

the profits arising from the sale of the Rights of Man, they have a just view of the eminent services, which has been rendered to the public, by your invaluable writings, have never yet met a reward, and we think it exceeding unjust to deprive you of any benefits that shall arise from their sale.

“ That the society write to Mr. Paine, to know whether it be agreeable to him, whether the letter of the 4th be published and printed.”

JEREMIAH SAMUEL JORDAN sworn.

Mr. Bowers. I shall prove a letter of Mr. Paine's to this Society.

Q. (To Mr. Jordan) You are a Bookseller?

A. Yes.

Q. Do you know Mr. Paine?

A. Yes.

Q. Do you know his hand writing?

A. I think I do.

Q. Look at it, and tell me whether that is his hand writing?

A. I think it is, to the best of my recollection it is his hand writing, I never saw him write, I have received notes from him.

Q. And answered them?

A. No.

Q. How did you know they came from him?

A. I have received notes from him and I suppose they came from him, I have delivered things according to his order.

Q. Have you ever talked to him after you received these notes, so as to know that they came from him or not?

A. I do not know that ever I did; supposing they came from him, I sent the things that were ordered.

Q. Is this one of the books that you published! (*Paine's Rights of Man put into his hands*) Do you believe that to be one of the books you sold?

A. I cannot say that, because there were a number sold.

Mr. Erskine. Can you swear to that book?

A. I cannot swear to that book, that is one of the books the same that I did publish, but whether it came from my house I cannot say, because all books are alike.

Mr. Bowers. Is that like the same book?

A. Yes, Sir.

Q. Who printed it?

A. Mr. Chapman printed the whole of the first part, and the second was printed by Mr. Chapman and Mr. Crowder, I believe.

Mr. Solicitor White. The witness that bought it is dead, that bought

bought it at Mr. Jordan's shop, and I must prove his handwriting.

Mr. Bowers. I have the record of the conviction of Paine for this, and this man was then examined, and I can have what he said then.

Mr. Erskine. It cannot be evidence.

Mr. Garrow. I know it is open to the other side, to shew that this is not the Rights of Man recognized by these resolutions.

Court. The rule of the evidence requires that you should carry it farther.

Mr. Bowers. Do you know how far Chapman printed it?

A. I believe he went as far as (H), but I only know from what I have heard?

(The following extract from the minute book of the Constitutional Society, was then read by the Clerk of the Court.)

“ At a meeting of the Society for Constitutional Information held at the Crown and Anchor Tavern, Strand, Sept. 28, 1792, present Mr. Sharp in the chair, present Mr. Walth, Mr. Simmonds, Mr. Bonney, Mr. Drury, (Mr. J. H. Tooke,) Mr. John Martin, Mr. Jennings, Mr. Williams, Mr. Sturch, Mr. Moore, Capt. Perry, Mr. Rixmen, Mr. Geddes, Mr. Hardy, Mr. Gow, Mr. Margarot, Mr. Sinclair, Mr. Berriman, read the following letter from the Secretary of the London Corresponding Society, to D. Adams, Secretary of the Society for Constitutional Information.

“ SIR,

“ The London Corresponding Society having taken the resolution of transmitting to the French National Convention an address signed by all the members, or by the different delegates, each stating for how many members he signs, to assure that suffering nation that we sympathize with them in their misfortunes—that we view their exertions with admiration, that we wish to give them all such countenance and support as individuals, unsupported and oppressed themselves, can afford; and that should those in power here dare (in violation of the nation's pledged faith of neutrality, and in opposition to the well-known sentiments of the people at large) to join the German band of despots united against liberty, we disclaim all concurrence therein, and will, to a man, exert every justifiable means for counteracting their machinations against the freedom and the happiness of mankind.

“ I am ordered by the Committee to acquaint the Society for Constitutional Information therewith, in order to be favoured with their opinion thereon, and in hopes that if they approve the
idea,

idea and recommend its adoption to the different Societies, the publication of such a respectable number of *real* names will greatly check the hostile measures which might otherwise be put in execution.

“ I am, with great respect,

“ Dear Sir,

London, Sept. 21, 1792.

“ Your very humble servant,

“ T. HARDY, Secretary.

“ Resolved, That the Secretary express the thanks of this Society to the London Corresponding Society, for their communication; and acquaint them that this Society do very highly approve of their intention.

“ Resolved, That the said letter be read at the next meeting, for the purpose of considering or publishing the same.”

Mr. Garraw. I am going to put in the first part of the Rights of Man, written by Thomas Paine, this was actually found in the prisoner's possession; this is one of the cheap copies.

Q. (To Lausan.) Be so good to look at this and see if that is one of the papers found at the prisoner's house?

A. It is; my name is on it,—that is my hand writing, and sometimes I marked them within side besides.

Q. Look at that other paper: (*Mr. Paine's letter to the People of France.*)

A. That I found in his possession.

(*Read by the clerk of the Court, of which the following are extracts.*)

“ FELLOW CITIZENS,

“ I receive with affectionate gratitude the honour which the late National Assembly has conferred on me by adopting me a Citizen of France, and the additional honour of being elected by my fellow-citizens a member of the National Convention; wholly impressed as I am by these sentiments of respect, I feel my felicity increased, by seeing the barrier broke down, &c. Had these honours been offered in an hour of national prosperity they would have afforded no other means but my accepting them and enjoying them. I come not to enjoy repose, convinced that the cause of France is the cause of all mankind; and as liberty cannot be purchased by a wish, I gladly share with you the dangers and honours necessary to success.

“ I am well aware that the moment of any great change, such as that accomplished on the 10th of August, is a moment of terror and confusion, the mind continually without rest till the change be accomplished.

“ It is no longer the paltry cause of Kings, or of this or that individual, that calls France into action; it is the great cause of all; it is the establishment of a new æra that shall blot despotism from
from

from the earth, and fix on a lasting basis the republic of man, &c.

“ It has been my lot to have borne a share in one revolution. I mean the revolution of America. The success that has since flowed to that country has amply rewarded her for all the hardships she endured and the dangers she encountered, and an overruling providence is regenerating the old world by the principles of the new.

“ It is the peculiar honour of France that she now raises the standard of liberty for all nations, and in fighting her own battles, contends for the rights of all mankind. The same spirit of fortitude that insured success to America will insure it to France; for it is impossible to conquer a nation determined to be free.

“ The despots know not what it is to fight against a nation; they have only been accustomed to make war one against another, and here their knowledge and experience ends; but in a contest like the present, a new and boundless variety of circumstances arises that deranges all their calculations. New armies arise against them with the necessity of the moment; it is then that the difficulties of the invading enemy multiply, and he finds them at the height when he expected them to end, &c.

“ Liberty and equality are blessings too great to be the inheritance of France alone; it is an honour to her to be the first champion, and she may now say to her enemies with a mighty voice, It is for all Europe, and not for France alone, that she raises the standard of liberty and equality, &c. &c.”

THOMAS CHAPMAN SWORN.

Q. What is your Christian name?

A. Thomas.

Q. What are you by business?

A. A bookseller.

Q. Were you acquainted with Thomas Paine at any time?

A. I was.

Q. Did you ever print any book for him?

A. Yes, I did.

Q. What work was it?

A. A work intitled The Rights of Man.

Q. Did you print one part, or more than that?

A. I printed the first part intirely, and part of the second part.

Q. Was it the earlier part of the second part, as it is called, that you printed, or the latter part?

A. The earlier part.

Q. Will you be so good to look at these books, and tell me whether

whether you believe this is the copy printed by you—you are looking at the first part, do you believe that first part to be printed by you?

A. You are speaking as to this edition I presume.

Q. Yes, as to this edition.

A. Yes I printed this first part.

Q. Have you any of it now in your possession?

A. No, none.

Q. Did you receive what you printers call the whole copy, or only a part?

A. I received not entirely the whole.

Q. How far did you proceed in printing of that second part?

A. I think, according to the best of my recollection, that I printed as far as the letter K, that is, I printed the signature or inset I, which includes the 128th page of the book.

Q. The 128th page of the large edition?

A. Yes, I had the copy, almost the whole remaining part, and my people had composed it, or set it up in the type, but I did not finish it.

Q. What did you do with that part of the copy that you did not finish?

A. I returned it to Mr. Paine by a servant of mine.

Q. Did you ever after this converse with Mr. Paine about it?

A. I do not think that I saw Mr. Paine on the business after the work was quite finished.

Mr. Garraw. Now we will read some of the passages, if your Lordship pleases, (*page 57 in Chapman's Edition.*) I am now speaking of the first part, and that alone, (*in the cheap edition page 24.*)

(*Read by the Clerk of the Court.*)

“Can then Mr. Burke produce the English constitution? If he cannot, we may fairly conclude, that though it hath been so much talked about, no such thing as a constitution exists, or ever did exist, and consequently that the people have yet a constitution to form.

(*Page 59 Chapman's Edition, cheap Edition page 25*) “A government on the principles on which constitutional governments arising out of society are established, cannot have the right of altering itself, if it had it would be arbitrary. It might make itself what it pleased; and wherever such a right is set up, it shews there is no constitution. The act by which the English parliament empowered itself to sit seven years, shews there is no constitution in England, it might by the self same authority, have sat a greater number of years or for life. The Bill which the present Mr. Pitt brought into parliament some years ago, to Reform Parliament, was on the same erroneous principle. The rights of reform in the nation is in its original character,

character, and the constitutional method would be by a general convention elected for the purpose. There is moreover a paradox in the vitiated bodies reforming themselves.

(Page 63, *Chapman's edition, cheap edition, 27.*) "Much is to be learned from the French Constitution; Conquest and Tyranny transplanted themselves with William the Conqueror from Normandy into England, and the country is yet disfigured with the marks. May then the example of all France contribute to regenerate the freedom which a province of it destroyed.

(Page 161, *Chapman's edition, cheap edition page 74.*) "The two modes of government which prevail in the world are, first, governments by election and representation. Secondly, the government by hereditary succession; the former is generally known by the name of Republic, the latter by that of Monarchy and Aristocracy.

"Those two distinct and opposite forms, erect themselves on two distinct and opposite basis of reason and ignorance, as the exercise of government requires talents and abilities, and as talents and abilities cannot have hereditary descent, it is evident that hereditary succession requires a belief from man to which his reason cannot subscribe, and which can only be established upon his ignorance; and the more ignorant any country is, the better it is fitted for this species of government.

(Page 165, *Chapman's edition, cheap edition page 76.*) "From the Revolutions of America and France, and the symptoms that have appeared in other countries, it is evident that the opinion of the world is changed with respect to systems of government, and that revolutions are not within the compass of political calculations. The progress of time and circumstances, which men assign to the accomplishment of great changes, is too mechanical to measure the force of the mind, and the rapidity of reflection, by which revolutions are generated. All the old governments have received a shock from those that already appear, and which were once more improbable, and are a greater subject of wonder, than a general revolution in Europe would be now.

"When we survey the wretched condition of man, under the monarchial and hereditary systems of government! dragged from his home by one power, or driven by another, and impoverished by taxes more than by enemies, it becomes evident that those systems are bad, and that a general revolution in the principle and construction of government is necessary. What is government more than the management of the affairs of the nation? It is not, and from its nature cannot be, the property of any particular man or family, but of the whole community, at whose expence it is supported, and though by force or con-

trivance it hath been usurped into an inheritance, the usurpation cannot alter the right of things. Sovereignty, as a matter of right, appertains to the nation only, and not to any individual; and a nation has at all times an inherent indefeasible right to abolish any form of government it finds inconvenient, and establish such as accords with its inherent disposition and happiness. The romantic and barbarous distinction of men into kings and subjects, though it may suit the condition of courtiers, cannot that of citizens, and is exploded by the principle upon which governments are now founded; every citizen is a member of the sovereignty, and as such can acknowledge no personal subjection; and his obedience can be only to the laws.

