at a dinner table: Mr. Paul and Mr. Power seem to think otherwise. Mr. Paul is very welcome to report any thing he ever heard me say. But for the sake of my friends, who may not be quite so indifferent as I am to tittle-tattle in the newspapers, neither Mr. Paul nor this Mr. Power (whoever he may be) shall ever with my consent henceforward dine at the same table with me.

“ I may very probably have made this declaration with which I am charged: for it contains most correctly my opinion; and that not hastily entertained, but long fixed in my mind. And if my advice had been as omnipotent as the dirty scribblers of the day have chosen to represent it, over the mind of Sir Francis Burdett, he never would have been a Candidate at all. Nor did I ever labour by intreaty more earnestly for any thing, than I did from the beginning, and before the beginning, to dissuade Sir Francis from being a Candidate for Middlesex: and for his sake, I rejoice that he is not returned to Parliament for that place or for any other. However, if this my opinion should be adopted, it will not exclude many persons from Parliament: for I know of no other *such men* as Sir Francis Burdett..

“ Of Mr. Paul I know nothing, but that he was introduced to me by Sir Francis Burdett; and that he afterwards invited himself to dine at my house on Sundays, when I receive my visitants. From the time of the

election at Westminster, last November, he has missed dining with me only three Sundays. I always treated him with civility; but have most cautiously avoided any other connexion with him of any kind; nor could he ever prevail upon me, though he used much importunity, to write a single syllable for him or concerning him. There was something about him, with which it was impossible for me to connect myself. I wished him very well; knew no harm of him; suspected none; but my mind perpetually whispered to me—*Vetabo sub iisdem sit trabibus, fragilemque mecum solvat phaselum.*——It was unfounded prejudice, perhaps: but I have experienced something in this world; and superfluous caution may be pardoned to old age.

“After what has passed in the middle of the night succeeding the first of May, I know of no gentle epithet which I can apply to the conduct of Mr. Paul; and shall therefore leave it unqualified. But I feel it my duty, perceiving the malicious and artful misrepresentations of all the factions which Sir Francis has wilfully offended, to tell you simply all I know of what has passed between Sir Francis Burdett and Mr. Paul. If it shall not arrest the malice and misrepresentations of the newspapers (and particularly of the *Morning Chronicle*); it may at least leave them more inexcusable, and objects of the greater public contempt.

“It is attempted to pass off what has happened, as an affair of honour; as a quarrel

between two friends; and as the consequence of some warmth and altercation; and only “not *strictly* moral and religious*.” Nothing can be farther from the truth. Sir Francis had indeed been publicly useful to Mr. Paul in his election pursuit; but there were no habits of friendship or confidence between Sir Francis Burdett and Mr. Paul; and there never was any the slightest altercation between them. Their acquaintance was but six months old; and the intercourse between them was all open, and confined singly to Mr. Paul’s election pursuit. As little foundation has Mr. Paul to decorate himself with the friendship of Mr. Bosville, Major Cartwright, or myself. He is a stranger to us. We know no more of him, than what the public knows. It is probable that the public may hereafter know something more of him and of his practices.

“The first and only acquaintance which Sir Francis had with Mr. Paul, was, that certain Electors of Westminster, last October, deputed Mr. Paul with a very handsome invitation to Sir Francis to become a Candidate for Westminster. For the strongest reasons, Sir Francis had previously determin-

* See Mr. Paul’s advertisement, dated May 5. Mr. Paul is not to be blamed for expressing his wish in this advertisement, that “the recollection of this affair may be buried in eternal oblivion.” But it is a fruitless wish. The transaction is too singular ever to be forgotten.

ed never to be so. The same Electors afterwards fixed upon Mr. Paul as their Candidate. Mr. Paul appeared to have brought forward, with much spirit and perseverance, a most important inquiry in the House of Commons, concerning East-Indian malversation; and to have been most unworthily treated for it, by the juggling factions in that House. Sir Francis, approving this the only known part of Mr. Paul's conduct or character, and desirous to make a return for the compliment received from those Electors, by promoting their wishes, consented to nominate and countenance Mr. Paul.

"Sir Francis was himself at this time a Candidate for Middlesex, and, during the poll for Middlesex, Mr. Paul, without the consent or knowledge of Sir Francis, advertised Sir Francis Burdett in the newspapers, as Chairman of a dinner at the Crown and Anchor, for the Electors of Westminster in the interest of Mr. Paul. Sir Francis was much displeased at this liberty taken with his name, and remonstrated against it as highly improper; especially since he had not met his own constituents, the Freeholders of Middlesex, at any dinner for himself. However, at the earnest request and entreaty of Mr. Paul, who represented it as essential to the success of the Election for Westminster, Sir Francis consented to take the chair at that dinner.

