

confessed that it is a merit in any scheme of government that it should be best calculated to ensure promptness in the resolving upon measures, and vigour in working them out—a merit which is conspicuous in governments under absolute monarchs. So powerful are these considerations, that some philosophers, not sufficiently weighing the true principles of government, and in what consists that public happiness which depends on those principles, have been led to affirm that no scheme of government can so thoroughly accomplish the good of a people, and uphold their national strength, as the absolute will of a wise, and virtuous, and benevolent Prince.

But, even if this could be granted, and if we could suppose that under the form of absolute monarchy such instances of an union of great and good faculties were by no means rare—if we could suppose that the appetite for an undue share of the enjoyments of life in such princes and their obedient ministers would submit to the dictates of reason and of justice, or if we could hope that such would be satiated with wealth and the power by which it was to be gained—yet this form of government must ever manifest countervailing defects. There never could be any certainty as to the *permanence* of these dispositions, either in such rulers themselves, or in their successors. The established method of governing might at any moment be changed. The laws themselves have existence and operation frail as the human breath. Those who shall consult the page of history will read of many great nations rising to eminence under the guidance of some powerful mind, and prospering for a time—but for a time only. A great conqueror collects an immense concourse under his banners, who over-run wide countries, and establish wealthy empires, and such empires are perhaps well governed for a season. But as soon as the founder is no more, it usually has happened that his government has fallen with him. There being no *settled plan* of power, no *fixed rule* for the guidance of his successors—such governments are not calculated to stand the test of

time; but are necessarily subject to accidents, bringing in their train confusion, anarchy, and civil wars.

And in these respects there is no difference whether a nation be reduced to subjection to the will of *one* arbitrary monarch, or to the absolute power of *many* or of *few* who shall wield the full authorities of the state. For it is very possible that a large delegated assembly, or that a few who may have been born to, or, have attained, supreme dominion in a state, may resolve to govern by no regulated plan, and may disregard all laws made for the protection of property or of the person. Whether they will govern without law, or whether the people shall find a sure refuge against wrong, and a plain guidance in their mutual affairs with each other, in their laws and the administration of them, must depend on whether such a *scheme or plan* for the exercise of the power of the state exists, as may more or less prevent the gratification of the *mere will*—for, in the absence of any such checks, *human nature* will impell the possessors of power, whether many or few, to accumulate at the expense of those who cannot resist them an undue share of the enjoyments of life, until all the just ends of political government are openly abandoned.

Thus, under whatever form or course of government a nation may be ruled, we must look to find some *fixed systematic scheme or plan* for the conduct of it, and to see that the scheme itself, and the method of exercising authority under it, should be founded on *laws*—before we can agree that the essential objects of political government are arrived at.

SECTION V.

Of the Marks and Characteristics of a well-constituted Government. First; attention due to the Habits, Feelings, and Manners of the People.

Contemplating, then, political government as the *means* to a certain *end*—as a human device through a certain settled scheme and through a course of prescribed *laws*, for accomplishing the social happiness of a people—let us next examine some of those *marks*, or characteristics, by which we may, perhaps, best judge of its being *adapted to its object*.

The history of the world—exemplifying the progress of man in obeying the dictates of his nature, by first congregating into rude societies scarce held together by force of any law or compact, and afterwards by extending their social unions into populous nations, occupying fixed habitations—is a history in great measure of *habits, feelings, and manners* among the human race. These habits, feelings, and manners have grown up, not according to any set of rules and principles *laid down* according to reason and upon deliberation, but by force of mere *circumstances and accident*. Every age and nation has its peculiar code of morals and of manners; and the qualities of government are more dependant on them, than they on the force of authority or laws. It requires but a little reflection to perceive such to be the necessary result of the progress of mankind from rude barbarism, or savage life, to civilization; and we shall presently advert to some of these accidental and external circumstances. But it is a well known saying, that *habit is a second nature*—and habits, therefore, however they may have arisen, will, like

the propensities of human nature itself, imperatively influence all plans and contrivances by which men seek to accomplish that which they conceive most to their interest and well-being; and, amongst others, every system which may have been gradually built up of political government.

But, if such systems of government have thus become connected with habits, and the quality of these habits has depended on accidental circumstances, it must follow that such systems or modes of government must be as various as the several nations who live under any settled rules of power. It must also follow that after these habits have grown up, and are interwoven as it were, and identified, with the feelings, or even the prejudices, of a people, and thus become a *second nature*, any violation of them would be a counteraction of nature itself, and a cause of distress and discontent. As, therefore, we see that diversities of government must arise, and the modes of rule *must* have become consonant to the various qualities, and peculiarities of feeling, of various people—so it is a just principle of government that its scheme and course of operation should continue to respect such habits as are found to prevail. It must be recollected that it was not in the *maturity*, but in the *infancy*, of civilization that governments took their rise; and that, however competent through power, through natural wisdom, through studious comparison of numerous political systems and laws, and through sagacious reflection on their scope and tendency, any rulers, or the ministers of such rulers, may in these later times have become to frame a just plan of power for the government of any given nation—such competency must necessarily have been, attained long after certain customs and modes of life, certain common and confirmed opinions, and certain dispositions of the mind and feelings have taken too deep a root to be contended against without general mischief.

For this reason it is a commended saying of an ancient lawgiver, who framed a plan of government for the most

enlightened nation of old times, that "his laws were not, indeed, the best; but they were the best which that people were capable of receiving." For this reason we may judge that caution to be at once benevolent and wise which restrains the Supreme Government of England, in the plenitude of its power, from imposing throughout their newly acquired Indian Empire the same scheme of political government, and the same fundamental laws, (however good in themselves, and however valued) as those which have arisen out of, and become adapted to, the condition of another class of our fellow-subjects. It will be sufficient that I should notice that implicit obedience to the personal dictation required by those in authority, and as willingly yielded by all others, which throughout many ages has been habitual to the natives of these countries—that general distaste and inaptitude to political discussion and legislation—I have but to allude to their zealous attachment to the institution and rules of Castes, to the customs of Descent and Division of property, and of marriage, to satisfy my Native readers that a total subversion of such rules and customs, and an endeavour to square the feelings and domestic habits of one people with the laws made for another, would be as great a tyranny and violation, as the forcible transfer of their possessions without reason, and without right. For habits and customs, which do not originate in laws, ought to be amended by the introduction of *other habits and customs*: and it is an ill policy to attempt to change them by laws.

SECTION VI

*The same subject continued. Second ; Changes should
not be sudden.*

I do no more than add the necessary consequence of the principle I am discussing, when I affirm the political maxim that all *innovations* in government should be *gradual* ; and rather *follow*, than aim at *guiding*, the sense of the people. We know that change is a law of nature : it is not more exhibited in all material things around us, than in the mind and spirit of mankind. A blind or prejudiced adherence to arrangements once made, but which can have had no other origin than the exercise of the human intellect, is, not only to surrender the superior powers of an understanding necessarily improved by the force of experience, but is in truth a contest against necessity. Such contests, however, though vain as regards the issue, may have their effect in prolonging the endurance of evil. Modes and systems of government *must* change ; and, like all other prospects in human affairs, they fitly form the subject of human consideration.