“ When men think of what government is, they must necessarily suppose it to possess a knowledge of all the objects and matters upon which its authority is to be exercised. In this view of government, the Republican system, as established by America and France, operates to embrace the whole of a nation; and the knowledge necessary to the interest of all the parts, is to be found in the center, which the parts by representation form; but the old governments are on a construction that excludes knowledge as well as happiness; government by monks, who know nothing of the world beyond the walls of a convent, is as consistent as government by kings. What were formerly called revolutions, were little more than a change of persons, or an alteration of local circumstances. They rose and fell like things of course, and had nothing in their existences or their fate that could influence beyond the spot that produced them; but what we now see in the world from the revolution of America and France, are a renovation of the natural order of things, a system of principles as universal as truth and the existence of man, and combining moral with political happiness and national prosperity.

“ I. Men are born and always continue free and equal in respect of their rights. Civil distinctions therefore can be founded only on public utility.

“ II. The end of all political associations, is the preservation of the natural and imprescriptible rights of man, and these rights are liberty, property, security and resistance of oppression.

“ III. The nation is essentially the source of all sovereignty, nor can any individual of any body of men, be intitled to any authority which is not expressly derived from it.

“ In these principles there is nothing to throw a nation into confusion by insatiable ambition, they are calculated to call forth wisdom and abilities, and to exercise them for the public good, and not for the emolument or aggrandizement of particular descriptions

descriptions of men or families. Monarchical sovereignty, the enemy of mankind, the source of misery, is abolished, and sovereignty itself is restored to its natural and original place, the Nation. Were this the case throughout Europe, the cause of wars would be taken away.

“ It is attributed to Henry IV. of France, a man of an enlarged and benevolent heart, that he proposed, about the year 1610, a plan for abolishing war in Europe. The plan consisted in constituting an European Congress, or as the French author styles it, a Pacific Republic, by appointing delegates from the several nations, who were to act as a Court of Arbitration in any disputes that might arise between nation and nation.

“ Had such a plan been adopted at the time it was proposed, the taxes of England and France, as two of the parties, would have been at least ten millions sterling annually to each nation less than they were at the commencement of the French Revolution.

“ To conceive a cause why such a plan has not been adopted, and that instead of a Congress for the purpose of preventing war, it hath only been called for terminating a war, after a fruitless expence of several years, it will be necessary to consider the interest of governments as a distinct interest to that of nations.

“ Whatever is the cause of taxes to a nation, or becomes also the means of revenue to a government. Every war terminates with an addition of taxes, and consequently with an addition of revenue; and in any event of war, in the manner they are now commenced and concluded, the power and interests of governments are increased. War, therefore, from its productiveness, as it easily furnishes the pretence of necessity for taxes and appointments to places, and offices, becomes a principal part of the system of old governments; and to establish any mode to abolish war, however advantageous it might be to nations, would be to take from such governments the most lucrative of its branches; the frivolous matters upon which war is made, shew the disposition and avidity of governments to uphold the system of war, and betray the motives upon which they act.

“ Why are not Republics plunged into war, but because the nature of their government does not admit of an interest distinct from that of the nation; even Holland, though an ill constructed Republic, and with a commerce extending over the world, existed nearly a century without war, and the instant the form of government was changed in France, the republican principles of peace and domestic prosperity and œconomy arose with the

new government, and the same consequences would follow the same causes in other nations.

“As war is the system of government on the old construction, the animosity which nations reciprocally entertain, is nothing more than what the policy of their governments excites, to keep up the spirit of the system; each government accuses the other of perfidy, intrigue, and ambition, as a means of heating the imagination of their respective nations, and incensing them to hostilities. Man is not the enemy of-man, but through the medium of a false system of government; instead, therefore, of exclaiming against the ambition of kings, the exclamation should be directed against the principles of such governments; and instead of seeking to reform the individual, the wisdom of a nation should apply itself to reform the system.

“Whether the forms and maxims of government, which are still in practice, were adapted to the condition of the world at the period they were established, is not in this case the question; the older they are, the less correspondence can they have with the present state of things, time and change of circumstances and opinions, have the same progressive effect, in rendering modes of government obsolete, as they have upon customs and manners; agriculture, commerce, manufactures, and the tranquil acts, by which the properties of nations is best promoted, required a different system of government, and a different species of knowledge to direct its operations, than might have been required in the former condition of the world.

“As it is not difficult to perceive from the enlightened state of mankind, that hereditary governments are verging to their decline, and that revolutions, on the broad basis of national sovereignty, and government by representation, are making their way in Europe, it would be an act of wisdom to anticipate their approach, and produce revolutions by reason and accommodation, rather than commit them to the issue of convulsion.

“From what we now see, nothing of reform in the political world ought to be held improbable. It is an age of revolutions, in which every thing may be looked for, The intrigue of Courts, by which the system of war is kept up, may provoke a confederacy of nations to abolish it, and an European congress to patronise the progress of free government, and promote the civilization of nations with each other, is an event nearer in probability, than once were the revolutions and alliance of France and America.

(*Second Part, Chapman's edition, page 21.*) “All hereditary government is in its nature tyranny, an heritable crown, or an heritable throne, or by what other fanciful name such things may be called, have no other significant explanation than that man-
kind

kind are heritable property; to inherit a government is to inherit the people, as if they were flocks and herds.

(*Second Part, Chapman's edition, page 27.*) "How irrational then is the Hereditary System, which establishes channels of power in company with which wisdom refuses to flow by continuing this absurdity; man is perpetually in contradiction with himself, he accepts for a king, or a chief magistrate, or a legislator, a person whom he would not elect for a constable.

(*Page 47, Chapman's edition.*) "This convention met at Philadelphia, in may 1787, of which General Washington was elected president, he was not at that time connected with any of the state governments, or with Congress, he delivered up his commission when the war ended, and since that had lived a private citizen.

"The convention went deeply into all the subjects; and having, after a variety of debate and investigation, agreed among themselves, upon the several parts of a federal constitution; the next question was the manner of giving it authority and practice.

"For this purpose they did not, like a cabal of courtiers, send for a Dutch Stadtholder or a German elector; but they referred the whole matter to the sense and interest of the country; they first directed that the proposed constitution should be published. Secondly, that each state should elect a convention, expressly for the purpose of taking it in consideration, and of ratifying or rejecting it, and that as soon as the approbation and ratification of nine states should be given, that those states should proceed to the election of their proportion of members, to the new federal government, and that the operation of it should then begin, and the former federal government cease.

(*Page 52, same edition*) "The history of the Edwards, and the Henrys, and up to the commencement of the Stuarts, exhibits as many instances of tyranny as could be acted within the limits to which the nation had restricted it. The Stuarts endeavoured to pass those limits, and their fate is well known. In all those instances, we see nothing of a constitution, but only of restriction on assumed power.

"After this, another William descended from the same stock, and claiming from the same origin, gained possession; and of the two evils, James and William, the nation preferred what it thought the least, since from circumstances it must take one. The act called the bill of rights comes here into view. What is it but a bargain, which the parts of the government made with each other, to divide power, profits and privileges? you shall have so much, and I will have the rest; and with respect to the nation, it said for your share, you shall have the right of petitioning,—this being the case, the bill of rights is more properly a bill of wrongs

wrongs and of insult. As to what is called the Convention Parliament, it was a thing that made itself, and then made the authority by which it acted. A few persons got together, and called themselves by that name. Several of them had never been elected, and none of them for the purpose.

“ From the time of William, a species of government arose, issuing out of this coalition bill of right, and more so since the corruption introduced at the Hanover succession, by the agencies of Walpole, that can be described by no other name than a despotic legislation. Though the parts may embarrass each other, the whole has no bounds, and the only right it acknowledges out of itself, is the right of petitioning. Where there is the constitution either that gives or that restrains power.

“ It is not because a part of the government is elective that makes it less despotism, if the person so elected possess afterward, as a parliament, unlimited powers; election in this case becomes separated from representation, and the candidates are candidates for despotism.

“ I cannot believe that any nation, reasoning on its own rights, would have thought of calling those things a constitution, if the cry of constitution had not been set up by the government. It has got into circulation, like the words *bore* and *quox*, by being chalked up in the speeches of parliament as those words were on window-shutters and door-posts; but whatever the constitution may be in other respects, it has undoubtedly been the most productive machine of taxation that ever was invented. The taxes in France, under the new constitution, are not quite 13s. per head; and the taxes in England, under what is called its present constitution, are 48s. 6d. per head, men, women, and children, amounting to nearly seventeen millions sterling, which is upwards of a million more.”

(*P. 63, same edition.*) “ With respect to the two houses of which the English Parliament is composed, they appear to be so effectually influenced into one, and as a legislature to have no temper of its own; the minister, whoever he may be, touches it as with an opium wand, and it sleeps obedience; but if we look at the distinct abilities of the two houses the difference will appear so great as to shew the inconsistency of placing power where there can be no certainty of the judgment to use it. Wretched as the state of the representation is England, it is manhood compared with what is called the House of Lords; and so little is this nick-named House regarded that the people scarcely enquire at any time what it is doing; it appears also to be the most under influence, and the furthest removed from the general interest of the nation. In the debate on engaging in the Russian and Turkish war, the majority in the House of Peers
in

in favour of it was upwards of ninety, when in the other House, which is more than double its numbers, the majority was sixty-three."

(*P. 65, the same edition*) "But in whatever manner the separate parts of a constitution may be arranged, there is one general principle that distinguishes freedom from slavery, which is, that all hereditary government over a people is to them a species of slavery, and representative government is freedom."

(*P. 107, the same book.*) "Having thus glanced at some of the defects of the two Houses of Parliament, I shall proceed to what is called the Crown, upon which I shall be very concise.

"It signifies a nominal office of a million sterling a year, the business of which consists in receiving the money, whether the person be wise or foolish, sane or insane, a native or a foreigner, matters not; every ministry acts upon the same idea that Mr. Burke writes, namely, that the people must be hoodwinked with and held in superstitious ignorance by some bugbear or other, and what is called the Crown answers this purpose, and therefore it answers all the purposes to be expected from it. This is more than can be said of the two other branches."

Mr. Erskine. Read the Preface to the book.—The Clerk began reading the Dedication.—*Mr. Erskine* said, I desired the Preface to be read; that is the Dedication.

Mr. Law. Read the Dedication first, and afterwards the Preface.

(*Read by the Clerk of the Court.*)

TO M. DE LA FAYETTE.

"After an acquaintance of nearly fifteen years, in difficult situations in America, and various consultations in Europe, I feel a pleasure in presenting to you this small treatise, in gratitude for your services to my beloved America, and as a testimony of my esteem for the virtues, public and private, which I know you to possess.

"The only point upon which I could ever discover that we differed, was not as to principles of government, but as to time. For my own part, I think it equally as injurious to good principles to permit them to linger, as to push them on too fast. That which you suppose accomplishable in fourteen or fifteen years, I may believe practicable in a much shorter period. Mankind, as it appears to me, are always ripe enough to understand their true interest, provided it be presented clearly to their understanding, and that in a manner not to create suspicion by any thing like self-design, nor offend by assuming too much. Where we would wish to reform we must not reproach.

"When the American revolution was established, I felt a disposition to sit serenely down and enjoy the calm. It did not appear

pear to me that any object could afterwards arise great enough to make me quit tranquillity, and feel as I had felt before. But when principle, and not place, is the energetic cause of action, a man, I find, is every where the same.

“ I am now once more in the public world ; and as I have not a right to contemplate on so many years of remaining life as you have, I am resolved to labour as fast as I can ; and as I am anxious for your aid and your company, I wish you to hasten your principles and overtake me.

“ If you make a campaign the ensuing spring, which it is most probable there will be no occasion for, I will come and join you. Should the campaign commence, I hope it will terminate in the extinction of German despotism, and in establishing the freedom of all Germany. When France shall be surrounded with revolutions, she will be in peace and safety, and her taxes, as well as those of Germany, will consequently become less.

“ Your sincere, affectionate friend,

London. Feb. 9, 1792.

THOMAS PAINE.”

P R E F A C E.

“ When I began the chapter entitled the “ *Conclusion* ” in the former part of the RIGHTS of MAN, published last year, it was my intention to have extended it to a greater length ; but in casting the whole matter in my mind which I wished to add, I found that I must either make the work too bulky, or contract my plan too much. I therefore brought it to a close as soon as the subject would admit, and reserved what I had further to say to another opportunity.