"After their Election, the Electors of Westminster determined upon a petition to

the House of Commons. Though Sir Francis Burdett had no share in that determination, and had cautiously avoided being a member of, or attending any committee of Mr. Paul; yet, in further compliment to the Electors and to promote their wishes, Sir Francis sent to *their* committee a subscription of a thousand pounds in aid of their expences. Sir Francis supposed that he had now satisfied all reasonable expectations from him; and that he had no further connexion with any thing that related to Mr. Paul: with whom he had determined in his mind to have no private nor political concert, nor ever to pursue any measure in conjunction with him.

“But Mr. Paul appears to have determined otherwise. He had fixed himself on Sinbad’s shoulders, and would not easily be shaken off.

“In April last, a few days previous to the ballot for the Westminster petition, Mr. Paul wrote to Sir Francis, to inform him, that Mr. Paul’s solicitors refused to proceed with the petition, unless they were immediately paid one thousand pounds, then due to them, and had security given to them for eight hundred more. Mr. Paul represented that he had in vain applied to “Jew and Gentile,” and could not raise a farthing; intreating Sir Francis to apply to Mr. Bosville to assist him in this emergency. Sir Francis refused to make any application of the kind: and advised Mr. Paul to stop where he was, and to forfeit his cognizance, which would only cost

him four hundred pounds. Mr. Paul did not take this advice, but proceeded with his petition.

“ Before the determination of the petition, the Parliament was dissolved : and Sir Francis, by his public Address to the Freeholders of Middlesex, took a most decided and final leave of all Election struggle whatever.

“ On this dissolution of Parliament, notwithstanding this declared and published resolution of Sir Francis Burdett, Mr. Paul was incessant in his solicitations of Sir Francis to consent to represent the City of Westminster : and Mr. Paul prevailed on Mr. Cobbett to unite his solicitations for the same purpose. But in vain—Sir Francis was immoveable.

“ On Sunday, April 26, Mr. Paul dined in company with Sir Francis and others in my house at Wimbledon.

“ On Monday, April 27, Mr. Paul dined in company with Sir Francis and others at Mr. Bosville’s in London.

“ On neither of these days did Mr. Paul utter a single word, or give the slightest intimation of any intention to advertise Sir Francis’s name for any purpose : and yet he must on the latter day, already have sent to the printer the advertisement which appeared on the two following days, announcing a dinner of Mr. Paul’s friends at the Crown and Anchor, with “ Sir Francis Burdett in the Chair.

As soon as Sir Francis was informed of this by a letter from Mr. Paul, he returned him an answer, expressing great sorrow for having displeased Sir Francis by the use made of his name; but most anxiously and most humbly beseeching him not to publish a disavowal, which, he said, would totally ruin and undo him; and that he would take care to explain and set right Sir Francis's non-attendance at the dinner. Sir Francis's natural kindness still prevailed over him; and unwilling in any manner to prejudice Mr. Paul's election, though determined not to be made his tool, Sir Francis continued silent. Notwithstanding this forbearance, on Thursday, April 30, the same advertisement of—"Sir Francis Burdett in the Chair"—was again repeated. Sir Francis was still silent, leaving Mr. Paul to get out of his scrape on the following day, as well as he could.

"On that following day, Friday, May 1, at two o'clock in the afternoon, and not before, Sir Francis read in the newspaper at Wimbledon, the following advertisement.

No. 2.

MR. PAUL'S DINNER.

Crown and Anchor, May 1, 1807.

'As it is intended to move certain Resolutions expressive of the opinions of the free and independent Electors, that personally apply to Sir Francis Burdett; Mr. Paul will be in the Chair, instead of the worthy Baronet. Mr. Paul intreats a numerous attendance of

his friends, on an occasion so highly important to the first interest of the city.'

"Sir Francis now plainly perceived, by this artful advertisement, that Mr. Paul had not relinquished his project; but still continued obstinately determined not to let go his hold, but to compel Sir Francis to be made a joint candidate with Mr. Paul for Westminster. Sir Francis was as steadfastly determined not to be put in that situation. He had no time to lose; nor any other method to pursue, but to undeceive the Electors of Westminster assembled at the Crown and Anchor. He therefore requested his brother, who happened fortunately to be with him, to go immediately to London to the Crown and Anchor, and make the following written communication to the Gentlemen assembled: desiring his brother, as soon as he should have read it, to withdraw; and not authorizing him to say or to do any thing farther.