But, the mass of mankind are doomed to toil for the necessities and comforts of life, and can have little leisure to study the nature or value of political and legislative change. They are more prone to pursue with avidity, and to enjoy in complacency, the objects of their dispositions and habits, than to submit such feelings to the reason of any others. Opposition to these fixed propensities can, when the occasion of it is not seen and estimated, serve but to produce pain and anxiety of mind. Conformity with order and the law is the bond of peace and the test of the people's prosperity—but cheerful obedience to authority can only be

looked for from those whose passions are calm. How, then, since political changes *must* and *ought* to be contemplated, are such changes best to be effected? By such only who, *having sagacity to perceive* what measures may be profitable, and *maturely reflecting* on their tendency and consequences, will watch also the *spirit of the age*; and will be cautious that new laws, if they do not altogether conspire with that spirit, shall at least not counteract it—by those who shall ever be mindful that *reverence for the law is the only stable foundation of government*.

It deserves to be considered that no change is made without inconvenience, and that there is certain advantage in constancy and stability. There may be evil in settled or hereditary institutions—but, if they be slight, they should rather be endured than corrected at the imminent risk of greater mischiefs. For every alteration of fundamental laws tends to subvert that *reverence for authority* by which the force of law is sustained. And it may be that ancient laws which are good are preferable to novelties which are better. So that the fabric of government should be always touched with a fearful and trembling hand, and its very *rust* should be respected. It is not change itself, but *suddenness* and *violence* in change, which at once excites the disgust of the multitude, and loosens the ties which bind them in obedience: and he that shall investigate the progress of civil dissension will find as many to have arisen from sudden violation of prejudices, and even caprices, as from actual oppressions. But, when the unthinking multitude shall overthrow the frame of government and trample on its laws, we may be assured that they will govern rather in the fury of passion than in thoughtfulness of wisdom. In the violence of their innovations they will probably, indeed, conform to the *temper of the times*; but their measures will always, and the rather sometimes for that very reason, offend against the true principles of government. In all circumstances of a nation, therefore, we may justly fear the sudden introduction of political change. In

all innovations (it has been wisely and aptly said) we should imitate *Time*. For Time, though the greatest of all innovators, so skilfully insinuates change, as to deceive our very senses.

SECTION VII.

The same subject continued Third ; the External and Natural condition of a Country, and of its Inhabitants, to be observed.

Among those accidental circumstances which cannot fail to impress on the inhabitants of various countries varying qualities of feeling, habit, manner, and intercourse, we must chiefly reckon the *external or natural condition* of each such country—and it becomes a mark of the just observance of the true principles of government, that its plan of power and the spirit of its laws should have reference to that *external or natural condition*. It is impossible to doubt that the difference of climate, or temperature of the air, according to the position of each country on the globe, occasions a difference in the corporeal strength, and power of exertion, and consequently in the sensibilities, and even in the intellectual faculties, of mankind. Moreover, the great dissimilarity in the soil and situation of different countries produces a corresponding variety of pursuits. It would lead me into a wide field of curious observation, and perhaps of controversy, were I to examine into all the effects of such causes as these. We must be content with noticing what are most obvious.

It must be the natural result of that deficiency of strength and power of exertion, that love of quietness and repose, and that delicacy or tenderness of feeling, which a great comparative warmth in the climate begets—that the people living under it should become averse to change, that they should be incompetent to the heats and conflicts of political discussion, and that they should be roused with painfulness, and collected together with difficulty, for the duty of withstanding aggression. In

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colder countries, on the contrary, the condition of the body and animal spirits urges to incessant activity and contempt of danger. If we survey the diversities in the surface of various countries, we find that the situation of some, as being islands, or abounding in wide rivers, impels the inhabitants to the arts of commerce, and to a stretch of dominion over distant colonies. The quality of others as composed of fertile and separated plains, leads to a crowded population and a facility of intercourse. Over barren deserts tribes wander in the lawless independence of savage life—throughout the fastnesses of a mountainous district are scantily dispersed a few families, who know little of one another, and scarce any thing at all of the rest of mankind.

Here, therefore, we perceive general and conspicuous effects produced by these *external* circumstances I speak of, which as they have contributed to form the peculiar *characters* of the various nations of the earth, so must they have influenced the modifications of their several governments, and so must they ever dictate its principles and fundamental laws. In some countries the people are naturally more prone to implicit obedience to constituted authority, and adhere with greater steadfastness to the institutions and customs of their ancestors. Among them we may expect will prevail a greater discretion reposed in personal authority, and at the same time a greater permanence and simplicity in their laws. The inhabitants of another clime are less easily controlled, more inquisitive and more eager in all their interests, and more bold in their pursuit of them. Among them, it is observed that (should not counteracting causes prevent it) a system of government will be aimed at admitting a greater extent of popular management and of means for the expression of the public sentiments. The openness and fertility of one country will be the perpetual source of attraction to fierce invaders, and preclude any long term of national independence—the barren ruggedness of another will repel the avidity for conquest. The

small extent and the close population of some states will suggest the greater *union* of councils, and keep down the accumulation of laws—the wide expanse, the slenderly connected portions, or the vast commerce, of other states produce necessarily a proportionate *delegation* of authority, and complexity in the rules of property. The mind easily gets puzzled in the endeavour to trace the bearings of all these diversities on political government. It has been accomplished, however, with great success in the laborious writings of some eminent philosophers, and in a manner as instructive as interesting to the studious inquirer. But these are details quite beyond the scope of a discourse so comprehensive as this; which must confine itself to the extraction of general maxims and positions. It must be sufficient if we can make it manifest, how vain must be any idea that the fancied perfection of any particular system of government must recommend it to the *universal* adoption of all nations, however circumstanced. Let us rather feel assured that the *natural causes* of national character are altogether above any human sway; for the empire of the elements is stronger than many generations of lawgivers.

SECTION VIII.

The same subject continued. Fourth; of the Share which the People should have in the Administration of the Government.

But the most important mark of the true principles of government, in the consideration of such as concern themselves practically in the just observance of them, is—that the bulk of the people should have some *share* in the administration of that government* which the whole community is bound to obey.

Let us inquire what it is to *have a share* in the government. A man may be said to have a share in the political government of his country, either when he *assists, or has a voice in, the supreme ordaining of the laws* of the state, under which its scheme subsists, and the administration of all its powers is conducted—or when he *contributes personally to the actual administration* of those powers, under the control of the supreme authority. Let it be observed, here, that I speak of a political government subsisting under some *regulated scheme* or *plan* of power, and governing by and under *laws*—and I speak of those who personally contribute to its administration according to such constituted scheme, and under the guidance of such laws. A monarch, or an united band of men, governing a people without any settled scheme, independently of any rules of law, and under no check, cannot be said properly to constitute any political government whatever. If he, or they, should govern, merely by the impulse of their own will and passions, how are they otherwise than in a state of nature? For a state of nature is that in which people act purely according to their own temporary inclinations, and their own notions of self-interest. So neither can he who performs the functions

assigned him in a state, according to the mere will of a monarch or governing body, be properly said to have any share in political government. He is a mere tool in the hands of others. He cannot have a share in that which has no substantial existence. He possesses no political rights of any kind. He is but the medium through whom another party acts—and acts as if in a state of nature.