“ Several other reasons contributed to produce this determination. I wished to know the manner in which a work, written in a style of thinking and expression different to what had been customary in England, would be received before I ventured farther. A great field was opening to the view of mankind by means of the French Revolution. Mr. Burke’s outrageous opposition thereto brought the controversy into England. He attacked principles which he knew (from information) I would contest with him, because they are principles which I believe to be good, and which I have contributed to establish, and conceive myself bound to defend. Had he not urged the controversy, I had most probably been a silent man.

“ Another reason for de’erring the remainder of the work was, that Mr. Burke promised in his first publication to renew the subject at another opportunity, and to make a comparison of what he called the English and French constitutions. I therefore held myself in reserve for him. He has published two works since, without doing this ; which he certainly would not have omitted, had the comparison been in his favour.

“ In

“ In his last work, “ *His Appeal from the New to the Old Whigs,*” he has quoted about ten pages from the *Rights of Man*, and having given himself the trouble of doing this, says, “ he shall not attempt in the smallest degree to refute them,” meaning the principles therein contained, I am enough acquainted with Mr. Burke to know, that he would if he could. But instead of contesting them, he immediately after consoles himself with saying, that “ he has done his part.”—He has not done his part. He has not performed his promise of a comparison of constitutions. He started the controversy, he gave the challenge, and has fled from it; and he is now a *case in point* with his own opinion, that, “ *the age of chivalry is gone!*”

“ The title, as well as the substance of his last work, his “ *Appeal,*” is his condemnation. Principles must stand on their own merits, and if they are good they certainly will. To put them under the shelter of other man's authority, as Mr. Burke has done, serves to bring them into suspicion. Mr. Burke is not very fond of dividing his honours, but in this case he is artfully dividing the disgrace. But who are those to whom Mr. Burke made his appeal? A set of childish thinkers and half-way politicians born in the last century; men who went no farther with any principle than as it suited their purpose as a party; the nation was always left out of the question; and this has been the character of every party from that day to this. The nation sees nothing in such works, or such politics worthy its attention. A little matter will move a party, but it must be something great that moves a nation:

“ Though I see nothing in Mr. Burke's Appeal worth taking much notice of, there is, however, one expression upon which I shall offer a few remarks—After quoting largely from the *Rights of Man*, and declining to contest the principles contained in that work, he says, “ This will most probably be done (*if such writings shall be thought to deserve any other refutation than that of criminal justice*) by others, who may think with Mr. Burke and with the same zeal.

“ In the first place, it has not yet been done by any body. Not less, I believe, than eight or ten pamphlets intended as answers to the former part of the “ *Rights of Man*” have been published by different persons, and not one of them to my knowledge, has extended to a second edition, nor are even the titles of them so much as generally remembered. As I am averse to unnecessarily multiplying publications, I have answered none of them. And as I believe that a man may write himself out of reputation when nobody else can do it, I am careful to avoid that rock.

“ But as I would decline unnecessary publications on the one hand, so would I avoid every thing that might appear like fullen pride on the other. If Mr. Burke, or any person on his side the question, will produce an answer to the “ Rights of Man,” that shall extend to an half, or even to a fourth part of the number of copies to which the Rights of Man extended, I will reply to his work. But until this be done, I shall so far take the sense of the public for my guide (and the world knows I am not a flatterer) that what they do not think worth while to read, is not worth mine to answer. I suppose the number of copies to which part of the Rights of Man extended, taking England, Scotland, and Ireland, is not less than between forty and fifty thousand.

“ I now come to remark on the remaining part of the quotation I have made from Mr. Burke.

“ It,” says he, “ such writings shall be thought to deserve any other refutation than that of *criminal* justice.

“ Pardoning the pun, it must be *criminal* justice indeed that should condemn a work as a substitute for not being able to refute it. The greatest condemnation that could be passed upon it would be a refutation. But in proceeding by the method Mr. Burke alludes to, the condemnation would, in the final event, pass upon the criminality of the process and not upon the work, and in this case, I had rather be the author, than be either the judge or the jury, that should condemn it.

“ But to come at once to the point, I have differed from some professional gentlemen on the subject of prosecutions, and I since find they are falling into my opinion, which I will here state as fully, but as concisely as I can.

“ I will first put a case with respect to any law, and then compare it with a government, or with what in England is, or has been, called a constitution.

“ It would be an act of despotism, or what in England is called arbitrary power, to make a law to prohibit investigating the principles, good or bad, on which such a law, or any other is founded.

“ If a law be bad, it is one thing to oppose the practice of it, but it is quite a different thing to expose its errors, to reason on its defects, and to shew cause why it should be repealed, or why another ought to be substituted in its place. I have always held it an opinion (making it also my practice) that it is better to obey a bad law, making use at the same time of every argument to shew its errors and procure its repeal, than forcibly to violate it; because the precedent of breaking a bad law might weaken the force, and lead to a discretionary violation of those which are good.

“ The case is the same with respect to principles and forms of government, or to what are called constitutions and the parts of which they are composed.

“ It is for the good of nations, and not for the emolument or aggrandizement of particular individuals, that government ought to be established, and that mankind are at the expence of supporting it. The defects of every government and constitution, both as to principle and form must, on a parity of reasoning, be as open to discussion as the defects of a law, and it is a duty which every man owes to society to point them out. When those defects, and the means of remedying them are generally seen by a nation, that nation will reform its government or its constitution in the one case, as the government repealed or reformed the law in the other. The operation of government is restricted to the making and the administering of laws; but it is to a nation that the right of forming or reforming, generating or regenerating constitutions and governments belong; and consequently those subjects as subjects of investigation, are always before a country *as a matter of right*, and cannot, without invading the general rights of that country, be made subjects for prosecution. On this ground I will meet Mr. Burke whenever he please. It is better that the whole argument should come out, than to seek to stifle it. It was himself that opened the controversy, and he ought not to desert it.

“ I do not believe that monarchy and aristocracy will continue seven years longer in any of the enlightened countries in Europe. If better reasons can be shewn for them than against them, they will stand; if the contrary, they will not. Mankind are not now to be told they shall not think, or they shall not read; and publications that go no farther than to investigate principles of government, to invite men to reason and to reflect, and to shew the errors and excellencies of different systems, have a right to appear. If they do not excite attention, they are not worth the trouble of a prosecution; and if they do, the prosecution will amount to nothing, since it cannot amount to a prohibition of reading. This would be a sentence on the public, instead of the author, and would also be the most effectual mode of making or hastening revolutions.

“ On all cases that apply universally to a nation, with respect to systems of government, a jury of *twelve* men is not competent to decide. Where there are no witnesses to be examined, no facts to be proved, and where the whole matter is before the whole public, and the merits or demerits of it resting on their opinion; and where there is nothing to be known in a court, but what every body knows out of it, every twelve men is equally as good a jury as the other, and would most probably reverse

each other's verdict; or from the variety of their opinions, not be able to form one. It is one case, whether a nation approve a work, or a plan; but is quite another case, whether it will commit to any such jury the power of determining whether that nation have a right to, or shall reform its government, or not. I mention those cases, that Mr. Burke may see I have not written on government without reflecting on what is law, as well as on what are rights — The only effectual jury in such cases would be, a convention of the whole nation fairly elected; for in all such cases the whole nation is the vicinage. If Mr. Burke will propose such a jury, I will wave all privileges of being the citizen of any other country, and, defending its principles, abide the issue, provided he will do the same; for my opinion is, that his work and his principles would be condemned instead of mine.

“As to the prejudices which men have from education and habit, in favour of any particular form or system of government, those prejudices have yet to stand the test of reason and reflection. In fact, such prejudices are nothing. No man is prejudiced in favour of a thing, knowing it to be wrong. He is attached to it on the belief of its being right; and when he sees it is not so, the prejudice will be gone. We have but a defective idea of what prejudice is. It might be said, that until men think for themselves the whole is prejudice, and *not opinion*; for that only is opinion which is the result of reason and reflection. I offer this remark, that Mr. Burke may not confide too much in what has been the customary prejudices of the country.

“I do not believe that the people of England have ever been fairly and candidly dealt by. They have been imposed upon by parties, and by men assuming the character of leaders. It is time that the nation should rise above those trifles. It is time to dismiss that attention which has so long been the encouraging cause of stretching taxation to excess. It is time to dismiss all those songs and toasts which are calculated to enslave, and operate to terrify reflection. On all such subjects men have but to think, and they will neither act wrong nor be misled. To say that any people are not fit for freedom, is to make poverty their choice, and to say they had rather be loaded with taxes than not. If such a case could be proved, it would equally prove, that those who govern are not fit to govern them, for they are a part of the same national mass.

“But admitting governments to be changed all over Europe; it certainly may be done without convulsion or revenge. It is not worth making changes or revolutions, unless it be for some great national benefit; and when this shall appear to a nation, the danger will be, as in America and France, to those who oppose; and with this reflection I close my Preface.

London, Feb. 9, 1792.

THOMAS PAINE.”

Mr.

Mr. Garrow. I beg your Lordship's pardon, I missed some parts that I meant to have read.

(Read by the Clerk of the Court)

(Page 61.) "The fraud, hypocrisy and imposition of governments are beginning to be too well understood, to promise them any long career; the farce of monarchy and aristocracy in all countries, is following that of chivalry, and Mr. Burke is dressing for the funeral. Let it then pass quietly to the tomb of all other follies, and the mourners be comforted, the time is not very distant, when England will laugh at itself for sending to Holland, Hanover, Zell or Brunswick for men, at the expence of a million a year, who understood neither her laws, her language, nor her interest, and whose capacities would scarcely have fitted them for the office of a parish constable, if government could be trusted to such hands, it must be some simple and easy thing indeed, and materials for all the purposes, may be found in every town and village in England.

"When it shall be said in any country in the world my poor are happy, neither ignorance nor distress is to be found among them, my jails are empty of prisoners, my streets of beggars, the aged are not in want, the taxes are not oppressive, the rational world is my friend, because I am the friend of its happiness, when these things can be said, then may that country boast its constitution and its government.

"Within the space of a few years, we have seen two revolutions, those of America and France, in the former the contest was long and the conflict severe, in the latter, the nation acted with such a consolidated impulse, that having no foreign enemy to contend with, the revolution was complete in power the moment it appeared. From both these instances, it is evident, that the greatest forces that can be brought in the field of revolutions are reason and common interest, where these can have the opportunity of acting, opposition dies with fear, or crumbles away by conviction, it is a great standing which they have now universally obtained; and we may hereafter hope to see revolutions, or changes in governments, produced with the same quiet operation, by which any measure determinable by reason and discussion is accomplished.

"When a nation changes its opinions and habits of thinking, it is no longer to be governed as before, but it would not only be wrong, but bad policy to attempt by force what ought to be accomplished by reason. Rebellion consists in forcibly opposing the general will of a nation, whether by a party or by a government. There ought therefore to be in every nation, a method of occasionally ascertaining the state of public opinion with respect to government. On this point the old government of
France,

France, was superior to the present government of England, because on extraordinary occasions, recourse could be had to what was then called the States General, but in England there are no such occasional bodies, and as to those who are now called representatives, a great part of them are mere machines of the Court, placemen and dependents.

(Page 170, the same edition) "I know it is the opinion of many of the most enlightened characters in France, (there always will be these who will see farther into events than others) not only among the general mass of citizens, but of many of the principal members of the former national assembly, that the monarchical plan will not continue many years in that country, they have found out that wisdom cannot be made hereditary, power ought not, and that for a man to merit a million sterling a year, from a nation he ought to have a mind capable of comprehending, from an atom to a universe, which if he had, he would be above receiving the pay. But they wished not to appear to lead the nation farther than its own reason and interest dictated. In all the conversations where I have been present on the subject, the idea always was, that when such a time, from the general opinion of the nation, shall arrive, that the honourable and liberal method would be, to make a handsome present in fee simple, to the person, whoever he may be, that shall then be in the monarchical office, and for him to retire to the enjoyment of private life, possessing his share of general right and privileges, and to be no more accountable to the public for his time and his conduct than any other citizen."

Mr. Garrote. I will not trouble your Lordship with any more passages from Mr. Paine; I will now produce in evidence to your Lordship the next passage, in order to that which was read before, from the minutes of the Constitutional Society. I believe the last passage that your Lordship took a note of was the 28th of September. I believe there has been nothing read since that, your Lordship will be pleased to see if I am correct.

