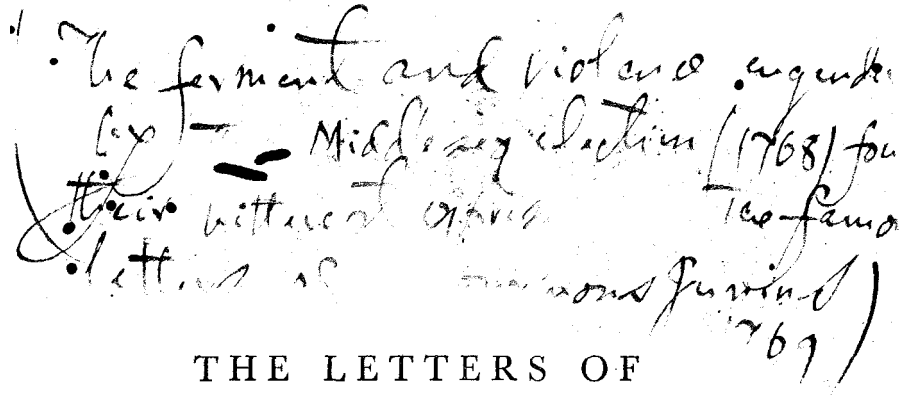


THE LETTERS OF JUNIUS

EDITED WITH AN INTRODUCTION

THE LETTERS OF JUNIUS

Edited with
an Introduction by

C. W. EVERETT, M.A.
Fellow of the Social Science Research Council of America

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EDITOR'S PREFACE

My interest in the authorship of the *Letters of Junius* grew out of certain research work I was doing on the life of Jeremy Bentham. Having occasion to use the Wilkes MSS. in the British Museum, I was glancing idly at the original letters of Junius to Wilkes, when my attention was caught by a familiar watermark in the paper. In the Bentham MSS. at University College, London, which I had been examining only a short time before, there were a large number of pages of the same paper, the watermark being a figure of Britannia with the legend *Pro Patria*. The particular Bentham MSS. referred to were written in the early 1780's, many of them while Bentham was a guest of Lord Shelburne's at his country place in Wiltshire. This was, it is true, a slight enough coincidence, for the paper may have been extensively used at that period, but it was enough to interest me in the possibility of some connection between Junius and Shelburne.

Further investigation showed so many striking parallels between the policies advocated by Junius and those of Lord Shelburne that the present edition of the *Letters* was finally undertaken.

This edition is an exact reprint of the Henry Sampson Woodfall edition of 1772, comprising all the authentic Letters of Junius, selected from the files of the *Public Advertiser* by Junius himself, for that edition, and seen through the press by him. The vast mass of materials added to this genuine edition by George Woodfall and Mason Good in 1812, has been excluded, for the quite sufficient reason that there is very little evidence that Junius wrote the miscellaneous letters there included. George Woodfall included them because he wished to make a handsome three-volume work, and most of his inclusions are interesting enough in themselves, provided always that it is remembered that Atticus, Poplicola, Bifrons, etc., are

not to names for Junius. A full discussion of these miscellaneous letters, and of the extent of George Woodfall's imposition on the public is given in Volume II of Sir Charles Dilke's *Papers of a Critic*.

An appendix has been added to include:

1. The Private Letters from Junius to H. S. Woodfall, the printer of the *Public Advertiser*, first published by George Woodfall in 1812, and now edited from the MSS. in the British Museum.

2. The Private Letters between Junius and John Wilkes, first published in the Bohn edition of 1850, and now collated with the British Museum MSS. and the names and words left blank in that edition supplied.

3. Two letters in Junius's handwriting, found in the Chatham papers and published by the editors of the *Chatham Correspondence*. One of these is anonymous, the other is signed Junius.

4. Four letters, signed Scaevola, Zeno, An Advocate in the Cause of the People, and A Barrister-at-Law, which Junius considered sufficiently important to answer, but which he did not reprint.

5. A list of persons besides Shelburne to whom the *Letters* have been attributed.

For historical materials I have depended chiefly on the memoirs and correspondence of the period, particularly the *Chatham Correspondence*, *The Grenville Papers*, the *Autobiography and Political Correspondence of the Duke of Grafton*, the *Correspondence of George III with Lord North*, the *Memoirs of the Marquis of Rockingham*, the *Correspondence of John, 4th Duke of Bedford*, and Walpole's *Memoirs of the Reign of George III*. The *Parliamentary History* should be mentioned, though it is of little value for the House of Lords at this period. I have also gone through the unpublished correspondence of Chatham with Shelburne, Temple, and Calcraft, in the Public Record Office, and the Wilkes MSS. in the British Museum. For the Shelburne material I have used the admirable *Life of Shelburne*, by Lord Edmund Fitzmaurice, Bowring's *Life of Bentham*, in *Bentham's Works*, vol. x, and Rutt's *Life of Priestley*. Other works which have proved generally useful are Winstanley's two monographs, *Personal and Party Government under George III*, and *Lord Chatham and the Whig Opposition*, Hunt's *History of England from 1760 to 1801*, and Robertson's *England under the Hanoverians*.

The most I can hope, in handling the controversial issues

of the period, is that the *Letters* have been placed in something like their proper historical frame.

My thanks are due to the Social Science Research Council of America for having allowed me the necessary time from my original project to study the *Letters*.

C. W. EVERETT

London.
July, 1927.

CONTENTS

EDITOR'S PREFACE PAGE vii
EDITOR'S INTRODUCTION xxi

THE LETTERS OF JUNIUS

DEDICATION TO THE ENGLISH NATION, BY JUNIUS 3
PREFACE BY JUNIUS 7

I. ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER, *21 January 1769* 21
II. TO THE PRINTER OF THE PUBLIC ADVERTISER, FROM WILLIAM DRAPER, *26 January 1769* 29
III. TO SIR WILLIAM DRAPER, KNIGHT OF THE BATH, *7 February 1769* 32
IV. TO THE PRINTER OF THE PUBLIC ADVERTISER, FROM WILLIAM DRAPER, *17 February 1769* 36
V. TO SIR WILLIAM DRAPER, KNIGHT OF THE BATH, *21 February 1769* 41
VI. TO THE PRINTER OF THE PUBLIC ADVERTISER, FROM W. D., *27 February 1769* 43
VII. TO SIR WILLIAM DRAPER, KNIGHT OF THE BATH, *3 March 1769* 43
VIII. TO THE DUKE OF GRAFTON, *18 March 1769* 46
IX. TO HIS GRACE THE DUKE OF GRAFTON, *10 April 1769* 49
X. TO MR. EDWARD WESTON, *21 April 1769* 52
XI. TO HIS GRACE THE DUKE OF GRAFTON, *24 April 1769* 53
XII. TO SAME, *30 May 1769* 57
XIII. ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER, FROM PHILO JUNIUS, *12 June 1769* 63
XIV. TO THE SAME, FROM THE SAME, *22 June 1769* 64
XV. TO HIS GRACE THE DUKE OF GRAFTON, *8 July 1769* 68

XVI.	TO THE PRINTER OF THE PUBLIC ADVERTISER, *19 July 1769*	PAGE 73
XVII.	TO THE SAME, FROM PHILO JUNIUS, *1 August 1769*	77
XVIII.	TO SIR WILLIAM BLACKSTONE, SOLICITOR-GENERAL TO HER MAJESTY, *29 July 1769*	79
XIX.	ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER, FROM PHILO JUNIUS, *14 August 1769*	84
	POSTSCRIPT TO A PAMPHLET INTITLED, 'AN ANSWER TO THE QUESTION STATED'	85
XX.	TO THE PRINTER OF THE PUBLIC ADVERTISER, *8 August 1769*	90
	ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER, FROM PHILO JUNIUS, *22 May 1771*	94
XXI.	TO THE PRINTER OF THE PUBLIC ADVERTISER, *22 August 1769*	96
XXII.	TO THE SAME, FROM PHILO JUNIUS, *4 September 1769*	97
XXIII.	TO HIS GRACE THE DUKE OF BEDFORD, *19 September 1769*	100
XXIV.	TO JUNIUS, FROM WILLIAM DRAPER, *14 September 1769*	107
XXV.	TO SIR WILLIAM DRAPER, K.B., *25 September 1769*	109
XXVI.	A WORD AT PARTING TO JUNIUS, FROM WILLIAM DRAPER, *7 October 1769*	111
XXVII.	TO THE PRINTER OF THE PUBLIC ADVERTISER, *13 October 1769*	114
XXVIII.	TO THE SAME, *20 October 1769*	118
XXIX.	ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER, FROM PHILO JUNIUS, *19 October 1769*	118
XXX.	TO THE PRINTER OF THE PUBLIC ADVERTISER, *17 October 1769*	122
XXXI.	TO THE SAME, FROM PHILO JUNIUS, *14 November 1769*	126
XXXII.	TO THE SAME, FROM JUNIUS, *15 Nov. 1769*	129
XXXIII.	TO HIS GRACE THE DUKE OF GRAFTON, *29 Nov. 1769*	130
XXXIV.	TO THE SAME, *12 Dec. 1769*	131
XXXV.	TO THE PRINTER OF THE PUBLIC ADVERTISER, *19 December 1769*	135

XXXVI.	TO HIS GRACE THE DUKE OF GRAFTON, *14 Feb. 1770*	PAGE 148
XXXVII.	TO THE PRINTER OF THE PUBLIC ADVERTISER, *19 March 1770*	156
XXXVIII.	TO THE SAME, *3 April 1770*	160
XXXIX.	TO THE SAME, *28 May 1770*	165
XL.	TO LORD NORTH, *22 Aug. 1770*	174
XLI.	TO THE RIGHT HONOURABLE LORD MANSFIELD, *14 November 1770*	177
XLII.	TO THE PRINTER OF THE PUBLIC ADVERTISER, *30 January 1771*	185
XLIII.	TO THE SAME, FROM PHILO JUNIUS, *6 February 1771*	193
XLIV.	TO THE SAME, FROM JUNIUS, *22 April 1771*	196
XLV.	TO THE SAME, FROM PHILO JUNIUS, *1 May 1771*	204
XLVI.	TO THE SAME, FROM THE SAME, *22 May 1771*	205
XLVII.	TO THE SAME, FROM THE SAME, *25 May 1771*	207
XLVIII.	TO THE SAME, FROM THE SAME, *28 May 1771*	208
XLIX.	TO HIS GRACE THE DUKE OF GRAFTON, *22 June 1771*	211
L.	TO THE SAME, *9 July 1771*	214
LI.	FROM THE REVEREND MR. HORNE TO JUNIUS, *13 July 1771*	218
LII.	TO THE REVEREND MR. HORNE, FROM JUNIUS, *24 July 1771*	220
LIII.	FROM THE REVEREND MR. HORNE TO JUNIUS, *31 July 1771*	223
LIV.	TO THE PRINTER OF THE PUBLIC ADVERTISER, *15 Aug. 1771*	233
LV.	TO THE SAME, FROM PHILO JUNIUS, *26 Aug. 1771*	240
LVI.	FROM THE REVEREND MR. HORNE TO JUNIUS, *17 August 1771*	241
LVII.	TO HIS GRACE THE DUKE OF GRAFTON, *28 Sept. 1771*	242
LVIII.	TO THE LIVERY OF LONDON, *30 Sept. 1771*	247
LIX.	TO THE PRINTER OF THE PUBLIC ADVERTISER, *5 October 1771*	249
LX.	TO THE SAME, FROM PHILO JUNIUS, *15 October 1771*	257
LXI.	TO ZENO, FROM PHILO JUNIUS, *17 Oct. 1771*	259
LXII.	TO AN ADVOCATE IN THE CAUSE OF THE PEOPLE, FROM PHILO JUNIUS, *18 October 1771*	263

LXIII.	'A FRIEND OF JUNIUS DESIRES IT TO BE OBSERVED (IN ANSWER TO "A BARRISTER-AT-LAW")', *22 October 1771*	PAGE 264
LXIV.	'WE ARE DESIRED TO MAKE THE FOLLOWING DECLARATION, IN BEHALF OF JUNIUS . . .', *2 November 1771*	266
LXV.	TO LORD CHIEF JUSTICE MANSFIELD, *2 November 1771*	268
LXVI.	TO THE PRINTER OF THE PUBLIC ADVERTISER, [ANONYMOUS], *9 November 1771*	269
LXVII.	TO HIS GRACE THE DUKE OF GRAFTON, *27 Nov. 1771*	269
LXVIII.	TO LORD CHIEF JUSTICE MANSFIELD, *21 January 1772*	272
LXIX.	TO THE RIGHT HON. LORD CAMDEN, [NO DATE]	290

APPENDIX I: PRIVATE LETTERS OF JUNIUS TO MR. H. S. WOODFALL

		PAGE
I.	*20 April 1769*	297
II.	*Friday, [5 May 1769?]*	297
III.	*Saturday, [15 July 1769?]*	297
IV	*[17 July 1769?]*	298
V.	*Friday Night, [21 July 1769?]*	298
VI.	*Sunday, [6 August 1769?]*	299
VII.	*Wednesday Night [16 August 1769?]*	300
VIII.	*[10 September 1769?]*	300
IX.	*Friday Night, [10 September 1769?]*	301
X.	*Thursday Night, 5 October 1769*	301
XI.	*[8 November 1769?]*	302
XII.	*[12 November 1769?]*	302
XIII.	*Thursday, [16 November 1769?]*	302
XIV.	*[Sunday, 10 December 1769?]*	303
XV.	*[12 December 1769?]*	303
XVI.	*[19 December 1769?]*	304
XVII.	*26 December 1769*	304
XVIII.	*[12 January 1770?]*	304
XIX.	*[Beginning of February 1770?]*	305
XX.	*[About 14 February 1770?]*	305
XXI.	*Saturday, [17 March 1770?]*	305
XXII.	*Sunday, [18 March 1770?]*	306
XXIII.	*Friday Morn, [19 October 1770?]*	306
XXIV.	*Monday Evening, [12 November 1770?]*	306

XXV.	*Wednesday Night, [21 November 1770?]*	PAGE 307
XXVI.	*Friday 1 o'clock, [7 December 1770?]*	307
XXVII.	*[2 January 1771?]*	307
XXVIII.	*[16 January 1771?]*	307
XXIX.	*Thursday, 31 January 1771*	307
XXX.	*Tuesday Noon, [5 February 1771?]*	308
XXXI.	*Monday, [11 February 1771?]*	308
XXXII.	*Monday, [18 February, 1771?]*	309
XXXIII.	*[21 February 1771?]*	309
XXXIV.	*Friday Noon, [19 April 1771?]*	309
XXXV.	*Thursday, [20 June 1771?]*	310
XXXVI.	*[6 July 1771?]*	310
XXXVII.	*[13 August 1771?]*	310
XXXVIII.	*Wednesday Noon, [25 September 1771?]*	310
XXXIX.	*[About 5 November 1771?]*	311
XL.	*Friday, [8 November 1771?]*	311
XLI.	*[10 November 1771?]*	311
XLII.	*[11 November 1771?]*	312
XLIII.	*[About 15 November 1771?]*	312
XLIV.	*27 November 1770 [1771]*	313
XLV.	*[5 December 1771?]*	314
XLVI.	*[10 December 1771?]*	315
XLVII.	*[17 December 1771?]*	315
XLVIII.	*6 January, '72 [1772]*	316
XLIX.	*Saturday, [11 January 1772?]*	316
L.	*[16 January 1772?]*	317
LI.	*Saturday, [18 January 1772?]*	317
LII.	*25 January 1772*	317
LIII.	*Monday, [3 February 1772?]*	318
LIV.	*[10 February, 1772?]*	318
LV.	*Monday Night, [17 February 1772?]*	318
LVI.	*[About 22 February 1772?]*	318
LVII.	*Saturday, 29 Feb. [1772]*	319
LVIII.	*Tuesday, [3 March 1772?]*	319
LIX.	*Thursday, [5 March 1772?]*	320
LX.	*[4 May 1772?]*	320
LXI.	*Sunday, [3 May 1772?]*	320
LXII.	*[10 May 1772?]*	321
LXIII.	*19 Jan. [1773]*	321
LXIV.	FROM HENRY SAMPSON WOODFALL, *Sunday, 7 March 1773*	321

APPENDIX II: PRIVATE CORRESPONDENCE BETWEEN JUNIUS AND MR. WILKES

		PAGE
I.	JUNIUS TO JOHN WILKES, ESQ., *London, 21 August 1771*	324
II.	THE SAME TO THE SAME, *London, 7 September 1771*	330
III.	TO JUNIUS, *Prince's Court, Monday 9 September*	338
IV.	TO J. WILKES, ESQ., *10 September 1771*	339
V.	MR. WILKES TO JUNIUS, *12 September 1771*	339
VI.	JUNIUS TO JOHN WILKES, ESQ., *London, 18 September 1771*	343
VII.	MR. WILKES TO JUNIUS, *19 September 1771*	348
VIII.	JUNIUS TO J. WILKES, ESQ., *21 September 1771*	349
IX.	JUNIUS TO J. WILKES, ESQ., *Monday*	349
X.	MR. WILKES TO JUNIUS, *Wednesday, 25 September*	350
XI.	JUNIUS TO JOHN WILKES, ESQ., *16 October 1771*	351
XII.	MR. WILKES TO JUNIUS, *17 October 1771*	351
XIII.	JUNIUS TO JOHN WILKES, ESQ., *London, 21 October 1771*	353
XIV.	MR WILKES TO JUNIUS, *Prince's Court, Monday Morning, 4 Nov.*	354
XV.	JUNIUS TO J. WILKES, ESQ., *6 November 1771*	355
XVI.	MR. WILKES TO JUNIUS, *Prince's Court, Wednesday, 6 Nov.*	356
XVII.	JUNIUS TO J. WILKES, ESQ., *9 November 1771*	357
XVIII.	MR. WILKES TO JUNIUS, *Prince's Court, near Storey's Gate, Westminster, Wednesday, 15 January 1772*	358

APPENDIX III: PRIVATE LETTERS OF JUNIUS TO LORD CHATHAM

I.	AN ANONYMOUS LETTER IN THE HANDWRITING OF JUNIUS, *London, 2 January 1768*	360
II.	JUNIUS TO THE EARL OF CHATHAM, *London, 14 January 1772*	362

APPENDIX IV: LETTERS ANSWERED BY JUNIUS

I. SCÆVOLA. *Public Advertiser, 12 October 1771.* ANSWERED BY JUNIUS. LETTER LX. PAGE 364

II. ZENO. *Public Advertiser, 15 October 1771.* ANSWERED BY JUNIUS. LETTER LXI. 365

III. AN ADVOCATE IN THE CAUSE OF THE PEOPLE. *Public Advertiser, 18 October 1771.* ANSWERED BY JUNIUS. LETTER LXII. 370

IV. A BARRISTER-AT-LAW. *Public Advertiser, 19 October 1771.* ANSWERED BY JUNIUS. LETTER LXIII. 372

APPENDIX V

OTHER PERSONS TO WHOM THE LETTERS HAVE BEEN ATTRIBUTED 377

INDEX TO THE INTRODUCTION 389

INDEX TO THE LETTERS 394

ILLUSTRATIONS

WILLIAM PETTY-FITZMAURICE, EARL OF SHELBURNE, AFTERWARDS MARQUIS OF LANSDOWNE. 1737–1805. *Frontispiece*

AUGUSTUS HENRY FITZROY, 3RD DUKE OF GRAFTON, 1735–1811 *To face page* 50

JOHN RUSSELL, 4TH DUKE OF BEDFORD, 1710–1771 ,, ,, 100

WILLIAM MURRAY, BARON MANSFIELD, AFTERWARDS EARL OF MANSFIELD, 1705–1793 *To face page* 178

A CHART: CHANGES IN ADMINISTRATION, 1760–1771 *At end of book*

EDITOR'S INTRODUCTION

THE HYPOTHESIS here advanced is, briefly, that the *Letters of Junius* were written by the Earl of Shelburne,[1] in pursuance of the policies for which he had stood in the cabinet of 1767–1768, and that they were written because he had been forced out of the cabinet by the Duke of Grafton, at the instance of the King and the Bedford party, two months before the *Letters* began. In support of this hypothesis it will be shown, first, that Lord Shelburne possessed the ability to write the *Letters* had he desired to do so; second, that the political events occurring between 1760 and 1769 led gradually up to a situation where the intentions and motives of George III finally became manifest, at the same time that Shelburne was placed in a position where he had ample motives for writing the *Letters*; third, that the major policies advocated by Junius coincide to a remarkable extent with those for which Shelburne was contending, and in consequence of which he had lost his position.

I

In order to come to any conclusion about Lord Shelburne's abilities, it is necessary to go into some analysis of his character, which has been overshadowed, until recently, by the more spectacular and at the same time more conventional figures of the period.

The true character of Lord Shelburne has been a most controversial subject. In his own time he was so far from

[1] Lord Shelburne was born in 1737 and died in 1805. He was first suggested as the author of the *Letters* by a writer in the *Morning Chronicle* of December 29, 1770: 'Your Lordship will hardly believe there is a man in England who does not believe you to be the author. . . . Mr. Dunning and that arch-fiend Col. Barré will perhaps claim the honour; but, my Lord, they are to be looked upon in the same light as the carpenter and mason employed by Sir Christopher Wren.'

fitting into the current political categories that he seems to have been generally feared and distrusted. To most of the pamphleteers, both governmental and opposition, he was the 'Jesuit of Berkeley Square', and his nickname 'Malagrida' was taken from the name of a Jesuit who was generally believed to be the archetype of deception and insincerity. To modern historians the irony of this situation is striking, for they have come gradually to consider him a disinterested and thoughtful statesman, largely successful in achieving results that have long outlasted those of his 'honourable and upright' contemners. As early as 1845 Disraeli said of him: 'Lord Shelburne seems to have been of a reserved and somewhat astute disposition: deep and adroit, he was, however, brave and firm. His knowledge was extensive and even profound. He was a great linguist; he pursued both literary and scientific investigations; his house was frequented by men of letters, especially those distinguished by their political abilities or economical attainments. He maintained the most extensive private correspondence of any public man of his time. The earliest and most authentic information reached him from all courts and quarters of Europe; and it was a common phrase, that the minister of the day sent to him often for the important information which the cabinet could not itself command. Lord Shelburne was the first great minister who comprehended the rising importance of the middle class; and foresaw in its future power a bulwark for the throne against "the Great Revolution" families. Of his qualities in council we have no record; there is reason to believe that his administrative ability was conspicuous; his speeches prove that, if not supreme, he was eminent in the art of parliamentary disputation, while they show on all the questions discussed a richness and variety of information with which the speeches of no statesman of that age except Mr. Burke can compare.' [1]

From later historical work, chiefly Fitzmaurice's *Life of Shelburne*, and Alvord's *The Mississippi Valley in British Politics*,[2] it becomes clear that Disraeli's estimate of Shelburne was probably closer to the truth than was that of the great Whig historians of the nineteenth century. In particular it has been shown that he had studied colonial policies deeply, and was

[1] Disraeli, *Sybil*, Vol. I, p. 37.

[2] See also the 1925 Raleigh Lecture on History, *Lord Shelburne and the Founding of British-American Goodwill*, by C. W. Alvord, in Proc. Brit. Acad.

able, in consequence, to judge of the likely effect of measures of control and regulation adopted by ministers. No less accurate was his knowledge of the internal politics of France and Spain. His weakness seems to have consisted in the fact that he walked alone. He was too rich to be bribed with money; contemptuous of the new-created peerages. His contemporaries could never manage him satisfactorily, and his motives were to them so incomprehensible, that his actions were always suspect. If he must be catalogued, perhaps the best thing to call him is a radical Tory, somewhat like Disraeli. With his philosophy of kingship, Shelburne might well have said to George III in the words of Junius: 'Sir, the man, who addresses You in these terms is your best friend. He would willingly hazard his life in defence of your title to the crown; and, if *power* be your object, would still shew You how possible it is for a King of England, by the noblest means, to be the most absolute prince in Europe.'

Shelburne was hated by the Whig aristocracy, because he could find no justification for their rule of the country; he was detested by George III because he had no hesitation in preferring the will of the nation to the will of the monarch. 'Louis XIV' said Shelburne 'identified himself as few Kings do with the publick, with whom he was one and the same.'[1] Such a conception of kingship was far from that of George III. Shelburne's only hope lay in the will of the people, and much education was necessary before they could understand or appreciate the radical Tory conception of the State.

Jeremy Bentham, the great radical reformer, whose friendship with Lord Shelburne extended over a quarter of a century, appreciated Shelburne's philosophy and mourned his death. 'What endears his memory to me' he said 'is, that, though ambitious of rising, he was desirous of rising by means of the people. He was really radically disposed; and he witnessed the French Revolution with sincere delight. He had quarrelled with the Whig aristocracy, who did not do him justice; so he had a horror of the clan, and looked towards them with great bitterness of feeling. That bitterness did not break out in words, though of him they spoke most bitterly. There was artifice in him, but also genuine good feelings.'

This 'deep and adroit' statesman, this 'radical' capable of 'artifice' underwent his political apprenticeship in that period

[1] Fitzmaurice, *Life of Shelburne*, Vol. I, p. 17.

of confusion and cross purposes, the first ten years of the reign of George III. To understand the issues treated in the *Letters of Junius*, and the relation of Lord Shelburne and of George III to those issues, it will be necessary to consider briefly the main outlines of the history of personal and party government under George III from 1760 to 1769.

II

THE ACCESSION of George III in 1760 was welcomed with enthusiasm as a symbol of the new status of British national power. The French and the Dutch had been beaten on all sides. The British navy commanded the seas. Canada, India, Guadaloupe in the West Indies, and Goree off the coast of Africa were being conquered at the expense of France. Frederick the Great, subsidized by English money, and supported to some extent by English troops, was active on the continent. The new King was of pleasing personal appearance, so much of an Englishman that the wits said he was unable to find Hanover on the map, and the popular feeling toward him was one of strong loyalty and personal affection. Junius reflected the situation quite accurately when he said, in his *Letter to the King* : 'You ascended the throne with a declared, and, I doubt not, a sincere resolution of giving universal satisfaction to your subjects. You found them pleased with the novelty of a young prince, whose countenance promised even more than his words, and loyal to you not only from principle, but passion. It was not a cold profession of allegiance to the first magistrate, but a partial, animated attachment to a favourite prince, the native of their country.'

Frederick, the ugly, dissolute, and foolish Prince of Wales, had died when his son was only twelve years of age, leaving George to be brought up by his mother, the Princess Augusta, and her Scotch friend and adviser, the Earl of Bute. The Princess was very pious, narrow-minded, and ambitious ; the Earl of Bute was handsome, respectable, and pompous. George II had said of him that he would 'make an excellent ambassador in any court where there was nothing to do.'

Just how much influence Bute's tutelage had had on the new King's conception of the royal prerogative and duty, is hard to say. George certainly read Bolingbroke's *Idea of a*

Patriot King, as well as Blackstone's *Commentaries*, secured for him in manuscript by Bute. With George's certainty of the correctness of his own ideas and his natural determination to have his own way, Bute's educational measures and the Princess-dowager's advice of 'George, be a King' were probably unnecessary.

The period between 1760 and 1770 was characterized by a struggle between the King and the great nobles, with public opinion, manipulated by able propaganda on both sides, now favouring one and now the other. The King had the advantage of knowing his own mind and of representing fairly well the tastes and prejudices of perhaps the majority of his subjects. The various factions and parties could seldom agree among themselves on any policy for more than a short time, but they were aided by the fact that the King's choice of persons to carry out the royal will was usually unfortunate, and that he allowed his personal resentments to lead him into indefensible positions.

The first cabinet was formed with the idea that the administration should be independent of party. George's conception of a cabinet, it soon became apparent, was that it should be composed of a body of men who would carry out the King's will, regardless of whether they agreed among themselves on details of policy. When it is seen that the first administration included such powerful figures as Newcastle, Pitt, Temple, and Henry Fox, it is plain why even a courageous and determined monarch soon saw that he would either have to give up his conception of government or change the ministry.

Accordingly, George turned his attention to replacing the more obstinate members of the ministry with properly subservient ones. Aided by Bute, he first got rid of Pitt, and then during 1761 and 1762, of Newcastle and Temple. Thus by May, 1762, he had a cabinet to his liking, a situation which did not last long, and which he was not to see again until 1770. Bute was first lord of the treasury and recognized as the head of the ministry; Egremont, who had succeeded Pitt as secretary of state, was a nonentity; Bedford, who had replaced Temple as lord privy seal, was chiefly anxious for places for his family and dependents; George Grenville took Bute's previous place as secretary of state; Sir Francis Dashwood, the founder of the Hell-fire club and notorious on many accounts, became chancellor of the exchequer; Halifax, with

a reputation to match Dashwood's and incompetent as well, became first lord of the admiralty; Henry Fox remained paymaster-general, content as long as he was allowed to make a fortune out of the funds. Fox's ability as a political manager was well known, and he was soon given further employment. The King was anxious to put an end to what he characterized as the 'bloody and expensive' war with France, and Fox was accordingly promised a peerage in return for his agreement to manage the house of commons. He set out on a career of bribery and soon had the requisite majority in favour of the peace. 'We must' George said of this arrangement 'call in bad men to govern bad men.'

The peace was accordingly made, and in spite of the protests of Pitt, who, though ill at the time, had himself carried to his place and spoke leaning on a crutch for three hours and forty minutes in a bitter attack on the treaty, the address of approval was carried by 319 to 65. 'Now my son is King of England' said the Princess-dowager. The territories won in great victories by the army and navy were given up by England, and France gained so much that the Duke of Bedford, the negotiator of the peace, was always convinced that Bute had treated with the French behind his back.

Bute was lavish in his employment of propaganda in the country at large, subsidizing most of the able pamphleteers and writers of the period, directly or indirectly. One of the most effective of these writers was Smollett, who edited an administration paper called *The Briton*. Temple and Pitt, the heads of the opposition, [illegible] organizing a campaign of counter-propaganda [illegible]tion, began 1762, the first number of the *North Briton* [illegible]. In June, 1 [illegible] by John Wilkes, member for Aylesbu[illegible] appeared, edited [illegible] Churchill. Wilkes was courag[illegible]ary, assisted by the poet [illegible]d extremely ambitious. He [illegible]cous, witty, an able writer, a[illegible]emple, and sure of his [illegible] was in close relationship with T[illegible]ment. The opposition protection in case of attack by govern[illegible] course they knew that hesitated to attack the King, though of[illegible]s pursued. Bute was, he was responsible for the main policie[illegible] the varied resources however, on a different footing, and al[illegible] were centred on him. made use of by political controversialists [illegible] so marked and so

By April, 1763, his unpopularity was [illegible]barrassing the King. unmistakable that he resigned to avoid em[illegible]unsatisfactory treaty The dislike of Bute was partly due to the [illegible]ashwood's measures of peace, partly to the cider tax, one of D[illegible]

for revenue, partly to his Scotch birth, and partly, perhaps largely, to the organized campaign carried on against him by the opposition. Before retiring, he had helped the King to select George Grenville as a useful person to carry on the royal policies.

Grenville was far from being the merely useful tool that Bute had thought him. He was an honest, hard-working, legal-minded minister, and he set himself to work to deal with the complexities of finance that the cost of the war had brought about. He found himself between the two fires of the King and the opposition. The opposition were making the most of the popular grievance against the cider tax, which was moreover not bringing in much money. Grenville knew that any increase in internal taxation was difficult, and that it would strengthen the hands of the opposition, but he had to have revenue. To find it, he attempted a direct tax on the colonies. This was his first mistake. He made his second, when, to please the King, he entered into a conflict with Wilkes.

The King's Speech on the prorogation of parliament, April 19, 1763, had asserted that the Treaty of Hubertsberg, a consequence of the Treaty of Paris, was approved of by the King of Prussia, England's ally in the war. In answer to this, Wilkes declared on April 23rd, in No. 45 of the *North Briton*, that the King had given 'the sanction of his sacred name to the most odious measures and to the most unjustifiable public declarations from a throne ever renowned for truth, honour, and unsullied virtue.' The K[illegible]nsidered this to be a charge of personal falsehood, and [illegible]ng co[illegible] the secretary of state, at once issued a general w[illegible] Halifax, [illegible] the authors, printers, and publishers of the *N*[illegible]arrant against [illegible]ting the King's messengers to arrest them[illegible]*orth Briton*, instruct[illegible]Two printers in Wilkes's employ we[illegible] and seize their papers. [illegible]himself. Under the warrant fort[illegible]re named, but not Wilkes [illegible]ding Wilkes. Wilkes's hous[illegible]-nine persons were arrested, includ[illegible] into sacks, and taker[illegible] was broken into, his papers dumped examination. Temple[illegible] with him before the secretaries for *corpus* against the Kin[illegible] made application for a writ of *habeas* Pratt, chief justice o[illegible]g's messengers, which was granted by because by the time[illegible]f the Common Pleas, but which failed in the Tower. On p[illegible] it was served Wilkes was close prisoner of the Tower, Wilkes[illegible]esentation of a second writ to the constable Pleas and discharge[illegible] was brought before the court of Common [illegible], on the ground of parliamentary privilege.

When parliament met on November 15, the King appealed to the house of commons, through Grenville, for confirmation of the action in regard to Wilkes, and the house by a vote of 273 to 111, censured No. 45 as a seditious libel, to be burned by the common hangman, and withdrew Wilkes's parliamentary privilege. Since treason, felony, and breach of the peace were the only offences recognized as not covered by parliamentary privilege, the withdrawal of privilege required the approval of both houses. In the house of lords waiver of privilege was also carried easily, though Temple and Shelburne spoke against it, and fifteen other peers voted against it.

At the same time, collateral proceedings were begun by Sandwich in the upper house against Wilkes for having privately printed 12 or 14 copies of *An Essay on Woman*, a parody on Pope's *Essay on Man*, with notes having Bishop Warburton's name attached to them. On Sandwich's motion the book was voted a breach of privilege (for the use of Warburton's name) and a scandalous, obscene, and impious libel. It was never pretended that the book was generally circulated, and Sandwich's copy appears to have been secured only through bribing one of the compositors. Sandwich's appearing as an advocate of decency caused a good deal of amusement, and Macheath's line in *The Beggar's Opera*, 'That Jemmy Twitcher should peach me, I own surprised me' was a close enough parallel to gain for Sandwich the nickname of Jemmy Twitcher for the rest of his life. He had been a fellow member of the Medmenham monks with Wilkes, and was known as a moving spirit in their orgies.

Wilkes's position was a dangerous one, not only on account of direct governmental action, but also because a number of military men and other place-hunters were anxious to recommend themselves to favour by duel with this 'thorn in the King's flesh.' If one of them killed Wilkes, he might count on a pardon; if Wilkes killed his man, he could scarcely hope that even a favourable jury would make it less than manslaughter. One of these duels was with 'Target' Martin, so called on account of his willingness to offer himself as a target for his sovereign, and because he practised constantly with a pistol. In this encounter, Wilkes was severely wounded in the groin. He was carried home, and there, while parliament was debating his case, he amused himself by reprinting the *North Briton*. An attempt to murder him was made by

an insane Scotchman, he was faced with two prosecutions for libel, and he judged it better to go to Paris, though his wound made travel painful and dangerous. After his flight, he was expelled the house of commons, January 19, 1764, found guilty by Lord Mansfield on both charges of libel, February 21, and not appearing to receive judgment, was outlawed, November 1.

His supporters soon felt the weight of the King's resentment. Temple was dismissed from the lord-lieutenancy of Buckinghamshire, Shelburne from his post of aide-de-camp to the King, given him for gallant conduct in the Seven Years' War, and Colonel Barré, who had defended Wilkes in the commons, was deprived of his regiment. A great deal of public indignation was roused by these punishments, which seemed to be based on the principle that no man should speak or act in parliament in opposition to measures which the King wished. The public feeling was shown by the jury's verdict against Wood. Temple had instituted a suit in Wilkes's name against Wood, the under-secretary who had seized Wilkes's papers, and the jury granted Wilkes £1,000 damages.[1]

To return to Grenville's first blunder, however, the Stamp Act. Grenville's experience with the cider tax was repeating that of Walpole and Bute, and he saw that it would not long be borne in England. Grenville had to have money, and all his economy measures failed to make up for the cost of the war. He believed he had a legal right to tax the colonies, and ignoring the fact that one of the wisest of politicians, Walpole, had been too sensible to follow such a course when it was urged on him, he brought in his stamp bill. The bill was carried with only forty votes against it in the commons, and no division in the lords. Whatever the legal aspect of the situation, the immediate resistance to the Act in the colonies made it worthless as a source of income.

Having alienated the nation and the colonies, Grenville proceeded to insult the King, who had long been tired of his minister's long-winded sermons. The King had had an attack of illness or insanity early in 1765, and on his recovery was willing to provide for a regency, if it should become necessary. Halifax and Sandwich assured the King that the regency bill would not pass the house of commons unless his mother, the

[1] A similar action against Halifax was delayed until outlawry could be pleaded in bar, but when the outlawry was reversed in 1768, a verdict for Wilkes with £4,000 damages was secured, Nov. 10, 1769.

Princess-dowager, was excluded, because every one believed her to be under the domination of Bute. To save his mother from insult, George authorized the exclusion of her name from the bill. He soon learned that he had been deceived, and that the opposition intended to move an amendment including her name. Grenville refused to disown the action of the two secretaries, and the Princess-dowager's name was included, by the action of the opposition, by a vote of 167 to 37 in the commons, and was accepted by the lords.