Some such a share in the political government of a country as I have above defined, a *portion* of the people must enjoy under every form or scheme of government which is based on fundamental laws, and which aims at governing by a course of general laws, and not by mere arbitrary and personal discretion. The share enjoyed may be very unimportant, and the portion of the people possessing such share may be very small. But, still, so long as these fundamental laws on which the scheme of government is constituted has force, and the general rules of laws according to which it is to be administered are observed, no man can have an unlimited power to govern by his own will. The wishes and interests of others, as protected by the laws, must be respected as well as his own, in the administration of the government. There must be one or more persons who has independent authority to advise at least, if they do not actually partake in the exercise of the supreme power; there must be several to whom the administration of the affairs of government is intrusted, who are to be guided in the performance of their duties by the laws only, and not by any individual's arbitrary direction, and who are responsible only to the control of that supreme authority which is shared in some degree by a portion of the people, and not to the sole authority of one man. When all participation and influence in the supreme governing powers of the state are denied to any portion of the people, and all means of administering the laws independently of arbitrary dictation are destroyed, the foundations of regular political government are torn up.

When, however, that share in the exercise of the *supreme* power is very limited, and when it is extended, moreover, to but a small portion of the people, such a scheme of political government can by no means be considered as founded on just principles. There is no security whatever that the fundamental laws on which it is based will long subsist—and still less that justice will long continue to be administered according to any settled rules of laws by such as exercise offices in the state. And for this reason—because every man (as has been observed before) is impelled by his very nature to seek the gratification of his own private interests, and to exert all his power in administering to his own inclinations, rather than to labour for the general good of a community. And, as there is no limit to his *desire* to attain what he considers the pleasures and enjoyments of life, so neither will there be any limit to his consequent efforts at engrossing all the power he can, as the means of enabling him to appropriate to himself as large a proportion of them as possible. With this view he will always feel disposed to disregard laws of every quality which he is not compelled to obey. And, thus, when one single man, or a very few individuals, shall have once obtained the supreme governing authority, and only a small number of the people have a very limited share in influencing or guiding the measures of the state, those who govern will be almost sure to abuse their power. They will be engaged in a continual struggle to abolish, or to abandon, all those settled rules and forms according to which the government is to be conducted. They will ever be more or less labouring to overawe, or to annihilate, the suggestions of others. They will hardly allow any who are under them to exercise the offices of the state according to any equal rules of law, but only as their own tools, subject to their own absolute control. The tendency of such a struggle is to destroy political government, and reduce society again to a state of nature, in which the strongest govern, and seize to themselves whatever they desire.

It must, then, be obvious that, in considering the question how far just principles characterize any particular form of government, we have not merely to enquire whether one single person possesses the whole power, or whether a few persons possess it, or whether even a large number of individuals possess it. But the question is, whether so large a number share in the supreme power, and have in their various gradations a share in executing the duties of office, as to produce an effectual check on the inclinations of one portion of the people to pursue their own interests at the expense of the rest. A few men, or even a large number, may combine to govern for themselves alone, and history has abundantly shewn that they often will do so. But when the sharers are very numerous, such a combination becomes more difficult. The interests of many being at stake, it becomes the less likely that they can all be equally gratified through the oppressions and wrongs done to the body of the people who have no share in the government. The interests of one portion of the governing body become a check and control upon the exorbitant desires of the other. The number is increased of those who love their country and respect its laws, and who act from such motives. And if, besides this, the system of government be such as to admit of any methods by which the sentiments and feelings of the Public at large can be made known—so that their opinions may influence, although they cannot actually direct the measures and councils of those who govern—the chances become the greater that these measures will be directed to the common good of the nation. Moreover, when the various offices of the state are distributed widely among the people, and all the members of the community having free scope for their industry and talents, are admissible to those offices, according to the gradations to which they attain in society and the qualifications they possess, there is the less probability of their becoming the mere instruments and tools for performing the will of others, rather than their just duties according to the established laws.

It follows from this that the merit and perfection of any plan of political government ought to be judged of according as it admits the largest number of the people to have such a share in its administration, as they are qualified to exercise. And no system of political government can be completely well constituted, unless it shall admit of the *bulk of the people* to some such share. For, let the number be as large as it may of those who govern, if there be any portion whatever of the people of a nation who have not the slightest power or influence in the state, nor the capacity of attaining to any, but are bound to submit at once, without any means of resistance or even of remonstrance to the measures of others—that portion will be certainly wronged in some degree. For the governing body will govern for their own interests generally, without regard to the interests of this portion of the people. The governing body will be the masters—attending in the main to their own advantages and enjoyments—the others will be either as slaves or strangers in the land.

It is manifest, however, that each member of a whole community cannot act for himself, either in the framing and ordering the laws of his country, or in contributing to the administration of them. Nay—it is only a very few indeed, compared with the whole number of a people, who *can* exercise the most limited functions of the supreme power, or who can be called on, to fill any of the various offices of the state. The mass of the people *must* be destined to pursue their several private avocations in life, and to yield obedience to the few who govern, whether such few do indeed govern according to the laws, or according only to their own will. All efforts by the body of the people to govern for themselves, would—even in the least populous of all nations—lead to confusion and the struggle of factions; and, in the end, to the mastery of one, or of some small united body. And thus it would appear that, so far from the bulk of the people, by the share that it was possible they could attain to in the political government of their country,

having the means of checking the natural impulse in the few who govern to destroy the scheme of government, and to disregard the laws—a small portion of the people must necessarily have the whole power; they will certainly strive to abuse it; the rest of the community will certainly be more or less wronged: and they will be treated either as slaves or strangers in the land. Hence it might be concluded that under no scheme of government can it be properly a principle that the bulk of the people should have some appropriate share in its administration.

The world may perhaps be still young—and the progress of civilization has, it may be hoped, left mankind as yet far short of that maturity in understanding, and in social happiness, which may be destined for our race. But, alas! the history of nations has hitherto afforded few examples of a frame of government likely to last; or which has not, in the means supplied of disregard to the common interests, carried in their very constitution the seeds of decay and death. If this, indeed, was the law of human nature, lamentable would be the condition of mankind. Impelled by human feelings and necessities to unite in societies—upholding that social union by force only of political government—establishing schemes of government which must become, as it were, self-acting engines of oppression—the race of man would appear to have been created as the sport of demons; and the history of nations would be but the history of alternations in human suffering.

SECTION IX.

The same subject continued. Fourth; of the Share of the people in the government exercised by a System of Representation.

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We must not, however, pronounce all idea of correct principles, and of permanency, in the constitutions of political government to be a mere fanciful illusion. There have been some approaches towards perfection. An investigation into the qualities of those national governments whose merits have been most conspicuous will disclose the true spring and force of such government to consist in its *representative faculty*. The bulk of the people cannot, indeed, engage in the actual administration of the affairs of the state, or in the duties of office. But they can exercise *their share* in the government through the medium of others who shall *represent* them. In this lies the virtue of political government. It advances towards perfection, according as the system devised for having the interests of the national community represented approaches perfection. And, in this view, it is certainly one mark and characteristic of a well constituted government that its system provides for all ranks of the people, according to their station in society or their qualifications, *the means of access to office*. It is true that but few can actually *attain* to office—yet if it be *open* to all by their industry or their talents to attain the requisite *qualifications* for office, and if no individual so qualified is absolutely excluded from being selected by the constituted authorities, then do all ranks of the people to a certain extent possess a share in the administration of the government of their country. And this share, from the circumstance of the means of attaining office being so generally diffused throughout the community, becomes in truth a share

according to the *system of representation*. For the highest councillors of the state, and the highest magistrates, even though they should hold their offices by *hereditary right*, do not act according to their private will, but for the sake and on behalf of the body of the people. And, although these particular individuals who have themselves inherited such offices and functions in the state cannot be said to hold their offices through the express will of any particular portion of the community, or to perform their duties in the place, and as representatives, of any such particular portion—yet, when this station itself so clothed with the privilege of transmission by course of hereditary right, is attainable by all classes according to certain merits and qualifications, we may justly consider such hereditary magistrates as representing, and exercising on behalf of the public, some share in the administration which belongs to the people at large. More plainly is this the case as regards offices to which functionaries are *appointed*, either by the constituted authorities, or by the express voice of the people themselves.