"When Mr. Paul saw Mr. Jones Burdett enter the room, he addressed him, and requested Mr. Burdett to sit next to him. Mr. Paul expressed his apprehension of the cause of Mr. Burdett's coming there. Mr. Burdett acknowledged that he had a communication to make from his brother to the company. Mr. Paul most earnestly begged and prayed that Mr. Burdett would be as gentle upon him as he could. Mr. Burdett assured him, that he had himself no observations to

make ; but should barely deliver his message.

“ Mr. Burdett, after dinner, read a letter of Sir Francis’s to the Meeting, contradicting the implied import of the two advertisements by which the Electors were called together, in which he expressed that the advertisement of that day was still more offensive to him.

“ Mr. Paul did not, for he could not, deny the receipt of the letter from Sir Francis ; but he talked of some misunderstanding that there might perhaps be between them. He expressed no displeasure to Mr. Jones Burdett. He exaggerated in the praises of Sir Francis ; and still endeavoured to persuade the Electors to support him and Sir Francis *jointly*. In pursuit of his project, Mr. Paul had, unknown by Sir Francis, his Resolutions ready for the Meeting, which he had persuaded a friend of his to draw up for him. They are well drawn, and the general matter of them is good. But they conclude to the main point which Mr. Paul had in view.

‘ That Sir Francis Burdett, Bart. and James Paul, Esq. have given indubitable proofs of their public spirit, integrity, and perseverance ; that they are the men most worthy of our suffrages ; and that, *as they are disposed*, if elected, to take upon them the arduous task of defending our properties and liberties, we will support them by all the lawful means in our power.

‘ That a Committee be appointed to conduct the JOINT election of Sir Francis Burdett, Bart. and Mr. Paul*.’

“Many of the Electors present were highly disgusted at this and many other parts of the conduct of Mr. Paul: and I am told, and believe, that conversation and charges very disagreeable indeed passed between Mr. Paul and some Gentlemen who had before been his firmest supporters.

“Of what passed afterwards between Mr. Paul and Sir Francis Burdett, I know nothing. But I have good authority to say, that in the middle of the night my family heard a carriage pass my door, and soon afterwards heard ringing at the bell, and some loud talking at the door of the Duchess of Leinster; and soon afterwards again, ringing at the bell, and loud talking at the door’

* It is impossible not to understand why Mr. Paul, who could not raise a farthing from “Jew or Gentile,” should so perseveringly employ every possible manœuvre to get “A Committee appointed to conduct the JOINT election of “Sir Francis Burdett and Mr. Paul.” Nor can any one wonder at “the horror,” as he expresses it, which he felt at the public disavowal of the connexion by Sir Francis: which, he says, “overturned in five minutes the labours of his political life.” And this he gives under his hand immediately before the duel. The bird had escaped from the snares he had spread round it: and he saw himself once more left alone to his uncomplying Jews and Gentiles. Hence, and hence only his thirst of mortal revenge; which I do not believe yet quenched: and it still remains to be seen whether, and in what manner, his hand will next be directed.

of Mrs. Mac Evoy ; whose gardener (I have since learned) rose from his bed and directed the carriage to the house of Sir Francis Burdett, who was there at rest with his wife and children. About two o'clock Sir Francis was called out of his bed by a Mr. Cooper (such at least is the name he gives himself ; though he has hitherto refused to say where he lives, or what is his situation or profession.) This Mr. Cooper (if that is his name) delivered some paper to Sir Francis from Mr. Paul, who was himself waiting at the door in a carriage, with a servant who likewise came from London in the carriage with him.

“ And this new method of assaulting a sleeping family, and of calling a man up from his bed in the middle of the night, Mr. Paul terms a *rencontre*.

“ The remainder ought to be told by the seconds, either jointly or separately. I understand that Mr. Cooper has, before witnesses, acknowledged most of the circumstances of the affair ; but has refused to sign them, as bearing hard both upon Mr. Paul and himself. And being asked which way he spelled his name, whether *Cooper* or *Conper*, he hesitatingly answered—“ Which way you please.”

“ The circumstances which I have heard ought to be known and authenticated : and, if they shall not be told by those who should unfold them, I mean hereafter to disclose them with the authority which I have for them.