Deeply offended by Grenville's action, the King tried to get Pitt to take office. Pitt would accept only on condition general warrants should be declared illegal, the officers restored who had been discharged for their votes in parliament, and an alliance entered into against France and Spain. Nor would he come in without his brother-in-law, Earl Temple. Temple refused office, and the conditions imposed were considered too high a price by the King, even to get rid of Grenville. Lord Lyttleton and Charles Townshend were also applied to, but they were not willing to enter a ministry without Pitt. The King was thus compelled to ask Grenville and Bedford to continue their administration. They were aware that he was working against them, and used their position to insist that the King should promise never again to consult Bute, and that he should dismiss Bute's brother, Mr. Stuart Mackenzie, from the office of privy seal of Scotland. It was this episode which was referred to by Junius in his note to Letter 23 : 'The ministry having endeavoured to exclude the Dowager out of the Regency Bill, the Earl of Bute determined to dismiss them. Upon this the Duke of Bedford demanded an audience of the King ; reproached him in plain terms, with his duplicity, baseness, falsehood, treachery, and hypocrisy —repeatedly gave him the lye, and left him in convulsions.' The King is reported to have come out of the closet pale and trembling with anger, and to have said, 'The man has done everything but strike me.'

So far, George III had had little success in his attempts at personal government. He decided that even the great Whig families, whose views of government he detested, were preferable to the tyranny of his ministers over him, and accordingly he invited the Newcastles and Rockinghams to take office almost on their own terms. Rockingham, the head of the ministry, was willing to work with the King's friends, and

thus Northington, Egmont and Barrington were allowed office. On the whole, however, the Rockingham policy was the old Whig one of keeping the crown subordinate to the aristocracy. As a result, the court party was soon intriguing behind the backs of the ministry, while pretending to support them.

The opposition, headed by Pitt, had backed up American resistance to the Stamp Act so strongly that the Act was repealed on March 11, 1766. The ministers attempted to save their faces by passing a Declaratory Act, asserting the *right* of parliament to tax the colonies, as well as its right to legislate for them. The measure was open to criticism on the grounds advanced by Junius : ' in the repeal of those acts which were most offensive to America, the parliament have done everything but remove the offence. They have relinquished the revenue, but judiciously taken care to preserve the contention.'[1]

That the ministry was nearing its end was soon made apparent by the resignation of Grafton and Northington. They wished to be ready to take office with Pitt, who, since the Stamp Act was repealed, it was clear would form the next administration.

In August, 1766, Pitt made his arrangements. He first offered the treasury to Temple, who refused it, not content to be a ' great cipher ' under his brother-in-law. Pitt then proceeded to form the cabinet of which Burke's description has become classic : ' He made an Administration so checkered and speckled ; he put together a piece of joinery so crossly indented and whimsically dovetailed ; a cabinet so variously inlaid ; such a piece of diversified mosaic ; such a tesselated pavement without cement ; here a bit of black stone and there a bit of white ; patriots and courtiers, King's friends and republicans, Whigs and Tories, treacherous friends and open enemies, that it was indeed a very curious show, but utterly unsafe to touch and unsure to stand upon.'[2] Pitt himself took the office of lord privy seal, entering the house of lords as Earl of Chatham. Grafton, first lord of the treasury, Shelburne, secretary of state for the southern department, and Camden, lord chancellor, were personal supporters of Pitt's ; Conway, secretary of state for the northern department, Saunders, first lord of the admiralty, and Charles Townshend, chancellor of the exchequer, were taken from the

[1] *Letter 39.*

[2] Speech on American taxation, April, 1774.

Rockingham group ; the ' King's Friends ' filled most of the remaining offices.

Had Chatham kept his health, his personal prestige might have been able to keep the ' tesselated pavement ' firm enough, but he was really in power through only one session of parliament. After February, 1767, he was so disabled by the gout that he refused to see any of the other ministers or to discuss business at all. He had already laid down his two main policies, however, conciliation with the colonies, and a firm stand against France and Spain. After Chatham's illness, the nominal head of the government was Grafton, who found his position extremely difficult on account of the King's opposition to both of Chatham's main policies. The only person who fought consistently for these policies through the whole administration was Shelburne. Grafton was too indolent and pleasure-loving to face any strong opposition for long.

The first trouble came from the chancellor of the exchequer, Charles Townshend, a brilliant orator, and one of the leaders in the house of commons. He proceeded, as a Rockinghamite, to translate the Declaratory Act into duties on paper, glass, paints and tea entering the colonies. Before it could be seen whether these duties would produce revenue or rebellion, Townshend died. Grafton was thus freed from an embarrassing colleague, and had he desired to carry out Chatham's avowed policies, to support which he had taken office, he could have acted with Shelburne and Camden to control the administration. This would have meant not only the usual conflict with the official opposition, headed by the Rockingham party and the Grenville party, but also it would have meant an immediate conflict with the King, particularly in regard to colonial affairs. Grafton chose an easier course.

He found the support he wished in an alliance with the Bedford party. The aged Duke of Bedford did not wish office himself, but his numerous dependents and adherents did, and in exchange for their support, Grafton turned his back on Chatham. The Bedfords were strongly in favour of an immediate coercion by force of arms of the colonies. It was plain that to carry out such measures, it would be necessary for Grafton and the Bedfords to circumvent Shelburne, who had complete charge of colonial affairs as secretary of state for the southern department. Grafton hesitated to dismiss Shel-

burne outright, for such an action might call down Chatham's wrath on his head, and Chatham was still head of the ministry technically and no one knew when he might recover from his illness. Instead he took control out of Shelburne's hands by forming a third secretaryship, and Lord Hillsborough, one of the Bedford party, was made secretary of state for the colonies. Grafton's tergiversations in regard to colonial policy were briefly summed up later by Junius in a single sentence: 'In America we trace you, from the first opposition to the Stamp Act, on principles of convenience, to Mr. Pitt's surrender of the right; then forward to Lord Rockingham's surrender of the fact; then back again to Lord Rockingham's declaration of the right; then forward to taxation with Mr. Townshend; and in the last instance, from the gentle Conway's undetermined discretion, to blood and compulsion with the Duke of Bedford.'

Grafton was also willing to throw overboard Chatham's foreign policy, in order to please his new allies and the King. The action taken in respect to Corsica was a good instance of how far they were willing to go in the 'peace at any price' policy. The Corsicans, under the leadership of Paoli, had revolted against the Genoese, and had asked England for help. The Genoese foresaw trouble and promptly sold their claim to the island to France. The Duc de Choiseul, as head of the ministry in France, proposed to subjugate the islanders by landing an army. Shelburne pointed out to the cabinet that with the English naval supremacy, the French could be kept from transporting an army by a mere announcement of England's hostility, probably without a shot being fired. As a matter of fact, Choiseul was in a difficult position himself, and would probably have lost control in France had he gone to war with England. Shelburne knew what the state of internal politics in France was through his own secret service, and had also informed himself accurately of what was happening in Corsica by sending a special representative there. He knew from this man, a Mr. Stewart, that the islanders were counting on English protection, and could not hold out against France without it. Though public opinion in England was strongly in favour of intervention, Grafton and Bedford overruled Shelburne in the cabinet. Choiseul had already gambled on his inside information that the Bedfords were in power in England. Weymouth, the secretary of state for the northern

department, had assured the ambassadors of the great powers that nothing would induce England to go to war for Corsica. Mansfield, 'being then in Paris, declared at one of the Minister's tables that the English ministry was too weak, and the nation too wise, to enter into a war for the sake of Corsica.' [1]

After the French had landed an army in the island, Grafton attempted to satisfy English public opinion by sending secretly several thousand unmarked muskets to the Corsicans, at the same time assuring France that there was no intention of interfering. This underhanded policy was ably censured by Junius a year later: 'If, instead of disowning Lord Shelburne, the British court had interposed with dignity and firmness, you know, my Lord, that Corsica would never have been invaded. The French saw the weakness of a distracted ministry, and were justified in treating you with contempt. They would probably have yielded in the first instance, rather than hazard a rupture with this country; but, being once engaged, they cannot retreat without dishonour. Common sense foresees consequences, which have escaped your Grace's penetration. Either we suffer the French to make an acquisition, the importance of which you have probably no conception of; or we oppose them by an underhand management, which only disgraces us in the eyes of Europe, without answering any purpose either of policy or prudence. From secret, indirect assistance, a transition to some more open decisive measures becomes unavoidable; till at last we find ourselves principal in the war, and are obliged to hazard everything for an object which might have been originally obtained without expence or danger.'

The ministerial policy at home was no wiser than the one abroad, as was shown both by its opposition to the Nullum Tempus bill [2] and by its attitude toward the new Wilkes con-

[1] Grafton, *Autobiography*, p. 204.

[2] The Nullum Tempus bill arose from a contest between Sir James Lowther, Bute's son-in-law, and the Duke of Portland, one of the Rockingham party. The two men were rivals for political control in Cumberland and Westmorland. The Duke of Portland had begun the fight by filing bills in chancery against Lowther and the corporation of Carlisle in relation to certain fishing rights. Blackstone, who defended Lowther's rights, found that in the original grant by William III of estates in the north to the first Duke of Portland, no mention was made of the forest of Inglewood and the socage manor of Carlisle, valued at about £30,000. As the Duke had been

troversy. The Nullum Tempus bill was passed in spite of the ministry, and the seating of Luttrell instead of Wilkes gave the various groups in opposition a principle on which they could all agree.

Early in 1768 Wilkes returned to London from Paris, and was allowed to stand for parliament. He failed in his first contest, for the City, and then stood for Middlesex. London was in a turmoil over the high price of bread, the rioting of the Spitalfields weavers, and the dissensions which later produced the strikes of the sailors and coal-heavers. From the discontented elements of the populace, Wilkes and his supporters organized a mob which Franklin estimated at 6,000 persons. The mob was marched out to Brentford, the polling place, and proceeded to elect Wilkes by intimidating the opposing candidates and their electors. The whole disorderly rout then poured back into London to celebrate the victory. The citizens were compelled to illuminate their houses, as was the usual custom, in honour of the successful candidate. Many windows were broken by the mob, and illuminations were made even in some of the royal palaces, to avoid worse consequences.

After Wilkes was returned for Middlesex, he surrendered to his outlawry in the Court of King's Bench, and was committed to the King's Bench Prison, April 27. Crowds of his supporters met outside the prison every day, and on May 10th, when parliament assembled, a riot took place. The riot had been anticipated by the King and Weymouth, the secretary of state, and troops were held in readiness. The Riot Act was read, the military forces promptly called into action, and the mob

in possession over sixty years, no one could impeach his title but the crown, against which the Quieting Act did not run, on account of the old legal maxim, *Nullum tempus occurrit regi*, that no length of continuance, or good faith of possession, is available against a claim of the crown. Lowther, on Blackstone's advice, applied to the Treasury for a lease of these properties, and the lease was granted.

As Portland was in opposition and Lowther was a supporter of the court, the action of the Treasury was generally considered oppressive and unjust. Sir George Savile, a great landowner in Yorkshire, promptly brought in the Nullum Tempus bill, which made sixty years' possession a conclusive proof of title, even against the crown. The ministry managed to postpone consideration of the bill until after the 1768 election. Lowther spent thousands of pounds in the election and was returned for Cumberland, but a petition was presented against his return, and in December, 1768, he was unseated and the Nullum Tempus bill was passed.

was dispersed after several men had been killed and a number wounded by the troops. Popular resentment of the 'massacre' tended to rest chiefly on Barrington, the secretary at war, for having assured the troops in advance that they would be protected if 'any disagreeable circumstance' should arise.

Wilkes was relieved of his outlawry on a technical flaw, June 8, but he was sentenced on prior conviction (in 1764) to two consecutive terms of ten and twelve months in prison, £1,000 fine, and was obliged to give recognizances in £1,000, besides two sureties in £500 each for his good behaviour for seven years after his discharge. The judgment was affirmed in the house of lords on a writ of error, and Wilkes's petition to the house of commons for redress of grievances was dismissed.

Though he was in prison, Wilkes was far from being conquered. He inserted in the *St. James's Chronicle* of December 10, 1768, a letter from Lord Weymouth to a Surrey magistrate, which he had secured possession of. The letter, which was dated April 17, urged on the magistrates the firm use of troops in case the expected disorder materialized. Wilkes prefaced the letter with the statement: 'I send you the following authentic state paper, the date of which, prior by more than three weeks to the fatal 10th of May, 1768, shows how long the horrid massacre in St. George's Fields had been planned and determined upon before it was carried into execution, and how long a hellish project can be brooded over by some infernal spirits without one moment's remorse.' These comments were voted a seditious libel, and, on Barrington's motion, Wilkes was again expelled from the house of commons, February 4, 1769. On his immediate re-election, February 16, the house annulled the return, and declared him 'incapable of being returned to serve as a member in this present Parliament'.

A third election was held April 13, and though Wilkes polled 1,143 against 296 for Colonel Luttrell, the court nominee, the house of commons voted that Luttrell 'ought to have been returned', and the return was falsified accordingly.

The court party had allowed themselves to be carried away by their confidence in the newly purchased majority in the commons, and by the King's rancour against Wilkes. By disfranchising the Middlesex electors, they furnished to all parties in the opposition a policy on which they could unite.

They were divided on colonial and foreign policy, but as to the Middlesex election and its issues they at once agreed.

In the meanwhile, what part had Lord Shelburne played in this comedy of confusion and tergiversation? His position in the cabinet had not been a pleasant one. He was the only member of the administration opposed to coercive measures toward the colonies; in consequence, as we have seen, his department was deprived of control of colonial affairs. He was the only minister opposed to moving for the expulsion of Wilkes from the house of commons; the only one who had favoured vigorous action in regard to Corsica. The King was not likely in such a situation to hesitate over such niceties as whether a ministry which owed its credit with the country at large to the name of Chatham should contain at least one of Chatham's supporters. Grafton knew, however, that no administration had ever prospered with Chatham in full opposition, and wished to avoid an open break with him. 'My perplexity was not a little encreased' he says 'by the instigations to remove Lord Shelburne, which fell daily from his Majesty, and my new allies.' [1]

At last, on the 5th of October, 1768, Grafton wrote to inform Chatham that he insisted on the removal of Shelburne. Chatham told him plainly that Shelburne's removal would never have his consent or concurrence. Grafton hesitated to act, but Chatham believed that Shelburne had been forced out, for he wrote to Grafton to forward his resignation to the King. With ironical courtesy he added: 'Though unable to enter into business, give me leave, my Lord, not to conclude without expressing to your Grace, that I cannot enough lament the removal of Sir Jeffrey Amherst and that of Lord Shelburne. I will add no more to your Grace's present trouble, than to desire your Grace will accept my sincerest acknowledgments of all your goodness to me.' [2] Henceforward the ministry was Grafton's in name as well as in fact.

Much more was at issue than the replacement of an independent minister by Viscount Weymouth. With the displacement of Shelburne, George III had at last seen the triumph of personal over party government. He could speak of *his* ministry and *his* house of commons in a literal rather

[1] Grafton, *Autobiography*, p. 215.

[2] *Chatham Corr.*, Vol. III, p. 338. Shelburne actually gave up the seals a few days after Chatham had resigned.

than in a constitutional sense, for both ministry and commons had been bought and paid for, usually of course in the most gentlemanly way, through the distribution of patronage, places, preferment, and pensions. But the point was that the King knew that he could count on his ministry not to oppose his will, and the ministry knew that it could count on the support of a majority in the commons.

What course was open to Shelburne? Because he had taken the course of trying to promote the public good instead of pleasing the King and the 'Bloomsbury gang', he was out of office and relegated to a protesting minority in the house of lords. There, from the point of view of the ministry, he was helpless, as far as affecting public opinion was concerned, for the debates in the house of lords were guarded even more closely than those in the commons, and any printer who ventured to publish an account of what went on was immediately prosecuted for violation of privilege.

Naturally gifted with an able mind, Shelburne had made the most of the advantages of his public career, which had put him in close touch with all the questions of the day. As a veteran of the Seven Years War he was acquainted with the state of the army. As president of the board of trade, in the Grenville administration, he had taken his duties seriously, and was in consequence better informed on colonial affairs than any other man in England. As secretary of state for the southern department, he had come to know the courts of France and Spain as no one else did. As an active cabinet member, he was also well aware of the state of affairs in England. Thus gifted and thus informed, it was necessary either for Shelburne to use the information he possessed to destroy the ministry by an appeal to the nation, or it was necessary for him to relapse into the house of lords, for all practical purposes silenced at the very moment when public opinion was roused by the state of affairs, and when the administration by its contempt for decency and its general carelessness was hurrying the nation toward catastrophe. Shelburne was dismissed 19 October, 1768. Less than three months later, the *Letters of Junius* began.

If Shelburne chose to appeal to the nation—and that he did do so is the hypothesis here advanced—the *Letters of Junius* would be the logical result. There were strong objections to the use of his own name in the press. In the first place, it was contrary to the manners of his class. Noble lords, at least if

they were important men, preferred to use professional writers, for reasons of personal dignity. There was also, as may be seen from the Wilkes case, the very real danger from the semi-professional duellist, ready to recommend himself to the government by the accuracy of his pistol fire in support of it. Furthermore, Shelburne well knew that the conflict would be actually with the sovereign, and if made openly would result either in revolution, or in the destruction of the man who dared to challenge the King's power. He could have desired neither of these events. An anonymous series of letters, on the other hand, could avoid the charge of self-interested personal bitterness, and draw attention to the real issues at stake. If effectively handled, they might awaken public opinion to the point where the King would realize that there were advantages in a constitutional monarchy, and would be willing to sacrifice a complaisant but incompetent ministry and to replace it by an abler one based on a broader expression of the national will.

III

From a consideration of the *Letters* we find that Junius attacked certain measures of the ministry and various individuals so consistently that the following generalizations can be made :

I. That Junius considered the policy of the King and of the administration in regard to Corsica and the Falkland Islands a shameful one, and that he believed England's real enemies to be France and Spain.

II. That he was opposed to the coercion of the colonies by military force, and he considered Hillsborough's appointment as secretary of state for the colonies to be a disastrous one.

III. That he was opposed to Bute and the 'King's Friends'.

IV. That he considered the seating of Luttrell instead of Wilkes unconstitutional, and a violation of the rights of the electors of Middlesex.

V. That he believed in triennial parliaments, but hesitated to destroy rotten boroughs.

VI. That he detested Lord Mansfield, believing him to be not only an innovator in regard to law, but actually dishonest, and that he wanted him impeached.

Let us consider the resemblances between these views and those of Lord Shelburne. Unfortunately, we have little knowledge of what went on in the house of lords during this period, on account of the fact that the reporting of parliamentary transactions was severely punished as a breach of privilege. A few speeches of Shelburne were published later in the *Parliamentary History*, however, and his policies as a cabinet officer are well known.

I. *Junius considered the policy of the King and of the administration in regard to Corsica and the Falkland Islands a shameful one, and he believed England's real enemies to be France and Spain.*

The passage beginning 'If, instead of disowning Lord Shelburne, the British court had interposed with dignity and firmness, you know, my Lord, that Corsica would never have been invaded' (Letter 12) is evidence of Junius's opinion of the importance of Corsica. Shelburne's view, as has been shown, was that Corsica was a most important strategic point in the control of the Mediterranean, that it could have been held by the British fleet without any likelihood of war, and that the Corsicans were anxious for British intervention.

The Falkland Islands Junius made the subject of an entire letter (No. 42), a letter which the administration considered important enough for them to employ Dr. Johnson to answer it.

'If we recollect in what manner the King's Friends have been constantly employed,' wrote Junius, 'we shall have no reason to be surprised at any condition of disgrace, to which the once-respected name of Englishmen may be degraded. . . . A foreign war might embarrass, an unfavourable event might ruin the minister, and defeat the deep-laid scheme of policy, to which he and his associates owe their employments. Rather than suffer the execution of that scheme to be delayed or interrupted, the King has been advised to make a public surrender, a solemn sacrifice, in the face of all Europe, not only of the interests of his subjects, but of his own personal reputation, and of the dignity of that crown, which his predecessors have worn with honour. . . . When the French King is reconciled to his subjects; when Spain has completed her preparations; when the collected strength of the house of Bourbon attacks us at once, the King himself will be able to determine upon the wisdom or imprudence of his present conduct. . . . How far the people may be animated to resistance under the present administration, I know not; but this I know with certainty, that, under the present administration, or if anything like it should continue, it is of very little

months before, on November 22, 1770, Lord Shelburne had attacked the ministry in the house of lords as follows :

'My lords ; it is extremely evident, whether we commence a war with Spain, or tamely crouch under the insults of that haughty kingdom ; it is extremely evident, whether we spiritedly draw the sword, or purchase an inglorious security by the sacrifice of our national honour, that we shall neither be united at home, nor respected abroad, till the reins of government are lodged with men who have some little pretensions to common sense and common honesty. Had our ministers, my lords, even the wish to act with wisdom, they have not the ability. The mere possession of their places does not give them a capacity to understand, or a resolution to execute. They have received no instruction in the real schools of business, and, ignorant of everything but their own interest, they look down from their accidental elevation, confused, astonished, terrified. Ashamed to descend, and yet afraid to act on the lofty pinnacle of power, the welfare, the reputation of the kingdom is hourly given up ; nothing is attended to, but the preservation of their official emoluments, and so these emoluments can be preserved, they are deaf to the execrations of their indignant countrymen. For these reasons, my lords, necessary as a war with Spain may be, who could wish to have the direction of so important a business in such feeble, in such incompetent hands ? Indeed, if there was a likelihood, that the difficulty of conducting the military operations of an injured people, would force them from the employments they disgrace, it would actually be worth our while to commence a war, merely for the purpose of gaining a fresh administration. But while the baleful influence of the northern star [Lord Bute] continues, peace or war must be equally indifferent, the public will be plundered and betrayed ; the glory of the British crown will be eclipsed, and the queen of nations made an object of ridicule to every potentate in Europe.' [1]

[1] *Parliamentary History*, xvi, 1113–1114. Speech taken from the *London Magazine*.

Compare the conclusion of this passage with one written a year later by Junius : 'Your Grace's reappointment to a seat in the cabinet was announced to the public by the ominous return of Lord Bute to this country. When that noxious planet approaches England, he never fails to bring plague and pestilence along with him.' Letter 50.

II. *Junius was opposed to the coercion of the colonies by military force, and he considered Hillsborough's appointment as secretary of state for the colonies to be a disastrous one.*

'Under one administration the stamp act is made;' he wrote, (Letter 1) 'under the second it is repealed; under the third, in spite of all experience, a new mode of taxing the colonies is invented, and a question revived, which ought to have been buried in oblivion. In these circumstances a new office is established for the business of the plantations, and the Earl of Hillsborough called forth, at a most critical season, to govern America. The choice at least announced to us a man of superior capacity and knowledge. Whether he be so or not, let his dispatches as far as they have appeared, let his measures as far as they have operated, determine for him. In the former we have seen strong assertions without proof, declamation without argument, and violent censures without dignity or moderation; but neither correctness in the composition, nor judgment in the design. As for his measures, let it be remembered, that he was called upon to conciliate and unite; and that, when he entered into office, the most refractory of the colonies were still disposed to proceed by the constitutional methods of petition and remonstrance. Since that period they have been driven into excesses little short of rebellion. Petitions have been hindered from reaching the throne; and the continuance of one of the principal assemblies rested upon an arbitrary condition, which, considering the temper they were in, it was impossible they should comply with, and which would have availed nothing as to the general question, if it had been complied with. So violent, and I believe I may call it so unconstitutional an exertion of the prerogative, to say nothing of the weak, injudicious terms in which it was conveyed, gives us as humble an opinion of his lordship's capacity, as it does of his temper and moderation. While we are at peace with other nations, our military force may perhaps be spared to support the Earl of Hillsborough's measures in America. Whenever that force shall be necessarily withdrawn or diminished, the dismission of such a minister will neither console us for his imprudence, nor remove the settled resentment of a people, who complaining of an act of the legislature, are outraged by an unwarrantable stretch

of the prerogative, and, supporting their claims by argument, are insulted with declamation.'

Lord Shelburne had been painstakingly working for a better understanding with the colonies when he was secretary of state for the southern department. The control of colonial affairs was taken out of his hands by the establishment of the secretaryship of state for the colonies, and Hillsborough, the man appointed to the office, immediately proceeded to destroy almost the whole of Shelburne's work. From this state of affairs it may be judged how similar an opinion of Hillsborough Junius and Shelburne would have.

III. *Junius was opposed to Bute and the 'King's Friends'.*

Junius's references to the influence of Bute and to the real interests of the 'King's friends' are so numerous as to occur in almost every letter. In Letter 39 he characterizes them by an apt quotation from Davenant: 'An ignorant, mercenary, and servile crew; unanimous in evil, diligent in mischief, variable in principles, constant to flattery, talkers for liberty, but slaves to power;—stiling themselves the court party, and the prince's only friends.' He explains further: 'One particular class of men are permitted to call themselves the King's friends, as if the body of the people were the King's enemies. . . . Secluded from the world, attached from his infancy to one set of persons, and one set of ideas, he can neither open his heart to new connexions, nor his mind to better information.'

This letter appeared 28 May, 1770. Earlier in the same month, Lord Shelburne had expressed his opinion of the 'King's friends' in very similar language.

Lord Mansfield having asked what was meant by the innuendoes about 'secret influence', Lord Shelburne answered: 'I will explain it to that noble lord; that secret influence are measures adopted by a set of men, who, on his Majesty's accession to the throne of these realms, listed under the banners of the Earl of Bute; who impudently call themselves the King's friends, but who are in reality nobody's friends but their own; who have acted without principle, with every administration, sometimes supporting them, and sometimes betraying them, according as it served their views of interest—who have directed their attention more to intrigues, and their own emol-

uments, than the good of the public. This is that secret influence.' [1]

IV. *Junius considered the seating of Luttrell instead of Wilkes unconstitutional, and a violation of the rights of the electors of Middlesex.*

In the Letter of May 28, 1770, he wrote: 'The daring attack upon the constitution, in the Middlesex election, makes us callous and indifferent to inferior grievances. No man regards an eruption upon the surface, when the noble parts are invaded, and he feels a mortification approaching to his heart. The free election of our representatives in parliament comprehends, because it is, the source and security of every right and privilege of the English nation. The ministry have realized the compendious ideas of Caligula. They know that the liberty, the laws, and property of an Englishman have in truth but one neck, and that to violate the freedom of election strikes deeply at them all.'

On May 1, 1770, Shelburne made a speech in the house of lords concerning the unseating of Wilkes, the text of which is not reported, but the *Parliamentary History* says that it was in strong condemnation of the government action and ended with the statement that Lord North ought to be impeached for his interference in the house of commons.[2]

V. *Junius believed in triennial parliaments, but objected to the destruction of rotten boroughs.*

In his private letter to Wilkes, September 7, 1771, Junius wrote: 'Whenever the question shall be seriously agitated, I will endeavour (and if I live will assuredly attempt it) to convince the English nation, by arguments, to *my* understanding unanswerable, that they ought to insist upon a triennial, and banish the idea of an annual parliament. . . . I am convinced that, if shortening the duration of parliaments (which in effect is keeping the representative under the rod of the constituent) be not made the basis of our new parliamentary jurisprudence, other checks or improvements signify nothing.' In regard to rotten boroughs, he contended: 'In the first place, I question the power, *de jure*, of the legislature to disfranchise a number of boroughs upon the general grounds of improving the constitution. . . . I consider it as equivalent

[1] *Parl. Hist.*, xvi, p. 973, May, 1770.

[2] *Ibid.*, xvi, 965.

to robbing the parties concerned of their freehold, of their birthright. . . . If the majority can disfranchise ten boroughs, why not twenty? Why not the whole kingdom? . . . When all your instruments of amputation are prepared—when the unhappy patient lies bound at your feet, without the possibility of resistance, by what infallible rule will you direct the operation? When you propose to cut away the rotten parts, can you tell us what parts are perfectly sound? Are there any certain limits, in fact or theory, to inform you at what point you must stop—at what point the mortification ends?'

Lord Shelburne was the possessor of three rotten boroughs, though he was far from requiring the men who sat for them to be mere mouthpieces of his. Colonel Barré, for example, who was one of them, sometimes differed from his patron in regard to policy.

As to triennial parliaments, Shelburne was an earlier convert to the idea than was Lord Chatham. A letter from Chatham to Shelburne on the subject, April 22, 1771, says: 'As to the shortening of the duration of parliaments, I find a real dislike to the measure, in minds very sound about other public matters. The dread of the more frequent returns of corruption, together with every dissoluteness, which elections spread through the country, strongly indisposes families of all descriptions to such an alteration.' Shelburne replied on the same day with a short note: 'I have just had time to read your Lordship's letter, with dinner on the table. I cannot but lament the dispositions your Lordship describes.' [1]

VI. *Junius detested Lord Mansfield, believing him to be not only an innovator in regard to law, but also a dishonest supporter of the administration, and he wished to see him impeached.*

Nearly the whole of Letters 41, 59, 61, and 68 are devoted to an indictment of Lord Mansfield. 'Permit me to begin with paying a just tribute to Scotch sincerity, wherever I find it. I own I am not apt to confide in the professions of gentlemen of that country, and when they smile, I feel an involuntary emotion to guard myself against mischief.' 'Instead of those certain, positive rules, by which the judgment of a court of law should invariably be determined, you have fondly introduced your own unsettled notions of equity and substantial justice.' 'In contempt or ignorance of the common law of

[1] *Chatham Corr.*, IV, pp. 156–9.

England, you have made it your study to introduce into the court, where you preside, maxims of jurisprudence unknown to Englishmen. The Roman code, the law of nations, and the opinions of foreign civilians, are your perpetual theme; —but whoever heard you mention Magna Charta or the Bill of Rights with approbation or respect?' 'No learned man, even among your own tribe, thinks you qualified to preside in a court of common law. Yet it is confessed that, under Justinian, you might have made an incomparable Praetor.— It is remarkable enough, but I hope not ominous, that the laws you understand best, and the judges you affect to admire most, flourished in the decline of a great empire, and are supposed to have contributed to its fall.' Answering Zeno's defence of Mansfield: 'I say that he has introduced *new law* too, and removed the landmarks established by former decisions. I say that his view is to change a court of common law into a court of equity, and to bring every thing within the *arbitrium* of a *praetorian* court.'

Lord Shelburne also disliked Lord Mansfield, whom he characterized as 'the dark designing lawyer', 'the director of the fatal and overruling influence', and the feeling between them was so strong that on one occasion in the house of lords the lie was given and returned.[1] In an autobiographical fragment, Shelburne wrote: 'Like the generality of Scotch, Lord Mansfield had no regard to truth whatever. Sir Thomas Clerk, Master of the Rolls, said to Sir Eardley Wilmot, "You and I have lived long in the world, and of course have met with a great many liars, but did you ever know such a liar as Will. Murray, whom we have seen capable of lying before twelve people, every one of whom he knows knows also that he lies." But the worst part of his character as a judge was what Mr. Pitt called inventing law, and no fond parent could be more attached to his offspring than he was to such inventions.'[2]

In addition to what we know about Junius's major policies, we can make certain inferences about him from the internal evidence of the *Letters*.

1. Junius probably considered himself to have been injured by the Duke of Grafton, the Duke of Bedford, and the King.

[1] *Life of Shelburne*, vol. i, p. 488.
[2] *Ibid.*, vol. i, p. 68.

This may be inferred from the personal bitterness expressed and the vindictiveness shown in his attacks upon them.

Lord Shelburne, as we have seen, had been forced out of office by the concerted action of Grafton, Bedford, and George III.

2. That Junius had served in the army, probably on active service, may be inferred from his practical knowledge of military affairs, and his frequent and correct use of military metaphors.

Lord Shelburne had served with distinction in the Seven Years War, and had been made colonel and aide-de-camp to the King for distinguished service in action.

3. Junius was probably stating the truth when he said of himself in his Preface : 'I am no lawyer by profession, nor do I pretend to be more deeply read, than every English gentleman should be in the laws of his country. If therefore the principles I maintain are truly constitutional, I shall not think myself answered, though I should be convicted of a mistake in terms, or of mis-applying the language of the law.' At least, he has been held to have been wrong in his law in regard to Mansfield's right to bail Eyre, as well as in his use of certain legal terms. Yet he has used legal phraseology and concepts fairly expertly for a layman.

Lord Shelburne was no lawyer, but had attended Blackstone's lectures at Oxford. Speaking in the house of lords in 1778, he gave it as his opinion that 'few questions come before this House of which your Lordships are not as competent to decide as the judges. In grand national points I shall never be directed by the opinions of lawyers, nor will I go to Westminster Hall to inquire whether or not the constitution is in danger.'

4. Junius moved in circles high enough to give him considerable personal knowledge of the court and of the characters and reputations of men in the ministry. Furthermore, he was a man of independent fortune, as his refusal to share in Woodfall's profits shows.

Lord Shelburne was very wealthy, in touch with aristocratic circles, and a generous patron of men of letters, scientists, and philosophers.

What are the objections to Shelburne's authorship of the *Letters*?

1. *He is said to have denied it.* According to the account

given in the *Monthly Magazine*, July, 1813, Sir Richard Phillips called on Lord Shelburne, or Lord Lansdowne, as he was then, shortly before his death in 1805. Phillips asked Lord Lansdowne if *he* was the author of Junius. Lansdowne answered : ' No—No—I am not equal to Junius—I could not be the author ;—but the grounds of secrecy are now so far removed by death and change of circumstances, that it is unnecessary the author of Junius should much longer be unknown. The world are curious about him, and I could make a very interesting publication on the subject. I knew Junius—and I knew all about the writing and production of those letters. But look at my condition ; I don't think I can live a week—my legs, my strength, tell me so ; but the doctors, who always flatter sick men, assure me I am in no immediate danger. They order me into the country, and I am going there. If I live over the summer, which however I don't expect, I promise you a very interesting pamphlet about Junius. I will put my name to it ; I will set that question at rest for ever.' Phillips attempted to question him further, but Lansdowne said ' that it was of no use to pursue the matter further at that time. I'll tell you this for your guidance generally. Junius has never yet been publicly named.—None of the parties guessed at as Junius were the true Junius. Nobody ever suspected him.—I knew him ; and knew all about it—and I pledge myself, if these legs will permit me, to give you a pamphlet on the subject, as soon as I feel myself equal to the labour.' Less than two weeks later, Lord Lansdowne died, without saying anything further on the matter. Now it may be argued without unfairness that such an enigmatic denial is no denial at all, particularly when put by the side of his declaration said to have been made at the time of the *Letters*, that he knew no more of Junius than did the little negro boy who stood behind his chair at the table. If he was Junius himself, both statements may be mere evasions. A man may say truly of himself that he knows very little about himself, or that his old age is not equal to his youth. On the other hand, if Junius spoke truth when he said ' I am the sole depositary of my secret, and it shall be buried with me '—and the fact that it has never been revealed seems to bear him out—and if Lord Lansdowne knew Junius, then Lord Lansdowne was Junius. The only work found among Lord Lansdowne's papers which he appeared to have been working on recently

was an incomplete and fragmentary autobiography, in which nothing is said of the period during which the *Letters* appeared. Perhaps the pamphlet on Junius spoken of to Sir Richard Phillips would have been a part of the autobiography.

2. *Junius's praise of George Grenville is said to indicate that he belonged to the Grenville party.* In regard to this it must be remembered that Junius's chief task was to unite the opposition. Such unity could be secured only by showing the various groups their common interests, and the results of quarrelling with each other. Probably the most difficult person of all to conciliate was George Grenville. George III and the Bedford party were determined on coercion of the colonies. Grenville had been responsible for the Stamp Act, about the legality of which he had no doubts, and as a rather stubborn legalist, was inclined to approve of the policy of enforcing law at any cost. Junius accordingly flattered Grenville by assuring him that his past actions had been exactly right, and that partisan politics had been responsible for his downfall. But he also assured him that conditions had greatly changed since that time, that the colonists had been driven to the verge of rebellion by the ill-judged measures of Hillsborough—in short, that there was a great gulf between applying a legally justifiable Stamp Act by Mr. Grenville, and going forward 'to blood and compulsion with the Duke of Bedford.' Such reasoning is the reasoning of one who wishes to convert, rather than that of an ardent supporter.

3. *Lord Shelburne was absent on the Continent during the summer of 1771.* During that period the following *Letters* appeared: 1 May; three short letters of Philo Junius which really form but one letter—22 May, 25 May, and 28 May; 22 June; 9 July; 24 July; 15 August. Assuming that Shelburne was the author, what safer way was there to throw off suspicion than to go abroad, making arrangements for Junius to continue his appearance in the *Public Advertiser*? The difficulties may be granted, but they would not be impossible to overcome by a man who kept forty footmen, of whom probably not one in ten could read, and who was accustomed, like every other public man of importance, to provide for an elaborate postal service of his own, since the post office was known to keep a staff of seal-makers in order to enable it to open all letters which might be of interest to the administration.

4. *Shelburne's relations in the city were with Townshend, rather than with Sawbridge, but Junius declared to Wilkes that 'Mr. Sawbridge ought to be elected Lord Mayor'.* Wilkes's answer to this should be noted, however. 'Junius has, in my idea, too favourable sentiments of Sawbridge. . . . He is become the absolute dupe of Malagrida's gang. . . . I should fear the Mansion House would be besieged and taken by the banditti of the Shelburnes.' A complete analysis of the politics of the city would be difficult if not impossible, but if Wilkes believed Junius's policy to be favourable to Shelburne's interests in the city, it is not unreasonable to suppose that there was some basis for the belief.