(*Read by the Clerk of the Court*)

"October 5th, 1792. At a meeting of the society met at the Crown and Anchor Tavern in the Strand, Mr. J. H. Tooke, Mr. Sharpe, Mr. Sturch, Mr. Maxwell, Mr. Bonney, Mr. J. Martin, Mr. Symonds, Mr. Joyce, Mr. Chapwell, Mr. Walpole, Mr. Berryman, Mr. Rich, Dr. Edwards, Mr. J. Adams, Mr. J. Williams, Mr. Hardy and Mr. Sinclair.

"Ordered, that the letter from the Corresponding Society, entered on the minutes of the last meeting, together with the resolution of the Society thereon, be published in the newspapers.

" Read

“ Read Mr. Barlow’s Letter to the National Convention of France, on the defects of the constitution of 1791, and the extent of the amendment which ought to be applied. .

“ GENTLEMEN,

“ I have just published a small treatise in a letter to the National Convention, on the defects of the constitution in 1791, and the extents of the amendment which ought to be applied. Although the observations contained in this are more particularly to be applied to the French nation. Yet, as the true principles of government are the same in all countries, which are founded on the Rights of Man, I therefore present a copy of it to you, with the same confidence that I have done to the National Convention; a confidence arising from a fullness of conviction that the work is founded on truth and reason; for if they seem not so immediately reducible to practice in the government of this country, as in that of France, yet their examination of them cannot be unseasonable to any nation. A great revolution is undoubtedly to be expected in all Europe, &c.”

“ At a meeting held at the Crown and Anchor in the Strand, on the 12th of October, present, Mr. Bush in the chair, read Mr. Barlow’s Letter to the National Convention of France, on the defects of the constitution of 1791, and the extent of the amendment which ought to be applied.

“ Resolved, That Mr. Sturch be required to draw up an answer to the Letter of Mr. Barlow, read at the last meeting, expressing how much pride the Society feel at having elected him an honorary member.”

JOSEPH JOHNSON sworn.

Q. I believe you are a bookseller in St. Paul’s Church-yard?

A. Yes, I am.

Q. Be so good to look at that book in your hand, and tell me whether you published it?

A. I cannot answer that.

Q. Do you know Mr. Barlow?

A. I do.

Q. I am not asking you, at present whether this is a piece of paper come out of your shop: have the goodness to attend to the question, you know Mr. Barlow you say?

A. I do.

Q. Did you at any time publish a work with the title of the same work that you have in your hand?

A. I did.

Q. Did you receive from him what the printers call the copy or manuscript?

A. He gave it to me, or the printer, I do not know which.

Q. Who

Q. Who paid for it?

A. The sale paid for it.

Q. Can you tell whether that was published by you?

A. I believe it to be so: I published a great many.

Q. Have you any doubt?

A. I cannot say I have any doubt.

Q. You publish a good deal, Mr. Johnson, and do not always recollect the contents. Did you publish the Rights of Man?

A. No.

Q. Did you sell any?

A. Yes.

Q. How many do you think?

A. I cannot tell.

Q. About how many thousands do you think?

A. I cannot tell.

Q. Did you sell many or few?

A. I cannot tell what you mean by many.

Q. Did you sell some dozens?

A. Certainly I did; when I published that book it was not supposed a libel.—Afterwards it was proved to be one.—I ask the Court whether I am to answer that question or no?

Court. You ought not to be pressed on that question.

Mr. Garrison. Do you know whether the book called the Rights of Man had a large sale or no?

A. I can say that I think that the sale was large.

Q. Do you recollect receiving any number of copies of a publication of a Letter of Mr. Paine to Mr. Dundas—do you know whether any certain number of that publication was sent to you by any body, seven hundred, for instance? I'll assist your memory.

A. I think there were some sent to me to be forwarded in the country; a parcel sent to be conveyed in a coach.

Q. Do you know by whose order, or where they came from?

A. I do not.

Q. What quantity might be sold of Joel Barlow's Letter?

A. Perhaps five or six hundred, I believe not more.

(*Mr. Attorney General to the Clerk of the Court.*) Read those passages that are marked

(*The Clerk reads.*)

“ A Letter to the National Convention of France on the Defects of the Constitution of 1791, and the Extent of the Amendment which ought to be applied. By Joel Barlow, &c.

“ GENTLEMEN

“ GENTLEMEN,

“ The time is at last arrived when the people of France, by resorting to their own proper liberty, feel themselves at liberty to exercise their unbiassed reason, to establish an equal government. Compared, therefore, with all that is past, it is perhaps the most interesting portion of time, the most important period, that Europe hath hitherto seen. Under this impression, and with the deepest sense of the magnitude of the subject which engages your attention, I take the liberty of offering you a few observations on the business that lies before you. Could I suppose that an apology was necessary, I would make none; my happiness will be seriously affected by your deliberations, and in them I have an interest which nothing can destroy. I consider all mankind as forming but one great family, and therefore am bound to make each one's happiness as part of my own. You have stepped forward with gigantic stride, &c.

“ I believe no man cherishes a greater veneration than I have uniformly done for the National Convention, which framed that constitution, which I now presume you are constituted to revise.

“ The numerous heap of abuses they had to overturn, the prejudices they had to contend with, as well in their own minds as in all Europe.

“ But the legacy which they had left to that country in their deliberate capacity will remain a lasting monument to their praise.

“ The great leading principle on which their constitution was meant to be founded, on the equality of rights; this principle being laid down with such clearness, and asserted with such dignity in the beginning of the code, &c.

“ Although many of my ideas may be perfectly superfluous, being the same that will occur to every member of your body, yet they will probably strike the mind in a different kind of light.

“ On considering the subject of governments, when the mind is once let loose from the shackles of royalty, it finds itself in a new world; human nature assumes a new and more elevated shape, and displays man's real features, which, from having been always disguised, were not known to exist.

“ After proscribing royalty with all its appendages, it will not be thought necessary in France to support any other error.

“ In this case you will see that it is no longer necessary to maintain a national church; it is one of those monarchical ideas which bears the wretched compliment of supposing that we are not capable of using our own reason.

“Neither is it true that the preference to one mode of worship, by the payment of Catholic priests to the exclusion of others, was founded on the idea of justice and propriety.

“The church, in a word, is only a mode of worship, and to think that a mode can be a proprietor of lands I have yet to learn. But as the fabric is now rent, the prop may be taken away, and I am confident that monarchy and hierarchy are to be both taken away, and will not live out the present year.”

Q. (*To Mr. Lauzun—a paper shew~~s~~ him.*) Look at this letter, and tells us whether you found it at Mr. Hardy’s? A Letter of Joel Barlow to the London Corresponding Society.

A. Yes.

(*Read by the Clerk of the Court.*)

“London, Oct. 6, 1792. Signed, Joel Barlow, addressed to the London Corresponding Society, to the care of Mr. Thomas Hardy, No. 9, Piccadilly, in which was inclosed Mr. Barlow’s letter to the National Convention of France, and his pamphlet, entitled, “Advice to the Privileged Orders.”

Q. (*To Mr. Johnson*) You have given us an account of an address to the Convention; tell us who was the author of this pamphlet; it appears to be published by you called, “Advice to the Privileged Orders?”

A. I published a pamphlet with that title, for Mr. Joel Barlow, and I believe this is it.

Q. Can you tell whether he was the sole author, or any body else?

A. I cannot tell; I fancy he was the sole author.

Q. Was it a large sale?

A. Not very large; not many more than a thousand.

Q. That is the third edition; perhaps you mean a thousand of each edition?

A. No; three editions, five hundred of each edition; two editions sold, and a great number of the third edition left.

(*The Clerk reads from page 17.*)

“Mr. Burke, however, in his defence of royalty, does not rely on the argument of the compact, whether it be, that he is conscious of its futility, or, in his rage, he forgot to use it, &c.”

Mr. Garrow (*To Johnson*). When was this first published, before the death of the late King of France, or not?

A. I am not certain.

Q. What is the date on the title page?

A. 1793.

Q. This is the third edition. Have you no recollection whether it was published before or after that event?

A. I have no recollection; I think it was published in the year 1791.

Mr. Garrow

Mr. Garrow (To Mr. Johnson). This is a letter to the addressers. Mr. Johnson, do you know whether any book of that sort was published by Thomas Paine?

A. Certainly there was.

Q. Do you believe that to be one of the copies that was so published? Perhaps you will know it better by comparing it with the cheap edition (*Shows him one*). Do you believe the large edition to be that that was published by Mr. Paine?

A. I believe it is.

Q. Do you know how soon after the first edition was published the cheap edition came out? Have you seen any of the cheap editions?

A. Yes, I have; it was published after the large edition, but I cannot say what time.

Q. You have already said (and I am very glad the Court desired you to speak out). Do you believe that to be one of the larger copies published by Mr. Paine?—You are looking at it: Do you believe that to be one, or have you any doubt on the subject?

A. A printer may print a great many of them.

Q. Do you believe it to be printed by a printer, making a fac simile, or do you believe it to be printed by Mr. Paine?

A. I cannot speak one way or the other.

Q. Who does that appear to be published by, on the title page?

A. Symonds.

Q. Had you any communications with the other persons named as the publishers, Clio Rickman?

A. I can hardly say.

Q. Had you any communication with the author concerning any edition of the Address to the Addressers?

A. (I beg leave to address the Court): This has since the publication, been found a libel; the author printed it to the best of my knowledge when I was in the country; I was at Margate when he printed that pamphlet.

Court. Hitherto, I have not seen any grounds for asking about this book.

Mr. Attorney-General. I believe it will be more in order if Mr. Johnson waits a bit.

Mr. Garrow. He had asked to be dismissed, and that made me take the opportunity of asking him this question again, when he may have refreshed his memory.

I now go on with the remainder of the minutes of the Constitutional Societies, were I stopped at, in order to read Mr. Barlow's book, beginning with the minute of the 12th of October.

(*The Clerk reads.*)

“ Read a letter from the London Corresponding Society, with an inclosed address to the National Convention of France.

“ Resolved, that the thanks of this society be given to the London Corresponding Society, for the above address transmitted by them, and that the Secretary acquaint them, this society do highly approve of the spirit of the same.

“ Ordered, that the Secretary be directed to transmit a copy of the Argus of to-morrow, to each of the members of this society.”

Mr. Garrow (To the Court). I have an Argus of the following day, but I cannot prove it to be bought at the office, because the person is dead that bought it, and so I don't know whether your Lordship will permit me to produce it in evidence.

Lord President. No, I cannot.

The answer to Joel Barlow was then read, in which he says, that “without a representation of the people, frequently renewed, there can be no security for that personal liberty which we should enjoy, nor any rational hope that government would be employed to its proper object, the happiness of many, and not the enrichment of the few.”

Mr. Gibbs. You have not read who was present at that last meeting.

(*Reads.*) “ At a meeting held at the Crown and Anchor-Tavern in the Strand, Friday, October 19, 1792, present, Mr. J. H. Tooke in the chair, Mr. Sturch, Mr. Hull, Mr. Williams, Mr. Merry, Dr. Edwards, Mr. Parsons, Mr. Hannisley, Mr. Sharp, Mr. Brooksbank, Mr. Walsh, Mr. Banks, Mr. Bonney, Mr. Peacock, Mr. Walford, Mr. Chetwind, Mr. Joyce, Mr. Berryman, Mr. Rickman, Lord Edward Fitzgerald, and Mr. Sinclair.

“ Mr. Sturch produced and read to the society, the following answer he had prepared to Mr. Joel Barlow, and, which with his letter, was ordered to be published.

“ A committee appointed to confer with the delegates of the London Corresponding Society, on an address to the National Convention of France.

“ At a meeting of the society, held Oct. 26, 1792, at the Crown and Anchor-Tavern in the Strand, present, Mr. John Frost in the chair, Mr. Holcroft, Mr. Peacock, Mr. Moore, Mr. Hull, Mr. Walford, Dr. Edwards, Mr. Sharp, Mr. Banks, Mr. Balmano, Dr. Maxwell, Mr. John Martin, Mr. Sinclair, Mr. Sturch, Mr. Joyce, Mr. Colonel Keating, Mr. Parsons, Mr. Bonney, Mr. J. Williams, Mr. J. H. Tooke, Mr. Brooksbank, Mr. Downer, Mr. Sutton, Mr. Bailey, Mr. Morden, Mr. Barlow, Mr. Satchell, Mr. J. Adams, Mr. Richter, and Mr. Geddes,

Mr. Geddes; the Secretary read the report of the committee appointed at the last meeting.