“ I have addressed this letter to you, Sir, the Editor of the 'Times, not only because the paragraph I have noticed appeared in your paper, but because I think your paper has, upon the whole, for many years, been more impartially, and (making all due allowance for the present situation of the press) more fairly conducted than any other daily paper. I know neither your name nor your person; nor have any desire either to please you or offend you.

“ And am, in the common phrase

Your humble Servant,

J. HORNE TOOKE.”

Several other severe observations upon the conduct of Mr. Paul were imputed to Mr. Tooke at this time. But even if Mr. Paul had survived, it seems that the Electors of Westminster would not have stood in need of any WARNING as to Mr. Paul's future disposition.—Men who appear to be actuated solely by personal revenge, are not likely to retain the good opinion of the people of England.

For several years past it has been observed, that being independent with respect to fortune, Mr. Tooke devoted his time to literature and the society of men of talents, besides taking particular pleasure in the cul-

tivation of his garden and grounds at Wimbledon.

Mr. Tooke had long left off powder, but was still remarkably clean and neat in every thing respecting his person. It has also been said, that with all those various powers of conversation which rendered his company so delightful to the studious and the enquirer, he was capable of all the little attentions that captivate the female world; and that in the company of the ladies, in his respectful conduct to the sex, he still kept up all that was amiable in the *old*, while he avoided every thing disgusting in the *new* school.

Mr. Tooke's hospitality towards the latter end of his life, we believe, was confined to the dinners which he gave on Sundays to his political friends, and among these the unfortunate Mr. Paul. These were probably too numerous to be considered *select*, and perhaps consisted rather of *public* characters than of *private* acquaintance or *friends*.

A very short period before Mr. Tooke's death, he became reconciled to his sister, a Mrs. Dickens, with whom he had not communicated for a number of years; and who

had also the satisfaction of seeing her brother before his decease, and of forming an intimate connection with her two amiable nieces.

That Mr. Tooke had been long in a declining state was not positively known till within a few weeks of his demise, when he had lost the use of his lower extremities. A few days before his death, which, as it has been mentioned, occurred on the 19th of March, 1812, mortification appeared rapidly advancing. Dr. Pearson, Mr. Cline, and Mr. Tooke's two daughters attended on him, one of whom, Mary Hart, is his principal executrix; and when he was informed that his dissolution was approaching, he signified with a placid look that he was fully prepared, adding that he had reason to be grateful for having passed so long and so happy a life, which he would willingly have extended if it had been possible. He expressed satisfaction at being surrounded in his last moments by those most dear to him; and his confidence in the existence of a Supreme Being, whose final purpose was the happiness of his creatures. His facetiousness did not forsake him. When supposed

to be in a state of entire insensibility, Sir Francis Burdett mixed up a cordial for him, which his medical friends said it would be to no purpose to administer; but Sir Francis persevered, and raised Mr. Tooke, who opened his eyes, and seeing who offered the draught, took the glass and drank the contents with eagerness. He had previously observed, that he should not be like the man at Strasburgh, who, when doomed to death, requested time to pray, till the patience of the Magistrates was exhausted, and then, as a last expedient, begged to be permitted to close his life with his favourite amusement of *nine-pins*, but who kept bowling on, with an evident determination never to finish the game. He desired that no funeral ceremony should be said over his remains, but that six of the poorest men in the parish should have a guinea each for bearing him to the vault in his garden.

Part of his request not being carried into execution by his survivors, for prudential reasons, on Monday March 30, at twelve in the forenoon, his remains were conveyed from his house at Wimbledon, and deposited in a family vault at Ealing. The funeral ser-

vice was performed by the Rev. Dr. Carr. The attendants were numerous, and several carriages and four followed the mourning coaches. The principal mourners were Mr. Tooke's nephew, and Sir Francis Burdett. Among the rest were Mr. Bosville, Mr. Knight the member, Mr. Cuthbert ditto, Mr. T. Brown, Major James, Mr. Stephens, Sir William Rush, Mr. Morgan, Dr. Pearson, Mr. John Pearson, Mr. Hardy, Mr. Miller, Mr. S. Brooks, and Mr. Adams. The coffin was made of plain oak with a plate upon it, stating the day on which he died and his age, which was 76.

The following is a copy of his will.

“ I, JOHN HORNE TOOKE, on this day, Tuesday the 10th of June, one thousand eight hundred, at Wimbledon, in the county of Surrey, make this my last Will and Testament. I give and bequeath to Mary Hart, at this time, and long since, residing with me, at my house at Wimbledon aforesaid, and to her heirs for ever, my Freehold House and Lands, at Wimbledon aforesaid, together with every thing else of which I may die possessed in any place, and to which I may be intitled; and I appoint the said Mary Hart my sole Executrix.