5. *Lord Shelburne's handwriting was very different from that of Junius.* Expert evidence has been brought forward to show that Junius's handwriting was the same as that of Boyd, Mrs. Dayrolles, Francis, Barré, Lee, Sackville, Lady Temple, Mrs. Wedderburne, and Wilmot. Lord Shelburne used a coarse pen and wrote a large, round flowing hand. Junius's handwriting was as different as possible, being small, precise, and upright. Is it too much to suppose that if anyone were trying to disguise his handwriting, he would adopt a style very different from the one people were accustomed to associate with his pen?

AN ANALYSIS OF THE LETTERS, AND WHY THEY FAILED.

The main purposes of Junius were, first, to bring before the bar of public opinion the ministers and their measures of government, and to convict them of having brought the country to a state of confusion and almost of ruin; second, to draw together all parties of the opposition, by showing them on what policies they could all agree, and by soothing the susceptibilities of the more difficult and wavering ones.

The first letter is a strong statement of the ruinous state of the nation, and of the incompetence, or worse, of the ministers. A single paragraph in the letter, attacking Lord Granby, the commander-in-chief of the army, was taken up by Sir William Draper, a friend of Granby's, and Junius in turn was attacked (Letter 2) as an assassin who stabbed in the dark, Lord Granby being defended. Junius had not meant to say much of Granby, but Draper offered him too good a mark for satire. Accordingly, Junius asked (Letter 3) if the rest of the ministry were

too bad to defend, took advantage of many of Draper's admissions concerning Granby, and showed that Draper's own conduct in regard to pensions and financial rewards was open to a charge of his having sold his honour. Draper's answer (Letter 4) attacked Junius for his anonymity, defended Granby and the state of the army, but left his own case so open to counter-attack that Junius's next three letters (Letters 5, 6 and 7) rendered effective his concluding remark : ' They will teach you prudence enough not to attract the public attention to a character, which will only pass without censure when it passes without observation.'

Having demolished his opponent, Junius (Letter 8) turned his attention to the head of the ministry, the Duke of Grafton, choosing a subject for discussion which was already exciting public interest. During an affray in the Middlesex election, between Wilkes's partisans and the hired mob of the court, a supporter of Wilkes named Clarke was killed. M'Quirk, one of the rowdies employed by the administration, was found guilty of murder by a London jury. Later the witnesses were again examined, and M'Quirk was pardoned by the King. The attack on Grafton was continued in Letter 9. At the time it appeared, the Wilkes case was at a critical point. Though Wilkes had been expelled the house, Luttrell had not been declared elected, and Junius's purpose was probably to prevent such an occurrence, if possible. A short letter (Letter 10) to Mr. Edward Weston, a government pamphleteer, followed. In the meantime, Wilkes had been re-elected for the third time and returned by the sheriffs. This time he was not expelled, nor was the election declared void, but Luttrell was declared duly elected. Junius welcomed the opportunity to point out to Grafton (Letter 11) that by seating Luttrell the ministry had shifted the issue from Wilkes to the constitutional right of freeholders to elect whom they pleased. ' The right of election ' he contended ' is the very essence of the constitution.'

The Duke of Grafton, in spite of Junius's censures, kept serenely on his way. His conduct was approved of by the King, and he strengthened his alliance with the Bedford party by marrying Miss Wriothesley, a niece of the Duchess's. In Letter 12, Junius attempted not only to discredit Grafton by an account of his fickleness in policy in previous administrations, but also by hinting to the King that as soon as Grafton

had properly entrenched himself, his sovereign would find him at last 'too strong to be commanded and too formidable to be removed.'

This was followed by two letters (Letters 13 and 14) under a subordinate name Philo-Junius, supporting the main character, Junius, against the charges of falsehood and scurrility advanced by Grafton's supporters, and again setting forth the facts.

The state of affairs in the opposition began to favour Junius's plan. The Rockingham and Newcastle adherents had become reconciled to the supporters of Chatham and the Grenvilles. There was strong feeling against the administration in the city, which expressed itself in petitions from the Livery of London, and in the foundation of a Bill of Rights Society, organized to support the opposition cause, and incidentally to pay Wilkes's debts, amounting to about £17,000.* In these circumstances, Junius continued his attack on Grafton (Letter 15) warning him that 'Even the best of princes may at last discover, that this is a contention, in which everything may be lost, but nothing can be gained; and, as you became minister by accident, were adopted without choice, trusted without confidence, and continued without favour, be assured that, whenever an occasion presses, you will be discarded without even the forms of regret.'

Having summed up the past career and probable prospects of the Duke of Grafton, Junius next turned his attention to the legal issues involved in the Middlesex election and the seating of Luttrell. For seven letters (Letters 16 to 22) he concerned himself with showing the illegality of the action of the house of commons, the falsity of the precedents urged, and the weakness of the arguments advanced by Sir William Blackstone.

He then found a subject for treatment in Grafton's ally, the Duke of Bedford. (Letter 23). He reviewed the whole public career and private conduct of the Duke, with the idea not merely of discrediting him with the public, but also of rendering his new associates suspicious of him. He began by contrasting the position and influence of a good Duke of Bedford with that of the actual one. 'Consider the character of an independent, virtuous Duke of Bedford; imagine what he might be in this country, then reflect one moment upon what you are.' He then raked up the old suspicion of bribery

in connection with Bedford's part in the Peace of Paris, attacked the private life of the Duke, recalled to the memory of the King how Bedford had insulted him, and attempted to make the rest of the administration uneasy by suggesting that the Bedford party had at last achieved its ambition of becoming supreme in the cabinet. The next six letters (Letters 24 to 29) carried on this interesting subject. Sir William Draper again entered the lists in defence of himself and in support of Bedford, and though Junius treated him lightly, he probably had reason to wish he had kept silence. Two other defenders of the Duke, a Mrs. Griffiths and a party writer signing himself *Modestus*, were ably answered by Junius.

A new occurrence soon fitted into Junius's plan. Major General Gansel had been arrested for debt by the sheriffs' officers, and had applied to a military guard for help. The guard was ordered out by an officer, the bailiffs driven off, and the general rescued. Yet for this conduct neither Gansel nor the officers of the guard were censured. Junius attacked the ministry for its negligence, and intimated that if the military was to be superior to the civil power, there must be a sinister intention of using it against the people. The subject was pursued for three letters (Letters 30 to 32) and then dropped, doubtless for the reason given in a private letter to Woodfall: 'The only thing that hinders the pushing the subject of my last letter, is really the fear of ruining that poor devil Gansel, and those other block heads.—But as soon as a good subject offers.'

As the private letters show, Junius had begun to receive information from various people who approved of the *Letters*, and who sent Woodfall materials to forward to him. Among these was a Mr. Samuel Vaughan, a wealthy London merchant, who had made himself conspicuous by his support of the opposition. He had attempted to buy a Patent-office in Jamaica from the Duke of Grafton. The Duke not only refused the money offered, but with a great show of virtuous indignation ordered a prosecution to be begun against Vaughan for attempting to corrupt the integrity of a minister. Junius was furnished with information that another patent-place, in the customs office at Exeter, had just been sold to a Mr. Hine, for the sum of £3,500, and that this sum had been paid to General Burgoyne, to reimburse him for fines and expenses he had incurred in breaking the law to secure a seat at Preston.

Burgoyne was, of course, a supporter of the administration. Junius published this information, (Letters 33 and 34) and the prosecution against Vaughan was stopped, probably in order to prevent still more unsavoury details from being exposed.

So far Junius had succeeded fairly well in his attempt to discredit the ministry and to unite the opposition. But it was increasingly manifest that behind the ministry was another power, that of the King, and that the King had at last secured a ministry who were willing to carry out all the royal wishes, provided only that they could keep their places. Junius was probably right in his conviction that the real conflict lay between the will of the people and the will of George III ; time seems to have proved him wrong in his assertion that 'we cannot long be deluded by nominal distinctions'. It may be questioned if there is a single statement in the letter to the King (Letter 35) that cannot be established, at this time and with our knowledge of George III and his methods. But in the eighteenth century no one was prepared to face that particular type of realism. The alternative to accepting the maxim *the King can do no wrong* was to change, not a ministry, but the King. Though Junius's letter to the King attracted more attention to him than any previous production of his,[1] it damaged his cause more than it helped it, from the outcry it produced from all quarters. In reality, as Junius tried to show, the prerogative had become the only real government. The commons was owned by the crown ; the chief justice was disposed to uphold the prerogative against the common law ; and the will of the nation, as expressed by remonstrances and petitions, was treated with contempt.

[1] S. T. Coleridge has left the following manuscript observation on page 160 of his copy of Junius, now in the British Museum :

'This address to the King is almost faultless in composition ; and has been evidently "tormented with the File". But it has fewer beauties than any other long Letter of Junius ; and is utterly undramatic. There is nothing in the style, the transition, or the sentiments, which represents the Passions of a man emboldening himself to address his sovereign personally. Like a Presbyterian's prayer, you may substitute almost every where the third for the second person without injury. The newspaper, his closet, and his own person were alone present to the author's intuition and imagination. This makes the composition vapid. It possesses an Isocratic correctness—where it should have had the force and drama of an oration of Demosthenes. From this, however, the 13th paragraph, beginning with the words—"as to the Scotch"—and the last two paragraphs must be honourably excepted. They are perhaps the finest passages in the whole of the volume.'

With the letter to the King, Junius reached his climax, and since that letter failed in its purpose, those which followed are of less importance. They kept up the campaign, however, a good while longer, rejoicing over the resignation of Grafton, attacking Lord North, who followed him as first lord of the treasury, and holding up to contempt the surrender of the Falkland Islands to Spain. They attempted to encourage and keep together the 'patriots' in the city. As long as Beckford, the real heart and soul of the opposition group in the city, lived, there was hope. But Beckford died, June, 1770, and the ambition of Wilkes soon brought on a serious division in the Bill of Rights Society. John Horne, one of the founders of the Society, and a notable supporter of Wilkes, resented Wilkes's demand that the Society be used solely in his support. Horne plunged into a public controversy with Wilkes, by which, though he was probably in the right, he brought discredit on the whole cause. Junius believed that the real issue was unity, and endeavoured to silence Horne, at the same time urging on Wilkes, *privately*, a more reasonable course of action. In this again, he failed, and he closed the *Letters* with an attack on Lord Chief Justice Mansfield, urging his impeachment for having illegally bailed a thief taken in the act. He was mistaken in his law, and Lord Camden refused to move for Mansfield's impeachment, in spite of all Junius's arguments.

Thus the *Letters of Junius* came to an end for the very good reason that they had failed to achieve their purpose. The death of George Grenville and the subsequent defection of his adherents Suffolk and Wedderburne; the quarrel between Lord Temple and Wilkes; the death of Beckford; the divisions in the Bill of Rights Society, brought about by the quarrel between Wilkes and Horne; all had rendered it impossible to unite the opposition. The stubbornness, ability, and courage of George III had made it plain that he would rule even if the opposition could be united. In 1770, when the pressure had been great for the dissolution of parliament on the grounds that the seating of Luttrell had made its existence illegal, he had said to Conway that rather than yield to the demand 'I will have recourse to this' and he laid his hand on his sword.

That Junius recognized at last the futility of his laborious and dangerous undertaking is shown by his final private letters to Woodfall. In answering Woodfall's offer of half the profits

ıe book, (Private Letter No. 59), Junius wrote: 'What say about the profits is very handsome. I like to deal such men. As for myself, be assured that I am far above pecuniary views, and no other person I think has any n to share with you. Make the most of it therefore, and ll your views in life be directed to a solid, however moderate :pendence. Without it no man can be happy, nor even est. If I saw any prospect of uniting the city once more, ɔuld readily continue to labour in the vineyard. Whenever Wilkes can tell me that such a union is in prospect, he shall r of me. *Quod si quis existimat me aut voluntate esse mutata, debilitata virtute, aut animo fracto, vehementer errat.*' [1] In the letter we possess from Junius to Woodfall, January 19, 3, the same reasons are given for not writing further: 'I e seen the signals thrown out for your old friend and respondent. Be assured I have had good reason for not ıplying with them. In the present state of things, if I were write again, I must be as silly as any of the horned cattle t run mad through the city, or as any of your wise aldermen. *:eant the cause and the public*: BOTH ARE GIVEN UP. I feel for honour of this country, when I see that there are not ten n in it who will unite and stand together upon any one estion. But it is all alike vile and contemptible. *You* have ver flinched that I know of: I shall always rejoice to hear your prosperity.'

Many years later, Lord Shelburne was to write in a similar ain from his retirement at Bowood to Jeremy Bentham, ncerning legal and parliamentary reform: 'I wish well to e new principles, and will promote them as far as a free claration of my own sentiments in public or private will go; ıt politics have given long since too much way to philosophy give myself further trouble about them. I would as soon ke England upon my back, as take the trouble of fighting) a second time the game to which you allude. If I plant ıy more, I have long determined that it shall be like the birds: e trees must depend on the nature of the soil—I will bestow) pains on fencing, much less manuring and dunging them.' [2]

[1] 'But if any one belives me to be changed in will, weakened in integrity broken in spirit, he errs grossly.'

[2] Bentham, *Works*, vol. x, p. 243. Letter of 27 August, 1790.

THE LETTERS OF JUNIUS

STAT NOMINIS UMBRA

DEDICATION TO THE *English* Nation

I DEDICATE to You a collection of Letters, written by one of Yourselves for the common benefit of us all. They would never have grown to this size, without your continued encouragement and applause. To me they originally owe nothing, but a healthy, sanguine constitution. Under *Your* care they have thriven. To *You* they are indebted for whatever strength or beauty they possess. When Kings and Ministers are forgotten, when the force and direction of personal satyr is no longer understood, and when measures are only felt in their remotest consequences, this book will, I believe, be found to contain principles, worthy to be transmitted to posterity. When you leave the unimpaired, hereditary freehold to Your children, You do but half Your duty. Both liberty and property are precarious, unless the possessors have sense and spirit enough to defend them.—This is not the language of vanity. If I am a vain man, my gratification lies within a narrow circle. I am the sole depositary of my own secret, and it shall perish with me.

If an honest man, and I may truly affirm, a laborious zeal for the public service has given me any weight in Your esteem, let me exhort and conjure You never to suffer an invasion of Your political constitution, however minute the instance may appear, to pass by, without a determined, persevering resistance. One precedent creates another. They soon accumulate, and constitute law. What yesterday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures, and where they do not suit exactly, the defect is supplied by analogy.[1]—Be assured that the laws, which protect us in our civil rights, grow out of the constitution, and that

[1] Editor's Note. This is a reference to the attempt made by the Administration to find precedents to justify the House of Commons in refusing to receive Wilkes as representative for Middlesex

they must fall or flourish with it. This is not the cause of faction, or of party, or of any individual, but the common interest of every man in Britain. Although the King should continue to support his present system of government, the period is not very distant, at which You will have the means of redress in your own power. It may be nearer perhaps than any of us expect, and I would warn You to be prepared for it. The King may possibly be advised to dissolve the present parliament a year or two before it expires of course, and precipitate a new election, in hopes of taking the nation by surprize. If such a measure be in agitation, this very caution may defeat or prevent it.

I [illegible] You will unanimous[illegible]om [illegible]te your exclusive right to choose your [illegible]er questions have been started on which your determination should be equally clear and unanimous. Let it be impressed upon your minds, let it be instilled into your children, that the liberty of the press is the *Palla*[illegible] and religious rights of an Engli[illegible]eral [illegible]ct, in all [illegible]tsoever, is an essential part of our [illegible]ntrouled or limited by the judges, nor [illegible]e by the le[illegible] [illegible]ns is not an arbitrary power.[1] They [illegible] owners of the estate. The fee-simple is in US. They cannot alienate, they cannot waste. When we say that the legislature is *supreme*, we mean that it is the highest power known to the constitution:—that it is the highest in comparison with the other subordinate powers established by the laws. In this sense, the word *supreme* is

[1] This positive denial, of an arbitrary power being vested in the Legislature, is not, in fact, a new doctrine. When the Earl of Lindsey, in the year 1675, brought a bill into the house of lords, *To prevent the dangers which might arise from persons disaffected to government*, by which an oath and penalty was to be imposed upon members of both houses, it was affirmed, in a protest signed by twenty-three lay peers (my lords the bishops were not accustomed to protest): 'That the privilege of sitting and voting in parliament, was an honour they had by birth, and a right so inherent in them, and inseparable from them, *that nothing could take it away*, but what, by the law of the land, must withal take away their lives, and corrupt their blood.' These noble peers (whose names are a reproach to their posterity) have, in this instance, solemnly denied the power of parliament to alter the constitution. Under a particular proposition, they have asserted a general truth, in which every man in England is concerned.

relative, not absolute. The power of the legislature is limited, not only by the general rules of natural justice, and the welfare of the community, but by the forms and principles of our particular constitution. If this doctrine be not true, we must admit, that King, Lords, and Commons have no rule to direct their resolutions, but merely their own will and pleasure. They might unite the legislative and executive power in the same hands, and dissolve the constitution by an act of parliament. But I am persuaded You will not leave it to the choice of seven hundred persons, notoriously corrupted by the crown, whether seven millions of their equals shall be freemen or slaves. The certainty of forfeiting their own rights, when they sacrifice those of the nation, is no check to a brutal, degenerate mind. Without insisting upon the extravagant concession made to Harry the eighth, there are instances, in the history of other countries, of a formal, deliberate surrender of the public liberty into the hands of the sovereign. If England does not share the same fate, it is because we have better resources, than in the virtue of either house of parliament.

I said that the liberty of the press is the *palladium* of all your rights, and that the right of juries to return a general verdict is part of your constitution. To preserve the whole system, You must correct your legislature. With regard to any influence of the constituents over the conduct of the representative, there is little difference between a seat in parliament for seven years and a seat for life. The prospect of your resentment is too remote; and although the last session of a septennial parliament be usually employed in courting the favour of the people, consider that, at this rate, your representatives have six years for offence, and but one for atonement. A deathbed repentance seldom reaches to restitution. If you reflect that in the changes of administration, which have marked and disgraced the present reign, although your warmest patriots have, in their turn, been invested with the lawful and unlawful authority of the crown, and though other reliefs or improvements have been held forth to the people, yet that no one man in office has ever promoted or encouraged a bill for shortening the duration of parliaments, but that, (whoever was minister) the opposition to this measure, ever since the septennial act passed, has been constant and uniform on the part of government,—You cannot but conclude, without a possibility of a doubt, that long parliaments are the foundation of the undue

influence of the crown. This influence answers every purpose of arbitrary power to the crown, with an expence and oppression to the people, which would be unnecessary in an arbitrary government. The best of our ministers find it the easiest and most compendious mode of conducting the King's affairs; and all ministers have a general interest in adhering to a system, which of itself is sufficient to support them in office, without any assistance from personal virtue, popularity, labour, abilities, or experience. It promises every gratification to avarice and ambition, and secures impunity.—These are truths unquestionable. If they make no impression, it is because they are too vulgar and notorious. But the inattention or indifference of the nation has continued too long. You are roused at last to a sense of your danger.—The remedy will soon be in your power. If *Junius* lives, You shall often be reminded of it. If, when the opportunity presents itself, You neglect to do your duty to yourselves and to posterity,—to God and to your country, I shall have one consolation left, in common with the meanest and basest of mankind.—Civil liberty may still last the life of

JUNIUS.

PREFACE BY JUNIUS

THE encouragement given to a multitude of spurious, mangled publications of the letters of *Junius*, persuades me, that a complete edition, corrected and improved by the author, will be favourably received. The printer will readily acquit me of any view to my own profit.[1] I undertake this troublesome task, merely to serve a man who has deserved well of me, and of the public; and who, on my account, has been exposed to an expensive, tyrannical prosecution. For these reasons, I give to *Mr. Henry Sampson Woodfall*, and to him alone, my right, interest, and property in these letters, as fully and completely, to all intents and purposes, as an author can possibly convey his property in his own works to another.

This edition contains all the letters of *Junius*, *Philo Junius*, and of *Sir William Draper* and *Mr. Horne* to *Junius*, with their respective dates, and according to the order in which they appeared in the *Public Advertiser*. The auxiliary part of Philo Junius was indispensably necessary to defend or explain particular passages in *Junius*, in answer to plausible objections; but the subordinate character is never guilty of the indecorum of praising his principal. The fraud was innocent, and I always intended to explain it. The notes will be found not only useful, but necessary. References to facts not generally known, or allusions to the current report or opinion of the day, are in a little time unintelligible. Yet the reader will not find himself overloaded with explanations. I was not born to be a commentator, even upon my own works.

It remains to say a few words upon the liberty of the press. The daring spirit, by which these letters are supposed to be distinguished, seems to require that something serious should be said in their defence. I am no lawyer by profession, nor do I pretend to be more deeply read, than every English

[1] Editor's Note. See Private Letter to Woodfall, No. 59.

gentleman should be in the laws of his country. If therefore the principles I maintain are truly constitutional, I shall not think myself answered, though I should be convicted of a mistake in terms, or of misapplying the language of the law. I speak to the plain understanding of the people, and appeal to their honest, liberal construction of me.

Good men, to whom alone I address myself, appear to me to consult their piety as little as their judgment and experience, when they admit the great and essential advantages accruing to society from the freedom of the press, yet indulge themselves in peevish or passionate exclamations against the abuses of it. Betraying an unreasonable expectation of benefits, pure and entire, from any human institution, they in effect arraign the goodness of providence, and confess that they are dissatisfied with the common lot of humanity. In the present instance they really create to their own minds, or greatly exaggerate, the evil they complain of. The laws of England provide, as effectually as any human laws can do, for the protection of the subject, in his reputation, as well as in his person and property. If the characters of private men are insulted or injured, a double remedy is open to them, by *action* and *indictment*. If, through indolence, false shame, or indifference, they will not appeal to the laws of their country, they fail in their duty to society, and are unjust to themselves. If, from an unwarrantable distrust of the integrity of juries, they would wish to obtain justice by any mode of proceeding, more summary than a trial by their peers, I do not scruple to affirm, that they are in effect greater enemies to themselves, than to the libeller they prosecute.

With regard to strictures upon the characters of men in office and the measures of government, the case is a little different. A considerable lattitude must be allowed in the discussion of public affairs, or the liberty of the press will be of no benefit to society. As the indulgence of private malice and personal slander should be checked and resisted by every legal means, so a constant examination into the characters and conduct of ministers and magistrates should be equally promoted and encouraged. They, who conceive that our newspapers are no restraint upon bad men, or impediment to the execution of bad measures, know nothing of this country. In that state of abandoned servility and prostitution, to which the undue influence of the crown has reduced the other branches of the

legislature, our ministers and magistrates have in reality little punishment to fear, and few difficulties to contend with, beyond the censure of the press, and the spirit of resistance which it excites among the people. While this censorial power is maintained, to speak in the words of a most ingenious foreigner, both minister and magistrate is compelled, in almost every instance, *to choose between his duty and his reputation.* A dilemma of this kind, perpetually before him, will not indeed work a miracle upon his heart, but it will assuredly operate, in some degree, upon his conduct. At all events, these are not times to admit of any relaxation in the little discipline we have left.

But it is alledged, that the licentiousness of the press is carried beyond all bounds of decency and truth;—that our excellent ministers are continually exposed to the public hatred or derision;—that, in prosecutions for libels on Government, juries are partial to the popular side; and that, in the most flagrant cases, a verdict cannot be obtained for the King.—If the premises were admitted, I should deny the conclusion. It is not true that the temper of the times has, in general, an undue influence over the conduct of juries. On the contrary, many signal instances may be produced of verdicts returned for the King, when the inclinations of the people led strongly to an undistinguishing opposition to government. Witness the cases of *Mr. Wilkes* and *Mr. Almon.*[1] In the late prosecutions of the printers of my address to a great personage, the juries were never fairly dealt with.—*Lord Chief Justice Mansfield,* conscious that the paper in question contained no treasonable or libellous matter, and that the severest parts of it, however painful to the King, or offensive to his servants, were strictly true, would fain have restricted the jury to the finding of special facts, which, as to *guilty* or *not guilty*, were merely indifferent. This particular motive, combined with his general purpose to contract the power of juries, will account

[1] Editor's Note. Wilkes had been found guilty, February 21, 1764, of a scandalous, obscene, and impious libel in writing and printing privately *An Essay on Women*, a parody on Pope's *Essay on Man.* At the same time, No. 45 of the North Briton was declared a seditious libel, and Wilkes failing to appear to receive judgment on the two counts, was declared outlawed.

Almon was prosecuted merely for selling *The London Museum*, a magazine not printed by him, which contained a reprint of Junius's Letter to the King (No. 35). Though Almon brought out at the trial that he did not even know that the magazine sold at his shop contained the letter, the jury brought in a verdict against him.

of the charge he delivered in *Woodfall's* trial. He told the jury, in so many words, that they had nothing to determine, except the fact of *printing and publishing*, and whether or no the *blanks, or inuendoes* were properly filled up in the information; but that, whether the defendant had committed a *crime* or not, was no matter of consideration to twelve men, who yet, upon their oaths, were to pronounce their peer *guilty* or *not guilty*. When we hear such nonsense delivered from the bench, and find it supported by a laboured train of sophistry, which a plain understanding is unable to follow, and which an unlearned jury, however it may shock their reason, cannot be supposed qualified to refute, can it be wondered that they should return a verdict, perplexed, absurd, or imperfect?—Lord Mansfield has not yet explained to the world, why he accepted of a verdict, which the court afterwards set aside as illegal, and which, as it took no notice of the *inuendoes*, did not even correspond with his own charge. If he had known his duty he should have sent the jury back.—I speak advisedly, and am well assured that no lawyer, of character in Westminster-hall, will contradict me. To show the falsehood of *Lord Mansfield's* doctrine, it is not necessary to enter into the merits of the paper which produced the trial. If every line of it were treason, his charge to the jury would still be false, absurd, illegal, and unconstitutional. If I stated the merits of my letter to *the King, I should imitate* LORD MANSFIELD, and TRAVEL OUT OF THE RECORD.[1] *When law and reason* speak plainly, we do not want *authority* to direct our understandings.

[1] The following quotation from a speech delivered by *Lord Chatham* on the eleventh of December, 1770, is taken with exactness. The reader will find it curious in itself, and very fit to be inserted here.

'My Lords, The verdict, given in Woodfall's trial, was *guilty of printing and publishing* ONLY; upon which two motions were made in court;—one, in arrest of judgement, by the defendant's council, grounded upon the ambiguity of the verdict;—the other, by the council for the crown, for a rule upon the defendant, to shew cause, why the verdict should not be entered up according to the *legal* import of the words. On both motions, a rule was granted, and soon after the matter was argued before the court of King's Bench. The noble judge, when he delivered the opinion of the court upon the verdict, went regularly through the whole of the proceedings at *Nisi Prius*, as well the evidence that had been given, as his own charge to the jury. This proceeding would have been very proper, had a motion been made of either side for a new trial, because either a verdict given contrary to evidence, or an improper charge by the judge at *Nisi Prius*, is held to be a sufficient ground for granting a new trial. But when the

Yet, for the honour of the profession, I am content to oppose one lawyer to another, especially when it happens that the King's Attorney General has virtually disclaimed the doctrine by which the Chief Justice meant to insure success to the prosecution. The opinion of the plaintiff's council (however it may be otherwise insignificant) is weighty in the scale of the defendant.—*My Lord Chief Justice De Grey*, who filed the information *ex officio*, is directly with me. If he had concurred in *Lord Mansfield's* doctrine, the trial must have been a very short one. The facts were either admitted by *Woodfall's* council or easily proved to the satisfaction of the jury. But *Mr. De Grey*, far from thinking he should acquit himself of his duty by barely proving the facts, entered largely, and I confess not without ability, into the demerits of the paper, which he called *a seditious libel*. He dwelt but lightly upon those points, which, (according to Lord Mansfield) were the only matter of consideration to the jury. The criminal intent, the libellous matter, the pernicious tendency of the paper itself, were the topics on which he principally insisted, and of which, for more than an hour, he tortured his faculties to convince the jury. If he agreed in opinion with *Lord Mansfield*, his discourse was impertinent, ridiculous and unseasonable. But understanding the law as I do, what he said was at least consistent and to the purpose.

If any honest man should still be inclined to leave the construction of libels to the court, I would intreat him to consider what a dreadful complication of hardships he imposes upon his fellow subject.—In the first place, the prosecution commences by *information* of an officer of the crown, not by the regular constitutional mode of *indictment* before a grand jury.—As the fact is usually admitted, or in general can easily be proved, the office of the petty jury is nugatory.—The *court*

motion is made in arrest of judgement, or for establishing the verdict by entering it up according to the legal import of the words, it must be on the ground of something appearing *on the face of the record*; and the court, in considering whether the verdict shall be established or not, are so confined to the *record*, that they cannot take notice of anything that does not appear on the face of it; in the legal phrase, *they cannot travel out of the record*. The noble judge did travel out of the record, and I affirm that his discourse was *irregular*, *extrajudicial*, and *unprecedented*. His apparent motive for doing what he knew to be wrong, was, that he might have an opportunity of telling the public *extrajudicially*, that the other three judges concurred in the doctrine laid down in his charge.

:hen judges of the nature and extent of the offence, and determines *ad arbitrium*, the *quantum* of the punishment, from a small fine to a heavy one, to repeated whipping, to pillory, and unlimited imprisonment. Cutting off ears and noses *might* still be inflicted by a resolute judge; but I will be candid enough to suppose that penalties, so apparently shocking to humanity, would not be hazarded in these times.—In all other criminal prosecutions, the jury decides upon the fact and the crime in one word, and the court pronounces a *certain* sentence, which is the sentence of the law, not of the judge. If *Lord Mansfield's* doctrine be received, the jury must either find a verdict of acquittal, contrary to evidence, (which, I can conceive, might be done by very conscientious men, rather than trust a fellow-creature to *Lord Mansfield's* mercy,) or they must leave the court two offices, never but in this instance united, of finding guilty, and awarding punishment.

But, says this honest *Lord Chief Justice*, 'If the paper be not criminal, the defendant' (tho' found guilty by his peers) 'is in no danger, for he may move the court in arrest of judgment.' True, my good Lord, but who is to determine upon the motion?—Is not the court still to decide, whether judgment *shall be entered up or not; and is not the defendant this* way as effectually deprived of judgment by his peers, as if he were tried in a court of civil law, or in the chambers of the inquisition? It is you, my Lord, who then try the crime, not the jury. As to the probable effect of a motion in arrest of judgment, I shall only observe, that no reasonable man would be so eager to possess himself of the invidious power of inflicting punishment, if he were not predetermined to make use of it.

AGAIN;—We are told that judge and jury have a distinct office;—that the jury is to find the fact, and the judge to deliver the law. *De jure respondent judices, de facto jurati.* The *dictum* is true, though not in the sense given to it by *Lord Mansfield.* The jury are undoubtedly to determine the fact, that is, whether the defendant did or did not commit the crime charged against him. The judge pronounces the sentence annexed by law to that fact so found; and if, in the course of the trial, any question of law arises, both the counsel and the jury must, of necessity, appeal to the judge, and leave it to his decision. An *exception*, or *plea in bar*, may be allowed by the court; but, when issue is joined, and the jury have

received their charge, it is not possible, in the nature of things, for them to separate the law from the fact, unless they think proper to return a *special* verdict.

It has also been alledged that, although a common jury are sufficient to determine a plain matter of fact, they are not qualified to comprehend the meaning, or to judge of the tendency, of a seditious libel. In answer to this objection, (which, if well founded, would prove nothing as to the *strict right* of returning a general verdict,) I might safely deny the truth of the assertion. Englishmen of that rank from which juries are usually taken are not so illiterate as, (to serve a particular purpose) they are now represented. Or, admitting the fact, let a special jury be summoned in all cases of difficulty and importance, and the objection is removed. But the truth is, that if a paper, supposed to be a libel upon government, be so obscurely worded, that twelve common men cannot possibly see the seditious meaning and tendency of it, it is in effect no libel. It cannot inflame the minds of the people, nor alienate their affections from government; for they no more understand what it means, than if it were published in a language unknown to them.

Upon the whole matter, it appears to *my* understanding, clear beyond a doubt, that if, in any future prosecution for a seditious libel, the jury should bring in a verdict of acquittal not warranted by the evidence, it will be owing to the false and absurd doctrines laid down by *Lord Mansfield*. Disgusted at the odious artifices made use of by the judge to mislead and perplex them, guarded against his sophistry, and convinced of the falsehood of his assertions, they may perhaps determine to thwart his detestable purpose, and defeat him at any rate. To *him* at least, they will do *substantial justice*.—Whereas, if the whole charge, laid in the information, be fairly and honestly submitted to the jury, there is no reason whatsoever to presume that twelve men, upon their oaths, will not decide impartially between the King and the defendant. The numerous instances, in our state-trials, of verdicts recovered for the King, sufficiently refute the false and scandalous imputations thrown by the abettors of *Lord Mansfield* upon the integrity of juries.—But even admitting the supposition that, in times of universal discontent, arising from the notorious maladministration of public affairs, a seditious writer should escape punishment, it makes nothing against my general argument.

If juries are fallible, to what other tribunal shall we appeal? —If juries cannot safely be trusted, shall we unite the offices of judge and jury, so wisely divided by the constitution, and trust implicitly to *Lord Mansfield*?—Are the judges of the court of King's Bench more likely to be unbiassed and impartial, than twelve yeomen, burgesses, or gentlemen taken indifferently from the county at large?—Or, in short, shall there be *no* decision, until we have instituted a tribunal, from which no possible abuse or inconvenience whatsoever can arise?—If I am not grossly mistaken, these questions carry a decisive answer along with them.[1]

Having cleared the freedom of the press from a restraint, equally unnecessary and illegal, I return to the use which has been made of it in the present publication.

National reflections, I confess, are not to be justified in theory, nor upon any general principles. To know how well they are deserved, and how justly they have been applied, we must have the evidence of facts before us. We must be conversant with the *Scots* in private life, and observe their principles of acting to *us*, and to each other;—the characteristic prudence, the selfish nationality, the indefatigable smile, the persevering assiduity, the everlasting profession of a discreet and moderate resentment.[2]—If the instance were not too important for an experiment, it might not be amiss to confide a little in their integrity.—Without any abstract reasoning upon causes and effects, we shall soon be convinced by *experience*, that the *Scots*, transplanted from their own country, are always a distinct and separate body from the people who receive them. In other settlements they only love themselves;—in *England*, they cordially love themselves, and as cordially hate their neighbours. For the remainder of their good qualities, I must

[1] Editor's Note. The matter was not finally settled by statute until 1792, when a bill introduced by Charles Fox, and carried through both Houses, decided entirely in favour of Junius's position here advanced. 32 Geo. III, c. 60.

[2] Editor's Note. Compare the sentiments of Lord Shelburne in 1786 (he was then Marquis of Lansdowne) expressed in a letter to Dr. Price: 'I can scarce conceive a Scotchman capable of liberality, and capable of impartiality. That Nation is composed of such a sad set of innate cold-hearted impudent rogues that I sometimes think it a comfort that when you and I shall walk together in the next world (which I hope we shall as well as in this) we cannot possibly then have any of them sticking to our skirts.'—Fitzmaurice, *Life of Shelburne*, Vol. II, p. 308.

appeal to the reader's observation, unless he will accept of *my Lord Barrington's* authority. In a letter to the late *Lord Melcombe*, published by *Mr. Lee*, he expresses himself with a truth and accuracy not very common in his lordship's lucubrations.—'And Cockburn, *like most of his countrymen*, is as abject to those above him, as he is insolent to those below him.'—I am far from meaning to impeach the articles of the Union. If the true spirit of those articles were religiously adhered to, we should not see such a multitude of Scotch commoners in the lower house, as representatives of English boroughs, while not a single Scotch borough is ever represented by an Englishman. We should not see English peerages given to Scotch ladies, or to the elder sons of Scotch peers, and the number of *sixteen* doubled and trebled by a scandalous evasion of the Act of Union.—If it should ever be thought advisable to dissolve an act, the violation or observance of which is invariably directed by the advantage and interest of the *Scots*, I shall say very sincerely with Sir Edward Coke, 'When poor England stood alone, and had not the access of another kingdom, and yet had more and as potent enemies as it now hath, yet the King of England prevailed.' [1]

Some opinion may now be expected from me, upon a point of equal delicacy to the writer, and hazard to the printer. When the character of the chief magistrate is in question, more must be understood, than may safely be expressed. If it be really a part of our constitution, and not a mere *dictum* of the law, *that the King can do no wrong*, it is not the only instance in the wisest of human institutions where theory is at variance with practice.—That the sovereign of this country is not amenable to any form of trial known to the laws is unquestionable. But exemption from punishment is a singular privilege annexed to the royal character, and no way excludes the possibility of deserving it. How long, and to what extent a King of *England* may be protected by the forms, when he violates the spirit of the constitution, deserves to be considered. A mistake in this matter proved fatal to *Charles* and his son.—For my own part, far from thinking that the king can do no wrong, far from suffering myself to be deterred or imposed upon by the language of forms, in opposition to the substantial evidence of truth, if it were my misfortune to live under the inauspicious reign of a prince, whose whole life was employed

[1] Parliamentary History, Vol. VII, p. 400.