“ Resolved, 1st, That it is the opinion of this committee, that the purpose of the address drawn up by the London Corresponding Society, will be much better answered by separate addresses from the different Societies, than by one joint address.

“ 2d, That the committee for that reason, do not recommend a concurrence with the London Corresponding Society, in the presentation of a joint address.

“ 3d, That the committee warmly approving the principles and spirit of the address from the London Corresponding Society, recommend the society to follow so laudable an example.

“ 4th, That it is the opinion of this committee, that the thanks of the society are due to the gentlemen delegates from the London Corresponding Society, for their punctual attendance, and for the able and candid manner in which they assisted in discussing the subject of the conference.

“ Read a letter, with its enclosure, from the Editor of the Patriot at Sheffield.

“ The letter itself complains of the Constitutional Society, for not answering a former letter, and encloses a letter from the Editor to a society at Stockport, which society they write recommends to the attention and protection of the Constitutional Society. The following are extracts from the inclosure.

“ It only remains then for us, seeing the great and innumerable difficulties we have to encounter, to cast about for the most likely and proper means and weapons by which to defend ourselves, and to forward and support such measures as it may be necessary to pursue; and on this head, my good Sir, permit me to impress it on the minds of your society, that reason, imperial reason, must ever be our generalissimo or commander in chief; when I say this, I beg leave to add, that art must be second in command. By the word “art,” I do not mean low craft or cunning, but that mode of application of our reason and arguments on different men and on different occasions, which only a considerable degree of study, and practical knowledge also of men and manners, can ever furnish us with, so as to make us proficient.

“ Allow me then to observe to you, Sir, that I perfectly coincide with you in opinion with regard to the different societies appointing delegates to go into the different villages and country places for the purpose of informing their minds, and rousing them from the lethargy in which they seem plunged. I have already communicated the same idea to the London Constitutional and Corresponding Societies, and to those of Norwich and Manchester, and I hope it will soon be universally adopted by every one. But the grand object to be attended to on this head,
is

is the choice of men to be appointed: a neglect of this kind had like to have had very aukward consequences in this neighbourhood, and if not immediately checked, would have injured the cause of freedom very greatly: infinite care and circumspection will therefore be necessary on this head.

“ As I am on the subject, permit me to suggest to those members of your society, who may undertake this arduous, but honourable and praise-worthy task, that they cannot be too cautious in their mode of proceeding. The minds of men, for the wisest and best purposes, are formed by the Great Creator, as various and unlike each other as their faces, and their passions reign over each with the same uncertain and variegated sway; and in the same manner that Sir Robert Walpole (one of the elders and fathers of corruption) very justly observed, that every man has his price in the way of being bought; so we may fairly apply the same maxim to mankind in general in the article of persuasion, and the dexterous method of bringing them from wrong opinions they may have formed, or prejudices they may have imbibed, by an attentive observation of their intellectual faculties, and that leading passion of the soul which governs the main spring of their most material actions.

“ For example, the generality of farmers in this county and Lancashire, are as ignorant as the brutes they ride to market, and so absorbed in the sordid idea of *getting*, that provided they can keep up the prices of grain, cattle, &c. so as to answer their landlords, and pay *their taxes*, however enormous, they are too sluggish and indolent to think about reforms, or any thing of the kind; yet there is one string about their hearts, which, being skillfully touched, will make them dance to any tune, and move to any measure. This is the subject of *tythes*; and why does it touch them? Why, Sir, because it is within the scope of their limited capacity, ignorant as they are in other matters, they see and pungently feel the weight of this baneful and unjust devourer of all their improvements in agriculture and husbandry; and, I believe, did every tax operate in the same visible degree which this imposition does, I fear there would be an end to the idea of taxation being submitted to at all. Indeed, as taxes are laid on at present by those who do not represent us, the taxation is neither more nor less than robbery, a submission to it, slavery.

“ But to return to my subject: *In the same manner that a farmer may be roused by the mention of tythes, the shoemakers may by the excessive dearness of leather, the inn-keeper by the numerous and unnecessary standing army, and ALL by a temperate and dispassionate relation of the immense number of sinecure places and useless offices, in which the corrupt and prostitute favourites, agents and dependants of the rich and great, riot in the spoils and plunder*

der, wrested from the sweat of the brow, and continual labour of body, of the husbandman, the mechanic, the labourer, and the artificer. It is by no means a difficult matter to raise general indignation at the idea of so small a comparative number of useless, idle, and profligate *drones*, sucking and squandering away the honey produced by such immense numbers of hard-toiling and industrious *bees*. If you (for I am certain you will be one of the most active of these delegates) meet with men who have violent prejudices in favour of any *abuse* or *party*, never attack those prejudices *directly*, for that will only inflame and confirm them the more; pass them over for the present, and engage their attention towards something else, in which they will listen with a less degree of apprehension of being attacked in a favourite point; once gain their good opinion, and open their eyes to one evil, they will be more ready to hear you on others, till at last the favoured object by which their eyes were jaundiced, will appear in its true colours, and fall before your arguments like all the rest.

“ There is one thing above all others which requires to be particularly attended to, and that is, to endeavour to undeceive the mass of people with respect to those falsehoods which have been industriously propagated by the enemies to a reform, in order to blind, delude, and terrify all ranks of people who are any way independent, or possessed of property. One of these falsehoods is, “ that the advocates of reform wish to introduce a levelling scheme, or an equal partition of property.” This alarms the farmers, and indeed all classes of men, who by their industry, or other adventitious circumstances, are possessed of the goods of this world. So many vile ministerial prints as have propagated this doctrine, aided and assisted by the private representations, or rather misrepresentations, of the clergy, and other tools of government, and of privileged orders, have had a very wonderful and baneful effect on the multitude, and have stamped a dread of reform on the minds of many that I know, whose situations in life would induce one reasonably to suppose it impossible so completely to impose upon them; however, it always has been the case, that falsehoods boldly uttered may prevail for a time, but must be overwhelmed in the end by the bright and sacred energies of truth.

“ To explain this matter, and many others, properly, will require great coolness, moderation, and patience. I have found the following method answer best: “ Do you know such a gentleman?” naming some one of large property and good character in the neighbourhood, who is known to be a friend to a reform. “ Yes.”—“ Well, and do you suppose that he would promote a scheme that would occasion and oblige him to

part .

part with that property he possesses, in order for it to be divided amongst strangers whom he never saw or heard of?" "No."— "Why then should you suffer yourself to be imposed on by such an idle tale, fabricated and circulated for the purpose of raising a dread in you against those more enlightened of your fellow-citizens who wish for a reform, as you would, did you see its necessity; a dread which may cause you to shut your eyes upon oppressive excise and game laws, exorbitant tythes, an unnecessary *standing army*, kept on foot at the expence of two millions and an half, for the purposes of influence and corruption; a pension list, which is a disgrace to the government, and a stigma and reproach on the spirit and prudence of the nation; sinecure places, for the mere possessing of which hundreds of individuals receive thousands a year each, for doing *nothing at all*, either for the *public service* or *their own*; in short, such an enormous accumulation of taxes, and so prodigal an expenditure of their produce, as no nation on the earth ever heard of, or submitted to before. To make you shut your eyes, and continue blind to those enormities, those idle and futile tales are villainously dispersed abroad; but believe them not, consult your own reason, and it will shew you, that there is a palpable lie on the face of every one of them!" Then explain the nature, aim, and end of your society, invite them to attend it, and to judge for themselves. If they do so, they will soon aid and assist you, by adopting similar ones in their several neighborhoods, till in time they will overspread the whole surface of this sea-girt isle.

"At present, Sir, I will not trouble you further on the subject, which I now quit to return to the conduct and regulation of your own society, and all others which may arise hereafter; and as to them, I think the inn-keepers in Stockport, Manchester, &c. have given you a hint and lesson for which you ought to esteem yourselves for ever obliged to them. I own their insolence and audacity in proceeding as they have done, is beyond example, but only deserving of contempt: as such leave them to themselves. Public-houses were never worthy of receiving such guests, whose sacred and important duty require and demand to be performed in mansions more dignified and respectable. Your meetings should be at the houses of one another, in honourable rotation; and to prevent inconvenience from too great a number, not more than ten or twelve at the most should compose a *primary* or district meeting. More members may be admitted in each district, till they reach twenty or twenty four, according to the number fixed on, but then immediately should divide into two district meetings. The several districts should send each one member, by election, to a meeting of delegates,

legates, and this meeting of delegates should elect out of their own body a *certain* number, which is to compose a select committee. This select committee to manage the correspondence, and every other important concern, for the whole of the districts in any town or parish, subject always to the revision and approbation of the districts. The delegates and select committee to be chosen only for a limited time, before the expiration of which, others to be elected as before, from the districts, to supply their places, by which rotations, every member would in *time* become qualified to be a delegate and a select committee-man, though he might not be so on his first entrance as a district member. These are only hints, on which you may improve or enlarge as much as you please.

“ Ordered, That the said letter be taken into consideration the first business at the next meeting.

“ Resolved, That at the next meeting of this society they do consider of an answer to the Corresponding Society, on the subject of their letter, accompanying their address to the National Convention.

“ Resolved; That at the said meeting the society do attend to the example of the London Corresponding Society, and consider of an address to the National Convention of France.”

“ Friday, November 2, 1792. At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Mr. Frost in the chair, &c. Ordered, that the two letters sent to this society, from the Editors of the the Patriot at Sheffield, and the society at Stockport, be referred to a committee.

“ Resolved, That a Committee of Correspondence be appointed to consider or answer all letters that have been or may be sent to this society.

“ Resolved, That Mr. Sturch, Mr. Jos. Adams, Mr. Frost, Mr. Bonney, and Mr. Holcroft, compose the said committee.

“ Resolved, That a committee be appointed to consider of an address to the National Convention of France.

“ Resolved, That Mess. Barlow, Sinclair, and Tuffin, do compose the said committee, be desired to prepare the same, and make their report on Friday. Read a letter from the London Corresponding Society; ordered, that the said letter be referred to the Committee of Correspondence.

“ Resolved, That thanks be given to Thomas Cooper, for his coming forth in the noble cause, the service of liberty and the rights of man, so minutely displayed in his Reply to Edmund Burke.”

“ November 9, 1792. At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern,
N n Strand;

Strand, present, Lord Sempie in the chair, &c. The committee appointed at the last meeting to prepare an address from this society to the National Convention of France, made their report; and produced the following address, which was read and approved.

The Society for Constitutional Information in London to the National Convention in France.

“ Servants of a Sovereign People, and Benefactors of Mankind,

“ We rejoice that your revolution is arrived at that point of perfection which will permit us to address you by this title; it is the only one that can accord with the character of true legislators. Every successive epoch in your affairs has added something to the triumph of liberty: and the glorious victory of the 10th of August has finally prepared the way for a constitution, which we trust you will establish on the basis of reason and nature.

“ Considering the mass of delusion accumulated on mankind, to obscure their understandings, you cannot be astonished at the opposition you have met both from tyrants and from slaves. The instrument used against you by each of these classes is the same; for in the genealogy of human miseries, *ignorance* is at once the parent of oppression and the child of submission.

“ The events of every day are proving that your cause is cherished by the people in all your continental vicinity; that a majority of each of those nations are your real friends, whose governments have tutored them into apparent foes, and that they only wait to be delivered by your arms from the dreadful necessity of fighting against them.

“ The condition of Englishmen is less to be deplored: here the hand of oppression has not yet ventured completely to ravish the pen from *us*, nor openly to point the sword at *you*. From bosoms burning with ardor in your cause, we tender you our warmest wishes for the full extent of its progress and success. It is indeed a sacred cause; we cherish it as the pledge of your happiness, *our natural and nearest friends*, and we rely upon it as the bond of paternal union to the human race, in which union our own nation will surely be one of the first to concur.