“ JOHN HORNE TOOKE.

Witnessed by us { ELIZ. HARVEY.
HENRIETTA HARVEY.
ELIZA NORTON.

“ I confirm and republish the above, written as my last Will and Testament, this 6th day of October, 1808.

“ JOHN HORNE TOOKE.

Witnesses { FRANCIS BURDETT.
GEORGE PEARSON.
JOHN SANDFORD.

As the nature of the limits prescribed to this volume will not admit of going into the literary character of Mr. Tooke, and which, to do justice to, would require superior abilities, we shall only notice them *en passant*: his letter to Mr. Dunning on the English Particle, has been already mentioned. In 1786, appeared the first edition of “The Diversions of Purley,” so called from being written at Purley, in Surrey, the seat of a former Mr. Tooke, a very respectable gentleman, whose name Mr. Horne adopted in addition to his own. In this elaborate performance he certainly displayed an uncommon fund of genius and erudition. He has here demonstrated, that those which are commonly called, in grammar, the indeclin-

able parts of speech, adverbs, conjunctions, prepositions, and interjections, have all been originally, in every language, *nouns* or *verbs*, and have been reduced into their present state only by a gradual and unperceived abbreviation, accommodating the whole structure of language more perfectly to the uses of reasoning and refined thought! The former doctrine of grammarians was, that the indeclinable words were incapable of independent signification, and invented to connect those other words which were independently significant. But Mr. Tooke's new discovery was indisputable, and has ranked him among the first philologists of his age and country.

In 1787, when the nation was first alarmed with the intelligence of the union of a great personage with a lady supposed to be of the Roman Catholic persuasion, appeared "A Letter to a Friend, on the reported Marriage of his Royal Highness the Prince of Wales, by Mr. Horne Tooke." On this occasion, in reference to his "*Diversions of Purley*," it was humorously remarked, that in order to give a variety to his studies, he had taken a political, but very *uncourtly*

view of the nature, the extent, and the true signification of the *conjunction copulative*.

Mr. Tooke, on this occasion, saw reason to attack the policy, the propriety, and the justice of the celebrated Marriage Act, and ridiculed the idea, "that a beautiful English woman is unworthy to be the companion of an English Prince, as a degrading notion, unknown to, and unpractised by, our ancestors. In the course of his attack on the 12th of George III., which passed some time after the marriages of their Royal Highnesses the Dukes of Gloucester and Cumberland, he allows it to be an Act of Parliament, but denies it to have *the smallest force of law*! for, adds he, there are Acts of Parliament which are not *laws*. He then instances an act which was passed a few years since, which directed the Justices of the Peace to take *forty* shillings out of *twenty*! Could this act, added he, be a law? Certainly not; and thus far the act alluded to was to all intents and purposes a *dead letter*, till the removal of the mistake by a subsequent act, founded on the same principles as the former, but free from that palpable error, which, *primâ facie*, rendered it for a

time a legislative nonentity. To sanction and elucidate this doctrine, he recurred to the opinion of Lord Coke in the case of *Bonham*, in which that great lawyer observes, "it appeareth in our books, that in many cases the common law doth controul Acts of Parliament, and sometimes shall adjudge them to be void; for when any Act of Parliament is against common right and reason, or repugnant, or impossible to be performed, the common law shall controul it, and adjudge such act to be void."

While treating on this subject, Mr. Tooke freely talks about "persons from the *stable*, the *gaming-house*, and the *counting-house*, who absurdly imagine, they have only to pass an act, and that such an act will, or ought, or can, bind the subject in all cases whatever." He also observes, that "he should be more than willing, even anxious to barter the papist marriage for the responsibility of counsellors, and the independence of the representative body, being much more easily contented to trust the sovereign with a *papist wife* than with a *corrupt parliament*; although, adds he, some consciences, I know, will be straining at a gnat, and popery is

now become no more, while they gulp down greedily the camel of corruption, which is now become a monster."

In 1798, appeared the second edition of his celebrated work, entitled, *ENEA PTE-POENTA*; or, the *Diversions of Purley*, with the following dedication:

TO THE UNIVERSITY OF CAMBRIDGE.

One of her grateful sons, who always considers acts of voluntary justice towards himself as favours, dedicates this humble offering, and particularly to her chief ornament for virtue and talents, the Reverend Doctor Beadon, Master of Jesus College.