Such a share as this in the government of their country—consisting in the *means of access* to all the honors and offices of the state being afforded to the bulk of the people—whereby the interests of the whole community are more or less represented and protected, is a mark or characteristic of most of the civilized governments of Europe. But, with far the greater number of them, it is the only share in the government possessed by the general community. A share in the actual supreme controlling and legislative authority of the state, exercised by means of representatives freely and expressly appointed by a qualified portion of the people themselves, is a characteristic of very few of such governments. It does not follow, indeed, that such countries are ill-governed; or that the true end and aim of all good government may not have been eminently accomplished in such governments. Neither does it follow, even, that such countries could be better governed by the adoption of a more complete system of representative administration. For, as

has been shewn before, there are various other principles of government, besides this of a share by representation, which ought to be observed in adopting a scheme of political government to its ends and objects. The habits of a people have to be respected—sudden innovations in government have to be avoided—and the condition and circumstances of the people, and of the country, have to be regarded, from whatever causes they have arisen.

But although, under the circumstances of some countries, a more perfect form and scheme of political government by representation may not be at once practicable, yet it is fitting that this most important quality and principle of good government should be at least thoroughly understood, so that its application be kept in view as far as a due consideration of the position of the people will allow. For the bulk of the people may have the means of access to power, yet if the selection to office is to depend on the mere will of one man, or body of men, at the head of the state, who govern altogether independently of the opinions or influence of the people, the parties selected for office will, rather be servants of the head of the state than of the bulk of the people, and will do his bidding rather than theirs. And, even though such functionaries may be appointed by the express voice of the people, yet if they be no longer afterwards dependent on the voice of the people, they will be apt to govern for themselves or for their other masters. The constituted scheme for the government of the state, and the public duties assigned for the protection and prosperity of the people, rest not on a durable foundation. They are liable to change, and to disregard, according to the interests of those who have the entire power of pursuing their own inclinations. The system of government is imperfect, and as a natural tendency to the rule of the arbitrary and tyrannical few, aiming mainly to gratify their own unlimited desires, over the submissive many who have neither influence nor power to check them. There is wanting, therefore, something more to render a representative faculty in the government

complete. There requires a system of representation which is to have *continual operation*—a representative system which is to have a controlling and a restraining influence as *a supreme authority*—which is to aid, directly or indirectly, in every measure of the state, and even in the preservation and improvement of the very plan of power itself under which the administration of government is conducted.

An absolutely perfect system of representation would provide for supplying a fit number of the best qualified persons to express the will, and to protect equally the interests, of the whole body of the people. For if every law and every act of the government was in precise conformity with the will of the whole body of the people, it is certain no injustice could by possibility be done to any single person throughout the nation, since no man would will his own injury, nor would even a majority of the people will any thing which would be the gain of the few only, and a detriment to the majority. And, if the equal interests of all were aimed at, and such persons were appointed to govern on behalf of all who were best qualified to judge of those common interests, human wisdom could neither devise nor devise any better scheme for the protection and advancement of those interests. But such a system of representation is a mere conception, and practically impossible. It would be utterly vain to seek for an unanimous desire or an unanimous opinion of even a small portion of the people upon any political subject. If the opinion of the majority of the people, or of any portion of the people could by possibility be ascertained upon any political measures, it is certain that but very few of such a majority are *competent* to form a judgment of the quality and tendency of such measures, or even to give their attention to them. It is manifest, therefore, that the will of the people, expressed under any system of representation, can only extend to the *mere selection* of their representatives, and to the retention or change of them, according as their general conduct and services may, or may not, give satisfaction.

But what is that mode of election which is best calculated to ensure the services of those who are best qualified to pursue, and to pursue honestly, the equal and true interests of the whole body of the nation? It would be vain to say that a mere majority of the people could best decide on such qualifications, and could be relied on for choosing such as possessed them. Suppose the whole community divided into so many sections, and each section should elect one or more representatives by a majority of the members, each having a single and equal vote. Then might, and probably would, the least educated, the most incapable, the poorest and most dependent on others (which constitute much the largest proportion) out-vote by a great majority the opinions and decisions of the wisest in the nation. No one could rationally desire that women, or children, or those so utterly destitute in their circumstances as to be dependent altogether on the will of another for the means of life should exercise equal rights with all others in choosing representatives to rule the state on behalf of the people. In every system of government which has admitted, in however extensive a degree, the principle of representation, *some portion* of the population have been excluded from such right of election.

A sound and beneficial system of government through which the bulk of the people are to obtain their share of political power by representation must depend, therefore, on some appropriate test of qualification being required in the electors. The true tests, indeed, of such qualifications are moral virtue and intellectual ability. But, as no rules can be practically enforced for examining into and ascertaining the mental and moral qualities of individuals—where nature herself has not fixed the stamp of incapacity, as in the instances of children, or of dependence, as in the instance of females—some other external test has to be restored to, if any there be, which may betoken the probable existence of these qualities in a greater or less degree. The only test of this kind which can be appealed to is that of *Property*. The

possession of wealth does by no means afford the absolute assurance of superior mental cultivation, or of superior moral virtue: neither do those qualities always increase in proportion to the increase of riches. But the experience of nations has proved that, generally, (unless a vicious scheme of political government should oppose it) the mind becomes elevated, the manners become refined, the moral virtues expand, and intellectual cultivation prevails, according as the national wealth abounds. It must be plain that independent means raise the possessor above the temptation of many of the meaner and most injurious vices; and they also supply that needful leisure for education, which alone can render the mental powers efficient. And, as property is the most likely test of the requisite qualities in those who are to choose their Representative, so is it the fairest. For the acquisition of property, as among the means of human power and social happiness, is the most open of any to all classes of the people in a well-governed state. But, in truth, the influence of property must, from the very nature of things, always be supreme in a well-governed state; because the self-interests of mankind will always impel them to give their labours and services to those who are most able and most willing to reward them. If those who had little or nothing did not pursue their own private interests by this course, they would still nevertheless pursue them; and the only other course open to them would be by lawlessly invading the property of others. Property would thus change hands, but either it would have its supreme influence, in these new hands—or else it would in like manner be invaded and destroyed again. But, to suppose a total insecurity and open violation of property, is to imply a dissolution of the bonds of government, and even of society.

From these considerations it will appear that the merit of a system of government, in which the bulk of the people have a share by means of Representation, does not consist in any provision for the will of the people prevailing and

becoming actually operative, as regards the measures of the state—but in just provisions being made for their electing such as are most competent to act for their interests, and through whom their opinions, and wishes can be expressed. Still, however, this is not enough. A fitting and well-qualified portion of the people may have been constituted to exercise the power of electing Representatives. Those Representatives may be the best capable of perceiving and pursuing the measures most conducive to the service of the common welfare of the nation. They may be of sufficient number, and may possess sufficient power to check and prevent the mis-government of the other constituted authorities of the state. But they may themselves abuse their power, and seek to serve their own interests, rather than those of the community whom they are delegated to represent, and on whose behalf they are appointed to act. And it is likely they will do so, unless the community has the means of securing itself from their misgovernment, by making it more their interest to govern well, than to govern badly.