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RAJA RAMMOHANPUR.

in one base, contemptible struggle with the free spirit o
people, or in the detestable endeavour to corrupt their m
principles, I would not scruple to declare to him,—'Sir,
alone are the author of the greatest wrong to your sub
and to yourself. Instead of reigning in the hearts of
people, instead of commanding their lives and fortunes t
the medium of their affections, has not the strength of
crown, whether influence or prerogative, been unifo
exerted, for eleven years together, to support a narrow, pi
system of government, which defeats itself, and answer
one purpose of real power, profit, or personal satisfactio
You?—With the greatest unappropriated revenue of any pr
in Europe, have we not seen You reduced to such vile,
sordid distresses, as would have conducted any other ma
a prison?—With a great military, and the greatest naval pc
in the known world, have not foreign nations repeatedly
sulted You with impunity?—Is it not notorious that the
revenues, extorted from the labour and industry of
subjects, and given You to do honour to Yourself and to
nation, are dissipated in corrupting their representative
Are You a prince of the House of Hanover, and do You exc
all the leading whig families from your councils?—Do
profess to govern according to Law, and is it consistent
that profession, to impart your confidence and affectio
those men only, who, though now perhaps detached from
desperate cause of the Pretender, are marked in this cou
by an hereditary attachment to high and arbitrary princi
of government?—Are you so infatuated as to take the s
of your people from the representation of ministers, or f
the shouts of a mob, notoriously hired to surround your co
or stationed at a theatre?—And if You are in reality,
public Man, that King, that Magistrate, which these quest
suppose You to be, is it any answer to your people, to say
among your domestics, You are good humoured?—tha
one lady you are faithful?—that to your children You
indulgent?—Sir, the man who addresses You in these t
is your best friend. He would willingly hazard his lif
defence of your title to the crown; and if *power* be your ob
would still show You, how possible it is for a King of Engl
by the noblest means, to be the most absolute prince in Eur
You have no enemies, Sir, but those who persuade You to
at power without right, and who think it flattery to tell

that the character of King dissolves the natural relation between guilt and punishment.'

I CANNOT conceive that there is a heart so callous, or an understanding so depraved as to attend to a discourse of this nature, and not to feel the force of it. But where is the man, among those who have access to the closet, resolute and honest enough to deliver it? The liberty of the press is our only resource. It will command an audience when every honest man in the kingdom is excluded. This glorious privilege may be a security to the King, as well as a resource to his people. Had there been no star-chamber, there would have been no rebellion against Charles the first. The constant censure and admonition of the press would have corrected his conduct, prevented a civil war, and saved him from an ignominious death.—I am no friend to the doctrine of precedents exclusive of right, though lawyers often tell us, that whatever has been once done, may lawfully be done again.

I shall conclude this preface with a quotation, applicable to the subject, from a foreign writer,[1] whose essay on the English constitution I beg leave to recommend to the public, as a performance, deep, solid, and ingenious.

'In short, whoever considers what it is that constitutes the moving principle of what we call great affairs, and the invincible sensibility of man to the opinion of his fellow-creatures, will not hesitate to affirm that, if it were possible for the liberty of the press to exist in a despotic government, and (what is not less difficult) for it to exist without changing the constitution, this liberty of the press would alone form a counterpoise to the power of the prince. If, for example, in an empire of the East, a sanctuary could be found, which, rendered respectable by the ancient religion of the people, might insure safety to those who should bring thither their observations of any kind, and that, from thence, printed papers should issue, which, under a certain seal, might be equally respected, and which, in their daily appearance, should examine, and freely discuss, the conduct of the Cadis, the Bashaws, the Vizir, the Divan, and the Sultan himself, that would introduce immediately some degree of liberty.'

[1] Monsieur De Lolme.

THE LETTERS OF JUNIUS

THE LETTERS OF JUNIUS, &c.

LETTER I

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER

21 January 1769

Sir,

The submission of a free people to the executive authority of government, is no more than a compliance with laws which they themselves have enacted. While the national honour is firmly maintained abroad, and while justice is impartially administered at home, the obedience of the subject will be voluntary, chearful, and I might almost say, unlimited. A generous nation is grateful even for the preservation of its rights, and willingly extends the respect due to the office of a good prince into an affection for his person. Loyalty, in the heart and understanding of an Englishman, is a rational attachment to the guardian of the laws. Prejudices and passion have sometimes carried it to a criminal length; and, whatever foreigners may imagine, we know that Englishmen have erred as much in a mistaken zeal for particular persons and families, as they ever did in defence of what they thought most dear and interesting to themselves.

It naturally fills us with resentment, to see such a temper insulted and abused. In reading the history of a free people, whose rights have been invaded, we are interested in their cause. Our own feelings tell us how long they ought to have submitted, and at what moment it would have been treachery to themselves not to have resisted. How much warmer will be our resentment, if experience should bring the fatal example home to ourselves!

The situation of this country is alarming enough to rouse the attention of every man, who pretends to a concern for the public welfare. Appearances justify suspicion; and, when

the safety of a nation [illegible] like, suspicion is a just ground of inquiry. Let us enquire into it with candour and decency. Respect is due to the station of ministers; and, if a resolution must at last be taken, there is none so likely to be supported with firmness, as that which has been adopted with moderation.

The ruin or prosperity of a state depends so much upon the administration of its government, that to be acquainted with the merit of a ministry, we need only observe the condition of the people. If we see them obedient to the laws, prosperous in their industry, united at home, and respected abroad, we may reasonably presume that their affairs are conducted by men of experience, abilities and virtue. If, on the contrary, we see an universal spirit of distrust and dissatisfaction, a rapid decay of trade, dissensions in all parts of the empire, and a total loss of respect in the eyes of foreign powers, we may pronounce, without hesitation, that the government of that country is weak, distracted and corrupt. The multitude, in all countries, are patient to a certain point. Ill-usage may rouse their indignaton, and hurry them into excesses, but the original fault is in government. Perhaps there never was an instance of a change in the circumstances and temper of a whole nation so sudden and extraordinary as that which the misconduct of ministers has, within these very few years, produced in Great Britain. When our gracious sovereign ascended the throne, we were a flourishing and a contented people. If the personal virtues of a king could have insured the happiness of his subjects, the scene could not have altered so entirely as it has done. The idea of uniting all parties, of trying all characters, and of distributing the officers of state by rotation, was gracious and benevolent to an extreme, though it has not yet produced the many salutary effects which were intended by it. To say nothing of the wisdom of such a plan, it undoubtedly arose from an unbounded goodness of heart, in which folly had no share. It was not a capricious partiality to new faces;—it was not a natural turn for low intrigue; nor was it the treacherous amusement of double and triple negotiations. No, Sir, it arose from a continued anxiety, in the purest of all possible hearts, for the general welfare. Unfortunately for us, the event has not been answerable to the design. After a rapid succession of changes, we are reduced to that state which hardly any change can mend.

Yet there is no extremity of distress, which of itself ought to reduce a great nation to despair. It is not the disorder, but the physician ;—it is not a casual concurrence of calamitous circumstances, it is the pernicious hand of government, which alone can make a whole people desperate.

WITHOUT much political sagacity, or any extraordinary depth of observation, we need only mark how the principal departments of the state are bestowed, and look no farther for the true cause of every mischief that befalls us.

The finances of a nation, sinking under its debts and expenses are committed to a young nobleman already ruined by play.[1] Introduced to act under the auspices of Lord Chatham, and left at the head of affairs by that nobleman's retreat, he became minister by accident ; but, deserting the principles and professions which gave him a moment's popularity, we see him, from every honourable engagement to the public, an apostate by design. As for business, the world yet knows nothing of his talents or resolution ; unless a wayward, wavering inconsistency be a mark of genius, and caprice a demonstration of spirit. It may be said, perhaps, that it is his grace's province, as surely it is his passion, rather to distribute than to save the public money, and that while Lord North is Chancellor of the Exchequer, the First Lord of the Treasury may be as thoughtless and as extravagant as he pleases. I hope, however, he will not rely too much on the fertility of Lord North's genius for finance. His lordship is yet to give us the first proof of his abilities : It may be candid to suppose that he has hitherto voluntarily concealed his talents ; intending, perhaps, to astonish the world, when we least expect it, with a knowledge of trade, a choice of expedients, and a depth of resources equal to the necessities, and far beyond the hopes, of his country. He must now exert the whole power of his capacity, if he would wish us to forget, that, since he has been in office, no plan has been formed, no system adhered to, nor any one important measure adopted, for the relief of public credit. If his plan for the service of the current year be not irrevocably fixed on,

[1] The Duke of Grafton took the office of Secretary of State, with an engagement to support the Marquis of Rockingham's administration. He resigned, however, in a little time, under pretence that he could not act without Lord Chatham, nor bear to see Mr. Wilkes abandoned ; but that under Lord Chatham he would act in *any* office. This was the signal of Lord Rockingham's dismission. When Lord Chatham came in, the Duke got possession of the Treasury. Reader, mark the consequence !

let me warn him to think seriously of consequences before he ventures to increase the public debt. Outraged and oppressed as we are, this nation will not bear, after a six years' peace, to see new millions borrowed, without an eventual diminution of debt, or reduction of interest. The attempt might rouse a spirit of resentment, which might reach beyond the sacrifice of a minister. As to the debt upon the civil list, the people of England expect that it will not be paid without a strict enquiry how it was incurred. If it must be paid by parliament, let me advise the Chancellor of the Exchequer to think of some better expedient than a lottery. To support an expensive war, or in circumstances of absolute necessity, a lottery may perhaps be allowable; but, besides that it is at all times the very worst way of raising money upon the people, I think it ill becomes the Royal dignity to have the debts of a King provided for, like the repairs of a county bridge, or a decayed hospital. The management of the King's affairs in the House of Commons cannot be more disgraced than it has been. A leading minister repeatedly called down for absolute ignorance[1];—ridiculous motions ridiculously withdrawn;—deliberate plans disconcerted, and a week's preparation of graceful oratory lost in a moment, give us some, though not adequate idea of Lord North's parliamentary abilities and influence. Yet, before he had the misfortune to be Chancellor of the Exchequer, he was neither an object of derision to his enemies, nor of melancholy pity to his friends.

A series of inconsistent measures had alienated the colonies from their duty as subjects, and from their natural affection to their common country. When Mr. Grenville was placed at the head of the Treasury, he felt the impossibility of Great Britain's supporting such an establishment as her former successes had made indispensable, and at the same time of giving any sensible relief to foreign trade, and to the weight of the public debt. He thought it equitable that those parts of the empire, which had benefited most by the expenses of the war, should contribute something to the expenses of the peace, and he had no doubt of the constitutional right vested in parliament to raise that contribution. But, unfortunately for this country, Mr. Grenville was at any rate to be distressed, because he was minister, and Mr. Pitt[2] and Lord Camden were to be the

[1] This happened frequently to poor Lord North.

[2] Yet Junius has been called the partizan of Lord Chatham!

patrons of America, because they were in opposition. Their declarations gave spirit and argument to the colonies, and while perhaps they meant no more than the ruin of a minister, they in effect divided one half of the empire from the other.

Under one administration the stamp act is made; under the second it is repealed; under the third, in spite of all experience, a new mode of taxing the colonies is invented, and a question revived, which ought to have been buried in oblivion.[1] In these circumstances a new office is established for the business of the plantations, and the Earl of Hillsborough called forth, at a most critical season, to govern America.[2] The choice at least announced to us a man of superior capacity and knowledge. Whether he be so or not, let his despatches, as far as they have appeared, let his measures, as far as they have operated, determine for him. In the former we have seen strong assertions without proof, declamation without argument, and violent censures without dignity or moderation; but neither correctness in the composition, nor judgment in the design. As for his measures, let it be remembered, that he was called upon to conciliate and unite; and that, when he entered into office, the most refractory of the colonies were still disposed to proceed by the constitutional methods of petition and remonstrance. Since that period they have been driven into excesses little short of rebellion. Petitions have been hindered from reaching the throne; and the continuance of one of the principal assemblies rested upon an arbitrary condition,[3] which, considering the temper they were in, it was impossible they should comply with, and which would have availed nothing as to the general question if it had been complied with. So violent, and I believe I may call it so unconstitutional, an exertion of the prerogative, to say nothing of the weak injudicious terms in which it was conveyed, gives us as humble an opinion of his lordship's capacity, as it does

[1] Editor's Note. In 1766, Shelburne had said: 'There were only two questions, for the consideration of Parliament, repeal or no repeal. It was unwise to raise the question of right, whatever their opinions might be.'—*Parl. Hist.*, xvi, 165.

[2] Editor's Note. The Earl of Hillsborough had a new office created for him, that of Secretary of State for the Colonies. This was done to get the management of colonial affairs out of Lord Shelburne's hands, Shelburne being considered too conciliatory by Grafton and the Bedford party.

[3] That they should retract one of their resolutions, and erase the entry of it.

of his temper and moderation. While we are at peace with other nations, our military force may perhaps be spared to support the Earl of Hillsborough's measures in America. Whenever that force shall be necessarily withdrawn or diminished, the dismission of such a minister will neither console us for his imprudence, nor remove the settled resentment of a people, who, complaining of an act of the legislature, are outraged by an unwarrantable stretch of prerogative, and, supporting their claims by argument, are insulted with declamation.

Drawing lots would be a prudent and reasonable method of appointing the officers of state, compared to a late disposition of the secretary's office. Lord Rochford was acquainted with the affairs and temper of the southern courts: Lord Weymouth was equally qualified for either department.[1] By what unaccountable caprice has it happened, that the latter, who pretends to no experience whatsoever, is removed to the most important of the two departments, and the former by preference placed in an office, where his experience can be of no use to him? Lord Weymouth had distinguished himself in his first employment by a spirited, if not judicious, conduct. He had animated the civil magistrate beyond the tone of civil authority, and had directed the operations of the army to more than military execution. Recovered from the errors of his youth, from the distraction of play, and the bewitching smiles of Burgundy, behold him exerting the whole strength of his clear, unclouded faculties, in the service of the crown. It was not the heat of midnight excesses, nor ignorance of the laws, nor the furious spirit of the House of Bedford: No, Sir, when this respectable minister interposed his authority between the magistrate and the people, and signed the mandate on which, for aught he knew, the lives of thousands depended, he did it from the deliberate motion of his heart, supported by the best of his judgment.

It has lately been a fashion to pay a compliment to the bravery and generosity of the commander-in-chief,[2] at the expense of his understanding. They who love him least make no question of his courage, while his friends dwell chiefly on

[1] It was pretended that the Earl of Rochford, while ambassador in France, had quarrelled with the Duke of Choiseuil, and that therefore he was appointed to the northern department, out of compliment to the French minister.

[2] The late Lord Granby.

the facility of his disposition. Admitting him to be as brave as a total absence of all feeling and reflection can make him, let us see what sort of merit he derives from the remainder of his character. If it be generosity to accumulate in his own person and family a number of lucrative employments—to provide, at the public expense, for every creature that bears the name of Manners; and, neglecting the merit and services of the rest of the army, to heap promotions upon his favourites and dependants, the present commander-in-chief is the most generous man alive. Nature has been sparing of her gifts to this noble lord; but, where birth and fortune are united, we expect the noble pride and independance of a man of spirit, not the servile, humiliating complaisance of a courtier. As to the goodness of his heart, if a proof of it be taken from the facility of never refusing, what conclusions shall we draw from the indecency of never performing? And if the discipline of the army be in any degree preserved, what thanks are due to a man, whose cares, notoriously confined to filling up vacancies, have degraded the office of commander-in-chief into a broker of commissions!

With respect to the navy, I shall only say, that this country is so highly indebted to Sir Edward Hawke, that no expence should be spared to secure to him an honourable and affluent retreat.[1]

The pure and impartial administration of justice is perhaps the firmest bond to secure a chearful submission of the people, and to engage their affections to government. It is not sufficient that questions of private right and wrong are justly decided, nor that judges are superior to the vileness of pecuniary corruption. Jefferies himself, when the court had no interest, was an upright judge. A court of justice may be subject to another sort of bias, more important and pernicious, as it reaches beyond the interest of individuals, and affects the whole community. A judge under the influence of government, may be honest enough in the decision of private causes, yet a traitor to the public. When a victim is marked out by

[1] Editor's Note. The Navy at this time was in a very bad condition, but Junius is careful not to expose the true state of affairs, probably because he wished to take a firm tone towards France and Spain, as his references to Corsica and the Falkland Islands show. For an interesting account of the actual state of the Navy about this time, see the speech by Lord Sandwich in 1775. *Parl. Hist.*, xviii, 280.

the ministry, this judge will offer himself to perform the sacrifice. He will not scruple to prostitute his dignity, and betray the sanctity of his office, whenever an arbitrary point is to be carried for government, or the resentments of a court are to be gratified.

These principles and proceedings, odious and contemptible as they are, in effect are no less injudicious. A wise and generous people are roused by every appearance of oppressive, unconstitutional measures, whether those measures are supported openly by the power of government, or masked under the forms of a court of justice. Prudence and self-preservation will oblige the most moderate dispositions to make common cause, even with a man whose conduct they censure, if they see him persecuted in a way which the real spirit of the laws will not justify.[1] The facts, on which these remarks are founded, are too notorious to require an application.

THIS, Sir, is the detail. In one view, behold a nation overwhelmed with debt; her revenues wasted; her trade declining; the affections of her colonies alienated; the duty of the magistrate transferred to the soldiery; a gallant army, which never fought unwillingly but against their fellow subjects, mouldering away for want of the direction of a man of common abilities and spirit: and, in the last instance, the administration of justice become odious and suspected to the whole body of the people. This deplorable scene admits but of one addition —that we are governed by councils, from which a reasonable man can expect no remedy but poison, no relief but death.

If, by the immediate interposition of Providence, it were possible for us to escape a crisis so full of terror and despair, posterity will not believe the history of the present times. They will either conclude that our distresses were imaginary, or that we had the good fortune to be governed by men of acknowledged integrity and wisdom: they will not believe it possible that their ancestors could have survived, or recovered from so desperate a condition, while a Duke of Grafton was Prime Minister, a Lord North Chancellor of the Exchequer, a Weymouth and a Hillsborough Secretaries of State, a Granby Commander in Chief, and a Mansfield chief criminal judge of the kingdom.

JUNIUS

[1] Editor's Note. A reference to Wilkes.

LETTER II

TO THE PRINTER OF THE PUBLIC ADVERTISER

26 January 1769

Sir,

The kingdom swarms with such numbers of felonious robbers of private character and virtue, that no honest or good man is safe ; especially as these cowardly, base assassins, stab in the dark, without having the courage to sign their real names to their malevolent and wicked productions. A writer, who signs himself Junius, in the Public Advertiser of the 21st instant, opens the deplorable situation of this country in a very affecting manner ; with a pompous parade of his candour and decency, he tells us, that we see dissensions in all parts of the empire, an universal spirit of distrust and dissatisfaction, and a total loss of respect towards us in the eyes of foreign powers. But this writer, with all his boasted candour, has not told us the real cause of the evils he so pathetically enumerates. I shall take the liberty to explain the cause for him. Junius, and such writers as himself, occasion all the mischiefs complained of, by falsely and maliciously traducing the best characters in the kingdom. For when our deluded people at home, and foreigners abroad, read the poisonous and inflammatory libels that are daily published with impunity, to vilify those who are in any way distinguished by their good qualities and eminent virtues ; when they find no notice taken of, or reply given to these slanderous tongues and pens, their conclusion is, that both the ministers and the nation have been fairly described, and they act accordingly. I think it therefore the duty of every good citizen to stand forth, and endeavour to undeceive the public, when the vilest arts are made use of to defame and blacken the brightest characters among us. An eminent author affirms it to be almost as criminal to hear a worthy man traduced, without attempting his justification, as to be the author of the calumny against him. For my own part I think it a sort of misprision of treason against society. No man, therefore, who knows Lord Granby, can possibly hear so good and great a character most vilely abused, without a warm and just indignation against this Junius, this high priest of envy, malice, and all uncharitableness, who has endeavoured to sacrifice our beloved commander-in-chief at the altars of

is horrid deities. Nor is the injury done to his lordship alone, ut to the whole nation, which may too soon feel the contempt, nd consequently the attacks of our late enemies, if they can e induced to believe that the person on whom the safety of hese kingdoms so much depends, is unequal to his high station, nd destitute of those qualities which form a good general.)ne would have thought that his lordship's services in the ause of his country, from the battle of Culloden to his most lorious conclusion of the late war, might have entitled him o common respect and decency at least; but this uncandid, ndecent writer, has gone so far as to turn one of the most miable men of the age, into a stupid, unfeeling, and senseess being; possessed indeed of a personal courage, but void of those essential qualities which distinguish the commander rom the common soldier.

A very long, uninterrupted, impartial, and I will add, almost disinterested friendship with Lord Granby, gives me the right to affirm, that all Junius's exertions are false and scandalous. Lord Granby's courage, though of the brightest and most ardent kind, is among the lowest of his numerous good qualities; he was formed to excel in war by nature's liberality to his mind as well as person. Educated and instructed by his most noble father, and a most spirited as well as excellent scholar, the present Bishop of Bangor, he was trained to the nicest sense of honour, and to the truest and noblest sort of pride, that of never doing or suffering a mean action. A sincere love and attachment to his king and country, and to their glory, first impelled him to the field, where he never gained aught but honour. He impaired, through his bounty, his own fortune; for his bounty, which this writer would in vain depreciate, is founded upon the noblest of the human affections, it flows from a heart melting to goodness from the most refined humanity. Can a man, who is described as unfeeling, and void of reflection, be constantly employed in seeking proper objects on whom to exercise those glorious virtues of compassion and generosity? The distressed officer, the soldier, the widow, the orphan, and a long list besides, know that vanity has no share in his frequent donations gives, because he feels their distresses. Nor has he ever been rapacious with one hand to be bountiful with the other; yet this uncandid Junius would insinuate, that the dignity of the commander-in-chief is depraved into the base office of a com-

mission broker ; that is, Lord Granby bargains for the sale of commissions : for it must have this meaning, if it has any at all. But where is the man living who can justly charge his lordship with such mean practices? Why does not Junius produce him? Junius knows that he has no other means of wounding this hero, than from some missile weapon, shot from an obscure corner : He seeks, as all such defamatory writers do,

——spargere voces
In Vulgum ambiguas——

to raise suspicion in the minds of the people. But I hope that my countrymen will be no longer imposed upon by artful and designing men, or by wretches, who, bankrupts in business, in fame, and in fortune, mean nothing more than to involve this country in the same common ruin with themselves. Hence it is that they are constantly aiming their dark, and too often fatal, weapons against those who stand forth as the bulwark of our national safety. Lord Granby was too conspicuous a mark not to be their object. He is next attacked for being unfaithful to his promises and engagements : Where are Junius's proofs? Although I could give some instances, where a breach of promise would be a virtue, especially in the case of those who would pervert the open, unsuspecting moments of convivial mirth, into sly, insidious applications for preferment, or party systems, and would endeavour to surprise a good man, who cannot bear to see any one leave him dissatisfied, into unguarded promises. Lord Granby's attention to his own family and relations is called selfish. Had he not attended to them, when fair and just opportunities presented themselves, I should have thought him unfeeling, and void of reflection indeed. How are any man's friends or relations to be provided for, but from the influence and protection of the patron? It is unfair to suppose that Lord Granby's friends have not as much merit as the friends of any other great man : If he is generous at the public expense, as Junius invidiously calls it, the public is at no more expense for his lordship's friends than it would be if any other set of men possessed those offices. The charge is ridiculous !

The last charge against Lord Granby is of a most serious and alarming nature indeed. Junius asserts that the army is mouldering away for want of the direction of a man of common abilities and spirit. The present condition of the army gives

directest lie to his assertions. It was never upon a more spectable footing with regard to discipline, and all the sentials that can form good soldiers. Lord Ligonier delivered firm and noble palladium of our safeties into Lord Granby's ands, who has kept it in the same good order in which he ceived it. The strictest care has been taken to fill up the acant commissions with such gentlemen as have the glory f their ancestors to support, as well as their own, and are oubly bound to the cause of their king and country, from notives of private property as well as public spirit. The djutant-general, who has the immediate care of the troops fter Lord Granby, is an officer who would do great honour to ny service in Europe, for his correct arrangements, good ense, and discernment upon all occasions, and for a punctuality nd precision which give the most entire satisfaction to all who re obliged to consult him. The reviewing generals, who nspect the army twice a year, have been selected with the greatest care, and have answered the important trust reposed n them in the most laudable manner. Their reports of the condition of the army are much more to be credited than those of Junius, whom I do advise to atone for his shameful aspersions, by asking pardon of Lord Granby, and the whole kingdom, whom he has offended by his abominable scandals. In short, to turn Junius's own battery against him, I must assert, in his own words, 'that he has given strong assertions without proof, declamation without argument, and violent censures without dignity or moderation.'

WILLIAM DRAPER

LETTER III

TO SIR WILLIAM DRAPER, KNIGHT OF THE BATH

7 February 1769

Sir,

The defence of Lord Granby does honour to the goodness of your heart. You feel, as you ought to do, for the reputation of your friend, and you express yourself in the warmest language of the passions. In any other cause, I doubt not, you would have cautiously weighed the consequences of committing your name to the licentious discourses and malignant opinions of the world. But here, I presume, you thought it would be a breach of friendship to lose one moment in consulting your

understanding ; as if an appeal to the public were no more than a military *coup de main*, where a brave man has no rules to follow but the dictates of his courage. Touched with your generosity, I freely forgive the excesses into which it has led you ; and, far from resenting those terms of reproach, which, considering that you are an advocate for decorum, you have heaped upon me rather too liberally, I place them to the account of an honest, unreflecting indignation, in which your cooler judgment and natural politeness had no concern. I approve of the spirit with which you have given your name to the public ; and, if it were a proof of anything but spirit, I should have thought myself bound to follow your example. I should have hoped that even *my* name might carry some authority with it, if I had not seen how very little weight or consideration a printed paper receives even from the respectable signature of Sir William Draper.

You begin with a general assertion, that writers, such as I am, are the real cause of all the public evils we complain of. And do you really think, Sir William, that the licentious pen of a political writer is able to produce such important effects ? A little calm reflection might have shown you, that national calamities do not arise from the description, but from the real character and conduct of ministers. To have supported your assertion, you should have proved that the present ministry are unquestionably the *best and brightest* characters of the kingdom : and that, if the affections of the colonies have been alienated, if Corsica[1] has been shamefully abandoned, if commerce languishes, if public credit is threatened with a new debt and, your own Manilla ransom most dishonourably given up,[2] it has all been owing to the malice of political writers,

[1] Editor's Note. Corsica, under the leadership of Paoli, had revolted against the Genoese, and had applied to England for assistance. Lord Shelburne, as Secretary of State for the Southern Department, had been strongly in favour of aiding the Corsicans, and thereby preventing the French from getting a foothold on the island. Grafton and the Bedford party were determined to keep peace with France and Spain, however, and overruled Shelburne in the Cabinet.

[2] Editor's Note. In the preceding war with Spain, Sir William Draper (then a colonel), commanded the expedition which captured Manila, the capital of the Philippines. The inhabitants of the city, to avoid having it sacked by the conquerors, agreed to pay a heavy ransom. A large part of this ransom was in the form of bills drawn on the Spanish government. When the bills came due, the Spanish government repudiated them, and Sir William Draper pressed the English ministry to interpose. The

who will not suffer the best and brightest of characters (meaning still the present ministry) to take a single right step for the honour or interest of the nation. But it seems you were a little tender of coming to particulars. Your conscience insinuated to you that it would be prudent to leave the characters of Grafton, North, Hillsborough, Weymouth, and Mansfield to shift for themselves; and truly, Sir William, the part you *have* undertaken is at least as much as you are equal to.

Without disputing Lord Granby's courage, we are yet to learn in what articles of military knowledge nature has been so very liberal to his mind. If you have served with him, you ought to have pointed out some instances of able disposition and well-concerted enterprize, which might fairly be attributed to his capacity as a general. It is you, Sir William, who make your friend appear awkward and ridiculous, by giving him a laced suit of tawdry qualifications, which nature never intended him to wear.

You say, he has acquired nothing but honour in the field. Is the Ordnance nothing? Are the Blues nothing? Is the command of the army, with all the patronage annexed to it, nothing? Where he got these *nothings* I know not; but you at least ought to have told us where he deserved them.

As to his bounty, compassion, &c., it would have been but little to the purpose, though you had proved all that you have asserted. I meddle with nothing but his character as commander in chief; and, though I acquit him of the baseness of selling commissions, I still assert that his military cares have never extended beyond the disposal of vacancies; and I am justified by the complaints of the whole army, when I say that, in this distribution, he consults nothing but parliamentary interests, or the gratification of his immediate dependants. As to his servile submission to the reigning ministry, let me ask whether he did not desert the cause of the whole army when he suffered Sir Jefferey Amherst to be sacrificed, and what share he had in recalling that officer to the service? Did he not betray the just interests of the army, in permitting Lord Percy to have a regiment? And does he not at this moment give up all character and dignity as a gentleman, in

ministry refused, but gave Draper himself the Order of the Bath, as well as the pensions referred to later by Junius. When the Chatham-Grafton ministry was formed in 1768, Sir William Draper renewed his solicitations, but without result.

receding from his own repeated declarations in favour of Mr. Wilkes?

In the two next articles I think we are agreed. You candidly admit, that he often makes such promises as it is a virtue in him to violate, and that no man is more assiduous to provide for his relations at the public expence. I did not urge the last as an absolute vice in his disposition, but to prove that a *careless disinterested spirit* is no part of his character; and as to the other, I desire it may be remembered, that *I* never descended to the indecency of inquiring into his *convivial hours*. It is you, Sir William Draper, who have taken pains to represent your friend in the character of a drunken landlord, who deals out his promises as liberally as his liquor, and will suffer no man to leave his table either sorrowful or sober. None but an intimate friend, who must frequently have seen him in these unhappy, disgraceful moments, could have described him so well.

The last charge, of the neglect of the army, is indeed the most material of all. I am sorry to tell you, Sir William, that, in this article, your first fact is false; and as there is nothing more painful to me than to give a direct contradiction to a gentleman of your appearance, I could wish that, in your future publications, you would pay a greater attention to the truth of your premises, before you suffer your genius to hurry you to a conclusion. Lord Ligonier *did not* deliver the army (which you, in classical language, are pleased to call a palladium) into Lord Granby's hands. It was taken from him much against his inclination, some two or three years before Lord Granby was commander in chief. As to the state of the army, I should be glad to know where you have received your intelligence. Was it in the rooms at Bath, or at your retreat at Clifton? The reports of reviewing generals comprehend only a few regiments in England, which, as they are immediately under the royal inspection, are perhaps in some tolerable order. But do you know anything of the troops in the West-Indies, the Mediterranean, and North America, to say nothing of a whole army absolutely ruined in Ireland? Inquire a little into facts, Sir William, before you publish your next panegyric upon Lord Granby, and, believe me, you will find there is a fault at head-quarters, which even the acknowledged care and abilities of the adjutant-general cannot correct.

Permit me now, Sir William, to address myself personally

to you, by way of thanks for the honour of your correspondence. You are by no means undeserving of notice: and it may be of consequence, even to Lord Granby, to have it determined, whether or no the man who has praised him so lavishly, be himself deserving of praise. When you returned to Europe, you zealously undertook the cause of that gallant army by whose bravery at Manilla your own fortune had been established. You complained, you threatened, you even appealed to the public in print. By what accident did it happen, that in the midst of all this bustle, and all these clamours for justice to your injured troops, the name of the Manilla ransom was suddenly buried in a profound, and, since that time, an uninterrupted, silence? Did the ministry suggest any motives to you strong enough to tempt a man of honour to desert and betray the cause of his fellow-soldiers? Was it that blushing ribband, which is now the perpetual ornament of your person? Or was it that regiment, which you afterwards (a thing unprecedented among soldiers) sold to Colonel Gisborne? Or was it that government, the full pay of which you are contented to hold, with the half-pay of an Irish colonel? And do you now, after a retreat not very like that of Scipio, presume to intrude yourself, unthought-of, uncalled-for, upon the patience of the public? Are your flatteries of the commander in chief directed to another regiment, which you may again dispose of on the same honourable terms? We know your prudence, Sir William, and I should be sorry to stop your preferment.

JUNIUS

LETTER IV

TO THE PRINTER OF THE PUBLIC ADVERTISER

17 February 1769

Sir,

I received Junius's favour last night; he is determined to keep his advantage by the help of his mask; it is an excellent protection, it has saved many a man from an untimely end. But whenever he will be honest enough to lay it aside, avow himself, and produce the face which has so long lurked behind it, the world will be able to judge of his motives for writing such infamous invectives. His real name will discover his freedom and independency, or his servility to a faction. Disappointed ambition, resentment for defeated hopes, and desire

of revenge, assume but too often the appearance of public spirit; but be his designs wicked or charitable, Junius should learn that it is possible to condemn measures, without a barbarous and criminal outrage against men. Junius delights to mangle carcases with a hatchet; his language and instrument have a great connexion with Clare-market, and, to do him justice, he handles his weapon most admirably. One would imagine he had been taught to throw it by the savages of America. It is therefore high time for me to step in once more to shield my friend from this merciless weapon, although I may be wounded in the attempt. But I must first ask Junius, by what forced analogy and construction the moments of convivial mirth are made to signify indecency, a violation of engagements, a drunken landlord, and a desire that every one in company should be drunk likewise? He must have culled all the flowers of St. Giles's and Billingsgate to have produced such a piece of oratory. Here the hatchet descends with tenfold vengeance; but, alas! it hurts no one but its master! For Junius must not think to put words into my mouth, that seem too foul even for his own.

My friend's political engagements I know not, so cannot pretend to explain them, or assert their consistency. I know not whether Junius be considerable enough to belong to any party; if he should be so, can he affirm that he has always adhered to one set of men and measures? Is he sure that he has never sided with those whom he was first hired to abuse? Has he never abused those he was hired to praise? To say the truth, most men's politics sit much too loosely about them.[1] But as my friend's military character was the chief object that engaged me in this controversy, to that I shall return.

Junius asks what instances my friend has given of his military skill and capacity as a general? When and where he gained his honour? When he deserved his emoluments? The united voice of the army which served under him, the glorious testimony of Prince Ferdinand, and of vanquished enemies, all Germany will tell him. Junius repeats the complaints of the army against parliamentary influence. I love the army too well, not to wish that such influence were less. Let Junius

[1] Editor's Note. This is probably a thrust at Edmund Burke, whom Draper believed to be the author of the letters. He accepted Burke's denial, when Burke was taxed personally with the authorship.

point out the time when it has not prevailed. It was of the least force in the time of that great man, the late Duke of Cumberland, who, as a prince of the blood, was able as well as willing to stem a torrent which would have over-borne any private subject. In time of war this influence is small. In peace, when discontent and faction have the surest means to operate, especially in this country, and when from a scarcity of public spirit, the wheels of government are rarely moved, but by the power and force of obligations, its weight is always too great. Yet if this influence at present has done no greater harm than the placing Earl Percy at the head of a regiment, I do not think that either the rights or best interests of the army are sacrificed and betrayed, or the nation undone. Let me ask Junius, if he knows any one nobleman in the army, who has had a regiment by seniority? I feel myself happy in seeing young noblemen of illustrious name and great property come among us. They are an additional security to the kingdom from foreign or domestic slavery. Junius needs not be told, that should the time ever come when this nation is to be defended only by those who have nothing more to lose than their arms and their pay its danger will be great indeed. A happy mixture of men of quality with soldiers of fortune is always to be wished for. But the main point is still to be contended for—I mean the discipline and condition of the army; and I still must maintain, though contradicted by Junius, that it was never upon a more respectable footing, as to all the essentials that can form good soldiers, than it is at present. Junius is forced to allow that our army at home may be in some tolerable order; yet how kindly does he invite our late enemies to the invasion of Ireland, by assuring them that the army in that kingdom is totally ruined! (The colonels of that army are much obliged to him.) I have too great an opinion of the military talents of the lord lieutenant, and of their diligence and capacity, to believe it. If from some strange, unaccountable fatality, the people of that kingdom cannot be induced to consult their own security, by such an effectual augmentation as may enable the troops there to act with power and energy, is the commander in chief here to blame? Or is he to blame, because the troops in the Mediterranean, in the West-Indies, in America, labour under great difficulties from the scarcity of men, which is but too visible all over these kingdoms! Many of our forces are in climates

unfavourable to British constitutions : their loss is in proportion. Britain must recruit all these regiments from her own emaciated bosom, or, more precariously, by Catholics from Ireland. We are likewise subject to the fatal drains to the East-Indies, to Senegal, and the alarming emigrations of our people to other countries : Such depopulation can only be repaired by a long peace, or by some sensible bill of naturalization.

I must now take the liberty to talk to Junius on my own account. He is pleased to tell me that he addresses himself to me *personally*. I shall be glad to see him. It is his *impersonality* that I complain of, and his invisible attacks ; for his dagger in the air is only to be regarded, because one cannot see the hand which holds it ; but had he not wounded other people more deeply than myself, I should not have obtruded myself at all on the patience of the public.