“ Our government has still the power, and perhaps the inclination, to employ hirelings to contradict us; but it is our real opinion that we now speak the sentiments of a great majority of the English nation. The people here are wearied with imposture, and worn out with war. They have learned to reflect, that both the one and the other are the offspring of unnatural combinations in society, as relative to systems of government,

vernment, nor the result of the natural temper of nations as relative to each other's position.

“ Go on, legislators, in the work of human happiness. The benefits will in part be ours, but the glory shall be all you own: it is the reward of your perseverance: it is the prize of virtue. The sparks of liberty preserved in England for ages, like the coruscations of the northern Aurora, served but to shew the darkness visible in the rest of Europe. The lustre of the American Republic, like an effulgent morning, arose with increasing vigour, but still too distant to enlighten our hemisphere, till the splendor of the French Revolution, burst forth upon the nations in the full fervour of a meridian Sun, and displayed in the midst of the European world the practical result of principles, which philosophy had sought in the shade of speculation, and which experience must every where confirm. It dispels the clouds of prejudice from all people, reveals the secrets of all despotism, and creates a new character in man.

“ In this career of improvement, your example will soon be followed; for nations, rising from their lethargy, will reclaim the rights of man with a voice which man cannot resist.

“ Signed, by Order of the Society,

“ SEMPLE, Chairman.

“ D. ADAMS, Secretary.

“ Resolved, That the thanks of this Society be given to the Committee who prepared the above address.

“ Resolved, That Mr. Barlow and Mr. Frost, be deputed by this society, to present the address of this society, at the bar of the National Convention of France.

“ Resolved, That the thanks of this Society, be given to Mr. Barlow and Mr. Frost, for accepting the above deputation.

“ Resolved, That the said address be signed by the Chairman and Secretary of this meeting.”

“ Friday, November 16th, 1792. At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Mr. Bosville in the chair, read a letter from Mr. Philips of Leicester, requesting some of the publications of this Society. Ordered, that the Secretary send to Mr. Philips such of the publications of this Society as he may think necessary for the purpose of answering Mr. Philips's letter.”

“ December 7, 1792. At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Mr. Bryan in the chair. Read a letter from Mr. Barlow and Mr. Frost, with the answer of the National Convention to the address of this Society. Ordered, that the said letter be taken into consideration at some future meeting.”

Q. (To Maclean—some papers shewn him.) Look at these papers, and tell me whether you seized them in the possession of Mr. Adams, Secretary to the Constitutional Society?

A. Yes, these were the papers I seized.

Mr. Garraw. Here are the papers that refer to the last minute, found in the possession of Adams, the Secretary to the Constitutional Society.

(The Clerk then reads)

A letter signed Joel Barlow, and John Frost, addressed to the Society for Constitutional Information in London.

“CITIZENS AND ASSOCIATES,

“We have executed your commission to the National Convention at France, in a manner which we hope will meet your approbation; the papers herein enclosed were read at the bar of the Convention, and received with universal applause; afterwards the Convention gave us the kiss of fraternity, in behalf of the French nation; which we afterwards gave on behalf of our societies, &c. It was the reconciliation of brethren, which had been long excited to mortal enmity by misunderstanding and mutual imposition. The wound that had bled for ages was closed and forgot, and by the voice of nature, declared they should never more be opened.”

“Paris, 28th November, 1792. Signed Joel Barlow and John Frost, at the bar of the Convention.

“CITIZENS OF FRANCE,

“We are deputed by the Society for Constitutional Information in London, who send their congratulations to you on the triumphs of liberty, &c.

“Innumerable societies of a similar nature, are now forming themselves in every part of England, Scotland, and Ireland; after the example which France has given, the science of revolutions will be rendered easy, and the progress of rising liberty rapid. It would not be strange, if in a period far short of what we should venture to predict, addresses of felicitation should cross the seas to a National Convention of England.

(Here follows the address, which see page 282 of this work.)

“We are also commissioned to inform the Convention, that the society whom we represent, have sent to the soldiers of liberty, a patriotic donation of 1000 pair of shoes, and the society will continue sending 1000 pair a week, for at least six weeks to come. We only want to know to whose care they should be addressed.”

The President's Answer.

“Brave Children of a nation which has given lustre to the two worlds, and great examples to the universe; you have addressed us with something more than good wishes, since the condition

condition of our warriors have excited your solicitations, the defenders of our liberty will, one day, be the defenders of your own; you command our esteem, you shall expect our gratitude; the sons of liberty to the world will never forget the English nation. The moment cannot be far distant when the people of France will offer their congratulations to a National Assembly in England. Your island, it is said, was severed from the continent by a great convulsion of the globe, but liberty will repair the breach, in restoring the two nations to that harmony and friendship for which reason designed them.

“ Generous republicans, your appearance in this place will form an epoch in the history of mankind; history will consecrate the day when in the name of a great number of your fellow-citizens, you appeared in the midst of the National Convention of France.

“ Tell the society that deputed you, and assure your fellow-citizens in general, that in your friends the French you will find men ”

Mr. Garrow. Be so good as turn to the meeting, December 14th, 1792.

(The Clerk reads.)

“ At a meeting of the society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday 14th December, 1792, Mr. J. H. Tooke in the chair, read a printed address from Manchester: Resolved, That the said address be approved for publishing in the newspapers. Resolved, That 100,000 copies of the same be printed by this society, and distributed to their correspondents in Great Britain and Ireland. Resolved, That the said Resolutions be signed by the chairman and secretary of the meeting. Read a letter from the Friends of the society for Liberty and Equality, sitting at Laon, capital of the department De L’Aisne, to the patriotic society of London, named the society for Constitutional Information. Resolved, That the said letter be referred to the committee of correspondence.”

Q. *(To Maclean—a letter shewn him)* Look at this, and tell me if you seized it at the house of Mr. Adams, secretary to the Constitutional Society?

A. Yes, I did.

Q. Did you find this likewise? *(shewing him another.)*

A. Yes.

Mr. Garrow. These, my Lord, are the French letters to the Constitutional Society.

WILLIAM HUSKISSON sworn—examined by Mr. GARROW.

Q. You have resided, I believe, a considerable time in France?

A. Yes.

Q. You

Q. You are well acquainted with the French language ?

A. Yes.

Q. Be so good to take this letter into your own hand, and we will read the English, and you will object if there is any mis-translation of it — What are the first words ?

A. At the 17th of December, in the first year of the French Republic : To live free, or die.

Q. Now, you will be so good to tell us if this is a correct translation ; you looking over the original, and the Clerk reading the translation.

(The Clerk reads.)

“ The first year of the French Republic, the Popular Republican Society, sitting at Macon, in the department of Saone and Loire, live free, or die, Citizens, Brethren and Friends,

“ When two great nations, acquainted with their rights, approximated by their commercial connections and natural situation, formed to love and act in concert with each other, begin to form the glorious project of uniting themselves for the regeneration of the human race, one may then say, with reason, that empires are ripe and ready to fall ! How glorious will it be for France and for England to form a plan for the destruction of tyrants, and to have purchased, at the price of their blood, the liberty of the world. We may say more than the whole universe : Courage, brethren and friends, it is for you to follow us in the glorious and hazardous career of the revolution of the world. Can ye any longer groan under the yoke of a government that has nothing of liberty but the name, as if your land was inhabited by none others than freemen ? Can you, without hesitation, consider your government as such ? Will you content yourselves with a partial freedom ? Will the English be satisfied with principles alone ? Will that bold nation, that has produced philosophers the most profound, and that first of all perceived the sparkling rays of reason, remain a spectacle in so noble a cause ? No, brethren and friends—No, you will surely lit up yourselves against that infamous Court of St. James's, whose infernal policy, like to that which found its tomb in the Thuilleries, have made so many victims in our two nations, and disinited them perpetually to rule over them.—Your love for liberty has fixed your attention on the acts of our defenders. Your generosity towards them is an entitlement to the acknowledgment of republicans. We are impatient to furnish you with the same advantages. The popular societies of France desire ardently the epoch that shall permit them to address their voice to the National Assembly of Great-Britain ;
and

and to offer to the soldiers of your nation, arms, bayonets, and pikes.

“The members composing the committee of correspondence.

“ANSELL AUGER, Secret.”

Mr. Garrow Read another letter from the society of the Friends of Liberty and Equality, dated the 2d of October.

Huskisson. This you have given me is dated the 6th of December.

Clerk of the Court. Then this is not the right copy.

Mr. Garrow. It is lost then.

Lord President. There was only one letter spoken of in the minutes of that day.

Mr. Bower. There are two: one is towards the top of the page, and the other towards the bottom.

Mr. Garrow. The other French letter, since I shewed it to Mr. Maclean, has by some means or other vanished, as it cannot be found, we must read the translation.

(*The Clerk reads.*)

“The first year of the French Republic, 2d October, 1792.”

Mr. Garrow. (*To Maclean*). Look at that; is that what has been shewn to you before to-night?

A. No, it is not, I see a letter inclosed in a cover and another.

Mr. Gibbs. How many have you seen of these French letters before this?

A. Two.

Mr. Garrow. Have you seen that to-night (*shewing him another*) and verified it as found among Mr. Adams's papers?

A. Yes, I think this is one.

Q. Now, look at this; which is the cover marked by you, was there any letter in it when it was shewn to you?

A. Yes.

Q. Look at that third paper, and tell us if you have seen that to-night before?

A. I recollect nothing of this.

Mr. Gibbs. So far as this goes, I see a letter inclosed in a cover, it is better to look for it.

The letter was afterwards found under the table, under the Clerk's feet, who reads it, dated 12th October 1792.

Letter from the Society of the Friends of Liberty and Equality to the patriotic society at London, called the Society for Constitutional Information, sitting at Laon:

“Generous Republicans, the philanthropic gift you have presented to the warriors of France, &c. accept the thanks of
the

the society. The time is not far distant when the soldiers of our liberty shall be able to testify their gratitude; then their arms shall be for you; then France and England shall form together a treaty of union as lasting as the Seine and the Thames; then there, as here, shall exist no other reign than that of liberty, equality, and friendship. May that day of liberty and glory soon arise on the horizon of the two nations. December 2, 1792, the first year of the French Republic, to the patriotic society, called the Society for Constitutional Information."

(The Clerk reads another copy of a letter, and the witness looks over the French original letter as before.)

Mr. Garrow. It is one found by Maclean.

Letter dated 6th December 1792, the first year of the French Republic.

"The Society of the Friends of Liberty at Macon, in the department of the Seine and Loire, to the Constitutional Society at London:

"Yes, citizens, our brethren and friends, the 10th of August 1792, shall be distinguished in the annals of the world as the day of triumph of liberty; our first revolution did but shew to us the salutary principles, the imprescriptible principles of the Rights of Man; all except the faithless and enemies of humanity, adopted them with eagerness."

Huskisson. Faithless to the people, without principle.

Mr. Erskine. The unprincipled.

(Clerk goes on reading.)

"It was then that we formed ourselves into a society, in order the better to impress them on ourselves, and afterwards to teach them to our fellow-citizens. Our first constitution had consulted them, but had not already taken them for its basis; the difference of passions, the force of habit, the impressions of prejudices, and the power of intrigues employed in our constituted assembly, found the secret to preserve sufficient authority to our tyrants, to extinguish for some time the sacred rights of nature, and to re-establish despotism on its throne of iron; but royalty thus preserved was not content with its victory secured to him, it was impatient to reap the fruits that it appeared to promise itself, but its too great eagerness has hastened its ruin, and secured the triumph of reason; the French, proud of their own existence, *has perceived the falsity of its first legislature.*"

Huskisson. Became sensible of the imperfection of the first laws.

(Clerk goes on reading.)

"They see that they made a surrender of the love of liberty
and

and equality which they had embraced ; they rose themselves at length to demand laws impartial and human, from thence the necessary day of the 10th of August 1792 ; from thence the second revolution, but a revolution which is the only completion of the first which has received our voice and our oaths, and which we will bless for ever ; it leads to happiness the nation, it constantly maintains the liberty and equality of the people ; let great tools and tyrants calumniate us, we despise them too much to condescend to answer them, or seek for their esteem. That which flatters us, is the interest you take in our labour, and your attention to contribute to the success of our arms ; we desire your esteem ; we are proud of your approbation ; we smile at the expression you manifest to our affection ; we behold the brave English adopt our principles, become our friends ; we say to ourselves with pleasure, soon will they become our allies, and uniting in our efforts, we shall go on to deliver the universe from the yoke of tyrants, to restore the nations to reason and liberty.