These means it may have by limiting the duration of their authority, and making them responsible, at the peril of losing their appointment, in case of betraying their trust, or of evincing incapacity to fulfil their duties. The mass of the people are not, indeed, capable of judging well of the various measures of state, nor is it possible to provide them with the power and opportunity of dictating such measures; but they are competent, as a body, to judge of the general conduct of their Representatives, and to determine on the quality of that conduct by the effects. Dishonesty, corruption, and tyranny can hardly escape their notice. If the duration of their appointment be so short as that no advantage gained in such a period would compensate for their consequent dismission from office, the public would have the security of their own interests for the faithful fulfilment of their duties by their Representatives. In that case, also, the sacrifice of the interests of the community by measures injurious to the common welfare would be the sacrifice of

their own interests as members of that community. The interests of those who represent become in this way the very same as those of the represented. A complete practical union of the whole body of the people is formed for checking the injustice, and rectifying the misgovernment, of the few to whom the actual exercise of political power must necessarily be entrusted.

SECTION X.

Reflections on the Marks and Characteristics of good Government which have been discussed; and on the Political condition of India.

Thus have we examined, though but superficially, into this characteristic virtue of political government,—consisting in the *share* therein to be vindicated by the bulk of the people—and which is the most difficult and controverted problem in the science of politics. It is very fit that this quality of government should be sifted and known by all enlightened citizens. But such citizens will be cautious how they are led away by specious and half-considered doctrines on such momentous topics. It behoves all such to weigh in their minds that, as no system of government can be perfect, so none can be adapted to every variety of people. Bearing in remembrance the true, though ideal, principles of government, the reflecting and influential portion of every nation will still hold in their consideration the peculiar circumstances of their country, both external and personal, as regards the people. They will have to mark what is their general advancement in civilization, in sound knowledge, in religious purity, in moral disposition, and in rational habits. On this must depend the qualifications, not only for conducting wisely and beneficially the powers of the state. but for even selecting such as can be entrusted with such authority. Each man's share in the government must depend not only on the general condition of his country, but on the varying personal qualification of the individual. Give the flute to the musician, and the helm to the pilot. Let the lawyers advocate causes—let the statesman propound laws.

It is a vain, and it is a fearful thing for a people to aim at fundamental changes in their schemes of government, by grasping at a greater share of power than their qualifications in mind and manners will allow of. More than two thousand years have elapsed since many just principles of government have been from time to time expounded. But experience has proved that a wise and efficient *representative system of government* must be the slow growth of ages; and perhaps but *one* such system has ever arisen on the earth.

That no such empire should, in the fortune of nations, ever have been founded hitherto in India, will be easily accounted for by those who shall have studied its history with reflection and discernment, and computed the various combinations on which the formation and endurance of every mode of government must depend. Independently of those inherent natural causes influencing the destiny of nations, on which I have already dwelt—independently of considerations of the national religion and the customs of Caste, topics which I have purposely abstained from touching upon in this discourse, but which, as all must feel, inculcate a peculiar degree of implicit obedience to mere personal authority)—there are other causes for the past and present political condition of India which can only be sought for in the great chapter of worldly events. What the real history is of the various tribes inhabiting this vast country during many early ages, we must be content to be ignorant of. But we know, that during the progress of several later ages, India has been subjected to repeated conquests. It might have been well if the conquering invaders, had brought liberal institutions, liberal arts, and sound knowledge, in their train. But, unhappily, this wide country has ever, till of late, fallen the easy prey of savage nations; who, without civilization amongst themselves, without rational laws or any systematic plan of political government, have conquered but for the purpose of plunder, or have ruled with no other object than exterminating oppression. If,

under the decrees of Providence, the people of India have now fallen under the sway of another foreign nation, it will be well for them to estimate what changes have been thereby introduced, as regards the happiness of the general community—consisting, as I have declared, in the more perfect enjoyment of private rights and acquisitions, and personal security from wrongs. It will be well that the people of India should estimate how far it is sought that society should be held together by requiring that every man should do his duty by his neighbour, and assist in obliging his neighbour to do his mutual duty towards others—that they should examine the quality and tendency of their new institutions in rendering them *fellow-subjects*, and not dependents and slaves. Those who shall follow me in the task I have set myself will, I trust, learn how, as such *fellow-subjects*, they may, and ought to contribute toward the preservation of the present government. I hope to exhibit to view a plan of power introduced here which, excluding no subject from office and honors, is framed to call forth the interest and assistance of all, and is rightly founded on principles which, according to what is beneficially *practicable*, shall accord to the people at large their just political share.

There can be no standard of a perfect government, framed for eternal duration. For even were it within the compass of human genius to devise such a plan of power as might unite every true principle of political government (as it assuredly is not) yet are the *human passions* beyond the scope of legislation. The force of ambition and desire continually urges us into new efforts for their gratification, as irresistibly as the external elements work out their changeful revolutions. Vicissitude is the inherent and universal law of nature. In vain, therefore, have the chief among philosophers projected schemes of a perfect commonwealth; the very names of which have come proverbially to denote impossibilities. Equally vain, but far more mischievous, are those agitations of the people impelling

them to seek for *liberty*—*constitutional liberty*—*political liberty* (terms as yet unknown to my readers, and but ill understood by those who most use them) if some peculiar modification of the powers of government, whereby the actual sense of the whole community shall be taken in every act of the state. The plentiful experience of many nations has taught us that under governments of this kind as much oppression, and as frequent dissension and change, will arise as under any other.

What, indeed, is *political liberty* I should at present vainly attempt to explain; nor will it admit of exact definition. But, from what I have observed, I think all may rest convinced that no man can pronounce it to consist necessarily in this or that particular modification of the powers of government; but we may confidently assume it to exist in proportion as those principles of government which I have endeavoured to lay open are observed. We may look for it under those governments—where the plan of rule, or *constitution*, expressly provides against the abuse of power—where the *law* sets bounds to the human will. It consists in security from wrongs which the arbitrary will of another might inflict; and in the opinion of safety. *Freedom under government* is that freedom which is left, after the just protection of the social rights of others shall have been provided for by standing rules to live by, common to all—a freedom to follow our own will only in those things where such sound and just standing rules prescribe not. For there can be no liberty without law.

SECTION XI.

Of the Evils of arbitrary Government.

I cannot better enforce these last observations, and close the important subject of this discourse, than by contrasting a scheme of government framed on these just principles with that arbitrary power which is guided by no other rule or measure than the *will* of the supreme governor.

Under such a government, there can be no other good or evil than such as depends on the passions of an ignorant Prince. He errs—for who will be bold enough rightly to instruct him whom all must at every peril *please*? He is vicious—for there is no restraint on his appetites. The good is as subject to accident as his caprice—but the evil is as sure as the propensities of men are wicked.

Under such a government there can be no real love for the Prince, nor reverence for the Laws. For, how can those who have any independence or nobleness of spirit love one whom they are ever bound to *flatter*, and whose very fancies and most unjust commands they are bound to obey? How can there be any reverence for laws which can never be certainly *known*? *Fear* is the true spring of such a government. Not the fear of bad men to break the law and wrong their neighbours; but the fear of good men, as well as bad, to disobey the very worst command of an absolute Prince, or to resist his utmost oppressions. For such an arbitrary governor will know that, should the sense of terror be relaxed, and any dare to dispute, or even discuss, his orders, his authority, the sole power of his government, is weakened—those who under such a tyrannical sway cease to fear instant destruction from disobedience will assuredly begin to govern for themselves.