Mark how a plain tale shall put him down, and transfuse the blush of my ribband into his own cheeks ! Junius tells me, that, at my return, I zealously undertook the cause of the gallant army by whose bravery at Manilla my own fortunes were established ; that I complained, that I even appealed, to the public. I did so ; I glory in having done so, as I had an undoubted right to vindicate my own character, attacked by a Spanish memorial, and to assert the rights of my brave companions. I glory likewise that I have never taken up my pen but to vindicate the injured. Junius asks by what accident did it happen, that in the midst of all this bustle, and all these clamours for justice to the injured troops, the Manilla ransom was suddenly buried in a profound, and, since that time, an uninterrupted silence ? I will explain the cause to the public. The several ministers who have been employed since that time have been very desirous to do us justice from two most laudable motives, a strong inclination to assist injured bravery, and to acquire a well-deserved popularity to themselves. Their efforts have been in vain. Some were ingenuous enough to own, that they could not think of involving this distressed nation in another war for our private concerns. In short, our rights for the present are sacrificed to national convenience ; and I must confess that, although I may lose five-and-twenty thousand pounds by their acquiescence to this breach of faith in the Spaniards, I think they are in the right to temporize, considering the critical situation of this country,

convulsed in every part by poison infused by anonymous, wicked, and incendiary writers. Lord Shelburne will do me the justice to own that, in September last, I waited upon him with a joint memorial from the admiral Sir S. Cornish and myself, in behalf of our injured companions. His lordship was as frank upon the occasion as other secretaries had been before him. He did not deceive us by giving any immediate hopes of relief.

Junius would basely insinuate, that my silence may have been purchased by my government, by my *blushing* ribband, by my regiment, by the sale of that regiment, and by my half-pay as an Irish colonel.

His Majesty was pleased to give me my government [Yarmouth], for my services at Madras. I had my first regiment in 1757. Upon my return from Manilla, his Majesty, by Lord Egremont, informed me, that I should have the first vacant red ribband, as a reward for my services in an enterprize which I had planned as well as executed. The Duke of Bedford and Mr. Grenville confirmed those assurances many months before the Spaniards had protested the ransom bills. To accommodate Lord Clive, then going upon a most important service to Bengal, I waved my claim to the vacancy which then happened. As there was no other vacancy until the Duke of Grafton and Lord Rockingham were joint ministers, I was then honoured with the order; and it is surely no small honour to me, that in such a succession of ministers, they were all pleased to think that I had deserved it; in my favour they were all united. Upon the reduction of the 79th regiment, which had served so gloriously in the East Indies, his Majesty, unsolicited by me, gave me the 16th of foot as an equivalent. My motives for retiring afterwards are foreign to the purpose; let it suffice, that his Majesty was pleased to approve of them; they are such as no man can think indecent, who knows the shocks that repeated vicissitudes of heat and cold, of dangerous and sickly climates, will give to the best constitutions in a pretty long course of service. I resigned my regiment to colonel Gisborne, a very good officer, for his half-pay, and 1200*l.* Irish annuity [1]; so that, according to Junius,

[1] Editor's Note. The letter, as it appeared in the Public Advertiser, stated, by mistake, '*twelve* hundred pounds Irish annuity'! In a note addressed to the printer, and published in the same newspaper, Feb. 22, 1769, the mistake is noticed and corrected as follows:—

I have been bribed to say nothing more of the Manilla ransom, and sacrifice those brave men by the strange avarice of accepting three hundred and eighty pounds per annum, and giving up eight hundred! If this be bribery, it is not the bribery of these times. As to my flattery, those who know me will judge of it. By the asperity of Junius's style, I cannot indeed call him a flatterer, unless it be as a cynic or a mastiff; if he wags his tail, he will still growl, and long to bite. The public will now judge of the credit that ought to be given to Junius's writings, from the falsities that he has insinuated with respect to myself.

WILLIAM DRAPER

LETTER V

TO SIR WILLIAM DRAPER, KNIGHT OF THE BATH

21 February 1769

Sir,

I should justly be suspected of acting upon motives of more than common enmity to Lord Granby, if I continued to give you fresh materials or occasion for writing in his defence. Individuals who hate, and the public who despise, have read your letters, Sir William, with infinitely more satisfaction than mine. Unfortunately for him, his reputation, like that unhappy country to which you refer me for his last military atchievements, has suffered more by his friends than his enemies. In mercy to him, let us drop the subject. For my own part, I willingly leave it to the public to determine whether your vindication of your friend has been as able and judicious, as it was certainly well intended; and you, I think, may be satisfied with the warm acknowledgments he already owes you, for making him the principal figure in a piece, in which, but for your amicable assistance, he might have passed without particular notice or distinction.

In justice to your friends, let your future labours be confined to the care of your own reputation. Your declaration,

'Sir, Feb. 19.

'I beg the favour of you to correct the following error in my answer to Junius. Instead of 1200*l.* please to put, 'and 200*l.* Irish annuity.'

'I am, Sir,

'Yours', &c.,

'W. DRAPER.'

In the next letter Junius mentions correctly the amount of Draper's Irish annuity.

that you are happy in seeing young noblemen *come among us*, is liable to two objections. With respect to Lord Percy, it means nothing, for he was already in the army. He was aide de camp to the king, and had the rank of colonel. A regiment, therefore, could not make him a more military man, though it made him richer, and probably at the expence of some brave, deserving, friendless officer.—The other concerns yourself. After selling the companions of your victory in one instance, and after selling your profession in the other, by what authority do you presume to call yourself a soldier? The plain evidence of facts is superior to all declarations. Before you were appointed to the 16th regiment, your complaints were a distress to government;—from that moment you were silent. The conclusion is inevitable. You insinuate to us that your ill state of health obliged you to quit the service. The retirement necessary to repair a broken constitution would have been as good a reason for not accepting as for resigning the command of a regiment. There is certainly an error of the press, or an affected obscurity, in that paragraph where you speak of your bargain with colonel Gisborne. Instead of attempting to answer what I really do not understand, permit me to explain to the public what I really know. In exchange for your regiment, you accepted of a colonel's half-pay (at least 220*l.* a year) and an annuity of 200*l.* for your own and Lady Draper's life jointly.—And is this the losing bargain which you would represent to us, as if you had given up an income of 800*l.* a year for 380*l.*? Was it decent, was it honourable, in a man who pretends to love the army, and calls himself a soldier, to make a traffic of the royal favour, and turn the highest honour of an active profession into a sordid provision for himself and his family? It were unworthy of me to press you farther. The contempt with which the whole army heard of the manner of your retreat, assures me, that as your conduct was not justified by precedent, it will never be thought an example for imitation.

The last and most important question remains. When you receive your half-pay, do you, or do you not, take a solemn oath, or sign a declaration upon honour, to the following effect? *That you do not actually hold any place of profit, civil or military, under his Majesty.* The charge which this question plainly conveys against you, is of so shocking a complexion, that I sincerely wish you may be able to answer it well, not

merely for the colour of your reputation, but for your own inward peace of mind.

JUNIUS

LETTER VI

TO THE PRINTER OF THE PUBLIC ADVERTISER

27 February 1769

Sir,

I have a very short answer for Junius's important question: I do not either take an oath, or declare upon honour, that I have no *place* of profit, *civil* or military, when I receive the half-pay as an Irish colonel. My most gracious Sovereign gives it me as a pension; he was pleased to think I deserved it. The annuity of 200*l.* Irish, and the equivalent for the half-pay, together produce no more than 380*l.* per annum, clear of fees and perquisites of office. I receive 167*l.* from my government of Yarmouth. Total 547*l.* per annum. My conscience is much at ease in these particulars; my friends need not blush for me.

Junius makes much and frequent use of interrogations: they are arms that may be easily turned against himself. I could, by malicious interrogations, disturb the peace of the most virtuous man in the kingdom; I could take the decalogue, and say to one man, Did you never steal? To the next, Did you never commit murder? And to Junius himself, who is putting my life and conduct to the rack, Did you never bear false witness against thy neighbour? Junius must easily see that, unless he affirms the contrary in his real name, some people who may be as ignorant of him as I am, will be apt to suspect him of having deviated a little from the truth: therefore let Junius ask no more questions. You bite against a file: cease, viper.

W. D.

LETTER VII

TO SIR WILLIAM DRAPER, KNIGHT OF THE BATH

3 March 1769

Sir,

An academical education has given you an unlimited command over the most beautiful figures of speech. Masks,

hatchets, racks, and vipers dance through your letters in all the mazes of metaphorical confusion. These are the gloomy companions of a disturbed imagination; the melancholy madness of poetry, without the inspiration. I will not contend with you in point of composition. You are a scholar, Sir William, and, if I am truly informed, you write Latin with almost as much purity as English. Suffer me then, for I am a plain unlettered man, to continue that style of interrogation, which suits my capacity, and to which, considering the readiness of your answers, you ought to have no objection. Even Mr. Bingley [1] promises to answer, if put to the torture.

Do you then really think that, if I were to ask a *most virtuous man* whether he ever committed theft, or murder, it would disturb his peace of mind? Such a question might perhaps discompose the gravity of his muscles, but I believe it would little affect the tranquillity of his conscience. Examine your own breast, Sir William, and you will discover that reproaches and inquiries have no power to afflict either the man of unblemished integrity, or the abandoned profligate. It is the middle compound character which alone is vulnerable: the man, who, without firmness enough to avoid a dishonourable action, has feeling enough to be ashamed of it.

I thank you for your hint of the decalogue, and shall take an opportunity of applying it to some of your *most virtuous* friends in both houses of parliament.

You seem to have dropped the affair of your regiment; so let it rest. When you are appointed to another, I dare say you will not sell it either for a gross sum, or for an annuity upon lives.

I am truly glad (for really, Sir William, I am not your enemy, nor did I begin this contest with you,) that you have been able to clear yourself of a crime, though at the expence of the highest indiscretion. You say that your half-pay was given you by way of pension. I will not dwell upon the singularity of uniting in your own person two sorts of provision, which in their own nature, and in all military and parliamentary views, are incompatible; but I call upon you to justify that declaration wherein you charge your Sovereign with having done an act in your favour—notoriously against

[1] This man, being committed by the court of King's Bench for a contempt, voluntarily made oath, that he would never answer interrogatories, unless he should be put to the torture.

law. The half-pay, both in Ireland and England, is appropriated by parliament; and if it be given to persons who, like you, are legally incapable of holding it, it is a breach of law. It would have been more decent in you to have called this dishonourable transaction by its true name—a job to accommodate two persons, by particular interest and management at the castle. What sense must government have had of your services, when the rewards they have given you are only a disgrace to you!

And now, Sir William, I shall take my leave of you for ever. Motives very different from any apprehension of your resentment, make it impossible you should ever know me. In truth, you have some reason to hold yourself indebted to me. From the lessons I have given you, you may collect a profitable instruction for your future life. They will either teach you so to regulate your conduct as to be able to set the most malicious inquiries at defiance; or, if that be a lost hope, they will teach you prudence enough not to attract the public attention to a character which will only pass without censure when it passes without observation.[1]

JUNIUS

[1] It has been said, and I believe truly, that it was signified to Sir William Draper, as the request of Lord Granby, that he should desist from writing in his Lordship's defence. Sir William Draper certainly drew *Junius* forward to say more of Lord Granby's character than he originally intended. He was reduced to the dilemma of either being totally silenced, or of supporting his first letter. Whether Sir William had a right to reduce him to this dilemma, or to call upon him for his name, after a voluntary attack on *his* side, are questions submitted to the candour of the public. The death of Lord Granby was lamented by *Junius*. He undoubtedly owed some compensations to the public, and seemed determined to acquit himself of them. In private life, he was unquestionably that good man who, for the interest of his country, ought to have been a great one. *Bonum virum facile dixeris;—magnum libenter.* I speak of him now without partiality;—I never spoke of him with resentment. His mistakes in public conduct did not arise either from want of sentiment, or want of judgment, but in general from the difficulty of saying NO to the bad people who surrounded him.

As for the rest, the friends of Lord Granby should remember, that he himself thought proper to condemn, retract, and disavow, by a most solemn declaration in the House of Commons, that very system of political conduct which *Junius* had held forth to the disapprobation of the public.

LETTER VIII

TO THE DUKE OF GRAFTON

18 March 1769

My Lord,

Before you were placed at the head of affairs, it had been a maxim of the English government, not unwillingly admitted by the people, that every ungracious or severe exertion of the prerogative should be placed to the account of the Minister ; but that whenever an act of grace or benevolence was to be performed, the whole merit of it should be attributed to the Sovereign himself.[1] It was a wise doctrine, my Lord, and equally advantageous to the King and to his subjects ; for while it preserved that suspicious attention with which the people ought always to examine the conduct of ministers, it tended at the same time rather to increase than to diminish their attachment to the person of their Sovereign. If there be not a fatality attending every measure you are concerned in, by what treachery or by what excess of folly has it happened, that those ungracious acts which have distinguished your administration, and which I doubt not were entirely your own, should carry with them a strong appearance of personal interest, and even of personal enmity, in a quarter where no such interest or enmity can be supposed to exist without the highest injustice and the highest dishonour ? On the other hand, by what judicious management have you contrived it that the only act of mercy to which you ever advised your Sovereign, far from adding to the lustre of a character, truly gracious and benevolent, should be received with universal disapprobation and disgust ? I shall consider it as a ministerial measure, because it is an odious one, and as your measure, my Lord Duke, because you are the minister.

As long as the trial of this chairman was depending, it was natural enough that government should give him every possible encouragement and support. The honourable service for which he was hired, and the spirit with which he performed it, made common cause between your Grace and him. The minister who by secret corruption invades the freedom of elections, and the ruffian who by open violence destroys that

[1] Les rois ne se sont réservé que les graces. Ils renvoient les condamnations vers leur officiers. *Montesquieu.*

freedom, are embarked in the same bottom. They have the same interests, and mutually feel for each other. To do justice to your Grace's humanity, you felt for MacQuirk as you ought to do, and if you had been contented to assist him indirectly, without a notorious denial of justice, or openly insulting the sense of the nation, you might have satisfied every duty of political friendship, without committing the honour of your Sovereign, or hazarding the reputation of his government. But when this unhappy man had been solemnly tried, convicted and condemned ;—when it appeared that he had been frequently employed in the same services, and that no excuse for him could be drawn either from the innocence of his former life, or the simplicity of his character, was it not hazarding too much to interpose the strength of the prerogative between this felon and the justice of his country [1] ? You ought to have

[1] *Whitehall, March* 11, 1769. His Majesty has been graciously pleased to extend his royal mercy to Edward M'Quirk, found guilty of the murder of George Clarke, as appears by his royal warrant, to the tenor following :—

GEORGE R.

WHEREAS a doubt had arisen in Our Royal breast concerning the evidence of the Death of George Clarke, from the representations of William Bromfield, Esq., surgeon, and Solomon Starling, apothecary ; both of whom, as has been represented to Us, attended the deceased before his death, and expressed their opinions that he did not die of the blow he received at Brentford : And whereas it appears to Us, that neither of the said persons were produced as witnesses upon the trial, though the said Solomon Starling had been examined before the coroner, and the only person called to prove that the death of the said George Clarke was occasioned by the said blow was John Foot, surgeon, who never saw the deceased till after his death : We thought fit, thereupon, to refer the said representations, together with the report of the Recorder of Our City of London, of the evidence given by Richard and William Beale, and the said John Foot, on the trial of Edward Quirk, otherwise called Edward Kirk, otherwise called Edward M'Quirk, for the murder of the said Clarke, to the masters, wardens, and the rest of the court of examiners of the Surgeons' Company, commanding them likewise to take such further examination of the said persons so representing, and of the said John Foot, as they might think necessary, together with the premises above-mentioned, to form and report to Us their opinion, ' Whether it did or did not appear to them that the said George Clarke died in consequence of the blow he received in the riot at Brentford on the 8th of December last.' And the said court of examiners of the Surgeons' Company having thereupon reported to us their opinion, ' That it did not appear to them that he did;' We have thought proper to extend Our royal mercy to him the said Edward Quirk, otherwise Edward Kirk, otherwise called Edward M'Quirk, and to grant him Our free pardon for the murder of the said George Clarke, of which

own that an example of this sort was never so necessary as at esent ; and certainly you must have known that the lot could ot have fallen upon a more guilty object. What system of overnment is this ? You are perpetually complaining of the otous disposition of the lower class of people, yet, when the ws have given you the means of making an example, in every nse unexceptionable, and by far the most likely to awe the ultitude, you pardon the offence, and are not ashamed to give ie sanction of government to the riots you complain of, and ven to future murders. You are partial, perhaps, to the ilitary mode of execution, and had rather see a score of these retches butchered by the guards, than one of them suffer eath by regular course of law. How does it happen, my Lord, hat, in *your* hands, even the mercy of the prerogative is cruelty nd oppression to the subject ?

The measure, it seems, was so extraordinary that you thought t necessary to give some reasons for it to the public. Let them e fairly examined.

1. You say *that Messrs. Bromfield and Starling were not examined t MacQuirk's trial.* I will tell your Grace why they were not. They must have been examined upon oath ; and it was foreseen, that their evidence would either not benefit, or might be prejudicial to the prisoner. Otherwise, is it conceivable that his counsel should neglect to call in such material evidence ?

You say that *Mr. Foot did not see the deceased until after his death.* A surgeon, my Lord, must know very little of his profession, if, upon examining a wound or a contusion, he cannot determine whether it was mortal or not.—While the party is alive, a surgeon will be cautious of pronouncing ; whereas, by

he has been found guilty : Our will and pleasure therefore is, That he, the said Edward Quirk, otherwise called Edward Kirk, otherwise called Edward M'Quirk, be inserted, for the said murder, in our first and next general pardon that shall come out for the poor convicts of Newgate, without any condition whatsoever ; and that in the mean time you take bail for his appearance in order to plead Our said pardon. And for so doing this shall be your warrant.

Given at Our court of St. James's, the 10th day of March, 1769, in the ninth year of our reign.—By his Majesty's command,

ROCHFORD.

To Our trusty and well-beloved James Eyre, Esq.,
Recorder of Our city of London, the Sheriffs of Our said city and county of Middlesex, and all others whom it may concern.

the death of the patient, he is enabled to consider both cause and effect in one view, and to speak with a certainty confirmed by experience.

Yet we are to thank your Grace for the establishment of a new tribunal. Your *inquisitio post mortem* is unknown to the laws of England, and does honour to your invention. The only material objection to it is, that if Mr. Foot's evidence was [in]sufficient because he did not examine the wound till after the death of the party, much less can a negative opinion, given by gentlemen who never saw the body of Mr. Clarke, either before or after his decease, authorize you to supersede the verdict of a jury, and the sentence of the law.

Now, my Lord, let me ask you, has it never occurred to your Grace, while you were withdrawing this desperate wretch from that justice which the laws had awarded, and which the whole people of England demanded, against him, that there is another man, who is the favourite of his country, whose pardon would have been accepted with gratitude, whose pardon would have healed all our divisions? Have you quite forgotten that this man was once your Grace's friend? Or is it to murderers only that you will extend the mercy of the crown?

These are questions you will not answer. Nor is it necessary. The character of your private life, and the uniform tenor of your public conduct, is an answer to them all.

JUNIUS

LETTER IX

TO HIS GRACE THE DUKE OF GRAFTON

10 April 1769

My Lord,

I have so good an opinion of your Grace's discernment, that when the author of the vindication of your conduct assures us, that he writes from his own mere motion, without the least authority from your Grace, I should be ready enough to believe him, but for one fatal mark, which seems to be fixed upon every measure, in which either your personal or your political character is concerned.—Your first attempt to support Sir William Proctor ended in the election of Mr. Wilkes; the second ensured success to Mr. Glynn. The extraordinary step you took to make Sir James Lowther Lord Paramount of Cumberland has ruined his interest in that county for

ever. The House List of Directors was cursed with the concurrence of government; the miserable Dingley could not escape the misfortune of your Grace's protection.[1] With this uniform experience before us, we are authorized to suspect that when a pretended vindication of your principles and conduct in reality contains the bitterest reflections upon both, it could not have been written without your immediate direction and assistance. The author, indeed, calls God to witness for him, with all the sincerity, and in the very terms of an Irish evidence, *to the best of his knowledge and belief*. My Lord, you should not encourage these appeals to heaven. The pious Prince, from whom you are supposed to descend, made such frequent use of them in his public declarations, that at last the people also found it necessary to appeal to heaven in their turn. Your administration has driven us into circumstances of equal distress; —— beware at least how you remind us of the remedy.

You have already much to answer for. You have provoked this unhappy gentleman to play the fool once more in public life, in spite of his years and infirmities, and to show us, that, as you yourself are a singular instance of youth without spirit, the man who defends you is a no less remarkable example of age without the benefit of experience. To follow such a writer minutely would, like his own periods, be a labour without end. The subject too has been already discussed, and is sufficiently understood. I cannot help observing, however, that, when the pardon of Mac Quirk was the principal charge against you, it would have been but a decent compliment to your Grace's understanding to have defended you upon your own principles. What credit does a man deserve, who tells us plainly that the facts set forth in the king's proclamation were not the true motives on which the pardon was granted, and that he wishes that those chirurgical reports, which first gave occasion to certain doubts in the royal breast, had not been laid before his Majesty? You see, my Lord, that even your friends cannot defend your actions without changing your principles, nor justify a deliberate measure of government, without contradicting the main assertion on which it was founded.

[1] This unfortunate person had been persuaded by the Duke of Grafton to set up for Middlesex, his Grace being determined to seat him in the House of Commons if he had but a single vote. It happened unluckily that he could not prevail upon any one freeholder to put him in nomination, and it was with difficulty he escaped out of the hands of the populace.



AUGUSTUS HENRY FITZROY, 3RD DUKE OF GRAFTON

[FROM A MEZZOTINT AFTER THE PAINTING BY BATTONI]

The conviction of Mac Quirk had reduced you to a dilemma in which it was hardly possible for you to reconcile your political interest with your duty. You were obliged either to abandon an active useful partisan, or to protect a felon from public justice. With your usual spirit, you preferred your interest to every other consideration; and, with your usual judgment, you founded your determination upon the only motives which should not have been given to the public.

I have frequently censured Mr. Wilkes's conduct, yet your advocate reproaches me with having devoted myself to the service of sedition. Your Grace can best inform us for which of Mr. Wilkes's good qualities you first honoured him with your friendship, or how long it was before you discovered those bad ones in him at which, it seems, your delicacy was offended. Remember, my Lord, that you continued your connection with Mr. Wilkes long after he had been convicted of those crimes which you have since taken pains to represent in the blackest colours of blasphemy and treason. How unlucky is it that the first instance you have given us of a scrupulous regard to decorum is united with the breach of a moral obligation! For my own part, my Lord, I am proud to affirm that, if I had been weak enough to form such a friendship, I would never have been base enough to betray it. But, let Mr. Wilkes's character be what it may, this at least is certain, that, circumstanced as he is with regard to the public, even his vices plead for him. The people of England have too much discernment to suffer your Grace to take advantage of the failings of a private character, to establish a precedent by which the public liberty is affected, and which you may hereafter, with equal ease and satisfaction, employ to the ruin of the best of men in the kingdom.—Content yourself, my Lord, with the many advantages which the unsullied purity of your own character has given you over your unhappy deserted friend. Avail yourself of all the unforgiving piety of the court you live in, and bless God that 'you are not as other men are; extortioners, unjust, adulterers, or even as this publican.' In a heart void of feeling, the laws of honour and good faith may be violated with impunity, and there you may safely indulge your genius. But the laws of England shall not be violated, even by your holy zeal to oppress a sinner, and though you have succeeded in making him the tool, you shall not make him the victim, of your ambition.

JUNIUS

LETTER X

TO MR. EDWARD WESTON

21 April 1769

Sir,

I said you were an old man without the benefit of xperience. It seems you are also a volunteer with the ipend of twenty commissions; and at a period when all rospects are at an end, you are still looking forward to rewards, hich you cannot enjoy. No man is better acquainted with the ounty of government than you are.

——' ton impudence,
Téméraire vieillard, aura sa récompense.'

But I will not descend to an altercation either with the im- otence of your age, or the peevishness of your diseases. Your amphlet, ingenious as it is, has been so little read, that the ublic cannot know how far you have a right to give me the lie, vithout the following citation of your own words.

Page 6—' 1. THAT he is persuaded that the motives which ie (Mr. Weston) has alledged must appear fully sufficient, with r without the opinions of the surgeons.

' 2. THAT those very motives MUST HAVE BEEN the foundation n which the Earl of Rochford thought proper, &c.

' 3. THAT he CANNOT BUT REGRET that the Earl of Rochford eems to have thought proper to lay the chirurgical reports efore the king in preference to all the other sufficient motives,' &c.

Let the public determine whether this be defending govern- ment on their principles or your own.

The style and language you have adopted are, I confess, not ll suited to the elegance of your own manners, or to the dignity f the cause you have undertaken. Every common dauber writes rascal and villain under his pictures, because the pictures themselves have neither character nor resemblance. But the works of a master require no index. His features and colour- ing are taken from nature. The impression they make is immediate and uniform; nor is it possible to mistake his characters, whether they represent the treachery of a minister, or the abused simplicity of a king.

JUNIUS

LETTER XI

TO HIS GRACE THE DUKE OF GRAFTON

24 April 1769

My Lord,

The system you seemed to have adopted, when Lord Chatham unexpectedly left you at the head of affairs, gave us no promise of that uncommon exertion of vigour, which has since illustrated your character, and distinguished your administration. Far from discovering a spirit bold enough to invade the first rights of the people, and the first principles of the constitution, you were scrupulous of exercising even those powers, with which the executive branch of the legislature is legally invested. We have not yet forgotten how long Mr. Wilkes was suffered to appear at large, nor how long he was at liberty to canvass for the city [1] and county, with all the terrors of an outlawry hanging over him. Our gracious Sovereign has not yet forgotten the extraordinary care you took of his dignity and of the safety of his person, when at a crisis which courtiers affected to call alarming, you left the metropolis exposed for two nights together to every species of riot and disorder. The security of the royal residence from insult was then sufficiently provided for in Mr. Conway's firmness and Lord Weymouth's discretion ; while the prime minister of Great Britain, in a rural retirement, and in the arms of faded beauty,[2] had lost all memory of his Sovereign, his country and himself. In these instances you might have acted with vigour, for you would have had the sanction of the laws to support you. The friends of government might have defended you without shame, and

[1] Editor's Note. The Duke of Grafton had avoided a contest with Wilkes as long as he could, having in mind, doubtless, the fact that the George Grenville administration had lost popularity by its attack on Wilkes's parliamentary privilege, and by the use of a general warrant. At that time, Grafton had been in opposition, and a friend of Wilkes's ;—he was now in power. Wilkes, moreover, though still an outlaw, had become a candidate for the city, and failing there, offered himself as a candidate for Middlesex. His friends among the populace supported him so vehemently that a series of riots occurred, in the course of which several persons were killed by the military.

[2] Editor's Note. The celebrated Nancy Parsons, at this time about forty years of age. The Duke of Grafton had been keeping her as a mistress, after having divorced his wife.

moderate men, who wish well to the peace and good order of society, might have had a pretence for applauding your conduct. But these, it seems, were not occasions worthy of your Grace's interposition. You reserved the proofs of your intrepid spirit for trials of greater hazard and importance; and now, as if the most disgraceful relaxation of the executive authority had given you a claim of credit to indulge in excesses still more dangerous, you seem determined to compensate amply for your former negligence, and to balance the non-execution of the laws with a breach of the constitution. From one extreme you suddenly start to the other, without leaving, between the weakness and the fury of the passions, one moment's interval for the firmness of the understanding.

These observations, general as they are, might easily be extended into a faithful history of your Grace's administration, and perhaps may be the employment of a future hour. But the business of the present moment will not suffer me to look back to a series of events, which cease to be interesting or important, because they are succeeded by a measure so singularly daring that it excites all our attention, and engrosses all our resentment.

Your patronage of Mr. Luttrell has been crowned with success.[1] With this precedent before you, with the principles on which it was established, and with a future house of commons, perhaps less virtuous than the present, every county in England, under the auspices of the treasury, may be represented as completely as the county of Middlesex. Posterity will be indebted to your Grace for not contenting yourself with a temporary expedient, but entailing upon them the immediate blessings of your administration. Boroughs were already too much at the mercy of government. Counties could neither be purchased nor intimidated. But their solemn determined election may be rejected, and the man they detest may be appointed, by another choice, to represent them in parliament. Yet it is admitted, that the sheriffs obeyed the laws and performed their duty.[2] The return they made must have been legal and valid, or undoubtedly they would have been censured

[1] Editor's Note. Luttrell had been declared elected member for Middlesex, though he had polled less than a third as many votes as Wilkes.

[2] Sir Fletcher Norton, when it was proposed to punish the sheriffs, declared in the House of Commons, that they, in returning Mr. Wilkes, had done no more than their duty.

for making it. With every good-natured allowance for your Grace's youth and inexperience, there are some things which you cannot but know. You cannot but know that the right of the freeholders to adhere to their choice (even supposing it improperly exerted) was as clear and indisputable as that of the house of commons to exclude one of their own members :—nor is it possible for you not to see the wide distance there is between the negative power of rejecting one man, and the positive power of appointing another. The right of expulsion, in the most favourable sense, is no more than the custom of parliament. The right of election is the very essence of the constitution. To violate that right, and much more to transfer it to any other set of men, is a step leading immediately to the dissolution of all government. So far forth as it operates, it constitutes a house of commons which *does not* represent the people. A house of commons so formed would involve a contradiction and the grossest confusion of ideas ; but there are some ministers, my Lord, whose views can only be answered by reconciling absurdities, and making the same proposition, which is false and absurd in argument, true in fact.

This measure, my Lord, is, however attended with one consequence favourable to the people which I am persuaded you did not foresee.[1] While the contest lay between the ministry and Mr. Wilkes, his situation and private character gave you advantages over him, which common candour, if not the memory of your former friendship, should have forbidden you to make use of. To religious men you had an opportunity of exaggerating the irregularities of his past life ;—to moderate men you held forth the pernicious consequences of faction. Men, who with this character, looked no farther than to the object before them, were not dissatisfied at seeing Mr. Wilkes excluded from parliament. You have now taken care to shift the question ; or, rather, you have created a new one, in which Mr. Wilkes is no more concerned than any other English gentleman. You have united this country against you on one grand constitutional point, on the decision of which our existence as a free people absolutely depends. You have asserted, not in words but in fact, that representation in parliament does not depend upon the choice of the freeholders. If such a case can possibly happen once, it may happen frequently ; it may happen always—and if three hundred votes by any mode of

[1] The reader is desired to mark this prophecy.

reasoning whatsoever, can prevail against twelve hundred, the same reasoning would equally have given Mr. Luttrell his seat with ten votes, or even with one. The consequences of this attack upon the constitution are too plain and palpable not to alarm the dullest apprehension. I trust you will find that the people of England are neither deficient in spirit nor understanding, though you have treated them as if they had neither sense to feel, nor spirit to resent. We have reason to thank God and our ancestors, that there never yet was a minister in this country, who could stand the issue of such a conflict; and with every prejudice in favour of your intentions, I see no such abilities in your Grace as should entitle you to succeed in an enterprize, in which the ablest and basest of your predecessors have found their destruction. You may continue to deceive your gracious master with false representations of the temper and condition of his subjects. You may command a venal vote, because it is the common established appendage of your office. But never hope that the freeholders will make a tame surrender of their rights, or that an English army will join with you in overturning the liberties of their country. They know that their first duty, as citizens, is paramount to all subsequent engagements, nor will they prefer the discipline nor even the honours of their profession to those sacred original rights, which belonged to them before they were soldiers, and which they claim as the birthright of Englishmen.

Return, my Lord, before it be too late, to that easy insipid system which you first set out with. Take back your mistress [1]; —the name of friend may be fatal to her, for it leads to treachery and persecution. Indulge the people. Attend Newmarket. Mr. Luttrell may again vacate his seat; and Mr. Wilkes, if not persecuted, will soon be forgotten. To be weak and inactive is safer than to be daring and criminal; and wide is the distance between a riot of the populace and a convulsion of the whole kingdom. You may live to make the experiment, but no honest man can wish you should survive it.

JUNIUS

[1] The Duke, about this time, had separated himself from Ann Parsons, but proposed to continue united with her on some Platonic terms of friendship, which she rejected with contempt. His baseness to this woman is beyond description or belief.

LETTER XII

TO HIS GRACE THE DUKE OF GRAFTON

30 May 1769

My Lord,

If the measures in which you have been most successful, had been supported by any tolerable appearance of argument, I should have thought my time not ill employed in continuing to examine your conduct as a minister, and stating it fairly to the public. But when I see questions, of the highest national importance, carried as they have been, and the first principles of the constitution openly violated without argument or decency, I confess I give up the cause in despair. The meanest of your predecessors had abilities sufficient to give a colour to their measures. If they invaded the rights of the people, they did not dare to offer a direct insult to their understanding; and, in former times, the most venal parliaments made it a condition, in their bargain with the minister, that he should furnish them with some plausible pretences for selling their country and themselves. You have had the merit of introducing a more compendious system of government and logic. You neither address yourself to the passions nor to the understanding, but simply to the touch. You apply yourself immediately to the feelings of your friends who, contrary to the forms of parliament, never enter heartily into a debate until they have divided.

Relinquishing, therefore, all idle views of amendment to your Grace, or of benefit to the public, let me be permitted to consider your character and conduct merely as a subject of curious speculation.—There is something in both, which distinguishes you not only from all other ministers, but all other men. It is not that you do wrong by design, but that you should never do right by mistake. It is not that your indolence and your activity have been equally misapplied, but that the first uniform principle, or, if I may so call it, the genius of your life, should have carried you through every possible change and contradiction of conduct without the momentary imputation or colour of a virtue; and that the wildest spirit of inconsistency should never once have betrayed you into a wise or honourable action. This, I own, gives an air of singularity to your fortune, as well as to your disposition. Let us look back together to a scene in which

a mind like yours will find nothing to repent of. Let us try, my Lord, how well you have supported the various relations in which you stood, to your sovereign, your country, your friends, and yourself. Give us, if it be possible, some excuse to posterity, and to ourselves, for submitting to your administration. If not the abilities of a great minister, if not the integrity of a patriot, or the fidelity of a friend, show us, at least, the firmness of a man. —For the sake of your mistress, the lover shall be spared. I will not lead her into public as you have done, nor will I insult the memory of departed beauty. Her sex, which alone made her amiable in your eyes, makes her respectable in mine.

The character of the reputed ancestors of some men, has made it possible for their descendants to be vicious in the extreme, without being degenerate. Those of your Grace, for instance, left no distressing examples of virtue even to their legitimate posterity, and you may look back with pleasure to an illustrious pedigree in which heraldry has not left a single good quality upon record to insult or upbraid you.[1] You have better proofs of your descent, my Lord, than the register of a marriage, or any troublesome inheritance of reputation. There are some hereditary strokes of character by which a family may be as clearly distinguished as by the blackest features of the human face. Charles the First lived and died a hypocrite. Charles the Second was a hypocrite of another sort, and should have died upon the same scaffold. At the distance of a century, we see their different characters happily revived, and blended in your Grace. Sullen and severe without religion, profligate without gaiety, you live like Charles the Second, without being an amiable companion, and, for aught I know, may die as his father did, without the reputation of a martyr.

You had already taken your degrees with credit in those schools, in which the English nobility are formed to virtue, when you were introduced to Lord Chatham's protection.[2] From Newmarket, White's, and the opposition, he gave you to the world with an air of popularity, which young men usually set out with, and seldom preserve :—grave and plausible enough to be thought fit for business ; too young for treachery ;

[1] Editor's Note. The first Duke of Grafton was an illegitimate son of Charles II.

[2] To understand these passages, the reader is referred to a noted pamphlet, called, *The History of the Minority.*

and, in short, a patriot of no unpromising expectations. Lord Chatham was the earliest object of your political wonder and attachment; yet you deserted him, upon the first hopes that offered of an equal share of power with Lord Rockingham. When the Duke of Cumberland's first negociation failed, and when the favourite was pushed to the last extremity, you saved him, by joining with an administration in which Lord Chatham had refused to engage. Still, however, he was your friend, and you are yet to explain to the world, why you consented to act without him, or why, after uniting with Lord Rockingham, you deserted and betrayed him. You complained that no measures were taken to satisfy your patron, and that your friend, Mr. Wilkes, who had suffered so much for the party, had been abandoned to his fate. They have since contributed not a little to your present plenitude of power; yet, I think, Lord Chatham has less reason than ever to be satisfied; and as for Mr. Wilkes, it is, perhaps, the greatest misfortune of his life, that you should have so many compensations to make in the closet for your former friendship with him. Your gracious master understands your character, and makes you a persecutor, because you have been a friend.

Lord Chatham formed his last administration upon principles which you certainly concurred in, or you could never have been placed at the head of the treasury. By deserting those principles, and by acting in direct contradiction to them, in which he found you were secretly supported in the closet, you soon forced him to leave you to yourself, and to withdraw his name from an administration, which had been formed on the credit of it. You had then a prospect of friendships better suited to your genius and more likely to fix your disposition. Marriage is the point on which every rake is stationary at last; and truly, my Lord, you may well be weary of the circuit you have taken, for you have now fairly travelled through every sign in the political zodiac, from the Scorpion, in which you stung Lord Chatham, to the hopes of a Virgin [1] in the house of Bloomsbury. One would think that you had had sufficient experience of the frailty of nuptial engagements, or, at least, that such a friendship as the Duke of Bedford's might have been secured to you by the auspicious marriage of your late Duchess with [2] his

[1] His Grace had lately married Miss Wrottesley, niece of the *Good Gertrude, Duchess of Bedford.*

[2] Miss Liddel, after her divorce from the Duke, married Lord Upper Ossory.

nephew. But ties of this tender nature cannot be drawn too close; and it may, possibly, be a part of the Duke of Bedford's ambition, after making *her* an honest woman, to work a miracle of the same sort upon your Grace. This worthy nobleman has long dealt in virtue. There has been a large consumption of it in his own family; and, in the way of traffic, I dare say he has bought and sold more than half the representative integrity of the nation.