“ In the mean time receive our thanks and correspondence with brethren who set a high value on your esteem.

(Signed) “ LEVENE, the Younger, President.”

THOMAS WOOD sworn—examined by Mr. GARROW.

Q. Do you know Mr. Frost's hand-writing ?

A. Yes ; I have seen him write many times.

Q. Look at that, and tell us if you believe that to be his hand-writing ?

A. Yes ; I have no doubt of it.

(The Clerk reads.)

A letter dated Paris, September 29, 1792 ; addressed John Horne Tooke, Esq. Signed, J. F.

“ MY DEAR SIR,

“ We arrived safe at this place yesterday at dinner, having met with no interruption on our journey by night or by day since we left Dover, except a delay at Clermont, &c. the police being quite under arms, apprehensive with meeting Louis and his wife ; the latter braves it, and will to the last ; the former is insensible of his fate.

“ About three hundred of the present assembly are returned to convention, the rest retire with acclamations ; Mr. Paine made his appearance here in the National Convention last night, which excited great curiosity amongst both men and women, and occasioned no small interruption ; the first who embraced him was Chambon, who last night made a most excellent speech on the jewels, plate, &c. found in the churches, in order to have them melted, as the most infamous use had been made of them, by pawning them to the Jews, for raising money for the emigrants : this motion was the more necessary, as forty men

armed had entered the Thuilleries and carried off forty millions of livres; the King had anticipated his civil list a year and a half, and mortgaged his domains for six years; the bankers, and others, who have advanced the money, will be ruined. I will inform myself between this and Monday, of every thing that is passing, and by that post send you every thing relating to the Temple, the truth of which is not known in England, or if known, concealed in England to blacken the Revolution. I am sorry to learn that the conduct of your friend, General M. is not well spoke of; he was in the Thuilleries all Friday night; he is now with Dumourier's army, which is now eighty thousand strong; and it is expected that an account will arrive this day of an engagement between him and the Prussians, as General ——— had, by a forced march over the mountains, joined him; there are five hundred thousand troops now on the frontiers; the language of the King of Prussia is now changed from threats to soothing; a few Prussian deserters have come over, but a great number of Austrians have entered.

“The post is going out and compels me to hasten to a conclusion. We dine to day with Petion. Paine has entered his name on the roll of parliament, and went through the forms of office with a great deal of non-chalance; we are well-lodged, and besides our bed-room, have an entertaining-room for members to be shewn into. The Clerk of the Parliament has this moment been here, a relation of the notorious George Rose, I have nothing more to add than that Mr. Paine is full of spirit; I believe he is rather fatigued with the kissing. Petion still retains his popularity; Roberespierre has been attacked in the primary assemblies, and told that he was the most dangerous man in France, and that a good citizen ought to blow his brains out. Mr. Watt is here and very well. What is become of Dr. Maxwell?
J. F.”

Mr. Garrois. I propose to shew what some of these transactions of the 10th of August was.

Mr. Huskisson called in again—examined by Mr. GARROW.

Q. Was you in Paris on the 10th of August 1792?

A. Yes.

Q. I believe you resided in the house of the British Ambassador?

A. I did.

Q. Had you been there any time previous to the 10th of August, in Paris?

A. From the month of July 1790.

Q. What was the nature of that which you say was the contest which kept you at home?

A. I heard firing, saw smoke, and afterwards saw some of the out-buildings

out-buildings of the palace on fire; and I saw the people running with their arms towards that part of the town.

Q. What did you find that occasioned that firing, from what had it proceeded; the firing of arms and the firing of the buildings?

A. The firing of arms I apprehended proceeded from the palace; from those that wished to enter the palace, and also from those that wished to oppose their entrance.

Q. Was the palace at that time the residence of the King and his family?

A. I believe it was.

Q. Can you describe any other transactions of that day either from your knowledge at the moment, or observation afterwards?

A. I saw in the evening of that day the governor of the palace, who came to my lodging, and took shelter in it as a place of safety, as he conceived it, and he described it to me.

Mr. Garrow. In point of fact, the governor of the palace took shelter in your lodgings?

A. He did. I went out in the evening about nine o'clock as near as I can recollect; I did not see any thing worth mentioning: I think I went near towards the bridge that leads to the palace, and I was stopped by some centinels and told not to approach farther, and there were some out-buildings then burning.

Lord President. The whole of it is, that there was a great tumult, a great deal of slaughter, and the King and his family were obliged to take shelter in the Convention and were never restored to their liberty afterwards.

Mr. Garrow. I am very willing to take that statement of it, I am sure every body knows that except the jury.

Mr. Attorney General. I propose to read two letters found in the possession of Mr. Tooke.

WILLIAM WOODFALL sworn—examined by Mr. ATTORNEY GENERAL.

Q. Do you know whose hand-writing that is?

A. I take it by the character to be Mr. Tooke's.

Q. Have you seen him write?

A. I have seen him write.

Mr. Erskine. Have you seen him write often?

A. I have more than once or twice. I have seen a great deal of his writing.

JAMES THORNTON sworn—examined by Mr. GARROW

Mr. Garrow. Just shew these four papers to the witness. Look if you find your name on these; if you do, whether you seized them on the person of Horne Tooke?

A. That is my writing, James Thornton, on two of them; two of them are not.

JOHN THOMPSON sworn—examined by Mr. GARROW.

Q. You have been one of the officers of the public office, Limehouse, I understand?

A. I am Clerk to the public office, Whitechapel.

Q. Was you present when any papers were found in Mr. Tooke's house?

A. Yes.

Q. Where?

A. At Wimbledon.

Q. Where were they found?

A. Some in bureaux, and some in other places. Mr. Frost and Mr. Vaughan were present, and the keys were delivered to me by them.

Q. Did they attend as friends of Mr. Horne Tooke?

A. They did.

Q. Were the keys delivered to you immediately, or was there any difficulty in getting them?

A. They were delivered over immediately. These two papers are marked by me, found in the house of Mr. Tooke.

Mr. Garrow. (*To Huskisson.*) I believe we must trouble you to look over these letters as the Clerk reads the translation.

(*The Clerk reads.*)

A letter, signed John Horne Tooke.

“ SIR,

“ You are now aware the friends in England ardently want to be useful to the liberty of the French, but we wish to know some one of your friends in London, in whom you have an entire confidence, to whom we may give our money, in the assurance it will be remitted to you without delay and without fraud. Mr. Frost, to whom I entrust this letter, is going to set out this day for Paris, and allows me no time.

“ I request you to send me the name of some Frenchman and merchant in London. We can now begin our contributions in one thousand pounds sterling, and have no doubt but it will hereafter amount to several thousands.

“ If you consider this step in the same point of view that we do, you will see in it much advantage to the public cause of England and France. I intreat you to give me your sentiments on the subject, and to point out to me any manner useful to you.”

(*The Clerk now reads.*)

The answer signed Petion, dated 6th of October, 1792. The first year of the French Republic.

“ BRETHREN AND FRIENDS,

“ Liberty is a bond that ought to unite all men, and which will one day unite all nations, &c. You have the glorious advantage

vantage of deserving the hatred of your government. The league of tyrants will never be able to subdue the power of reason, continue your precious labours. You will find in the French, worthy fellow labourers, honoured by the sentiments which you express, firmly receive the assurance of my gratitude,

“ Your fellow citizen,

“ PETION.”

Mr. Garrow. (To the Clerk) Read that letter dated the first of October, 1792, addressed to J. H. Tooke, signed Renney, municipal officer to the mayor of Paris, in answer to some letters of Tooke's,

(The Clerk reads.)

“ I have received the letter which you did me the honour to address to me on the 13th. You can have no doubt of my impatience to second views so useful, which will for ever desire our gratitude, and draw closer the bonds of fraternity between us.

“ Will send you the name of a person in whose hands you may place the funds which you devote to liberty.”

Mr. Garrow. (Puts another paper into the hands of the Clerk.) The paper the Clerk has now in his hand, has been proved by Mr. Woodfall to be in Mr. Tooke's hand writing, it appears to be an address to the president of the French Convention, having no date to it.

(The Clerk reads.)

“ Mr. PRESIDENT,

“ Thirty years ago I travelled in France, when she was enslaved. I received a thousand civilities, and was chagrined at her destiny.

“ I intreat you to accept these 400 livres, and to place them to the expence of the war against all the tyrants who have dared, or shall dare to attempt against her liberty, without excepting any one even of my own country. As to the debt of honour, made me as a French citizen, it will be my honour to acquit myself of it, the rest of my life, faithfully and with zeal.”

Mr. Attorney General, I shall beg your Lordship's permission, (I know it is a little out of the order of time) to read the speeches of St. Andre and Barrere, as delivered in the Convention on the 4th, 6th, and 7th of January.

(The Clerk reads.)

“ At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, 18th of January, 1794, present, Lord Semple in the chair, &c.

“ Resolved, That citizen St. Andre, a member of the National Convention of France, being considered by us as one of the most judicious and enlightened friends of human liberty, be admitted an associated honorary member of this society.

“ Resolved,

“ Resolved, That the said resolution be published in the newspapers.”

“ Read a letter signed Erratus, addressed to the secretary of this society.

“ Resolved, That the said essay be referred to Mr. Holcroft, for his perusal.”

(The Clerk reads)

“ At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, 25th January, 1793, present, Mr. Jennings in the chair, &c.

“ Resolved, That citizen Barrere, a member of the National Convention of France, being considered by us as one of the most judicious and enlightened friends of human liberty, be admitted an associated honorary member of this society.

“ Resolved, That citizen Roland, being also considered by us as one of the most judicious and enlightened friends of human liberty, be admitted an honorary member of this society.

“ Resolved, That the said resolution be published in the newspapers.

“ Resolved, That it appears to this society, from the best information we can obtain, that the people of Great Britain are, at this present time, utterly averse to a war with France; and consider such an event as a calamity of the human race, however it may gratify a confederacy of foreign kings.

“ Resolved, That the said resolutions be published in the newspapers.”

(The Clerk reads.)

“ At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday 1st Feb. 1793. Present, Mr. Fitzgerald in the chair, &c.

“ Read a circular letter from the Sheffield Society for Constitutional Information.

“ Resolved, That the committee be appointed to report an answer.

“ Resolved, That Mr. Tooke, Mr. Holcroft, Mr. Tuffin, Mr. Cooper, Mr. Chetwind, and Captain Harwood, be of the committee.

“ Resolved, That the committee meet at half after three, in this place.

“ Resolved, That the speeches of St. Andre, and citizen Barrere, (associated honorary members of this society) as given in the Gazette National ou Moniteur Universelle of Paris, on the 4th, 6th, and 7th of January, 1793, be inserted in the books of this society.

“ Resolved, That the said resolutions be published in the newspapers.”

Mr. Garrow. (To Huskisson.) During your residence in Paris, was you used to see the Moniteur Universelle?

A. Yes,

A. Yes, I was.

Q. Look at these and tell us if they are French papers of the date they purport to be?

A. They have every appearance of those I have seen in Paris.

Q. The type and paper appears to you to be the same?

A. Yes, they have every appearance to be the papers that I took in, both at Paris and at London.

Mr. Erskine. I apprehend that this is certainly not sufficient evidence. You do not mean to say, Sir, that these are the *Moniteurs*?

A. By no means.

Mr. Attorney General. Mr. Erskine, it will be better to call another evidence, and then take your objection on the whole together, it will save time.

JOSEPH DE BOFFE sworn—examined by Mr GARROW.

Q. You are a bookseller?

A. Yes.

Q. Where is your shop?

A. In Gerard-street, Soho.

Q. Your shop is principally employed in the sale of French publications?

A. Yes, newspapers and all sorts of books.

Q. These newspapers come to you, through the channel of the post-office?

A. Yes, and private conveyances besides; the major part of them come immediately from Paris, by post to Calais, from Calais they were sent to Messrs. Minet and Fector at Dover, and forwarded to me; I never had any newspapers but what were regularly opened at the custom-house at Dover.