Obedience, therefore, must be instant and implicit—without reasoning, without remonstrance, without representations. For if terror be the grand instrument of such a course of government, the monarch will set no bounds to his desire of increasing the force and perfection of this instrument. To some, for his own *ease*, he *must* entrust a portion of his powers—but they will not be many, as they would occasion faction and conspiracies; nor will they be virtuous or high-minded, as such might lean to resistance. From the few, therefore, who govern in his name, the absolute monarch will exact precise conformity with his will, under pain of the heaviest and most certain punishment. The few submissive minions, who govern in his name the mass of the people, must accomplish the commands, and uphold the power, of their master by the same course. Where are the limits, then, of cruelty and oppression?

Under such a government there can be few, if any, faithful advisers. All must advise in peril of their fortunes and of their lives. Those who should counsel the Prince well for the interests of their country, would advise something contrary to the bent of his inclinations or to the exorbitancy of his desires. They would advise equal and certain laws, and measures which would conduce to the security and independent spirit of the people. Their counsels, therefore, would tend to weaken the force and main spring of the government; namely, that fear, which dictates instant submission to arbitrary will. They would advise what would end in convulsions in the state, or else in destruction of themselves.

Can such a state prosper? Look at the nations around India, governed as they are, and have been for ages, by arbitrary rule. Compare their condition with that of any other, even the worst governed, nation in the civilized world. It is throughout these Eastern regions of the globe that the most prominent examples of this species of government have prevailed—but, although we find there

the most ancient of nations, we find among them the slowest advances made in all that constitutes the happiness and resources of a people. Such as they were several thousands of years ago—such are the most of them at this present moment. With minds debased by fear they can have little taste and little appetite for knowledge—nor will the cause of education thrive where the supreme ruler, aware that knowledge is power, will never seek to abate that ignorance in which lies his own preservation. Can science or the arts of life flourish, or can industry abound, where there is no safety for the person, or security for possessions? Why labour—why seek to amass wealth—why engage in enterprises—if by the displeasure or rapacity of one man all may in a moment be ruined, and there is no certainty of enjoying any condition of life, or the fruits of toil, even for a day? In former times there have been governments in India, under which every individual's possessions fell to the Rajah at his death—with whom it rested to seize or to resign them to his family. Can any spirit for useful exertion survive in such a state as this?

Riches, indeed, or what the ignorant herd of mankind deem to be such—may abound. The precious metals—which are of no value in themselves, and do but *represent*, or *give pledge* for, the commodities of life in the same manner as scraps of paper money may, are often found to accumulate. Costly jewels, which have no other value than what the fancy may invest them with, are seen to glitter in brilliant heaps. Many of the sources, also, of sensual pleasures, and of amusement to the unthoughtful and uninformed mind, may exist to excite desire, or even admiration. Riches such as these may abound for a time in nations knowing no other law than the will of their monarchs. And they will be found spread, as it were, round the footstool of the throne, for the enjoyment of the Prince and of those whom he may be pleased to favor—the spoils of forced labour and extortion. But, of that *true wealth* of a nation, consisting in the

general diffusion of all the products of labour—which nourishes a healthful population—and fosters the universal spirit of a people to maintain their possessions in security—there can seldom be any signs. The hoarded treasures of the monarch, however, generally become, soon or late, the prey of some conquering spoiler, whom it little concerns the people at large to resist. For what can a people governed as these are suffer from any political change? Having nothing they can securely call their own; doomed to their share of general toil for the benefit of others; and holding their lives at the disposal of a master; can it matter to them by whom, or how, they shall be governed? “I will send *my boot* to govern you,” said the absolute Prince to his subjects, lamenting his protracted absence from his country.

Nor if such a people could escape the frequent miseries of plundering invasions, can they ever hope for any duration of internal peace. For where there is no settled constitution or plan of power, there can be no regular succession to authority. It may be that the sense of the people, or the will of the monarch, may destine the succession to proceed in a certain line. But the will of the monarch continually changes. By force or by fraud he may be *made* to change the destined succession—by falsehood he may be *represented* to have changed it. There is no rule but the power of a faction to determine it. Accordingly we find, in all the countries round about us, the demises of their sovereign occasion periodical convulsions throughout those states. Few instances of such demises occur without a struggle for the supreme dominion—nor are such struggles ever unattended by bloodshed and violence; often do they convert the land into a scene of universal devastation.

Such is *government without law*. Let us turn our eyes to a different—a noble spectacle.

DISCOURSE II.

On the Government of England.

Of the Nature and Origin of the English Constitution Of the Supreme Legislative Authority of the English Government. Of the Queen in her Legislative Capacity. Of the House of Lords. Of the House of Commons. Of the Mode of Enacting Laws, or Statutes. Of the Executive Branch of the English Government.

DISCOURSE II.

On the Government of England.

SECTION I.

Of the Nature and Origin of the English Constitution.

The people of England have established a certain peculiar plan of government which has become celebrated throughout the world by the general term of its *Constitution*. It consists of a scheme of rules, according to which the supreme uncontrollable authority, prescribing what shall be done, and prohibiting what is not to be done, is to be exercised.

It may be thought to require some explanation how any such form of government can be said to be *established*—or how, if so established, this can be said to have been accomplished by the *people*. It may be objected, that in whatever person, or body of persons, and under whatever set of rules, the supreme authority may have been confided, such authority being supreme and uncontrollable may enable the governors to alter these rules and change the model of the constitution altogether. And it may be asked, how can it by possibility be shewn that the *people* at any time, or by any direct course, or even by any indirect method as acting by representation, arranged and settled this scheme of power.

But the constitution of England may be truly said to be *established*, in this sense. Those who come to the exercise of their supreme controllable authority were not originally *born* with it. A people with a governing body were not *all at once created* by supernatural power. Those who take up the sceptre of supreme authority do so either by wrong and

violence, and injustice to others (which is a course of government without any plan or rule whatever—and not the subject of our present consideration) or else, upon concession and agreement of the community either expressed or understood, as regards the terms and objects of their government. If, therefore, such rulers, taking up their authority upon concession and terms, shall betray their trusts, shall abandon their duties, reject the terms, and overthrow the prescribed constitution by which they are to govern—things have reverted to the same condition in which they were before any course of government was conceded or agreed upon. The rulers on the one hand, acting without any sanction of the people, and without any reason or justice on their side, have recourse to new methods of political association—and the people, are called on to devise or concede to some new plan of power, which, with justice and right on their side, they are entitled to have recourse to. There is no longer any political government at all, until either by wrong, on the one side, or by the exercise of the natural right of the community at large, on the other, to concede or agree to the terms on which they will be governed, a new scheme of power is settled. That form of government, therefore, may be properly said to have been *established*, independently even of that supreme uncontrollable authority appointed for exercising the powers of government, when the constitutional rules of such government are set and prescribed for the rulers as well as the subjects, and cannot be invaded or altered even by the supreme appointed authority itself—unless the sense of the community at large be newly taken as agreeing to such changes—or except such supreme authority shall, by dissolving altogether the bonds of all political government, remit to the whole community at large the original natural right of acting for themselves.