In a political view this union is not imprudent. The favour of princes is a perishable commodity. You have now a strength sufficient to command the closet; and, if it be necessary to betray one friendship more, you may set even Lord Bute at defiance. Mr. Stuart Mackenzie may possibly remember what use the Duke of Bedford usually makes of his power; and our gracious Sovereign, I doubt not, rejoices at this first appearance of union among his servants. His late majesty, under the happy influence of a family connexion between his ministers, was relieved from the cares of government. A more active prince may perhaps observe with suspicion by what degrees an artful servant grows upon his master, from the first unlimited professions of duty and attachment to the painful representation of the necessity of the royal service, and soon, in regular progression, to the humble insolence of dictating in all the obsequious forms of peremptory submission. The interval is carefully employed in forming connexions, creating interests, collecting a party, and laying the foundation of double marriages; until the deluded prince who thought he had found a creature prostituted to his service, and insignificant enough to be always dependent upon his pleasure, finds him at last too strong to be commanded and too formidable to be removed.

Your Grace's public conduct as a minister is but the counterpart of your private history;—the same inconsistency, the same contradictions. In America we trace you from the first opposition to the Stamp Act on principles of convenience, to Mr. Pitt's surrender of the right; then forward to Lord Rockingham's surrender of the fact; then back again to Lord Rockingham's declaration of the right; then forward to taxation with Mr. Townshend; and, in the last instance, from the gentle Conway's undetermined discretion, to blood and compulsion with the Duke of Bedford: Yet, if we may believe the simplicity of Lord North's eloquence, at the opening

of next session you are once more to be the patron of America. Is this the wisdom of a great minister? or is it the ominous vibration of a pendulum? Had you no opinion of your own, my Lord? or was it the gratification of betraying every party with which you have been united, and of deserting every political principle, in which you had concurred?

Your enemies may turn their eyes without regret from this admirable system of provincial government. They will find gratification enough in the survey of your domestic and foreign policy.

If, instead of disowning Lord Shelburne, the British court had interposed with dignity and firmness, you know, my Lord, that Corsica would never have been invaded.[1] The French saw the weakness of a distracted ministry, and were justified in treating you with contempt. They would probably have yielded in the first instance, rather than hazard a rupture with this country; but, being once engaged, they cannot retreat without dishonour. Common sense foresees consequences which have escaped your Grace's penetration. Either we suffer the French to make an acquisition, the importance of which you have probably no conception of, or we oppose them by an underhand management, which only disgraces us in the eyes of Europe, without answering any purpose of policy or prudence. From secret, indirect assistance, a transition to some more open decisive measures becomes unavoidable; till at last we find ourselves principals in the war, and are obliged to hazard everything for an object which might have originally been obtained without expence or danger. I am not versed in the politics of the north; but this, I believe, is certain, that half the money you have distributed to carry the expulsion of Mr. Wilkes, or even your secretary's share in the last subscription, would have kept the Turks at your devotion.[2] Was it œconomy, my Lord? or did the coy resistance you have constantly met with in the British senate, make you despair of corrupting the Divan? Your friends, indeed, have the first claim upon your bounty, but if five hundred pounds a year can be spared in

[1] Editor's Note. Lord Shelburne, while Secretary of State, instructed the English Ambassador in Paris to remonstrate in strong terms concerning the intended invasion of Corsica by the French. Lord Shelburne's conduct, however, was disavowed by his colleagues.

[2] Editor's Note. The French had at this time a strong influence on the Ottoman Porte, supplying it with French military officers, and probably with money.

pension to Sir John Moore,[1] it would not have disgraced you to have allowed something to the secret service of the public.[2]

You will say perhaps that the situation of affairs at home demanded and engrossed the whole of your attention. Here, I confess, you have been active. An amiable, accomplished prince ascends the throne under the happiest of all auspices, the acclamations and united affections of his subjects. The first measures of his reign, and even the odium of a favourite, were not able to shake their attachment. *Your* services, my Lord, have been more successful. Since you were permitted to take the lead, we have seen the natural effects of a system of government, at once both odious and contemptible. We have seen the laws sometimes scandalously relaxed, sometimes violently stretched beyond their tone. We have seen the sacred person of the Sovereign insulted; and, in profound peace, and with an undisputed title, the fidelity of his subjects brought by his own servants into public question.[3] Without abilities, resolution, or interest, you have done more than Lord Bute could accomplish with all Scotland at his heels.

Your Grace, little anxious perhaps either for present or future reputation, will not desire to be handed down in these colours to posterity. You have reason to flatter yourself that the memory of your administration will survive even the forms of a constitution which our ancestors vainly hoped would be immortal; and as for your personal character, I will not, for the honour of human nature, suppose that you can wish to have it remembered. The condition of the present times is desperate indeed; but there is a debt due to those who come after us, and it is the historian's office to punish, though he cannot correct. I do not give you to posterity as a pattern to imitate, but as an example to deter; and, as your conduct comprehends every thing that a wise or honest minister should avoid, I

[1] Editor's Note. Sir John Moore had squandered his fortune at the turf, partly in company with the Duke of Grafton at Newmarket. The Duke had secured for him the pension in question.

[2] Editor's Note. Grafton admitted in his *Autobiography* that if he had known what the state of affairs in Corsica and in France was, he would have followed Shelburne's policy.

[3] The wise Duke, about this time, exerted all the influence of government to procure addresses to satisfy the King of the fidelity of his subjects. They came in very thick from *Scotland*; but, after the appearance of this letter, we heard no more of them.

mean to make you a negative instruction to your successors for ever.

JUNIUS

LETTER XIII

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER

12 June 1769

Sir,

The Duke of Grafton's Friends, not finding it convenient to enter into a contest with *Junius*, are now reduced to the last melancholy resource of defeated argument, the flat general charge of scurrility and falsehood. As for his stile, I shall leave it to the critics. The truth of his facts is of more importance to the public. They are of such a nature that I think a bare contradiction will have no weight with any man who judges for himself. Let us take them in the order in which they appear in his last letter.

1. Have not the first rights of the people, and the first principles of the constitution been openly invaded, and the very name of an election made ridiculous, by the arbitrary appointment of Mr. Luttrell?

2. Did not the Duke of Grafton frequently lead his mistress into public, and even place her at the head of his table, as if he had pulled down an ancient temple of Venus, and could bury all decency and shame under the ruins?—Is this the man who dares to talk of Mr. Wilkes's morals?

3. Is not the character of his presumptive ancestors as strongly marked in him, as if he had descended from them in a direct legitimate line? The idea of his death is only prophetic; and what is prophecy but a narrative preceding the fact!

4. Was not Lord Chatham the first who raised him to the rank and post of a minister, and the first whom he abandoned?

5. Did he not join with Lord Rockingham and betray him?

6. Was he not the bosom friend of Mr. Wilkes, whom he now pursues to destruction?

7. Did he not take his degrees with credit at Newmarket, White's, and the opposition?

8. After deserting Lord Chatham's principles and sacrificing his friendship, is he not now closely united with a set of men, who, though they have occasionally joined with all parties,

have, in every different situation, and at all times, been equally and constantly detested by this country?

9. Has not Sir John Moore a pension of five hundred pounds a year?—This may probably be an acquittance of favours upon the turf; but is it possible for a minister to suffer a grosser outrage to a nation which has so very lately cleared away the beggary of the civil list, at the expence of more than half a million?

10. Is there any one mode of thinking or acting with respect to America, which the Duke of Grafton has not successively adopted and abandoned?

11. Is there not a singular mark of shame set upon this man, who has so little delicacy and feeling as to submit to the opprobrium of marrying a near relation of one who had debauched his wife?—In the name of decency, how are these amiable cousins to meet at their uncle's table?—It will be a scene in Œdipus, without the distress.—Is it wealth, or wit, or beauty?—or is the amorous youth in love?

The rest is notorious. That Corsica has been sacrificed to the French: that in some instances the laws have been scandalously relaxed, and in others daringly violated; and that the King's subjects have been called upon to assure him of their fidelity, in spite of the measures of his servants.

A writer, who builds his arguments upon facts such as these, is not easily to be confuted. He is not to be answered by general assertions or general reproaches. He may want eloquence to amuse or persuade, but, speaking truth, he must always convince.

PHILO JUNIUS

LETTER XIV

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER

22 June 1769

Sir,

The name of *Old Noll* is destined to be the ruin of the house of Stuart. There is an ominous fatality in it which even the spurious descendants of the family cannot escape. Oliver Cromwell had the merit of conducting Charles the first to the block. Your correspondent *Old Noll* appears to have the same design upon the Duke of Grafton. His arguments consist better with the title he has assumed, than with the principles he pro-

fesses ; for though he pretends to be an advocate for the Duke, he takes care to give us the best reason, why his patron should regularly follow the fate of his presumptive ancestor.—Through the whole course of the Duke of Grafton's life I see a strange endeavour to unite contradictions, which cannot be reconciled. He marries to be divorced,—he keeps a mistress to remind him of conjugal endearments, and he chooses such friends, as it is a virtue in him to desert. If it were possible for the genius of that accomplished president, who pronounced sentence upon Charles the first, to be revived in some modern sycophant,[1] his Grace, I doubt not, would, by sympathy, discover him among the dregs of mankind, and take him for a guide in those paths, which naturally conduct a minister to the scaffold.

The assertion that two thirds of the nation approve of the *acceptance* of Mr. Luttrell (for even *Old Noll* is too modest to call it an election), can neither be maintained nor confuted by argument. It is a point of fact on which every English gentleman will determine for himself. As to lawyers, their profession is supported by the indiscriminate defence of right and wrong, and I confess I have not that opinion of their knowledge or integrity, to think it necessary that they should decide for me upon a plain constitutional question.[2] With respect to the appointment of Mr. Luttrell, the chancellor [3] has never yet given any authentic opinion. Sir Fletcher Norton is indeed an honest, a very honest, man ; and the Attorney General [4] is *ex officio* the guardian of liberty, to take care, I presume, that it shall never break out into a criminal excess. Doctor Blackstone is Solicitor to the Queen. The Doctor recollected that he had a place to preserve, though he forgot that he had a reputation to lose. We have now the good fortune to understand the Doctor's principles as well as his writings. For the defence of truth, of law, and reason, the Doctor's book may be safely consulted ; but whoever wishes to cheat a neighbour of his estate, or to rob

[1] It is hardly necessary to remind the reader of the name of Bradshaw.

[2] Editor's Note. Lord Shelburne, th ugh he had made some study of the law, under Blackstone, at Oxford, was of the same opinion. 'Few questions come before this House,' he declared in the House of Lords, 'of which your lordships are not as competent to decide as the judges. In grand national points I shall never be directed by the opinions of lawyers, nor will I go to Westminster Hall to inquire whether or not the constitution is in danger.'

[3] Editor's Note. Lord Camden.

[4] Editor's Note. Mr. De Grey, afterwards Lord Walsingham.

country of its rights,[1] need make no scruple of consulting the doctor himself.

The example of the English nobility may, for aught I know, sufficiently justify the Duke of Grafton, when he indulges his genius in all the fashionable excesses of the age; yet, considering his rank and station, I think it would do him more honour to be able to deny the fact than to defend it by such authority. But if vice itself could be excused, there is yet a certain display of it, a certain outrage to decency, and violation of public decorum, which, for the benefit of society, should never be forgiven. It is not that he kept a mistress at home, but that he constantly attended her abroad. It is not the private indulgence, but the public insult of which I complain. The name of Miss Parsons would hardly have been known if the First Lord of the Treasury had not led her to triumph through the Opera House, even in the presence of the Queen. When we see a man act in this manner we may admit the shameless depravity of his heart, but what are we to think of his Understanding?

His Grace, it seems, is now to be a regular domestic man, and, as an omen of the future delicacy and correctness of his conduct, he marries a first cousin of the man, who had fixed that mark and title of infamy upon him, which, at the same moment, makes a husband unhappy and ridiculous. The ties of consanguinity may possibly preserve him from the same fate a second time, and as to the distress of meeting, I take for granted the venerable uncle of these common cousins has settled the Etiquette in such a manner, that, if a mistake should happen, it may reach no farther than from *Madame ma femme* to *Madame ma cousine.*

The Duke of Grafton has always some excellent reason for deserting his friends.—The age and incapacity of Lord Chatham;—the debility of Lord Rockingham;—or the infamy of Mr. Wilkes. There was a time indeed when he did not appear to be quite so well acquainted, or so violently offended with the infirmities of his friends. But now I confess they are not ill

[1] Editor's Note. Sir William Blackstone had been an adviser of Sir James Lowther against the Duke of Portland, in the contention over the Cumberland Crown lands, in which the obsolete law of *nullum tempus* was invoked. Blackstone had also furnished the legal reasoning for the government in its rejection of Wilkes as member for Middlesex. Junius's point is particularly telling, since Blackstone's position in the Wilkes affair had been shown in the House of Commons to be inconsistent with the position taken by him in the *Commentaries on the Laws of England.*

exchanged for the youthful, vigorous virtue of the Duke of Bedford ;—the firmness of General Conway ;—the blunt, or if I may call it, the aukward integrity of Mr. Rigby, and the spotless morality of Lord Sandwich.[1]

If a late pension to a broken gambler [2] be an act worthy of commendation, the Duke of Grafton's connections will furnish him with many opportunities of doing praiseworthy actions ; and, as he himself bears no part of the expence, the generosity of distributing the public money for the support of virtuous families in distress will be an unquestionable proof of his Grace's humanity.

As to public affairs, *Old Noll* is a little tender of descending to particulars. He does not deny that Corsica has been sacrificed to France, and he confesses that, with regard to America, his patron's measures have been subject to some variation ; but then he promises wonders of stability and firmness for the future. These are mysteries, of which we must not pretend to judge by experience ; and truly, I fear we shall perish in the Desart before we arrive at the Land of Promise. In the regular course of things, the period of the Duke of Grafton's ministerial manhood should now be approaching. The imbecility of his infant state was committed to Lord Chatham. Charles Townshend took some care of his education at that ambiguous age, which lies between the follies of political childhood, and the vices of puberty. The empire of the passions soon succeeded. His earliest principles and connexions were of course forgotten or despised. The company he has lately kept has been of no service to his morals ; and, in the conduct of public affairs, we see the character of his time of life strongly distinguished. An obstinate ungovernable self-sufficiency plainly points out to us that state of imperfect maturity, at which the graceful levity of youth is lost, and the solidity of experience not yet acquired. It is possible the young man may in time grow wiser and reform; but, if I understand his disposition, it is not of such corrigible stuff, that we should hope for any amendment in him before he has accomplished the destruction of this country. Like other

[1] Editor's Note. The irony of this sentence must have been particularly effective, since to nearly every well-informed person in England the aged Duke of Bedford, the irresolute Conway, the wirepulling Rigby, and the profligate Sandwich,—all stood for the exact opposite of Junius's characterization.

[2] Editor's Note. Sir John Moore.

rakes, he may perhaps live to see his error, but not until he has ruined his estate.

PHILO JUNIUS

LETTER XV

TO HIS GRACE THE DUKE OF GRAFTON

18 July 1760

My Lord,

If nature had given you an understanding qualified to keep pace with the wishes and principles of your heart, she would have made you, perhaps, the most formidable minister that ever was employed under a limited monarch to accomplish the ruin of a free people. When neither the feelings of shame, the reproaches of conscience, nor the dread of punishment, form any bar to the designs of a minister, the people would have too much reason to lament their condition, if they did not find some resource in the weakness of his understanding. We owe it to the bounty of providence, that the completest depravity of the heart is sometimes strangely united with a confusion of the mind which counteracts the most favourite principles, and makes the same man treacherous without art, and a hypocrite without deceiving. The measures, for instance, in which your Grace's activity has been chiefly exerted, as they were adopted without skill, should have been conducted with more than common dexterity. But truly, my Lord, the execution has been as gross as the design. By one decisive step, you have defeated all the arts of writing. You have fairly confounded the intrigues of opposition, and silenced the clamours of faction. A dark, ambiguous system might require and furnish the materials of ingenious illustration; and, in doubtful measures, the virulent exaggeration of party must be employed to rouse and engage the passions of the people. You have now brought the merits of your administration to an issue on which every Englishman of the narrowest capacity may determine for himself. It is not an alarm to the passions, but a calm appeal to the judgment of the people, upon their own most essential interests. A more experienced minister would not have hazarded a direct invasion of the first principles of the constitution, before he had prepared the way by destroying the spirit of the people. With such a

cause as yours, my Lord, it is not sufficient that you have the court at your devotion, unless you can find means to corrupt or intimidate the jury. The collective body of the people form that jury, and from *their* decision there is but one appeal.

Whether you have talents to support you, at a crisis of such difficulty and danger, should long since have been considered. Judging truly of your disposition, you have, perhaps, mistaken the extent of your capacity. Good faith and folly have so long been received for synonymous terms, that the reverse of the proposition has grown into credit, and every villain fancies himself a man of abilities. It is the apprehension of your friends, my Lord, that you have drawn some hasty conclusion of this sort, and that a partial reliance upon your moral character has betrayed you beyond the depth of your understanding. You have now carried things too far to retreat. You have plainly declared to the people what they are to expect from the continuance of your administration. It is time for your Grace to consider what you also may expect in return from *their* spirit and *their* resentment.

Since the accession of our most gracious Sovereign to the throne we have seen a system of government, which may well be called a reign of experiments. Parties of all denominations have been employed and dismissed. The advice of the ablest men in this country has been repeatedly called for and rejected; and when the royal displeasure has been signified to a minister, the marks of it have usually been proportioned to his abilities and integrity. The spirit of the FAVOURITE had some apparent influence upon every administration: and every set of ministers preserved an appearance of duration—as long as they submitted to that influence. But there were certain services to be performed for the favourite's security, or to gratify his resentments, which your predecessors in office had the wisdom or the virtue not to undertake. The moment this refractory spirit was discovered, their disgrace was determined. Lord Chatham, Mr. Grenville, and Lord Rockingham have successively had the honour to be dismissed for preferring their duty, as servants of the public, to those compliances which were expected from their station. A submissive administration was at last gradually collected from the deserters of all parties, interests, and connexions: and nothing remained but to find a leader for these gallant well-disciplined troops. Stand forth, my Lord, for thou art the man. Lord Bute found

Emmanuel Cambridge 1937.

no resource of dependence or security in the proud, imposing superiority of Lord Chatham's abilities, the shrewd inflexible ment of aed integrity of gnam. His views and situation required a cre of all these properties: and he was forced to go through every division, resolution, composition, and refinement of political chemistry, before he happily arrived at the caput mortuum of vitriol in your Grace. F insipid in your retired state, but brou become vitriol again.[1] Such are the e or fury, which have governed your whole administration. Your circumstances with regard to the people soon becoming desperate, like other honest servants, you determined to involve the best of masters in the same difficulties with yourself. We owe it to your Grace's well-directed labours, that your Sovereign has been persuaded to doubt of the affections of his subjects, and the people to suspect the virtues of their sovereign, at a time when both were unquestionable. You have degraded the royal dignity into a base, dishonourable competition with Mr. Wilkes, nor had you abilities to carry even this last contemptible triumph over a private man, without the grossest violation of the fundamental laws of the constitution and rights of the people. But these are rights, my Lord, which you can no more annihilate, than you can the soil to which they are annexed. The question no longer turns upon points of national honour and security abroad, or on the degrees of expedience and propriety of measures at home. It was not inconsistent that you should abandon the cause of liberty in another country,[2] which you had persecuted in your own; and in the common arts of domestic corruption, we miss no part of Sir Robert Walpole's system except his abilities. In this humble imitative line, you might long have proceeded, safe and contemptible. You might, probably, never have risen to the dignity of being hated, and even have been despised with moderation. But it seems you meant to be distinguished, and, to a mind like yours, there was no other road to fame but by the destruction of a noble fabric, which you thought had been too long the admiration of mankind.

[1] Editor's Note. Lord Shelburne was a patron of the sciences, and Dr. Priestley, whose work on chemistry is well known, was his librarian from 1772 for a number of years.

[2] Editor's Note. In Corsica.

The use you have made of the military force introduced an alarming change in the mode of executing the laws. The arbitrary appointment of Mr. Luttrell invades the foundation of the laws themselves, as it manifestly transfers the right of legislation from those whom the people have chosen, to those whom they have rejected. With a succession of such appointments, we may soon see a house of commons collected, in the choice of which the other towns and counties of England will have as little share as the devoted county of Middlesex.

Middlesex Elect. 1768.

Yet I trust your Grace will find that the people of this country are neither to be intimidated by violent measures, nor deceived by refinements. When they see Mr. Luttrell seated in the House of Commons by mere dint of power, and in direct opposition to the choice of a whole county, they will not listen to those subtleties, by which every arbitrary exertion of authority is explained into the law and privilege of parliament. It requires no persuasion of argument, but simply the evidence of the senses, to convince them, that to transfer the right of election from the collective to the representative body of the people, contradicts all those ideas of a house of commons which they have received from their forefathers, and which they have already, though vainly perhaps, delivered to their children. The principles, on which this violent measure has been defended, have added scorn to injury, and forced us to feel, that we are not only oppressed but insulted.

With what force, my Lord, with what protection are you prepared to meet the united detestation of the people of England? The city of London has given a generous example to the kingdom, in what manner a king of this country ought to be addressed; and I fancy, my Lord, it is not yet in your courage to stand between your Sovereign and the addresses of his subjects. The injuries you have done this country are such as demand not only redress, but vengeance. In vain shall you look for protection to that venal vote which you have already paid for—another must be purchased; and to save a minister, the house of commons must declare themselves not only independent of their constituents, but the determined enemies of the constitution. Consider, my Lord, whether this be an extremity to which their fears will permit them to advance; or, if *their* protection should fail you, how far you are authorized to rely upon the sincerity of those smiles, which a pious court lavishes without reluctance upon a libertine

by profession. It is not, indeed, the least of the thousand contradictions which attend you, that a man, marked to the world by the grossest violation of all ceremony and decorum, should be the first servant of a court in which prayers are morality, and kneeling is religion. Trust not too far to appearances, by which your predecessors have been deceived, though they have not been injured. Even the best of princes may at last discover, that this is a contention, in which everything may be lost, but nothing can be gained; and, as you became minister by accident, were adopted without choice, trusted without confidence, and continued without favour, be assured that, whenever an occasion presses, you will be discarded without even the forms of regret. You will then have reason to be thankful if you are permitted to retire to that seat of learning, which, in contemplation of the system of your life, the comparative purity of your manners with those of their high steward, and a thousand other recommending circumstances, has chosen you to encourage the growing virtue of their youth, and to preside over their education.[1] Whenever the spirit of distributing prebends and bishopricks shall have departed from you, you will find that learned seminary perfectly recovered from the delirium of an installation, and, what in truth it ought to be, once more a peaceful scene of slumber and thoughtless meditation. The venerable tutors of the university will no longer distress your modesty, by proposing you for a pattern to their pupils. The learned dulness of declamation will be silent[2]; and even the venal muse,[3]

[1] Editor's Note. Lord Sandwich was high steward of the University of Cambridge, and the Duke of Grafton was Chancellor.

[2] Editor's Note. When the Duke of Grafton was installed as Chancellor of the University, in 1769, Dr. Hinchliffe, the Vice-Chancellor, made an oration in his praise. Dr. Hinchliffe was made Bishop of Peterborough the same year.

[3] Editor's Note. On the Duke of Grafton's installation, Gray wrote his *Ode to Music*. The poem concludes:—

> Pleas'd in thy lineaments we trace
> A Tudor's fire, a Beaufort's grace.
> Thy liberal heart, thy judging eye,
> The flower unheeded shall descry,
> And bid it round Heaven's altars shed
> The fragrance of its blushing head:
> Shall raise from Earth the latent gem,
> To glitter on the diadem.

though happiest in fiction, will forget your virtues. Yet, for the benefit of the succeeding age, I could wish that your retreat might be deferred, until your morals shall happily be ripened to that maturity of corruption, at which the worst examples cease to be contagious.

JUNIUS

LETTER XVI

TO THE PRINTER OF THE PUBLIC ADVERTISER

19 July 1769

Sir,

A great deal of useless argument might have been saved, in the political contest, which has arisen upon the expulsion of Mr. Wilkes, and the subsequent appointment of Mr. Luttrell, if the question had been once stated with precision, to the satisfaction of each party, and clearly understood by them both. But in this, as in almost every other dispute, it usually happens that much time is lost in referring to a multitude of cases and precedents, which prove nothing to the purpose, or in maintaining propositions, which are either not disputed, or, whether they be admitted or denied, are entirely indifferent as to the matter in debate ; until at last the mind, perplexed and confounded with the endless subtleties of controversy,

> Lo, Granta waits to lead her blooming band,
> Not obvious, not obtrusive, she
> No vulgar praise, no venal incense flings ;
> Nor dares with courtly tongue refin'd
> Profane thy inborn royalty of mind :
> She reveres herself and thee.
> With modest pride to grace thy youthful brow
> The laureat wreath, that Cecil wore, she brings
> And to thy just, thy gentle hand
> Submits the fasces of her sway,
> While spirits blest above and men below
> Join with glad voice the loud symphonious lay.
> Through the wild waves as they roar
> With watchful eye and dauntless mien
> Thy steady course of honour keep,
> Nor fear the rocks, nor seek the shore :
> The star of Brunswick smiles serene,
> And gilds the horrours of the deep."

Gray had been appointed by Grafton, in 1768, to the vacant professorship in modern history at Cambridge.

oses sight of the main question, and never arrives at truth. Both parties in the dispute are apt enough to practise these dishonest artifices. The man, who is conscious of the weakness of his cause, is interested in concealing it: and, on the other side, it is not uncommon to see a good cause mangled by advocates, who do not know the real strength of it.

I should be glad to know, for instance, to what purpose, in the present case, so many precedents have been produced to prove that the house of commons have a right to expel one of their own members; that it belongs to them to judge of the validity of elections; or that the law of parliament is part of the law of the land?[1] After all these propositions are admitted, Mr. Luttrell's right to his seat will continue to be just as disputable as it was before. Not one of them is at present in agitation. Let it be admitted that the house of commons were authorized to expel Mr. Wilkes; that they are the proper court to judge of elections, and that the law of parliament is binding upon the people; still it remains to be inquired whether the House, by their resolution in favour of Mr. Luttrell, *have or have not truly declared that law.* To facilitate this enquiry, I would have the question cleared of all foreign or indifferent matter. The following state of it will probably be thought a fair one by both parties; and then, I imagine, there is no gentleman in this country, who will not be capable of forming a judicious and true opinion upon it. I take the question to be strictly this: 'Whether or no it be the known, established law of parliament, that the expulsion of a member of the house of commons of itself creates in him such an incapacity to be re-elected, that, at a subsequent election, any votes given to him are null and void, and that any other candidate, who, except the person expelled, has the greatest number of votes, ought to be the sitting member.'

To prove that the affirmative is the law of parliament, I apprehend it is not sufficient for the present house of commons to declare it to be so. We may shut our eyes indeed to the dangerous consequences of suffering one branch of the legislature to declare new laws, without argument or example, and it may perhaps be prudent enough to submit to authority;

[1] The reader will observe that these admissions are made, not as of truths unquestionable, but for the sake of argument, and in order to bring the real question to issue.

mere assertion will never convince, much less will it be
t reasonable to prove the right by the fact itself. The
e not yet pretended to such a tyranny over our
support the affirmative fairly, it will either be
produce some statute, in which that positive pro-
have been made, that specific disability clearly
the consequence of it declared ; or, if there be
e, the custom of parliament must then be referred
ase or cases,[1] strictly in point must be produced,
on of the court upon them ; for I readily admit
n of parliament, once clearly proved, is equally
the common and statute law.
leration of what may be reasonable or unreason-
no part of this question. We are inquiring what
ot what it ought to be. Reason may be applied
w the impropriety or expedience of a law, but we must
ither statute or precedent to prove the existence of it.
same time I do not mean to admit that the late resolu-
the house of commons is defensible on general principles
on, any more than in law. This is not the hinge on
the debate turns.

Supposing, therefore, that I have laid down an accurate state of the question, I will venture to affirm, 1st, That there is no statute, existing by which that specific disability, which we speak of, is created. If there be, let it be produced. The argument will then be at an end.

2dly, THAT there is no precedent in all the proceedings of the house of commons which comes entirely home to the present case, viz., 'where an expelled member has been returned again, and another candidate, with an inferior number of votes, has been declared the sitting member.' If there be such a precedent, let it be given to us plainly, and I am sure it will have more weight than all the cunning arguments which have been drawn from inferences and probabilities.

The ministry, in that laborious pamphlet which, I presume, contains the whole strength of the party, have declared,[2] 'That Mr. Walpole's [3] was the first and only instance, in which

[1] Precedents, in opposition to principles, have little weight with *Junius* ; but he thought it necessary to meet the ministry upon their own ground.

[2] *Case of the Middlesex Election Considered*, page 38.

[3] Editor's Note. Robert Walpole, when member for Lynn Regis, was expelled for having received profits upon a military contract while he was

the electors of any county or borough had returned a
expelled to serve in the same parliament.' It is not
to conceive a case more exactly in point. Mr. W
expelled, and, having a majority of votes at the
was returned again. The friends of Mr. Taylc
set up by the ministry, petitioned the house th
the sitting member. Thus far the circumstanc
except that our house of commons saved M
trouble of petitioning. The point of law ho
same. It came regularly before the house, an
business to determine upon it. They did de
they declared Mr. Taylor *not duly elected.* If
they meant this resolution as matter of favour
to the borough, which had retorted Mr. Walp
in order that the burgesses, knowing what the law
correct their error, I answer,

I. THAT it is a strange way of arguing to opp
position, which no man can prove, to a fact which

II. THAT if this were the intention of the house of commons, it must have defeated itself. The burgesses of Lynn could never have known their error, much less could they have corrected it by any instruction they received from the proceedings of the house of commons. They might perhaps have foreseen, that, if they returned Mr. Walpole again, he would again be rejected ; but they never could infer from a resolution by which the candidate with the fewest votes was declared *not duly elected*, that, at a future election, and in similar circumstances, the house of commons would reverse their resolution, and receive the same candidate as duly elected, whom they had before rejected.

This indeed would have been a most extraordinary way of declaring the law of parliament, and what I presume no man, whose understanding is not at cross-purposes with itself, could possibly understand.

If, in a case of this importance, I thought myself at liberty

Secretary of War, and the Tories having a majority in Parliament, he was committed to the Tower. He did not gain again any great degree of political power until his rival, Lord Bolingbroke, became involved in turn in the South Sea scandal, upon which Walpole again rose to power, and kept his power through the reign of George I, and through a good part of that of George II.

to argue from suppositions rather than from facts, I think the probability in this instance is directly the reverse of what the ministry affirm ; and that it is much more likely that the house of commons at that time would rather have strained a point in favour of Mr. Taylor, than that they would have violated the law of parliament, and robbed Mr. Taylor of a right legally vested in him, to gratify a refractory borough, which, in defiance of them, had returned a person branded with the strongest mark of the displeasure of the house.

But really, Sir, this way of talking, for I cannot call it argument, is a mockery of the common understanding of the nation, too gross to be endured. Our dearest interests are at stake. An attempt has been made, not merely to rob a single county of its rights, but, by inevitable consequence, to alter the constitution of the house of commons. This fatal attempt has succeeded, and stands as a precedent recorded for ever. If the ministry are unable to defend their cause by fair argument founded on facts, let them spare us at least the mortification of being amused and deluded like children. I believe there is yet a spirit of resistance in this country, which will not submit to be oppressed ; but I am sure there is a fund of good sense in this country, which cannot be deceived.

JUNIUS

LETTER XVII

TO THE PRINTER OF THE PUBLIC ADVERTISER

1 August 1769

Sir,

It will not be necessary for *Junius* to take the trouble of answering your correspondent G. A. or the quotation from a speech without doors, published in your paper of the 28th of last month. The speech appeared before *Junius's* letter, and as the author seems to consider the great proposition, on which all his argument depends, viz., *that Mr. Wilkes was under that known legal incapacity of which Junius speaks* as a point granted, his speech is, in no shape, an answer to *Junius*, for this is the very question in debate.

As to G. A. I observe first, that if he did not admit of *Junius's* state of the question, he should have shewn the fallacy of it, or given us a more exact one ;—secondly, that considering

the many hours and days, which the ministry and their advocates have wasted in public debate, in compiling large quartos, and collecting innumerable precedents, expressly to prove that the late proceedings of the house of commons are warranted by the law, custom, and practice of parliament, it is rather an extraordinary supposition, to be made by one of their own party, even for the sake of argument, *that no such statute, no such custom of parliament, no such case in point can be produced.* G. A. may, however, make the supposition with safety. It contains nothing, but literally the fact, except that there is a case exactly in point, with a decision of the house, diametrically opposite to that which the present house of commons came to in favour of Mr. Luttrell.

The ministry now begin to be ashamed of the weakness of their cause, and, as it usually happens with falsehood, are driven to the necessity of shifting their ground, and changing their whole defence. At first we were told that nothing could be clearer than that the proceedings of the house of commons were justified by the known law and uniform custom of parliament. But now it seems, if there be no law, the house of commons have a right to make one, and if there be no precedent, they have a right to create the first;—for this, I presume, is the amount of the questions proposed to *Junius.* If your correspondent had been at all versed in the law of parliament, or generally in the laws of this country, he would have seen that this defence is as weak and false as the former.

The privileges of either house of parliament, it is true, are indefinite, that is, they have not been described or laid down in any one code or declaration whatsoever; but whenever a question of privilege has arisen, it has invariably been disputed or maintained upon the footing of precedents alone.[1] In the course of the proceedings upon the Aylesbury election, the house of lords resolved, 'That neither house of parliament had any power, by any vote or declaration, to create to themselves any new privilege that was not warranted by the known laws and customs of parliament.' And to this rule the house of commons, though otherwise they had acted in a very arbitrary manner, gave their assent, for they affirmed that they had guided themselves by it, in asserting their privileges.

[1] This is still meeting the ministry upon their own ground; for, in truth, no precedents will support either natural injustice, or violation of positive right.

—Now, Sir, if this be true with respect to matters of privilege in which the house of commons, individually and as a body, are principally concerned, how much more strongly will it hold against any pretended power in that house, to create or declare a new law, by which not only the rights of the house over their own member, and those of the member himself are concluded, but also those of a third and separate party, I mean the freeholders of the kingdom. To do justice to the ministry, they have not yet pretended that any one or any two of the three estates have power to make a new law, without the concurrence of the third. They know that a man who maintains such a doctrine, is liable, by statute, to the heaviest penalties. They do not acknowledge that the house of commons have assumed a *new* privilege, or declared a *new* law.—On the contrary, they affirm that their proceedings have been strictly conformable to and founded upon the ancient law and custom of parliament. Thus, therefore, the question returns to the point, at which *Junius* had fixed it, viz., *Whether or no this be the law of parliament.* If it be not, the house of commons had no legal authority to establish the precedent; and the precedent itself is a mere fact, without any proof of right whatsoever.

Your correspondent concludes with a question of the simplest nature! *Must a thing be wrong, because it has never been done before?* No. But admitting it were proper to be done, that alone does not convey an authority to do it. As to the present case, I hope I shall never see the time, when not only a single person, but a whole county, and, in effect, the entire collective body of the people, may again be robbed of their birthright by a vote of the house of commons. But if, for reasons which I am unable to comprehend, it be necessary to trust that house with a power so exorbitant and so unconstitutional, at least let it be given to them by an act of the legislature.

PHILO JUNIUS

LETTER XVIII

TO SIR WILLIAM BLACKSTONE, SOLICITOR GENERAL TO HER MAJESTY

29 July 1769

Sir,

I shall make you no apology for considering a certain pamphlet, in which your late conduct is defended, as written

by yourself.[1] The personal interest, the personal resentments, and above all, that wounded spirit, unaccustomed to reproach, and I hope not frequently conscious of deserving it, are signals which betray the author to us as plainly as if your name were in the title-page. You appeal to the public in defence of your reputation. We hold it, Sir, that an injury offered to an individual is interesting to society. On this principle the people of England made common cause with Mr. Wilkes. On this principle, if *you* are injured, they will join in your resentment. I shall not follow you through the insipid form of a third person, but address myself to you directly.

You seem to think the channel of a pamphlet more respectable and better suited to the dignity of your cause, than that of a newspaper. Be it so. Yet if newspapers are scurrilous, you must confess they are impartial. They give us, without any apparent preference, the wit and argument of the ministry, as well as the abusive dulness of the opposition. The scales are equally poised. It is not the printer's fault if the greater weight inclines the balance.

Your pamphlet, then, is divided into an attack upon Mr. Grenville's character, and a defence of your own. It would have been more consistent, perhaps, with your professed intentions, to have confined yourself to the last. But anger has some claim to indulgence, and railing is usually a relief to the mind. I hope you have found benefit from the experiment. It is not my design to enter into a formal vindication of Mr. Grenville upon his own principles. I have neither the honour of being personally known to him, nor do I pretend to be completely master of all the facts. I need not run the risque of doing an injustice to his opinions, or to his conduct, when your pamphlet alone carries, upon the face of it, a full vindication of both.

[1] Editor's Note. This pamphlet, *An Answer to the Question stated*, was later admitted by Blackstone's friends to be his. It was a reply to a pamphlet by Sir William Meredith, *The Question Stated*, and attacked the inconsistency between Blackstone's positions in regard to parliamentary privilege, as stated in the *Commentaries* and in parliament. There were numerous other pamphlets on the same subject, notably Mr. Jeremiah Dyson's *The Case of the Last Election for the County of Middlesex considered*, and *The False Alarm*, by Dr. Johnson. Others were *Serious Considerations*; *Mungo's case considered* (Mungo was a nickname for Dyson); *Mungo on the use of Quotations*; *Letter to Junius*; and *Postscript to Junius*, the last by Blackstone.