This grateful son of Alma Mater, as a divine, might, in some measure, be compared with single-speech Hamilton, as, like him with his speech, he is not known to have published more than one sermon; this, as a composition would not have rivalled either Tillotson or Blair. Still it was ingeniously couched in scriptural phrases, though its tendency was avowedly political. This, according to its title, was "A Sermon on Friendship;" by the Rev. John Horne, Minister of New Brentford: printed for J.

Almon, Piccadilly, &c. The text was in Psalm lv. 12, 13. *For it was not an enemy that reproached me, then I could have borne it. But it was even thou, my companion, my guide, and my own familiar friend.* This sermon was dedicated to James Townsend, Esq. afterwards Alderman Townsend, and dated Feb. 21, 1769.

As the political and public character of this eminent personage has been what the author of these sheets wished principally to pourtray, his literary merit, he leaves to the estimation of posterity, and those of greater abilities. To his erudition, the late Dr. Johnson is known to have paid the highest tribute in his acknowledgment of Mr. Horne Tooke's superiority as an etymologist, an opinion which every person conversant in the northern languages (with which the Doctor was unacquainted) can confirm. The principal acts of Mr. Tooke's public life are now before the public, for their decision, the whole of which adds one more reason for the too common cause of regretting, that so vast a portion of mind and merit, as that which has been so universally ascribed to him *since his death*, was not

more generally acknowledged, and more duly appreciated *during his life!* but, AINSI VA LE MONDE.

But though Mr. Tooke is no more, it will be long, long indeed before his memory will be extinguished among us. The circumstances which he foresaw as the natural consequences of the system pursued, appear to be daily rising to our view, and in a manner forcibly persuading us that he *being dead, yet speaketh*. It has been said, that Mr. Tooke “could bear no rival;” but in opposition to this there is one striking instance of his candour, which ought not to be omitted in these Memoirs of his Life. It is generally understood, that the only correct edition of his Speeches at the Westminster Election, in 1796, was published under his own inspection.

One of the speeches of Mr. Fox on the Hustings, in 1794, was printed in Mr. Tooke’s corrected edition. In this, referring to the Ministry, he said, “I know it is the custom of the Ministerial party to say, that I use inflammatory language to the people. If Ministers bring this country to such a state, that a *recital* of it inflames the

people, it is *their* fault, and not the fault of those who tell the people what their condition is. I do not wish the people of England to be inflamed, but I do wish them to feel a proper sense of the injuries they have received, and to express that sense like *Englishmen*."

After advising the people to meet, notwithstanding the law that was passed in the preceding Session, to render it unlawful for more than fifty persons to assemble without being subject to the interference of a Magistrate, he concluded thus: "Gentlemen, I have spoken plainly and openly to you; and I will conclude with repeating, that in my conscience I believe that Government has been by none exaggerated; *a more detestable one never existed in British History*; and not to detain you longer, I will sum up its character in two words—this Government has destroyed more human beings in its foreign war than Louis XIV. and attempted the lives of more innocent men at home than Henry VIII."

Thus far, Mr. Fox, with whose sentiments in respect to the war, those of Mr. Tooke and his friends may be identified as one and

the same. At this time, however, thousands had not been sent to perish in the pestilential marshes of Walcheren, nor had rivers of British blood been uselessly shed in Spain and Portugal, all of which has only verified Mr. Tooke's observation, that the present Ministers "*must go on, or go off.*"—"Their barracks, with their volunteers, &c." he also most *prophetically* observed, would only *tend to hasten the crisis*. Painful pre-eminence indeed! thus to foresee our folly and our doom; with what feelings then could Mr. Tooke have read our parliamentary discussions, proclaiming the fact that 138,000*l.* had been charged for stabling, at the rate of almost 450*l.* for every horse!!! How must the modern Alexander smile at this specimen of more than Persian extravagance! What a picture of external magnificence and internal misery!—as we read in the same day's proceedings that "distress is spreading over every part of the country, that the loom is rendered useless, and the cries of hunger stifled only by the point of the bayonet." Well might an honourable gentleman ask the Chancellor of the Exchequer, "If he could seriously imagine he

could go on *three years* longer upon the present system of increasing expences and decreasing resources, without being finally compelled to purchase a peace by *submission?*”—If we are thus to be drawn towards “*the vortex, the all-attracting abyss of a new and extraordinary dynasty,*” it may again be said,

“ Had not heaven,

For some strange purpose, steel'd the hearts of men,
They must perforce have melted.”

THE END.