So, also, may it justly be said that the *people of England* have established that scheme of government by the constitutional rules of which the supreme authority may be bound to be guided by in the exercise of political powers. It is

true that no precise period can be pointed out when any particular form and scheme of government was laid down by general consent. It is true, indeed, that the fundamental rules of the English Constitution, or frame of government, has been constructed gradually, and as it were piecemeal—one rule of government after another. And this is, in fact, a peculiar merit, and source of stability, in the English scheme of government, that, instead of being the product of mere prospective contrivance, it is the growth of ages of experience, and of the reflection of many generations of powerful minds on the true sources of political evils which have been actually suffered, and of political excellencies actually proved. In the long history of national vicissitudes through which the English government has passed, ample scope and opportunities have been afforded, not only for ascertaining under what rules and principles the people can be best governed so as best to secure the true and just ends of political government, but also to collect the general and repeated expression of the united public voice of the people at large on behalf of the political interests of the community. Often have the oppressions and selfish grasp of power by the *Sovereigns* of England extorted the indignant and successful opposition of the bulk of the people—sometimes the partial and overgrown authority of the *higher orders* in the exercise of the political functions entrusted to them, have required restraint at the hands of the people or at those of the Sovereign himself—often, also, has the wild or misdirected passion of the *multitude* overborne the deliberative councils of those most competent to conduct with regularity and efficiency the course of government; and thereby the people have themselves come to learn by disastrous experience how fatal to national prosperity is the absence of control over the popular will, or rather over the violence of the various parties who struggle to guide that will. It has been in the progress of vicissitudes of this nature that the people of England, as a general body, acting in their various classes, and according to their positions in the state or in society, have

come gradually to fix rules and limits for the exercise of the supreme authority in its various branches. By some they have been introduced—by others they have been conceded to—by all parties capable of judging they have been for many generations examined, discussed, and proved. They now form a plan of power fixed in the conviction and in the affections of the people—a noble fabric raised by the labour of many centuries, the pride of our nation and the envy of our neighbours. It has been able to resist the storms of political ferments through many ages; and it can never be overthrown till the whole body of the English people shall have become so corrupt, or so cowardly, as to surrender to a faction, or to an oppressor, what the united sense of the people has established. *Let us now contemplate this noble object in all its parts.

SECTION II.

Of the Supreme or Legislative authority of the English Government.

The *supreme* authority in England, as in all other countries, is the *legislative* power. Other authoritative functions in the state may be exercised by high magistrates acting altogether independently, and to whom entire discretion may be entrusted in respect of the acts of administration delegated, according to the rules of the Constitution, to be performed by them; such as the administration of justice by the judges, and the making of war and peace by the King. But, still, such functionaries are not *absolutely supreme*—for this plain reason—those who have the power of *making laws* can at any time interfere by regulating how, and according to what rules, they shall exercise their functions, and pronounce their judgments, for the future, and may even alter what such functionaries may have done. Nay, more—the legislative authority, having the power to make all or any laws, may, *practically*, even change the quality of the powers which, according to the fundamental rules of the constitution, are specifically entrusted to the exercise of particular functionaries under particular limits. To do that, indeed, would be (as I have said) to overthrow—as far as such legislative interference went—the constitution itself; and, therefore, it never could be justified, except by the ascertained sense of the body of the people concurring. And this is a concurrence which in essential matters, as it must always be very difficult to ascertain, so is it both perilous, and perhaps hopeless, to attempt attaining. Still, as there is no practical, or actual limit (though certain constitutional rules

have been set) in the exercise of the power of making laws upon all and every subject-matter—it is this *legislative authority* and this only, which we must consider *as supreme*.

The legislative authority, according to the English constitution, is reposed in a body composed of three separate organs, or agents, of political power. These are 1st, the *King or Queen*,* who acts with the advice, and generally through the persons, of his or her ministers, who are responsible for all the royal acts—2nd, an assembly called the *House of Lords*; and 3rdly, an assembly called the *House of Commons*. The Queen has other powers, besides those in her legislative capacity, of which I shall have to speak. At present we will regard her as one of the component members of the supreme authority of the realm. The body, so composed of these three constituent authorities, is called *The Parliament*. The mode in which its actual and operative powers are exercised is by the passing of laws by their *united concurrence*—which laws are, accordingly, termed *Acts of Parliament*. Let us examine the quality and functions of each of these three authorities; first separately, and afterwards conjunctively.

* As a *Queen* is at present the occupant of the English throne (which may she long continue) the royal authority will in the ensuing pages be designated by that title, or by that of "the Crown," "the Sovereign," "the Monarch."

SECTION III.

Of the Queen in her Legislative capacity.

1. *The Queen.*—The Queen of England, exalted as her rank is—and revered as her person must be, not more as representing a long line of ancestors who have held the same emirent station, than from the vast national importance attached to the performance of her functions—holds her highest title to the affection and obedience of her subjects as being the *First Magistrate* in the kingdom. As such she has her *duties*, like all other magistrates, and the cares of royalty are bound up in the welfare and good government of her people, according to the principles of the Constitution. By the rules of that constitution, she succeeds to her station in virtue of her *birth*, and as an *hereditary* right; and not according to the varying decision of any course of *election* by the people. For historical experience has long proved to the conviction of the people of England, that a fixed regular appointed course of *succession* is the surest course of preserving the internal peace of the nation; and they have relied on the rules and limitations, under which they have established that the Monarch shall execute her great powers, for the protection of the general interests of the community in all her acts of state. They have relied on these appointed rules, rather than on any vain efforts to ascertain or secure the personal qualifications of their first magistrate, as the assurance of their government according to those principles of the constitution—and they have appointed institutions through which the Monarch himself is admonished of his own powers and the relative rights

of the people. In a government so constituted it has been thought that no sufficient reason existed for excluding females from inheriting the crown; although their claims have been to a certain extent postponed in favour of a male succession. By the constitutional law of England the Sons, all of them according to priority of birth, and their descendants in a right line, succeed to the crown in the first instance: in default of any sons, or descendants of sons, the daughters and their descendants in like manner succeed, according to priority of their birth. And, whether a male or female sovereign reigns, they hold precisely the same powers.

As a member, and the Head of the Parliament, the Queen is entrusted with the authority of *summoning* that Body to meet for the purpose of consulting upon the affairs of the nation, and of passing laws from time to time as may appear requisite. And by the constitutional laws of England she is *bound* thus to call the Parliament together at least once in *three* years—and is enjoined so to summon this body once *every* year, if *need* be—which *need*, as it in fact necessarily does arise, the Parliament is summoned, in practice, to meet in the course of every passing year.

Each of these yearly meetings is called a *sessions* of the Parliament; and it rests with the Queen, according to her discretion, to put an end to each such session—which is an *adjournment* of the *sitting* of the *same* members of each respective assembly—until such time in the course of the ensuing year as the Queen may in thus adjourning fix for the meeting again. This adjournment is termed the *Pro-roguing* of Parliament, and the period of their separation is termed the *Recess*.

The same Parliament cannot meet at these several sessions for more than seven years successively. In the course of that period, and at any such time as the Queen is

her discretion may resolve, her Majesty must put an end to the *Parliament itself*, and not merely to the *sessions* of the Parliament: and if the Queen should fail so to put an end to the Parliament, it expires of itself by a short of natural death. This ending of the Parliament by the monarch is called *dissolving* the Parliament. The effect of a *dissolution* of Parliament is, that the functions and authority of each member of the two legislative bodies altogether ends. Another appointment must be made of each of these members, according to the course provided by the scheme or constitution of the government, which will presently be explained; and the Queen, by her next summons of a meeting of Parliament, calls together, not a new *sessions*, but the first sessions of a new *Parliament*. Moreover the Parliament comes to an end by the death of the King or Queen—for it can only exist as a Parliament for six months thereafter, and may be dissolved at an earlier period by the successor to the Crown.