Your first reflection is, that Mr. Grenville [1] was, of all men, the person who should not have complained of inconsistence with regard to Mr. Wilkes. This, Sir, is either an unmeaning sneer, a peevish expression of resentment, or, if it means anything, you plainly beg the question; for whether his parliamentary conduct with regard to Mr. Wilkes has or has not been inconsistent, remains yet to be proved. But it seems he received upon the spot a sufficient chastisement for exercising *so unfairly* his talent of misrepresentation. You are a lawyer, Sir, and know better than I do upon what particular occasions a talent for misrepresentation may be *fairly* exerted; but to punish a man a second time, when he has been once sufficiently chastised, is rather too severe. It is not in the laws of England; it is not in your own commentaries, nor is it yet, I believe, in the new law you have revealed to the house of commons. I hope this doctrine has no existence but in your own heart. After all, Sir, if you had consulted that sober discretion, which you seem to oppose with triumph to the honest jollity of a tavern, it might have occurred to you that, although you could have succeeded in fixing a charge of inconsistence upon Mr. Grenville, it would not have tended in any shape to exculpate yourself.

Your next insinuation, that Sir William Meredith had hastily adopted the false glosses of his new ally, is of the same sort with the first. It conveys a sneer as little worthy of the gravity of your character as it is useless to your defence. It is of little moment to the public to inquire, by whom the charge was conceived, or by whom it was adopted. The only question we ask is, whether or no it be true. The remainder of your reflections upon Mr. Grenville's conduct destroy themselves. He could not possibly come prepared to traduce your integrity to the House. He could not foresee that you would even speak upon the question, much less could he foresee that you would maintain a direct contradiction of that doctrine, which you had solemnly, disinterestedly, and upon soberest reflection delivered to the public. He came armed indeed with what he thought a respectable authority, to support what he was convinced was the cause of truth, and I doubt not he intended

[1] Grenville had quoted a passage from the Doctor's excellent commentaries, which directly contradicted the principles maintained by the house of commons.

to give you, in the course of the debate an honourable and public testimony of his esteem. Thinking highly of his abilities, I cannot however allow him the gift of divination. As to what you are pleased to call a plan coolly formed to impose upon the house of commons, and his producing it without provocation at midnight, I consider it as the language of pique and invective, therefore unworthy of regard. But, Sir, I am sensible I have followed your example too long, and wandered from the point.

The quotation from your commentaries is matter of record. It can neither be *altered* by your friends, nor misrepresented by your enemies; and I am willing to take your own word for what you have said in the house of commons. If there be a real difference between what you have written and what you have spoken, you confess that your book ought to be the standard. Now, Sir, if words mean anything, I apprehend that, when a long enumeration of disqualifications (whether by statute or the custom of parliament) concludes with these general comprehensive words, 'but subject to these restrictions and disqualifications, *every* subject of the realm is eligible of common right,' a reader of plain understanding, must of course rest satisfied that no species of disqualification whatsoever had been omitted. The known character of the author, and the apparent accuracy with which the whole work is compiled, would confirm him in his opinion; nor could he possibly form any other judgment, without looking upon your commentaries in the same light in which you consider those penal laws which, though not repealed, are fallen into disuse, and are now in effect A SNARE TO THE UNWARY.[1]

You tell us indeed that it was not part of your plan to specify any temporary incapacity, and that you could not, without a spirit of prophecy, have specified the disability of a private

case, and told us how far the house of commons were authorised to proceed in it by the law and custom of parliament. The freeholders of Middlesex would then have known what they had to trust to, and would never have returned Mr. Wilkes, when colonel Luttrell was a candidate against him. They would have chosen some indifferent person, rather than submit to be represented by the object of their contempt and detestation.

Your attempt to distinguish between disabilities, which affect whole classes of men, and those which affect individuals only, is really unworthy of your understanding. Your commentaries had taught me that, although the instance in which a penal law is exerted be particular, the laws themselves are general. They are made for the benefit and instruction of the public, though the penalty falls only upon an individual. You cannot but know, Sir, that what was Mr. Wilkes's case yesterday, may be your's or mine to-morrow, and that consequently the common right of every subject of the realm is invaded by it. Professing therefore to treat of the constitution of the house of commons, and of the laws and customs relative to that constitution, you certainly were guilty of a most unpardonable omission in taking no notice of a right and privilege of the house, more extraordinary and more arbitrary than all the others they possess put together. If the expulsion of a member, not under any other legal disability, of itself creates in him an incapacity to be re-elected, I see a ready way marked out, by which the majority may at any time remove the honestest and ablest men who happen to be in opposition to them. To say that they *will not* make this extravagant use of their power, would be a language unfit for a man so learned in the laws as you are. By your doctrine, Sir, they *have* the power, and laws you know are intended to guard against what men *may* do, not to trust what they *will* do.

Upon the whole, Sir, the charge against you is of a plain, simple nature: It appears even upon the face of your own pamphlet. On the contrary, your justification of yourself is full of subtlety and refinement, and in some places not very intelligible. If I were personally your enemy, I should dwell, with a malignant pleasure, upon those great and useful qualifications, which you certainly possess, and by which you once acquired, though they could not preserve to you the respect and esteem of your country. I should enumerate the honours

you have lost, and the virtues you have disgraced : but having no private resentments to gratify, I think it sufficient to have given my opinion of your public conduct, leaving the punishment it deserves to your closet and to yourself.

JUNIUS

LETTER XIX

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER

14 August 1769

Sir,

A correspondent of the St. James's Evening Post first wilfully misunderstands Junius, then censures him for a bad reasoner. Junius does not say that it was incumbent upon Doctor Blackstone to foresee and state the crimes, for which Mr. Wilkes was expelled. If, by a spirit of prophecy, he had even done so, it would have been nothing to the purpose. The question is, not for what particular offences a person may be expelled, but generally whether by the law of parliament expulsion alone creates a disqualification. If the affirmative be the law of parliament, Doctor Blackstone might and should have told us so. The question is not confined to this or that particular person, but forms one great general branch of disqualification, too important in itself, and too extensive in its consequences, to be omitted in an accurate work expressly treating of the law of parliament.

The truth of the matter is evidently this. Doctor Blackstone, while he was speaking in the house of commons, never once thought of his Commentaries, until the contradiction was unexpectedly urged, and stared him in the face. Instead of defending himself upon the spot, he sunk under the charge, in an agony of confusion and despair. It is well known that there was a pause of some minutes in the house, from a general expectation that the Doctor would say something in his own defence ; but it seems, his faculties were too much overpowered to think of those subtleties and refinements, which have since occurred to him. It was then Mr. Grenville received that severe chastisement which the Doctor mentions with so much triumph. *I wish the honourable gentleman, instead of shaking his head, would shake a good argument out of it.* If to the elegance, novelty, and bitterness of this ingenious sarcasm, we add the natural melody of the amiable Sir Fletcher Norton's pipe, we

shall not be surprised that Mr. Grenville was unable to make him any reply.

As to the Doctor, I would recommend it to him to be quiet. If not, he may perhaps hear again from Junius himself.

PHILO JUNIUS

POSTSCRIPT TO A PAMPHLET

INTITLED,

'AN ANSWER TO THE QUESTION STATED.'

Supposed to be written by Dr. Blackstone, Solicitor to the Queen, in answer to Junius's Letter.

Since these papers were sent to the press, a writer in the public papers, who subscribes himself JUNIUS, has made a feint of bringing this question to a short issue. Though the foregoing observations contain in my opinion, at least, a full refutation of all that this writer has offered, I shall, however, bestow a very few words upon him. It will cost me very little trouble to unravel and expose the sophistry of his argument.

'I take the question,' says he, 'to be strictly this: Whether or no it be the known established law of parliament, that the expulsion of a member of the house of commons, of itself creates in him such an incapacity to be re-elected, that, at a subsequent election, any votes given to him are null and void; and that any other candidate, who, except the person expelled, has the greatest number of votes, ought to be the sitting member.'

Waving for the present any objection I may have to this state of the question, I shall venture to meet our champion upon his own ground; and attempt to support the affirmative of it in one of the two ways by which he says it can be alone fairly supported. 'If there be no statute,' says he, 'in which the specific disability is clearly created, &c. (and we acknowledge there is none), the custom of parliament must then be referred to, and some case, or cases, strictly in point, must be produced, with the decision of the court upon them.' Now I assert, that this has been done. Mr. Walpole's case is strictly in point, to prove that expulsion creates absolute incapacity of being re-elected. This was the clear decision of the house upon it, and was a full declaration that incapacity was the necessary consequence of expulsion. The law was as clearly and firmly fixed by this resolution, and is as binding

n every subsequent case of expulsion, as if it had been declared by an express statute, 'That a member expelled by a resolution of the house of commons shall be deemed incapable of being re-elected.' Whatever doubt, then, there might have been of the law before Mr. Walpole's case, with respect to the full operation of a vote of expulsion, there can be none now. The decision of the house upon this case is strictly in point to prove, that expulsion creates absolute incapacity in law of being re-elected.

But incapacity in law in this instance must have the same operation and effect with incapacity in law in every other instance. Now, incapacity of being re-elected implies in its very terms, that any votes given to the incapable person, at a subsequent election, are null and void. This is its necessary operation, or it has no operation at all. It is *vox et præterea nihil.* We can no more be called upon to prove this proposition, than we can to prove that a dead man is not alive, or that twice two are four. When the terms are understood the proposition is self-evident.

LASTLY, it is in all cases of election the known and established law of the land, grounded upon the clearest principles of reason and common sense, that if the votes given to one candidate are null and void, they cannot be opposed to the votes given to another candidate. They cannot affect the votes of such candidate at all. As they have, on the one hand, no positive quality to add or establish, so have they, on the other hand, no negative one to subtract or destroy. They are, in a word, a mere nonentity. Such was the determination of the house of commons in the Malden and Bedford elections; cases strictly in point to the present question as far as they are meant to be in point. And to say that they are not in point in all circumstances, in those particularly which are independent of the proposition which they are quoted to prove, is to say no more than that Malden is not Middlesex, nor Serjeant Comyns Mr. Wilkes.

Let us see then how our proof stands. Expulsion creates incapacity; incapacity annihilates any votes given to the incapable person. The votes given to the qualified candidate stand upon their own bottom, firm and untouched, and can alone have effect. This, one would think, would be sufficient: but we are stopped short, and told, that none of our precedents come home to the present case, and are challenged to pro-

duce 'a precedent in all the proceedings of the House of Commons, that does come home to it, viz., *where an expelled member has been returned again, and another candidate, with an inferior number of votes, has been declared the sitting member.*'

Instead of a precedent, I will beg leave to put a case; which, I fancy, will be quite as decisive to the present point. Suppose another Sacheverel, (and every party must have its Sacheverel) should, at some future election, take it into his head to offer himself a candidate for the county of Middlesex. He is opposed by a candidate, whose coat is of a different colour; but however of a very good colour. The divine has an indisputable majority; nay, the poor layman is absolutely distanced. The sheriff, after having had his conscience well informed by the reverend casuist, returns him, as he supposes, duly elected. The whole house is in an uproar, at the apprehension of so strange an appearance amongst them. A motion however is at length made, that the person was incapable of being elected, that his election therefore is null and void, and that his competitor ought to have been returned. No, says a great orator, first show me your law for this proceeding. 'Either produce me a statute, in which the specific disability of a clergyman is created; or, produce me a precedent *where a clergyman has been returned, and another candidate, with an inferior number of votes, has been declared the sitting member.*' No such statute, no such precedent is to be found. What answer then is to be given to this demand? The very same answer which I will give to that of Junius: That there is more than one precedent in the proceedings of the house —— 'where an incapable person has been returned, and another candidate, with an inferior number of votes, has been declared the sitting member; and that this is the known and established law, in all cases of incapacity, from whatever cause it may arise.'

I shall now therefore beg leave to make a slight amendment to Junius's state of the question, the affirmative of which will then stand thus:

'It is the known and established law of parliament, that the expulsion of any member of the house of commons creates in him an incapacity of being re-elected; that any votes given to him at a subsequent election are, in consequence of such incapacity, null and void; and that any other candidate, who, except the person rendered incapable, has the greatest number of votes, ought to be the sitting member.'

But our business is not yet quite finished. Mr. Walpole's case must have a re-hearing. 'It is not possible,' says the writer, 'to conceive a case more exactly in point.' Mr. Walpole was expelled, and having a majority of votes at the next election, was returned again. The friends of Mr. Taylor, a candidate set up by the ministry, petitioned the house that he might be the sitting member. Thus far the circumstances tally exactly, except that our house of commons saved Mr. Luttrell the trouble of petitioning. The point of law, however, was the same. It came regularly before the House, and it was their business to determine upon it. They did determine it; for they declared Mr. Taylor *not duly elected*.'

Instead of examining the justness of this representation, I shall beg leave to oppose against it my own view of this case, in as plain a manner and as few words as I am able.

It was the known and established law of parliament, when the charge against Mr. Walpole came before the house of commons, that they had power to expel, to disable, and to render incapable for offences. In virtue of this power they expelled him.

Had they, in the very vote of expulsion, adjudged him, in terms, to be incapable of being re-elected, there must have been at once an end with him. But though the right of the house, both to expel and adjudge incapable, was clear and indubitable, it does not appear to me, that the full operation and effect of a vote of expulsion singly was so. The law in this case had never been expressly declared. There had been no event to call up such a declaration. I trouble not myself with the grammatical meaning of the word expulsion. I regard only its legal meaning. This was not, as I think, precisely fixed. The house thought proper to fix it, and explicitly to declare the full consequences of their former vote, before they suffered these consequences to take effect. And in this proceeding they acted upon the most liberal and solid principles of equity, justice, and law. What then did the burgesses of Lynn collect from the second vote? Their subsequent conduct will tell us: it will with certainty tell us, that they considered it as decisive against Mr. Walpole; it will also, with equal certainty, tell us, that, upon supposition that the law of election stood then as it does now, and that they knew it to stand thus, they inferred, 'that, at a future election, and in case of a similar return, the house would receive the same candidate,

as duly elected, whom they had before rejected.' They could infer nothing but this.

It is needless to repeat the circumstance of dissimilarity in the present case. It will be sufficient to observe, that as the law of parliament, upon which the house of commons grounded every step of their proceedings, was clear beyond the reach of doubt, so neither could the freeholders of Middlesex be at a loss to foresee what must be the inevitable consequence of their proceedings in opposition to it. For, upon every return of Mr. Wilkes, the House made inquiry, whether any votes were given to any other candidate?

But I could venture, for the experiment's sake, even to give this writer the utmost he asks; to allow the most perfect similarity throughout in these two cases; to allow, that the law of expulsion was quite as clear to the burgesses of Lynn, as to the freeholders of Middlesex. It will, I am confident, avail his cause but little. It will only prove, that, the law of election at that time was different from the present law. It will prove, that, in all cases of an incapable candidate returned, the law then was, that the whole election should be void. But now we know that this is not law. The cases of Malden and Bedford were, as has been seen, determined upon other and more just principles. And these determinations are, I imagine, admitted on all sides, to be law.

I would willingly draw a veil over the remaining part of this paper. It is astonishing, it is painful, to see men of parts and ability giving in to the most unworthy artifices, and descending so much below their true line of character. But if they are not the dupes of their sophistry, (which is hardly to be conceived), let them consider that they are something much worse.

The dearest interests of this country are its laws and its constitution. Against every attack upon these, there will, I hope, be always found amongst us the firmest *spirit of resistance*; superior to the united efforts of faction and ambition. For ambition, though it does not always take the lead of faction, will be sure in the end to make the most fatal advantage of it, and draw it to its own purposes. But, I trust, our day of trial is yet far off; and there is *a fund of good sense in this country which cannot long be deceived*, by the arts either of false reasoning or false patriotism.

LETTER XX

TO THE PRINTER OF THE PUBLIC ADVERTISER

8 August 1769

Sir,

The gentleman, who has published an answer to Sir William Meredith's pamphlet, having honoured me with a postscript of six quarto pages, which he moderately calls bestowing a *very* few words upon me, I cannot, in common politeness, refuse him a reply. The form and magnitude of a quarto imposes upon the mind; and men who are unequal to the labour of discussing an intricate argument, or wish to avoid it, are willing enough to suppose, that much has been proved, because much has been said. Mine, I confess, are humble labours. I do not presume to instruct the learned, but simply to inform the body of the people; and I prefer that channel of conveyance which is likely to spread farthest among them. The advocates of the ministry seem to me to write for fame, and to flatter themselves, that the size of their works will make them immortal. They pile up reluctant quarto upon solid folio, as if their labours, because they are gigantic, could contend with truth and heaven.

The writer of the volume in question meets me upon my own ground. He acknowledges there is no statute, by which the specific disability we speak of is created, but he affirms, that the custom of parliament has been referred to, and that a case strictly in point has been produced, with the decision of the court upon it.—I thank him for coming so fairly to the point. He asserts, that the case of Mr. Walpole is strictly in point to prove that expulsion creates an absolute incapacity of being re-elected; and for this purpose he refers generally to the first vote of the house upon that occasion, without venturing to recite the vote itself. The unfair, disingenuous artifice of adopting that part of a precedent, which seems to suit his purpose, and omitting the remainder, deserves some pity, but cannot excite my resentment. He takes advantage eagerly of the first resolution, by which Mr. Walpole's incapacity is declared; but as to the two following, by which the candidate with the fewest votes was declared 'not duly elected,' and the election itself vacated, I dare say he would be well satisfied, if they were for ever blotted out of the journals of the house of commons. In fair

argument, no part of a precedent should be admitted, unless the whole of it be given to us together. The author has divided his precedent, for he knew, that, taken together, it produced a consequence directly the reverse of that, which he endeavours to draw from a vote of expulsion. But what will this honest person say, if I take him at his word, and demonstrate to him that the house of commons never meant to found Mr. Walpole's incapacity upon his expulsion only? What subterfuge will then remain?

Let it be remembered that we are speaking of the intention of men, who lived more than half a century ago, and that such intention can only be collected from their words and actions, as they are delivered to us upon record. To prove their designs by a supposition of what they would have done, opposed to what they actually did, is mere trifling and impertinence. The vote, by which Mr. Walpole's incapacity was declared, is thus expressed: 'That Robert Walpole, Esq., having been this session of parliament committed a prisoner to the Tower, and expelled this house for a high breach of trust in the execution of his office, and notorious corruption when secretary at war, was and is incapable of being elected a member to serve in this present parliament.[1] Now, Sir, to my understanding, no proposition of this kind can be more evident than that the house of commons, by this very vote, themselves understood, and meant to declare, that Mr. Walpole's incapacity arose from the crimes he had committed, not from the punishment of the House annexed to them. The high breach of trust, the notorious corruption are stated in the strongest terms. They do not tell us he was incapable because he was expelled, but because he had been guilty of such offences as justly rendered him unworthy of a seat in parliament. If they had intended to fix the disability upon his expulsion alone, the mention of his crimes in the same vote would have been highly improper. It could only perplex the

[1] It is well worth remarking, that the compiler of a certain quarto, called *The Case of the Election for the County of Middlesex considered*, has the impudence to recite this very vote, in the following terms, vide page 11: 'Resolved, that Robert Walpole, Esq., having been that session of parliament expelled the House, was and is incapable of being elected a member to serve in that present parliament.' There cannot be a stronger positive proof of the treachery of the compiler, nor a stronger presumptive proof that he was convinced that the vote, if truly recited, would overturn his whole argument.

Editor's Note. The pamphlet was by Jeremiah Dyson.

minds of the electors, who, if they collected anything from so confused a declaration of the law of parliament, must have concluded that their representative had been declared incapable because he was highly guilty, not because he had been punished. But even admitting them to have understood it in the other sense, they must then, from the very terms of the vote, have united the idea of his being sent to the Tower with that of his expulsion, and considered his incapacity as the joint effect of both.

I do not mean to give an opinion upon the justice of the proceedings of the house of commons with regard to Mr. Walpole; but certainly, if I admitted their censure to be well founded, I could no way avoid agreeing with them in the consequence they drew from it. I could never have a doubt, in law or reason, that a man, convicted of a high breach of trust, and of a notorious corruption in the execution of a public office, was and ought to be incapable of sitting in the same parliament. Far from attempting to invalidate that vote, I should have wished that the incapacity declared by it could legally have been continued for ever.

Now, Sir, observe how forcibly the argument returns. The house of commons, upon the face of their proceedings, had the strongest motives to declare Mr. Walpole incapable of being re-elected. They thought such a man unworthy to sit among them;—To that point they proceeded no farther; for they respected the rights of the people, while they asserted their own. They did not infer from Mr. Walpole's incapacity, that his opponent was duly elected; on the contrary, they declared Mr. Taylor 'Not duly elected,' and the election itself void.

Such, however, is the precedent, which my honest friend assures us is strictly in point to prove, that expulsion of itself creates an incapacity of being elected. If it had been so, the present house of commons should at least have followed strictly the example before them, and should have stated to us, in the same vote, the crimes for which they expelled Mr. Wilkes; whereas they resolve simply, that, 'having been expelled, he was and is incapable.' In this proceeding I am authorized to affirm, they have neither statute, nor custom, nor reason, nor one single precedent to support them. On the other side, there in indeed a precedent so strongly in point, that all the enchanted castles of ministerial magic fall before it. In the year 1698, (a period which the rankest Tory dare not except against)

Mr. Wollaston was expelled, re-elected, and admitted to take his seat in the same parliament. The ministry have precluded themselves from all objections drawn from the cause of his expulsion, for they affirm absolutely, that expulsion of itself creates the disability. Now, Sir, let sophistry evade, let falsehood assert, and impudence deny—here stands the precedent, a landmark to direct us through a troubled sea of controversy, conspicuous and unremoved.

I have dwelt the longer upon the discussion of this point, because, in *my* opinion, it comprehends the whole question. The rest is unworthy of notice. We are enquiring whether incapacity be or be not created by expulsion. In the cases of Bedford and Malden, the incapacity of the persons returned was matter of public notoriety, for it was created by act of parliament. But really, Sir, my honest friend's suppositions are as unfavourable to him as his facts. He well knows that the clergy, besides that they are represented in common with their fellow-subjects, have also a separate parliament of their own ;—that their incapacity to sit in the house of commons has been confirmed by repeated decisions of the house, and that the law of parliament, declared by those decisions, has been, for above two centuries, notorious and undisputed. The author is certainly at liberty to fancy cases, and make whatever comparisons he thinks proper ; his suppositions still continue as distant from fact as his wild discourses are from solid argument.

The conclusion of his book is candid to an extreme. He offers to grant me all I desire. He thinks he may safely admit that the case of Mr. Walpole makes directly against him, for it seems he has one grand solution *in petto* for all difficulties. *If*, says he, *I were to allow all this, it will only prove, that the law of election was different, in Queen Anne's time, from what it is at present.*

This indeed is more than I expected. The principle, I know, has been maintained in fact, but I never expected to see it so formally declared. What can he mean ? Does he assume this language to satisfy the doubts of the people, or does he mean to rouse their indignation ; are the ministry daring enough to affirm, that the house of commons have a right to make and unmake the law of parliament at their pleasure ?—Does the law of parliament, which we are so often told is the law of the land ;—does the common right of every subject of the realm depend upon an arbitrary, capricious vote of one branch of the legislature ?—The voice of truth and reason must be silent.

The ministry tell us plainly that this is no longer a question of right, but of power and force alone. What was law yesterday is not law to-day: and now, it seems, we have no better rule to live by than the temporary discretion and fluctuating integrity of the house of commons.

Professions of patriotism are become stale and ridiculous. For my own part, I claim no merit from endeavouring to do a service to my fellow-subjects. I have done it to the best of my understanding; and, without looking for the approbation of other men, my conscience is satisfied. What remains to be done concerns the collective body of the people. They are now to determine for themselves, whether they will firmly and constitutionally assert their rights; or make an humble, slavish surrender of them at the feet of the ministry. To a generous mind there cannot be a doubt. We owe it to our ancestors to preserve entire those rights, which they have delivered to our care: we owe it to our posterity, not to suffer their dearest inheritance to be destroyed. But if it were possible for us to be insensible of these sacred claims, there is yet an obligation binding upon ourselves, from which nothing can acquit us,—a personal interest, which we cannot surrender. To alienate even our own rights would be a crime as much more enormous than suicide, as a life of civil security and freedom is superior to a bare existence; and if life be the bounty of heaven, we scornfully reject the noblest part of the gift, if we consent to surrender that certain rule of living without which the condition of human nature is not only miserable, but contemptible.

JUNIUS

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER [1]

22 May 1771

Sir,

Very early in the debate upon the decision of the Middlesex election, it was observed by *Junius* that the house of commons had not only exceeded their boasted precedent of the expulsion and subsequent incapacitation of Mr. Walpole, but that they had not even adhered to it strictly as far as it went. After convicting Mr. Dyson of giving a false quotation from the Journals, and having explained the purpose, which that contemptible fraud was intended to answer, he proceeds to state the

[1] Editor's Note. This letter, though not published until 1771, was printed in the *Genuine Letters* as a note to the preceding letter.

vote itself by which Mr. Walpole's supposed incapacity was declared, viz.,—'Resolved, that Robert Walpole, Esq., having been this session of parliament committed a prisoner to the Tower, and expelled this House for a high breach of trust in the execution of his office, and notorious corruption when secretary at war, was and is incapable of being elected a member to serve in this present parliament: '—and then observes that, from the terms of the vote, we have no right to annex the incapacitation to the *expulsion* only, for that, as the proposition stands, it must arise equally from the expulsion and the commitment to the Tower. I believe, Sir, no man, who knows anything of Dialectics, or who understands English, will dispute the truth and fairness of this construction. But *Junius* has a great authority to support him, which, to speak with the Duke of Grafton, I accidentally met with this morning in the course of my reading. It contains an admonition, which cannot be repeated too often. Lord Sommers, in his excellent tract upon the rights of the people, after reciting the vote of the convention of the 28 of January, 1689, viz.,—'That King James the second, having endeavoured to subvert the constitution of this kingdom by breaking the original contract between King and people, and by the advice of Jesuits and other wicked persons having violated the fundamental laws, and having withdrawn himself out of this kingdom, hath abdicated the government, &c.'—makes this observation upon it. 'The word *abdicated* relates to *all* the clauses aforegoing, as well as to his deserting the kingdom, or else they would have been wholly in vain.' And that there might be no pretence for confining the *abdication* merely to the *withdrawing*, Lord Sommers farther observes, *that King James, by refusing to govern us according to that law by which he held the crown, implicitly renounced his title to it.*

If *Junius's* construction of the vote against Mr. Walpole be now admitted (and indeed I cannot comprehend how it can honestly be disputed), the advocates of the house of commons must either give up their precedent entirely, or be reduced to the necessity of maintaining one of the grossest absurdities imaginable, viz.,—'That a commitment to the Tower is a constituent part of, and contributes half at least to, the incapacitation of the person who suffers it.'

I need not make you any excuse for endeavouring to keep alive the attention of the public to the decision of the Middlesex election. The more I consider it, the more I am convinced that

as a *fact*, it is indeed highly injurious to the rights of the people; but that, as a *precedent*, it is one of the most dangerous that ever was established against those who are to come after us. Yet I am so far a moderate man that I verily believe the majority of the house of commons, when they passed this dangerous vote, neither understood the question, nor knew the consequence of what they were doing. Their motives were rather despicable, than criminal, in the extreme. One effect they certainly did not foresee. They are now reduced to such a situation that, if a member of the present house of commons were to conduct himself ever so improperly and in reality deserve to be sent back to his constituents with a mark of disgrace, they would not dare to expel him, because they know that the people, in order to try again the great question of right, or to thwart an odious house of commons, would probably overlook his immediate unworthiness, and return the same person to parliament.—But, in time, the precedent will gain strength. A future house of commons will have no such apprehensions, consequently will not scruple to follow a precedent, which they did not establish. The Miser himself seldom lives to enjoy the fruit of his extortion; but his heir succeeds to him of course, and takes possession without censure. No man expects him to make restitution, and, no matter for his title, he lives quietly upon the estate.

PHILO JUNIUS

LETTER XXI

TO THE PRINTER OF THE PUBLIC ADVERTISER

22 August 1769

Sir,

I must beg of you to print a few lines, in explanation of some passages in my last letter, which I see have been misunderstood.

1. When I said, that the house of commons never meant to found Mr. Walpole's incapacity on his expulsion *only*, I meant no more than to deny the general proposition, that expulsion *alone* creates the incapacity. If there be anything ambiguous in the expression, I beg leave to explain it by saying that, in my opinion, expulsion neither creates, nor in any part contributes to create the incapacity in question.

2. I carefully avoided entering into the merits of Mr. Walpole's case. I did not inquire, whether the house of commons

acted justly, or whether they truly declared the law of parliament. My remarks went only to their apparent meaning and intention, as it stands declared in their own resolution.

3. I never meant to affirm that a commitment to the Tower created a disqualification. On the contrary, I considered that idea as an absurdity, into which the ministry must inevitably fall, if they reasoned right upon their own principles.

The case of Mr. Wollaston speaks for itself. The ministry assert that *expulsion alone* creates an absolute, complete incapacity to be re-elected to sit in the same parliament. This proposition they have uniformly maintained, without any condition or modification whatsoever. Mr. Wollaston was expelled, re-elected, and admitted to take his seat in the same parliament.—I leave it to the public to determine whether this be a plain matter of fact, or mere nonsense and declamation.

JUNIUS

LETTER XXII

TO THE PRINTER OF THE PUBLIC ADVERTISER

4 September 1769

Sir,

ARGUMENT AGAINST FACT ; or, A new system of political Logic, by which the ministry have demonstrated, to the satisfaction of their friends, that expulsion alone creates a complete incapacity to be re-elected ; *alias*, that a subject of this realm may be robbed of his common right by a vote of the house of commons.

FIRST FACT

Mr. Wollaston, in 1698, was expelled, re-elected, and admitted to take his seat.

ARGUMENT

As this cannot conveniently be reconciled with our general proposition, it may be necessary to shift our ground and look back to the *cause* of Mr. Wollaston's expulsion. From thence it will appear clearly that, 'although he was expelled, he had not rendered himself a culprit too ignominious to sit in parliament, and that, having resigned his employment, he was no longer incapacitated by law.' *Vide Serious Considerations*, page 23. Or thus, 'The house, somewhat *inaccurately*, used the word EXPELLED ; they should have called it A MOTION.' *Vide*

Mungo's Case considered, page 11. Or in short, if these arguments should be thought insufficient, we may fairly deny the fact. For example; 'I affirm that he was not re-elected. The same Mr. Wollaston, who was expelled, was not again elected. The same individual, if you please, walked into the house, and took his seat there, but the same person in law was not admitted a member of that parliament, from which he had been discarded.' *Vide Letter to Junius*, page 12.

SECOND FACT

Mr. Walpole having been committed to the Tower, and expelled for a high breach of trust and notorious corruption in a public office, was declared incapable, &c.

ARGUMENT

From the terms of this vote, nothing can be more evident than that the house of commons meant to fix the incapacity upon the punishment, and not upon the crime; but lest it should appear in a different light to weak, uninformed persons, it may be advisable to put the resolution, and give it to the public, with all possible solemnity, in the following terms, namely, 'Resolved, that Robert Walpole, Esq., having been that session of parliament expelled the House, was and is incapable of being elected a member to serve in that present parliament.' *Vide Mungo, on the Use of Quotations*, page 11.

N.B.—The author of the answer to Sir William Meredith [1] seems to have made use of Mungo's quotation, for in page 18, he assures us, 'That the declaratory vote of the 17th of February, 1769, was indeed a literal copy of the resolution of the House in Mr. Walpole's case.'

THIRD FACT

His opponent, Mr. Taylor, having the smallest number of votes at the next election, was declared NOT DULY ELECTED.

ARGUMENT

This fact we consider as directly in point to prove that Mr. Luttrell ought to be the sitting member, for the following reasons, 'The burgesses of Lynn could draw no other inference from this resolution, but this, that, at a future election, and in case of a similar return, the House would receive the same candidate as duly elected, whom they had before rejected.'

[1] Editor's Note. Sir Wm. Blackstone.

Vide Postscript to Junius, p. 37. Or thus : 'This their resolution leaves no room to doubt what part they *would* have taken, if, upon a subsequent re-election of Mr. Walpole, there had been any other candidate in competition with him. For, by their vote, they could have no other intention than to admit such other candidate.' *Vide Mungo's Case considered*, p. 39. Or take it in this light.—The burgesses of Lynn, having, in defiance of the house, retorted upon them a person, whom they had branded with the most ignominious marks of their displeasure, were thereby so well intitled to favour and indulgence, that the house could do no less than rob Mr. Taylor of a right legally vested in him, in order that the burgesses might be apprized of the law of parliament, which law the house took a very direct way of explaining to them, by resolving that the candidate with the fewest votes was not duly elected :—'And was not this much more equitable, more in the spirit of that equal and substantial justice, which is the end of all law, than if they had violently adhered to the strict maxims of law?' *Vide Serious Considerations*, pp. 33 and 34. 'And if the present house of commons had chosen to follow the spirit of this resolution, they would have received and established the candidate with the fewest votes.' *Vide Answer to Sir W. M.*, p. 18.

Permit me now, Sir, to show you that the worthy Dr. Blackstone sometimes contradicts the ministry as well as himself. The Speech without doors asserts, p. 9, 'That the legal effect of an incapacity, founded on a judicial determination of a competent court, is precisely the same as that of an incapacity created by act of parliament.' Now for the Doctor.—*The law and the opinion of the judge are not always convertible terms, or one and the same thing; since it sometimes may happen that the judge may mistake the law.* Commentaries, vol. i. p. 71.

The answer to Sir W. M. asserts, page 23, 'That the returning officer is not a judicial, but a purely ministerial officer. His return is no judicial act.' At 'em again, Doctor.—*The Sheriff, in his judicial capacity is to hear and determine causes of forty shillings value and under in his county court. He has also a judicial power in divers other civil cases. He is likewise to decide the elections of knights of the shire (subject to the control of the house of commons), to judge of the qualification of voters, and to return such as he shall* DETERMINE *to be duly elected.* Vide Commentaries, page 332, vol. i.

What conclusion shall we draw from such facts, such argu-

ments, and such contradictions? I cannot express my opinion of the present ministry more exactly than in the words of Sir Richard Steele, 'that we are governed by a set of drivellers, whose folly takes away all dignity from distress, and makes even calamity ridiculous.'

PHILO JUNIUS

LETTER XXIII

TO HIS GRACE THE DUKE OF BEDFORD

19 Sept. 1769

My Lord,

You are so little accustomed to receive any marks of respect or esteem from the public, that if, in the following lines a compliment or expression of applause should escape me, I fear you would consider it as a mockery of your established character, and perhaps an insult to your understanding. You have nice feelings, my Lord, if we may judge from your resentments. Cautious therefore of giving offence, where you have so little deserved it, I shall leave the illustration of your virtues to other hands. Your friends have a privilege to play upon the easiness of your temper, or possibly they are better acquainted with your good qualities than I am. You have done good by stealth. The rest is upon record. You have still left ample room for speculation when panegyric is exhausted.

You a ed a very considerable man. The highest rank;—a splendid fortune; and a name, glorious till it was yours, were sufficient to have supported you with meaner abilities than I think you possess. From the first you derive a constitutional claim to respect; from the second, a natural extensive authority;—the last created a partial expectation of hereditary virtues. The use you have made of these uncommon advantages might have been more honourable to yourself, but could not be more instructive to mankind. We m it in the veneration of your country, the choice of your sovereign, and in the accomplishment of every sanguine hope, which the public might have conceived from the illustrious name of Russell.

The eminence of your station gave you a commanding prospect of your duty. The road, which led to honour, was open to your view. You could not lose it by mistake, and you had no temptation to depart from it by design. Compare the natural

dignity and importance of the richest peer of England ;—the noble independence which he might have maintained in parliament, and the real interest and respect which he might have acquired, not only in parliament, but through the whole kingdom ; compare these glorious distinctions with the ambition of holding a share in government, the emoluments of a place, the sale of a borough, or the purchase of a corporation ; and though you may not regret the virtues, which create respect, you may see with anguish, how much real importance and authority you have lost. Consider the character of an independent virtuous Duke of Bedford ; imagine what he might be in this country, then reflect one moment upon what you are. If it be possible for me to withdraw my attention from the fact, I will tell you in theory what such a man might be.

Conscious of his own weight and importance, his conduct in parliament would be directed by nothing but the constitutional duty of a peer. He would consider himself as a guardian of the laws. Willing to support the just measures of government, but determined to observe the conduct of the minister with suspicion, he would oppose the violence of faction with as much firmness as the encroachments of prerogative. He would be as little capable of bargaining with the minister for places for himself, or his dependants, as of descending to mix himself in the intrigues of opposition. Whenever an important question called for his opinion in parliament, he would be heard by the most profligate minister with deference and respect. His authority would either sanctify or disgrace the measures of government.—The people would look up to him as their protector, and a virtuous prince would have one honest man in his dominions, in whose integrity and judgment he might safely confide. If it should be the will of Providence to afflict him with a domestic misfortune,[1] he would submit to the stroke with feeling, but not without dignity. He would consider the people as his children, and receive a generous heart-felt consolation, in the sympathising tears, and blessings of his country.