Q. You are a native of France, I believe?

A. No, I beg your pardon, I am a Swiss.

Q. You understand French?

A. Yes.

Q. Was you acquainted particularly with that paper, which had for its title, *The Paris Gazette*, or *Universal Moniteur*?

A. Yes, I have had a great many of them.

Q. Take these papers in your hand, did you ever know of any of these French papers, with the French titles, and in that shape, reprinted in England?

A. I have never known it.

Q. From the paper, from the type, and from the general appearance of these papers in your hand, comparing them with the recollection of those which have passed through your hands in the course of trade, do you believe them to be French *Monitors* conveyed from France to England?

A. Yes, perfectly so, and more than that, there are many collections

collections in this country, which might be compared with them.

Q Is that French paper and French type?

A. It is real French paper and the real Paris type; I received them immediately from Mr. Pikewood.

Mr. Attorney General. I offer three of these papers; one dated the 4th, another the 6th, and another of the 7th of January, 1793, upon the evidence now given, which purports to contain speeches of citizen St. Andre and Citizen Barrere.

Mr. Erskine. I have no anxiety about it. I will leave it to the discretion of the Court.

Lord Chief Justice. I think it is reasonable evidence.

Mr. Erskine. It is wasting the time of the Court.

Mr. Huskisson called again.

Mr. Attorney General. Take these foreign papers, and Mr. Shelton will read the translation.

A. Barrere's speech will take two hours.

Mr. Erskine. They are now speaking in their places, as the National Assembly of France.

Mr. Attorney General. Have you any objection to Mr. Shelton reading the translation, and correcting as he goes on from the witness? The view which I have in offering them is, I admit that they are the speeches of gentlemen speaking in their places in the National Assembly in France; but they have inserted them in the books of this society among their resolutions.

Lord Chief Justice. It is hardly worth debating, because it is almost impossible to misunderstand it.

Mr. Erskine. I find that reading so many letters from Mr. Horne Tocke to Mr. Frost, to Petion, and from Petion, and so on, backwards and forwards, it confuses it so, that it is impossible for us to take any account of them.

Mr. Attorney General. We shall refer you to the pages in the printed report.

(The Clerk reads St. Andre's Speech, Huskisson correcting it as follows:)

“ If you have a right to decide on the fate of Louis, it is because you are a revolutionary assembly, appointed by the French nation in a state of insurrection.”

Mr. Attorney General. Now go to Barrere's speech.

“ The question now submitted to your deliberation, is of the highest importance to public order, the greatest difficulty in legislation, and of the utmost delicacy in politics.

“ The calmness which has prevailed in deliberations for some days past, forebodes that it will be decided according to justice and reason. It will not escape history this, the contrast between the King, who, amidst the dissipation of courts, signed proscriptions, and death-warrants for a thousand citizens; and
the

the representatives of the people, who deliberate with wisdom and caution on the punishment of a single despot.

“ It is the destiny of Kings to be the occasion of calamities of the people, whether they remain on their thrones or are precipitated from them.

“ The people of Paris, by making an holy insurrection against the King on the 10th of August, deprived him of his character of inviolability. The people of the other departments applauded this insurrection, and adopted the consequence of it. The people have therefore formally interposed to destroy this royal inviolability. The tacit consent of the people rendered the person of the King inviolable. The act of insurrection was a tacit repeal of that consent, and was founded on the same grounds of law as the consent itself.—The King’s person is inviolable only with relation to the other branches of the legislature, but not with relation to the people.

“ A convention differs from an ordinary legislature in this respect—A legislature is only a species of superintending magistracy, a moderator of the powers of government—A convention is a perfect representation of the sovereign.—The members of the legislative assembly acted in August upon these principles.—In summoning the convention, they declare, that they saw but one measure that could save France; namely, to have recourse to the supreme will of the people, and to invite the people to exercise immediately that unalienable right of sovereignty which the constitution had acknowledged, and which it could not subject to any restriction. The public interest required that the people should manifest their will by the election of a National Convention, formed of representatives invested by the people with unlimited powers.—The people did manifest their will by the election of that convention; the convention being assembled, is itself that sovereign will that ought to prevail, it would be contrary to every principle to suppose that the convention is not alone exclusively the expression of the general will.

“ The powers of the convention must, from the very nature of the assembly, be unlimited with respect to every measure of general safety, such as the execution of a tyrant.—It is no longer a convention if it has not power to judge the King.

“ A convention is a constituent body, *i. e.* a body that is to make a constitution for the people.—A legislature makes laws under an established constitution, and in conformity to it. It is despotism when in the ordinary and permanent establishment of a state there is no separation of powers; but it is of the very essence of a constituent body to concenter for the time all authority.—It is the very nature of a National Convention to be the temporary image of the nation, to unite in itself all the

powers of the state, to employ them against the enemies of liberty, and to distribute them in a new social compact, called a constitution !

“ Behold that constituent assembly which laid the first foundations of your liberty ; behold that revolutionary genius which broke through every impediment, exceeded its delegated authority, created its own powers according to the exigencies of liberty, and to the occasional wants of the people ; destroyed all prejudices by the force of that public opinion to which it gave birth, obliterated all privileges, abolished all the parliaments, changed the form and tenure of all property, as well as the measure and sign of all value, and made a perjured King its prisoner ! Nothing was wanting to immortalize that assembly but to have delivered France from that calamity of kingly government, and to have relieved you from the duty of judging the last of your Kings. With this example before your eyes, you hesitate even in the first step of your duty. Am I then no longer in the midst of that National Convention, whose honourable mission it was to destroy Kings and royalty ? ”

(The Clerk reads.)

“ At the meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, February 15, 1793, present, Mr. Read in the chair, &c.

“ Read a letter from the Society for Constitutional Information at Birmingham, of which the following is an extract :

“ Our society requests the favour of your admitting the following twelve persons, whose names are subscribed, to be enrolled members of your society, for the purpose of corresponding with yours, and every other similar institution in the nation, for the better regulating our measures and receiving instructions. Wishing you all the success your laudable undertaking deserves,

“ We are, with sincerity,

“ Your fellow-citizens and friends.”

“ Resolved, That the twelve members of the Birmingham Society for Constitutional Information, recommended in the said letter, be admitted associated members of this society.

“ Resolved, That the said letter and the election of the said twelve members, be published in the newspapers, exclusive of their names.”

Mr. Garrow. I now propose to produce a paper received from Birmingham, found in the possession of Mr. Adams, dated 20th March, 1793.

Q. *(To Mackean—a paper shewn him)* Be so good to look at that paper, and tell me whether you found that among Mr. Adams's papers ?

A. Yes, I did.

(The

(The letter read by the Clerk of the Court.)

Dated Birmingham, March 25, 1793, signed John Kilminster, Secretary, and addressed to Mr. D. Adams, No. 4, Tooke's-court, Chancery-lane, London :

" SIR,

" At the request of the Society for Constitutional Information, I hereby acknowledge the receipt of your letter, whereby it appears that your society have acceded to our request; by electing the persons (whose names you were furnished with) as associated members of your society, for which we beg you to accept our united thanks, and best wishes that your society may go on to accumulate a mass of true patriots, whose principles may not be subverted by interest, or conquered by fear.

" This society offers with gratitude their thanks and commendations to _____, Esq. for the present accompanying your letter, but more particularly for his zeal in the cause of freedom, which cannot be promoted but by the free use of the press, which we trust will never be restrained from Britons. Another letter accompanies this, containing a few particulars, which we doubt not you will peruse with pleasure. Will write you further on that subject shortly.

" I am, &c.

" JOHN KILMINSTER, Secretary."

Mr. Garrow. I now return to the 15th of March 1793.

(The Clerk reads.)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor-Tavern, Strand, Friday, March 15th, 1793, present, Captain Harwood in the chair, &c.

" Read a letter from the Constitutional Society at Sheffield, inclosing the resolutions of February 13th last.

" Resolved, That the secretary be instructed to return the thanks of this society, to the Society of Constitutional Information at Sheffield, for their communication, and to acquaint them that this society perfectly agree with them in their sentiments with respect to the calamities of war in general; and that they concur with them in thinking that the thanks of the community at large are due to all those who have exerted themselves to prevent the present war.

" Resolved, That the thanks of this society be given to Joel Barlow and John Frost, for their conduct in the presentation of the address of this Society to the National Convention of France; and that Mr. Frost be assured that our regard for him is not lessened, but increased, by the prosecutions and per-

secutions which his faithful and due discharge of that commission may bring upon him.

“Ordered, that these resolutions be printed in the newspapers.

“Received a letter from Edinburgh from a most respectable correspondent, giving an account of a trial of some lady there, on a charge of attempting to seduce the soldiery.”

(The Clerk reads.)

“At the meeting of the Society for Constitutional Information, held at the Crown and Anchor, Strand, Friday, March 22, 1793, present, Mr. Symonds in the chair, &c.

“Read a letter upon the political societies of Norwich.

“Resolved, That the consideration of the said letter be postponed till the next meeting.

Q. *(To Mackean)* Did you find this at Mr. Adams's house?

A. Yes.

(The Clerk reads.)

A letter, dated March 5, 1793; signed J. Broughton, addressed to Mr. D. Adams, No. 4, Tooke's-court, Chancery-lane, London.—See page 113 of this work.

Mr. Garrow. Your Lordships observed, in the minutes of the last meeting, the consideration of this letter was postponed for further consideration; I read the minutes of the next, to shew it was again postponed for further consideration.

(The Clerk reads.)

“At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, in the Strand, Friday, March 29, 1793, present, Captain Harwood in the chair, &c.

“Resolved, That the consideration of the letter from the United Political Society at Norwich, be deferred till next meeting.”

Mr. Garrow. Now go to the next meeting, and you will find it again postponed.

(The Clerk reads.)

“At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, April 5, 1793; Captain Harwood in the chair, &c.

“Resolved, That the consideration of the letter from the United Political Societies of Norwich shall be re-postponed, and that Mr. Frost shall be appointed to prepare an answer.

“Resolved, That a letter be written to Simon Butler, Esq. and Oliver Bond, Esq. expressive of the high sense we entertain of their exertions in the cause of freedom; and to assure them, that we consider the imprisonment they at present suffer on that account, as illegal and unconstitutional. The following letter was produced and read.

“GENTLEMEN,

“ GENTLEMEN,

“ It is not easy for men, who feel strongly and sincerely, to convey those feelings by letter, we therefore rely on your conceiving for us much of that which we are unable to express to you. We think, however, that we shall be guilty of a great omission, did we neglect the opportunity of sending you, by Mr. Hamilton Rowan, the honest tribute of our esteem and admiration for your brave and manly resistance to the usurped jurisdiction of Irish aristocracy.

“ Permit us to offer you our thanks, and our grateful acknowledgment of your efforts in what we consider as a common cause, while we lament our inability of proving ourselves useful in your defence.

“ Although we are of different kingdoms, still we are but one people; and as the freedom of one continent has already spread its influence to Europe, so, on the other hand, we are persuaded that the establishment of despotism in Ireland must end in the slavery of Great-Britain. But the light of liberty is not confined to one shore or one latitude.

“ We know that it is easier to admire than to practise those virtues that tend to the public benefit. Yet so long as the exertions of a few courageous men must influence the minds of at least the independent and thinking part of the community, we are assured that their labour is not fruitless. We trust, therefore, the time will soon arrive, when the abuse of power in either nation will have no other consequence than the ruin of those who have committed that injustice. We hope, and we doubt not, of soon seeing the day, when the post of honour shall be no longer that of obliquy and punishment, but when those who have risked their liberty and fortune in the cause of their countrymen, may find protection in the undisputed, uninterrupted exercise of trial by jury, with a full and adequate representation of the people in parliament.

“ Resolved, That the said letter be signed by the Secretary and Chairman, and that Mr. Hamilton Rowan be requested to convey the same to Mr. Butler and Mr. Bond.”

(The Clerk reads.)

“ At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand. Mr. Frost read an answer to the letter received from the United Political Societies at Norwich.

“ Resolved, That the said answer be sent by the Secretary to the said societies.

“ Mr. Frost read an answer (directed to be prepared by him) to the letter received from Mr. Broughton, of Birmingham.

“ Read