Upon the summoning together of the two Houses of Parliament for a *Sessions*, it is usual for the Queen to go herself personally in great state to the Parliament House to receive the members of them: although sometimes authority is given to one or more high functionaries to act for, and represent, the monarch on this occasion. Upon the arrival of the Sovereign she proceeds to her throne, or royal chair of state, and, the members of both houses being on that occasion assembled together in the room of the House of Lords, the Queen from her throne addresses the united body in a written speech. In that speech she usually alludes to the external condition of the country with reference to foreign powers—its internal condition with reference to the public peace and quiet, and all matters of chief concern to the interests and prosperity of the nation—and to the various topics requiring the consideration of Parliament, as connected with the condition and prospects of the country, and with the measures contemplated or in progress by the Queen acting through her

ministers in the exercise of the powers entrusted to her (as hereafter explained) in the government of the country, this grand ceremony is called *the opening of Parliament*. After the delivery of her address the Queen retires, leaving the two houses, each in their separate assembly, to proceed to the business of the sessions, and who themselves adjourn their own meetings from day to day, until the whole session shall be closed by the *Prorogation*. In the conduct of the business of the two houses the monarch takes no part, save by sending a message occasionally through some one of his or her ministers who may happen to be a member of the house, recommending some particular subject to their consideration. The only further legislative duty and power confided to the monarch, as a constituent member and Head of the Parliament, is that of assenting or dissenting to the acts which are proposed or passed by the united houses; without which assent no proposed law can have validity.

It is impossible to contemplate this imposing spectacle of *the opening of the British Parliament* without a feeling of elevated veneration. The pomp of processions and the glitter of wealth, considered as a mere *show*, will but little affect the higher orders of mind. It is the *occasion* only that gives dignity to the scene. It is not the diadem on the Sovereign's brow, nor the robes with which the nobles of the land are clothed, which are the sources of rational admiration. But the thought arises that upon that brow rest the cares of an Empire, the mightiest on the earth—under those robes stand forth the great counsellors of this illustrious state, each of whom bears his share in the burden of its government. They are met, as representing the united body of the governor and the governed, practically to renew by a formal example the great compact between the monarch and her subjects, under which the constitution is maintained, and the rights of the people and the glory of the nation are to be preserved. We see standing amongst them the ablest statesmen, and the most power-

ful orators—we think of the vast human interests entrusted to their charge—and we know that on their voice will depend the well-being of millions, and the fate of nations. They are met, as the grandest and most potent assembly ever invested with authority over their fellow-men, to take part in the first solemn act of entering upon political duties, the influence of which will extend throughout the whole civilized globe.

SECTION IV.

Of the House of Lords

2. Let us next examine the quality and functions of the higher of these two assemblies—the *House of Lords*.

The Members of the House of Lords are such high dignitaries, who have been themselves, or whose ancestors (to whose rights and honors they have succeeded by course of inheritance) have been, raised to such eminent station by the grace and favor of the Sovereign. Those who, the first of their families, are thus raised to such high dignity, are presumed to be selected on account of conspicuous services rendered to the state in the course of public employment, or of pre-eminent talents and qualifications for the public service, and sometimes on account of that extensive influence among the people which great wealth, justly accumulated and liberally disbursed for the public good, naturally confers. All these individuals are termed *Lords of Parliament*. Among those who have been themselves thus selected, and whose rights and honors do not descend to their families, is a body of persons who, under the titles of *Arch-Bishops and Bishops*, have confided to them by the Sovereign certain duties and authorities in support of religion—and who in virtue of such office are entitled to a seat in this house, with all the same legislative powers as the other Lords; although they seldom take any active share in any other business of the legislature save that which is more or less connected with religious affairs. The other members of this house, whose honors and rights descend in course of inheritance, are termed *Peers*; and are sometimes called *temporal Lords*, to distinguish them from the *Lords Bishops* who are denominated *spiritual Lords*.

These *Peers*, or temporal Lords, although all equal in respect of their powers and privileges as members of one of the Houses of Parliament, hold different ranks and precedencies among one another, and before the public. Their

rank (with the exception of such of the King's own family who may happen to be Peers, and who always rank highest, and of a few other instances of rank according to some particular offices in the state) depends on the quality ~~of~~ their *title*, called their *title of nobility*. The first or highest title is that of *Duke*; 2d. that of *Marquis*; 3d. that of *Earl*; 4th. that of *Viscount*; and 5th. that of *Baron*. But, it may here be noticed that the rank of an Archbishop is before all other Lords of Parliament except those of the royal family; and that the rank of a Bishop is next after that of Viscount.

It has been noticed that it is the King or Queen, acting by his or her mere grace and favor, who calls up from out of the body of the people such as he or she may think deserving to be advanced to the dignity of a Lord of Parliament. It must be obvious that to such high authority only can a power of this important nature (which must be personally delegated to *some* person or party) be entrusted. If a judgment is to be formed of the merits of a statesman, or public servant, that judgment should rather be formed by the most exalted personage of the state, whose labours in the duties of the government have been assisted by him, and who is the supreme magistrate over all classes, than by any party of men in the state, who, having no supreme authority in themselves over their fellow-subjects, but having necessarily objects, of separate ambition or interest, would in all likelihood render such power of advancing others subservient to the private purposes of a faction. Still, it may be thought, that the Queen herself, having such a discretionary power of creating members with a voice in state affairs, might have inducements to fill an assembly of this nature with her own creatures, pledged to execute her own will and designs, and thereby overbalance the co-equal power entrusted by the constitution to the other house, and give a casting majority in the House of Lords itself. But, here, the principles and fundamental rules of that constitution would oppose a barrier. For all the nation

could judge that these rules were broken and betrayed, were it apparent that Peers were plentifully created—not for any purpose of the general public service, or as an honorable reward for great national exploits—but merely with a view to particular favourite measures, or to aggrandize the power of the Sovereign. And while the body of the people have the means, through those who we shall presently see represent them in the other house, it can never be hoped that arbitrary and unconstitutional views of this nature can be indulged without soon meeting an effectual check.

In alluding to the mode of *dissolving* Parliaments, it was said that, after a dissolution of the Parliament, newly appointed members were called to the next Parliament summoned. And this is literally true with regard to the members of the House of *Commons*—but, as respects the members of the House of *Lords*, it is to be noticed that the Queen summons *each individual* member personally (as if he was then newly appointed) at every meeting of a new Parliament; which summons, however, cannot be refused to any Peer. The only actually *new persons*, therefore, summoned as Lords to any new Parliament called together, are, 1st, those who may have been newly appointed spiritual Lords in the place of those deceased, 2dly, those who may have succeeded as *heirs* to Temporal Lords deceased; and 3dly, those who may have been newly created Peers by the grace and favour of the Crown.

The Lords are attended at their sittings by some of the Supreme Judges, and sometimes (as the greatness of the occasion may suggest) by all of them and by other functionaries of eminence in the law, for the purpose of assisting them with advice on legal points. But none of these legal dignitaries are *members* of the house, or have any right to vote; nor have they any right to speak therein, except when called upon.

Each of the Lords may *delegate* any other Lord in his own absence to vote for him upon all or any questions discussed before the house. This may be thought, perhaps,