Your Grace may probably discover something more intelligible in the negative part of this illustrious character. The man I have described would never prostitute his dignity in parliament by an indecent violence either in opposing or defending a minister. He would not at one moment rancorously

[1] The duke had lately lost his only son, by a fall from his horse.

persecute, at another basely cringe to the favourite of his Sovereign. After outraging the royal dignity with peremptory conditions little short of menace and hostility, he would never descend to the humility of soliciting an interview [1] with the favourite, and of offering to recover, at any price, the honour of his friendship. Though deceived, perhaps, in his youth, he would not, through the course of a long life, have invariably chosen his friends from among the most profligate of mankind. His own honour would have forbidden him from mixing his private pleasures or conversation with jockeys, gamesters, blasphemers, gladiators, or buffoons. He would then have never felt, much less would he have submitted to the humiliating dishonest necessity of engaging in the interest and intrigues of his dependants, of supplying their vices, or relieving their beggary, at the expence of his country. He would not have betrayed such ignorance or such contempt of the constitution as openly to avow, in a court of justice, the purchase and sale [2] of a borough. He would not have thought it consistent with his rank in the state, or even with his personal importance, to be the little tyrant of a little corporation.[3] He would never have been insulted with virtues which he had laboured to extinguish, nor suffered the disgrace of a mortifying defeat, which has made him ridiculous and contemptible, even to the few by whom he was not detested.—I reverence the afflictions of a good man,—his sorrows are sacred. But how can we take part in the distresses of a man, whom we can neither love nor esteem ; or feel for a calamity of which he himself is insensible ? Where was the father's heart when he could look for, or find an immediate consolation for the loss of an only son, in consultations and bargains for a place at court, and even in the misery of balloting at the India house !

Admitting, then, that you have mistaken or deserted those

[1] At this interview, which passed at the house of the late Lord Eglintoun, Lord Bute told the duke that he was determined never to have any connection with a man who had so basely betrayed him.

[2] In an answer in Chancery, in a suit against him to recover a large sum paid him by a person, whom he had undertaken to return to parliament for one of his Grace's boroughs. He was compelled to repay the money.

[3] Of Bedford, where the tyrant was held in such contempt and detestation, that, in order to deliver themselves from him, they admitted a great number of strangers to the freedom. To make his defeat truly ridiculous, he tried his whole strength against Mr. *Horne*, and was beaten upon his own ground.

honourable principles which ought to have directed your conduct, admitting that you have as little claim to private affection as to public esteem, let us see with what abilities, with what degree of judgment, you have carried your own system into execution. A great man, in the success and even in the magnitude of his crimes, finds a rescue from contempt. Your Grace is every way unfortunate. Yet I will not look back to those ridiculous scenes, by which in your earlier days, you thought it an honour to be distinguished; the recorded stripes,[1] the public infamy, your own sufferings, or Mr. Rigby's fortitude. These events undoubtedly left an impression, though not upon your mind. To such a mind it may, perhaps, be a pleasure to reflect that there is hardly a corner of any of his Majesty's kingdoms, except France, in which, at one time or other, your valuable life has not been in danger. Amiable man! we see and acknowledge the protection of Providence, by which you have so often escaped the personal detestation of your fellow-subjects, and are still reserved for the public justice of your country.

Your history begins to be important at that auspicious period at which you were deputed to represent the Earl of Bute at the court of Versailles. It was an honourable office, and executed with the same spirit, with which it was accepted. Your patrons wanted an ambassador, who would submit to make concessions, without daring to insist upon any honourable condition for his Sovereign. Their business required a man, who had as little feeling for his own dignity as for the welfare of his country; and they found him in the first rank of the nobility. Belleisle, Goree, Guadeloupe, St. Lucia, Martinique, the Fishery, and the Havanna, are glorious monuments of your Grace's talents for negotiation. My Lord, we are too well acquainted with your pecuniary character, to think it possible that so many public sacrifices should be made, without some private compensations. Your conduct carries with it an internal evidence,

[1] Mr. Heston Homphrey, a country attorney, horsewhipped the duke with equal justice, severity, and perseverance, on the course at Litchfield. *Rigby* and *Lord Trentham* were also cudgelled in a most exemplary manner. This gave rise to the following story: 'When the late king heard that Sir Edward Hawke had given the French a *drubbing*, his Majesty, who had never received that kind of chastisement, was pleased to ask Lord Chesterfield the meaning of the word.—"Sir," says Lord Chesterfield, "the meaning of the word—but here comes the Duke of Bedford, who is better able to explain it to your Majesty than I am."'

beyond all the legal proofs of a court of justice.[1] Even the callous pride of Lord Egremont was alarmed.[2] He saw and felt his own dishonour in corresponding with you; and there certainly was a moment, at which he meant to have resisted, had not a fatal lethargy prevailed over his faculties, and carried all sense and memory away with it.

I will not pretend to specify the secret terms on which you were invited to support an administration [3] which Lord Bute pretended to leave in full possession of their ministerial authority, and perfectly masters of themselves. He was not of a temper to relinquish power, though he retired from employment. Stipulations were certainly made between your Grace and him, and certainly violated. After two years submission, you thought you had collected a strength sufficient to controul his influence, and that it was your turn to be a tyrant, because you had been a slave. When you found yourself mistaken in your opinion of your gracious Master's firmness, disappointment got the better of all your humble discretion, and carried you to an excess of outrage to his person, as distant from true spirit, as from all decency and respect.[4] After robbing him of the rights of a King, you would not permit him to preserve the honour of a gentleman. If was then Lord Weymouth was nominated to Ireland, and dispatched (we well remember with what indecent hurry) to plunder the treasury of the first fruits of an employment which you well knew he was never to execute.[5]

This sudden declaration of war against the favourite might have given you a momentary merit with the public, if it had either been adopted upon principle, or maintained with resolution. Without looking back to all your former servility, we need only observe your subsequent conduct, to see upon what

[1] Editor's Note. All the conquests specified by Junius were relinquished by the Peace of 1763, made by the Duke of Bedford.

[2] This man, notwithstanding his pride and tory principles, had some English stuff in him. Upon an official letter he wrote to the Duke of Bedford, the duke desired to be recalled, and it was with the utmost difficulty that Lord Bute could appease him.

[3] Mr. Grenville, Lord Halifax, and Lord Egremont.

[4] The ministry having endeavoured to exclude the Dowager out of the regency bill, the Earl of Bute determined to dismiss them. Upon this the Duke of Bedford demanded an audience of the ——, reproached him in plain terms, with his duplicity, baseness, falsehood, treachery, and hypocrisy —repeatedly gave him the lye, and left him in convulsions.

[5] He received three thousand pounds for plate and equipage money.

motives you acted. Apparently united with Mr. Grenville, you waited until Lord Rockingham's feeble administration should dissolve in its own weakness.—The moment their dismission was suspected, the moment you perceived that another system was adopted in the closet, you thought it no disgrace to return to your former dependance, and solicit once more the friendship of Lord Bute. You begged an interview, at which he had spirit enough to treat you with contempt.

It would now be of little use to point out, by what a train of weak, injudicious measures, it became necessary, or was thought so, to call you back to a share in the administration.[1] The friends, whom you did not in the last instance desert, were not of a character to add strength or credit to government; and at that time your alliance with the Duke of Grafton was, I presume, hardly foreseen. We must look for other stipulations to account for that sudden resolution of the closet, by which three of your dependants [2] (whose characters, I think, cannot be less respected than they are) were advanced to offices, through which you might again controul the minister, and probably engross the whole direction of affairs.

The possession of absolute power is now once more within your reach. The measures you have taken to obtain and confirm it, are too gross to escape the eyes of a discerning, judicious prince. His palace is besieged; the lines of circumvallation are drawing round him; and, unless he finds a resource in his own activity, or in the attachment of the real friends of his family, the best of princes must submit to the confinement of a state prisoner, until your Grace's death, or some less fortunate event shall raise the siege. For the present, you may safely resume that stile of insult and menace, which even a private gentleman cannot submit to hear without being contemptible. Mr. Mackenzie's history is not yet forgotten, and you may find precedents enough of the mode, in which an imperious subject may signify his pleasure to his Sovereign. Where will this gracious monarch look for assistance, when the wretched Grafton could forget his obligations to his master, and desert him for a hollow alliance with *such* a man as the Duke of Bedford!

[1] When Earl Gower was appointed president of the council, the King, with his usual sincerity, assured him, that he had not had one happy moment, since the Duke of Bedford left him.

[2] Lords Gower, Weymouth, and Sandwich.

Let us consider you, then, as arrived at the summit of worldly greatness: let us suppose that all your plans of avarice and ambition are accomplished, and your most sanguine wishes gratified in the fear, as well as the hatred of the people: Can age itself forget that you are now in the last act of life? Can grey hairs make folly venerable? and is there no period to be reserved for meditation and retirement? For shame! my Lord: let it not be recorded of you, that the latest moments of your life were dedicated to the same unworthy pursuits, the same busy agitations, in which your youth and manhood were exhausted. Consider that, although you cannot disgrace your former life, you are violating the character of age, and exposing the impotent imbecility, after you have lost the vigour of the passions.

Your friends will ask, perhaps, Whither shall this unhappy old man retire? Can he remain in the metropolis, where his life has been so often threatened, and his palace so often attacked? If he returns to Wooburn, scorn and mockery await him. He must create a solitude round his estate, if he would avoid the face of reproach and derision. At Plymouth, his destruction would be more than probable; at Exeter, inevitable. No honest Englishman will ever forget his attachment, nor any honest Scotchman forgive his treachery, to Lord Bute. At every town he enters, he must change his liveries and his name. Which ever way he flies, the *Hue and Cry* of the country pursues him.

In another kingdom indeed, the blessings of his administration have been more sensibly felt; his virtues better understood; or at worst, they will not, for him alone, forget their hospitality.—As well might VERRES have returned to Sicily. You have twice escaped, my Lord; beware of a third experiment. The indignation of a whole people, plundered, insulted, and oppressed as they have been, will not always be disappointed.[1]

It is in vain therefore to shift the scene. You can no more fly from your enemies than from yourself. Persecuted abroad, you look into your own heart for consolation, and find nothing but reproaches and despair. But, my Lord, you may quit the field of business, though not the field of danger; and though you cannot be safe, you may cease to be ridiculous. I fear you have listened too long to the advice of those pernicious friends, with

[1] Editor's Note. Lord Shelburne was of Irish descent.

whose interests you have sordidly united your own, and for whom you have sacrificed everything that ought to be dear to a man of honour. They are still base enough to encourage the follies of your age, as they once did the vices of your youth. As little acquainted with the rules of decorum, as with the laws of morality, they will not suffer you to profit by experience, nor even to consult the propriety of a bad character. Even now they tell you, that life is no more than a dramatic scene, in which the hero should preserve his consistency to the last, and that as you lived without virtue, you should die without repentance.[1]

JUNIUS

LETTER XXIV

TO JUNIUS

14 September 1769

Sir,

Having accidentally seen a *republication* of your letters, wherein you have been pleased to *assert*, that I had *sold* the companions of my success ; I am again obliged to declare the said assertion to be a most *infamous* and *malicious falsehood* ; and I *again* call upon you to stand forth, avow yourself, and *prove* the charge. If you can make it out to the satisfaction of any one man in the kingdom, I will be content to be thought the worst man in it ; if you do not, what must the nation think of you ? *Party* has nothing to do in this affair : you have made a personal attack upon my honour, defamed me by a most vile calumny, which might possibly have sunk into oblivion, had not such uncommon pains been taken to renew and perpetuate this scandal, chiefly because it has been told in good language : for I give you full credit for your elegant diction, well-turned periods, and attic wit ; but wit is oftentimes false, though it may appear brilliant ; which is exactly the case of your *whole performance*. But, Sir, I am obliged in the most *serious* manner to accuse you of being guilty of *falsities*. You have said the thing that is *not*. To support your story, you have recourse to the following *irresistible* argument : 'You *sold* the companions of your victory, because, when the 16th regiment was given to *you*, you was *silent*. The conclusion is inevitable.' I believe that

[1] Editor's Note. See private letter No. 10, in which Junius guarantees Woodfall's safety from the Duke of Bedford.

such *deep* and *acute reasoning* could only come from such an extraordinary writer as *Junius*. But, unfortunately for you, the *premises* as well as the *conclusion* are absolutely *false*. Many applications have been made to the ministry on the subject of the Manilla ransom, *since* the time of my being colonel of that regiment. As I have for some years quitted London, I was obliged to have recourse to the honourable Colonel Monson and Sir Samuel Cornish, to *negotiate* for me ; in the last autumn, I personally delivered a memorial to the Earl of Shelburne at his seat in Wiltshire. As you have told us of your importance, that you are a person of *rank* and *fortune*, and above a *common* bribe, you may in all probability be not *unknown* to his lordship, who can satisfy you of the truth of what I say.[1] But I shall now take the liberty, Sir, to seize your battery, and turn it against yourself. If your puerile and tinsel logic could carry the least weight or conviction with it, how must you stand affected by the *inevitable conclusion*, as you are pleased to term it ? According to *Junius*, *silence* is *guilt*. In many of the public papers, you have been called in the most direct and offensive terms a *liar* and a *coward*. When did you reply to these foul accusations ? You have been quite *silent* ; quite chopfallen : therefore, *because* you was *silent*, the nation has a right to pronounce you to be both a liar and a coward from your own argument : but, Sir, I will give you fair play ; will afford you an opportunity to wipe off the first appellation ; by desiring the proofs of your charge against me. Produce them ! To wipe off the last, produce *yourself*. People cannot bear any longer your *Lion's skin*, and the despicable *imposture* of the *old Roman name* which you have *affected*. For the future assume the name of some *modern* [2] bravo and dark assassin : let your appellation have some affinity to your practice. But if I must *perish*, Junius, let me *perish* in the face of day ; be for *once* a generous and open enemy. I allow that gothic *appeals* to cold iron are no better proofs of a man's honesty and veracity than hot iron and burning ploughshares are of *female chastity* : but a soldier's honour is as delicate

[1] Editor's Note. Junius answers this point by the very pertinent remark that Lord Shelburne belonged to a different ministry from the one which had silenced Sir William Draper, and that ' an indifferent person would only infer . . . that experience had made you acquainted with the benefits of complaining .'

[2] Was *Brutus* an *ancient* bravo and dark assassin ? or does Sir W. D. think it criminal to stab a tyrant to the heart ?

as a woman's ; it must not be suspected ; you have dared to throw more than a suspicion upon mine : you cannot but know the consequences, which even the meekness of Christianity would pardon me for, after the injury you have done me.

WILLIAM DRAPER

LETTER XXV

Hæret lateri lethalis arundo

TO SIR WILLIAM DRAPER, K.B.

25 September 1769

Sir,

After so long an interval, I did not expect to see the debate revived between us. My answer to your last letter shall be short ; for I write to you with reluctance, and I hope we shall now conclude our correspondence for ever.

Had you been originally and without provocation attacked by an anonymous writer, you would have some right to demand his name. But in this cause you are a volunteer. You engaged in it with the unpremeditated gallantry of a soldier. You were content to set your name in opposition to a man, who would probably continue in concealment. You understood the terms upon which we were to correspond, and gave at least a tacit assent to them. After voluntarily attacking me under the character of Junius, what possible right have you to know me under any other ? Will you forgive me if I insinuate to you, that you foresaw some honour in the apparent spirit of coming forward in person, and that you were not quite indifferent to the display of your literary qualifications ?

You cannot but know that the republication of my letters was no more than a catchpenny contrivance of a printer, in which it was impossible I should be concerned, and for which I am no way answerable. At the same time I wish you to understand, that if I do not take the trouble of reprinting these papers, it is not from any fear of giving offence to Sir William Draper.

Your remarks upon a signature adopted merely for distinction, are unworthy of notice ; but when you tell me I have submitted to be called a liar and a coward, I must ask you in my turn, whether you seriously think it any way incumbent upon me to take notice of the silly invectives of every simpleton

who writes in a newspaper ; and what opinion would you have conceived of my discretion, if I had suffered myself to be the dupe of so shallow an artifice ?

Your appeal to the sword, though consistent enough with your late profession, will neither prove your innocence nor clear you from suspicion.—Your complaints with regard to the Manilla ransom were, for a considerable time, a distress to government. You were appointed (greatly out of your turn) to the command of a regiment, and *during that administration* we heard no more of Sir William Draper. The facts, of which I speak, may indeed be variously accounted for, but they are too notorious to be denied ; and I think you might have learnt at the university that a false conclusion is an error in argument, not a breach of veracity. Your solicitations, I doubt not, were renewed under *another* administration. Admitting the fact, I fear an indifferent person would only infer from it, that experience had made you acquainted with the benefits of complaining. Remember, Sir, that you have yourself confessed, that, *considering the critical situation of this country, the ministry are in the right to temporize with Spain.* This confession reduces you to an unfortunate dilemma. By renewing your solicitations, you must either mean to force your country into a war at a most unseasonable juncture ; or, having no view or expectation of that kind, that you look for nothing but a private compensation to yourself.

As to me, it is by no means necessary that I should be exposed to the resentment of the worst and the most powerful men in this country, though I may be indifferent about yours. Though *you* would fight, there are others who would assassinate.

But after all, Sir, where is the injury ? You assure me that my logic is puerile and tinsel ; that it carries not the least weight or conviction ; that my premises are false and my conclusions absurd. If this be a just description of me, how is it possible for such a writer to disturb your peace of mind, or to injure a character so well established as yours ? Take care, Sir William, how you indulge this unruly temper, lest the world should suspect that conscience has some share in your resentments. You have more to fear from the treachery of your own passions, than from any malevolence of mine.

I believe, Sir, you will never know me. A considerable time must certainly elapse before we are personally acquainted. You need not, however, regret the delay, or suffer an apprehension that any length of time can restore you to the Christian

meekness of your temper and disappoint your present indignation. If I understand your character, there is in your own breast a repository, in which your resentments may be safely laid up for future occasions, and preserved without the hazard of diminution. The *Odia in longum jaciens, quæ reconderet, auctaque promeret,*[1] I thought had only belonged to the worst character of antiquity. The text is in Tacitus;—you know best where to look for the commentary.

JUNIUS

LETTER XXVI

A WORD AT PARTING TO JUNIUS

7 October 1769

Sir,[2]

As you have not favoured me with either of the *explanations* demanded of you, I can have nothing more to say to you upon my *own* account. Your mercy to me, or tenderness for yourself, has been very great. The public will judge of your *motives*. If your excess of modesty forbids you to produce either the proofs or yourself, I will excuse it. Take courage; I have not the temper of Tiberius, any more than the rank or power. You, indeed, are a tyrant of another sort, and upon your political bed of torture can excruciate any subject, from a first minister down to such a grub or butterfly as myself; like another detested tyrant of antiquity, can make the wretched sufferer fit the bed, if the bed will not fit the sufferer, by disjointing or tearing the trembling limbs until they are stretched

[1] Editor's Note. Written of Tiberius.

[2] *Measures and not men*, is the common cant of affected moderation; a base, counterfeit language, fabricated by knaves, and made current among fools. Such gentle censure is not fitted to the present, degenerate state of society. What does it avail to expose the absurd contrivance or pernicious tendency of measures, if the man who advises or excutes shall be suffered not only to escape with impunity, but even to preserve his power, and insult us with the favour of his Sovereign? I would recommend to the reader the whole of Mr. Pope's letter to Doctor Arbuthnot, dated 26th July, 1734, from which the following is an extract, 'To reform and not to chastise, I am afraid, is impossible; and that the best precepts, as well as the best laws, would prove of small use if there were no examples to enforce them. To attack vices in the abstract, without touching persons, may be safe fighting indeed, but it is fighting with shadows. My greatest comfort and encouragement to proceed has been to see that those who have no shame, and no fear of anything else, have appeared touched by my satires.'

to its extremity. But courage, constancy, and patience, under torments, have sometimes caused the most hardened monsters to relent, and forgive the object of their cruelty. You, Sir, are determined to try all that human nature can endure, until she expires ; else, was it possible that you could be the author of that most inhuman letter to the Duke of Bedford, I have read with astonishment and horror? Where, Sir, where were the feelings of your own heart, when you could upbraid a most affectionate father with the loss of his only and most amiable son? Read over again those cruel lines of yours, and let them wring your very soul ! Cannot political questions be discussed without descending to the most odious personalities? Must you go wantonly out of your way to torment declining age, because the Duke of Bedford may have quarrelled with those whose cause and politics you espouse? For shame ! for shame ! As you have *spoke daggers* to him you may justly dread the *use* of them against your own breast, did a want of courage or of noble sentiments stimulate him to such mean revenge. He is above it ; he is brave. Do you fancy that your own base arts have infected our whole island? But your own reflections, your own conscience must and will, if you have any spark of humanity remaining, give him most ample vengeance. Not all the power of words with which you are so graced, will ever wash out, or even palliate, this foul blot in your character. I have not time at present to dissect your letter so minutely as I could wish, but I will be bold enough to say, that it is (as to reason and argument) the most extraordinary piece of *florid impotence* that was ever imposed upon the eyes and ears of the too credulous and deluded mob. It accuses the Duke of Bedford of high treason. Upon what foundation? You tell us 'that the Duke's *pecuniary character* makes it more than *probable* that he could not have made such sacrifices at the peace without *some private compensations* ; that his conduct carried with it an interior evidence beyond all the legal proofs of a court of justice.'

My academical education, Sir, bids me tell you that it is necessary to establish the truth of your first proposition before you presume to draw inferences from it. First prove the avarice, before you make the rash, hasty, and most wicked conclusion. This father, *Junius*, whom you call avaricious, allowed that son eight thousand pounds a year. Upon his most unfortunate death, which your usual good nature took care to

remind him of, he greatly increased the jointure of the afflicted lady, his widow. Is this avarice? Is this doing good by *stealth*? It is upon record.

If exact order, method, and true œconomy as a master of a family, if splendour and just magnificence, without wild waste and thoughtless extravagance, may constitute the character of an avaricious man, the Duke is guilty. But for a moment let us admit that an ambassador may love money too much; what proof do you give that he has taken any to betray his country? Is it hearsay; or the evidence of letters, or ocular; or the evidence of those concerned in this black affair? Produce your authorities to the public. It is a most impudent kind of sorcery to attempt to blind us with the smoke, without convincing us that the fire has existed. You first brand him with a vice that he is free from, to render him odious and suspected. Suspicion is the foul weapon with which you make all your chief attacks; with that you stab. But shall one of the first subjects of the realm be ruined in his fame; shall even his life be in constant danger from a charge built upon such sandy foundations? Must his house be besieged by lawless ruffians, his journeys impeded, and even the asylum of an altar be insecure, from assertions so base and false? Potent as he is, the Duke is amenable to justice; if guilty, punishable. The parliament is the high and solemn tribunal for matters of such great moment. To that be they submitted. But I hope, also, that some notice will be taken of, and some punishment inflicted upon, false accusers, especially upon such, *Junius*, who are *wilfully false*. In any truth I will agree even with Junius; will agree with him that it is highly unbecoming the dignity of Peers to tamper with boroughs. Aristocracy is as fatal as democracy. Our constitution admits of neither. It loves a King, Lords, and Commons really chosen by the unbought suffrages of a free people. But if corruption only shifts hands; if the wealthy commoner gives the bribe, instead of the potent Peer, is the state better served by this exchange? Is the real emancipation of the borough effected, because new parchment bonds may possibly supersede the old? To say the truth, wherever such practices prevail, they are equally criminal to and destructive of our freedom.

The rest of your declamation is scarce worth considering, excepting for the elegance of the language. Like Hamlet in the play, you produce two pictures: you tell us that one is not

like the Duke of Bedford; then you bring a most hideous caricatura, and tell us of the resemblance; but *multum abludit imago*.

All your long tedious accounts of the ministerial quarrels, and the intrigues of the cabinet, are reducible to a few short lines; and to convince you, Sir, that I do not mean to flatter any minister, either past or present, these are my thoughts: they seem to have acted like lovers, or children; have pouted, quarrelled, cried, kissed, and been friends again [1]; as the objects of desire, the ministerial rattles, have been put into their hands. But such proceedings are very unworthy of the gravity and dignity of a great nation. We do not want men of abilities; but we have wanted steadiness; we want unanimity: your letters, *Junius*, will not contribute thereto. You may one day expire by a flame of your own kindling. But it is my humble opinion that lenity and moderation, pardon and oblivion, will disappoint the efforts of all the seditious in the land, and extinguish their wide-spreading fires. I have lived with this sentiment; with this I shall die.

WILLIAM DRAPER

LETTER XXVII

TO THE PRINTER OF THE PUBLIC ADVERTISER

13 October 1769

Sir,

If Sir William Draper's bed be a bed of torture, he has made it for himself. I shall never interrupt his repose. Having changed the subject, there are parts of his last letter not undeserving of a reply. Leaving his private character and conduct out of the question, I shall consider him merely in the capacity of an author, whose labours certainly do no discredit to a newspaper.

We say, in common discourse, that a man may be his own enemy, and the frequency of the fact makes the expression intelligible. But that a man should be the bitterest enemy of his friends, implies a contradiction of a peculiar nature. There is something in it which cannot be conceived without a confusion of ideas, nor expressed without a solecism in language. Sir William Draper is still that fatal friend Lord Granby found

[1] Sir William gives us a pleasant account of men who, in *his* opinion at least, are the best qualified to govern an empire.

him. Yet I am ready to do justice to his generosity ; if indeed it be not something more than generous to be the voluntary advocate of men, who think themselves injured by his assistance, and to consider nothing in the cause he adopts, but the difficulty of defending it. I thought however he had been better read in the history of the human heart than to compare or confound the tortures of the body with those of the mind. He ought to have known, though perhaps it might not be his interest to confess, that no outward tyranny can reach the mind. If conscience plays the tyrant, it would be greatly for the benefit of the world that she were more arbitrary, and far less placable, than some men find her.

But it seems I have outraged the feelings of a father's heart.—Am I indeed so injudicious ? Does Sir William Draper think I would have hazarded my credit with a generous nation, by so gross a violation of the laws of humanity ? Does he think I am so little acquainted with the first and noblest characteristic of Englishmen ? Or how will he reconcile such folly with an understanding so full of artifice as mine ? Had *he* been a father, he would have been but little offended with the severity of the reproach, for his mind would have been filled with the justice of it. He would have seen that I did not insult the feelings of a father, but the father who felt nothing. He would have trusted to the evidence of his own paternal heart, and boldly denied the possibility of the fact, instead of defending it. Against whom, then, will this honest indignation be directed, when I assure him, that this whole town beheld the Duke of Bedford's conduct, upon the death of his son, with horror and astonishment ? Sir William Draper does himself but little honour in opposing the general sense of his country. The people are seldom wrong in their opinions,—in their sentiments they are never mistaken. There may be a vanity, perhaps, in a singular way of thinking ;—but when a man professes a want of those feelings which do honour to the multitude, he hazards something infinitely more important than the character of his understanding. After all, as Sir William may possibly be in earnest in his anxiety for the Duke of Bedford, I should be glad to relieve him from it. He may rest assured that this worthy nobleman laughs, with equal indifference, at *my* reproaches, and Sir William's distress about him. But here let it stop. Even the Duke of Bedford, insensible as he is, will consult the tranquillity of his life, in not provoking the moderation of my

temper. If from the profoundest contempt, I should ever rise into anger, he should soon find that all I have already said of him was lenity and compassion.

Out of a long catalogue, Sir William Draper has confined himself to the refutation of two charges only. The rest he had not time to discuss; and, indeed, it would have been a laborious undertaking. To draw up a defence of such a series of enormities, would have required a life at least as long as that, which has been uniformly employed in the practice of them. The public opinion of the Duke of Bedford's extreme œconomy is, it seems, entirely without foundation. Though not very prodigal abroad, in his own family at least, he is regular and magnificent. He pays his debts, abhors a beggar, and makes a handsome provision for his son. His charity has improved upon the proverb, and ended where it began. Admitting the whole force of this single instance of his domestic generosity (wonderful, indeed, considering the narrowness of his fortune, and the little merit of his only son) the public may still perhaps be dissatisfied, and demand some other less equivocal proofs of his munificence. Sir William Draper should have entered boldly into the detail—of indigence relieved—of arts encouraged—of science patronized; men of learning protected, and works of genius rewarded; in short, had there been a single instance, besides Mr. Rigby,[1] of blushing merit brought forward by the Duke, for the service of the public, it should not have been omitted.

I wish it were possible to establish my inference with the same certainty, on which I believe the principle is founded. My conclusion however was not drawn from the principle alone. I am not so unjust as to reason from one crime to another; though I think that, of all the vices, avarice is most apt to taint and corrupt the heart. I combined the known temper of the man with the extravagant concessions made by the ambassador; and, though I doubt not sufficient care was taken to leave no document of any treasonable negociation, I still maintain that the conduct [2] of this minister carries with it an internal and

[1] This gentleman is supposed to have the same idea of *blushing* that a man blind from his birth has of scarlet or skyblue.

[2] If Sir W. D. will take the trouble of looking into Torcy's Memoirs, he will see with what little ceremony a bribe may be offered to a Duke, and with what little ceremony it was *only not accepted.*

Editor's Note. The Duke of Marlborough is here referred to. Compare Letter XXIX.

convincing evidence against him. Sir William Draper seems not to know the value or force of such a proof. He will not permit us to judge of the motives of men, by the manifest tendency of their actions, nor by the notorious character of their minds. He calls for papers and witnesses, with a sort of triumphant security, as if nothing could be true but what could be proved in a court of justice. Yet a religious man might have remembered, upon what foundation some truths, most interesting to mankind, have been received and established. If it were not for the internal evidence, which the purest of religions carries with it, what would have become of his once well-quoted decalogue, and of the meekness of his Christianity?

The generous warmth of his resentment makes him confound the order of events. He forgets that the insults and distresses which the Duke of Bedford has suffered, and which Sir William has lamented with many delicate touches of the true pathetic, were only recorded in my letter to his Grace, not occasioned by it. It was a simple, candid narrative of facts; though, for aught I know, it may carry with it something prophetic. His Grace undoubtedly has received several ominous hints; and I think, in certain circumstances, a wise man would do well to prepare himself for the event.

But I have a charge of a heavier nature against Sir William Draper. He tells us that the Duke of Bedford is amenable to justice;—that parliament is a high and solemn tribunal; and that, if guilty, he may be punished by due course of law; and all this, he says, with as much gravity as if he believed every word of the matter. I hope indeed, the day of impeachments will arrive, before this nobleman escapes out of life;—but to refer us to that mode of proceeding now, with such a ministry and such a house of commons as the present, what is it, but an indecent mockery of the common sense of the nation? I think he might have contented himself with defending the greatest enemy, without insulting the distresses of his country.

His concluding declaration of his opinion, with respect to the present condition of affairs, is too loose and undermined to be of any service to the public. How strange is it that this gentleman should dedicate so much time and argument to the defence of worthless or indifferent characters, while he gives but seven solitary lines to the only subject, which can deserve his attention, or do credit to his abilities.

LETTER XXVIII

TO THE PRINTER OF THE PUBLIC ADVERTISER

20 October 1769

Sir,

I very sincerely applaud the spirit with which a lady has paid the debt of gratitude to her benefactor.[1] Though I think she has mistaken the point, she shows a virtue which makes her respectable. The question turned upon the personal generosity or avarice of a man, whose private fortune is immense. The proofs of his munificence must be drawn from the uses to which he has applied that fortune. I was not speaking of a Lord-Lieutenant of Ireland, but of a rich English duke, whose wealth gave him the means of doing as much good in this country, as he derived from his power in another. I am far from wishing to lessen the merit of this single benevolent action ;—perhaps it is the more conspicuous from standing alone. All I mean to say is, that it proves nothing in the present argument.

JUNIUS

LETTER XXIX

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER

19 October 1769

Sir,

I am well assured that *Junius* will never descend to a dispute with such a writer as *Modestus* [2] (whose letter appeared in the Gazetteer of Monday), especially as the dispute must be chiefly about words. Notwithstanding the partiality of the public, it does not appear that *Junius* values himself upon any superior skill in composition, and I hope his time will always be more usefully employed than in the trifling refinements of verbal criticism. *Modestus*, however, shall have no reason to triumph in the silence and moderation of *Junius*. If he knew as much of the propriety of language, as I believe he does of the facts in question, he would have been as cautious of attacking Junius upon his composition, as he seems to be of entering into the subject of it ; yet after all, the last is the only article of any importance to the public.

[1] Editor's Note. Mrs. Griffiths, in a letter signed *Frances*, had produced the *single instance* of the Duke of Bedford's generosity, asked for by Junius.

[2] Editor's Note. *Modestus* was a Scotch advocate, Mr. Dalrymple.

I do not wonder at the unremitted rancour with which the Duke of Bedford and his adherents invariably speak of a nation, which we well know has been too much injured to be easily forgiven. But why must *Junius* be an Irishman ?—*The absurdity of his writings betrays him.*—Waving all consideration of the insult offered by Modestus to the declared judgment of the people (they may well bear this among the rest) let us follow the several instances, and try whether the charge be fairly supported.

FIRST then,—the leaving a man to enjoy such repose as he can find upon a bed of torture, is severe indeed ; perhaps too much so, when applied to such a trifler as Sir William Draper ; but there is nothing absurd either in the idea or expression. *Modestus* cannot distinguish between a sarcasm and a contradiction.

2. I AFFIRM with *Junius*, that it is the *frequency* of the fact which alone can make us comprehend how a man can be his own enemy. We should never arrive at the complex idea conveyed by those words, if we had only seen one or two instances of a man acting to his own prejudice. Offer the proposition to a child, or a man unused to compound his ideas, and you will soon see how little either of them understand you. It is not a simple idea arising from a single fact, but a very complex idea arising from many facts well observed, and accurately compared.

3. MODESTUS could not, without great affectation, mistake the meaning of *Junius* when he speaks of a man who is the bitterest enemy of his friends. He could not but know, that *Junius* spoke, not of a false or hollow friendship, but of a real intention to serve, and that intention producing the worst effects of enmity. Whether the description be strictly applicable to Sir William Draper is another question. Junius does not say that it is more *criminal* for a man to be the enemy of his friends than his own, though he might have affirmed it with truth. In a moral light a man may certainly take greater liberties with himself than with another. To sacrifice ourselves merely is a weakness we may indulge in, if we think proper, for we do it at our own hazard and expence ; but, under the pretence of friendship, to sport with the reputation, or sacrifice the honour of another, is something worse than weakness ; and if, in favour of the foolish intention, we do not call it a crime, we must allow at least that it arises from an overweening, busy, meddling impudence.—Junius says only, and he says truly, that

it is more extraordinary, that it involves a greater contradiction than the other ; and is it not a maxim received in life, that in general we can determine more wisely for others than for ourselves ? The reason of it is so clear in argument, that it hardly wants the confirmation of experience. Sir William Draper, I confess, is an exception to the general rule, though not much to his credit.

4. If this gentleman will go back to his Ethics, he may perhaps discover the truth of what *Junius* says, *that no outward tyranny can reach the mind.* The tortures of the body may be introduced by way of ornament or illustration to represent those of the mind, but strictly there is no similitude between them. They are totally different both in their cause and operation. The wretch, who suffers upon the rack, is merely passive ; but when the mind is tortured, it is not at the command of any outward power. It is the sense of guilt which constitutes the punishment, and creates that torture with which the guilty mind acts upon itself.

5. He misquotes what *Junius* says of conscience, and makes the sentence ridiculous by making it his own.

So much for composition. Now for fact.—Junius it seems has mistaken the duke of Bedford. His Grace had all the proper feelings of a father, though he took care to suppress the appearance of them. Yet it was an occasion, one would think, on which he need not have been ashamed of his grief ;—on which less fortitude would have done him more honour. I can conceive indeed a benevolent motive for his endeavouring to assume an air of tranquillity in his own family, and I wish I could discover anything, in the rest of his character, to justify my assigning that motive to his behaviour. But is there no medium ? Was it necessary to appear abroad, to ballot at the India-house, and make a public display, tho' it were only of an apparent insensibility ? I know we are treading on tender ground, and *Junius*, I am convinced, does not wish to urge this question farther. Let the friends of the Duke of Bedford observe that humble silence, which becomes their situation. They should recollect that there are some facts in store, at which human nature would shudder. I shall be understood by those whom it concerns when I say that these facts go farther than to the Duke.[1]

[1] Within a fortnight after Lord Tavistock's death, the venerable *Gertrude* had a route at Bedford House. The good duke (who had only sixty thou-

It is not inconsistent to suppose that a man may be quite indifferent about one part of a charge, yet severely stung with another, and though he feels no remorse, that he may wish to be revenged. The charge of insensibility carries a reproach indeed, but no danger with it.—*Junius* had said, *there are others who would assassinate. Modestus*, knowing his man, will not suffer the insinuation to be divided, but fixes it all upon the Duke of Bedford.

WITHOUT determining upon what evidence Junius would *choose to be condemned*, I will venture to maintain, in opposition to *Modestus*, or to Mr. Rigby (who is certainly not *Modestus*) or any other of the Bloomsbury gang, that the evidence against the Duke of Bedford is as strong as any presumptive evidence can be. It depends upon a combination of facts and reasoning, which require no confirmation from the anecdote of the Duke of Marlborough. This anecdote was referred to merely to show how ready a great man may be to receive a great bribe ; and if *Modestus* could read the original, he would see that the expression, *only not accepted*, was probably the only one in our language that exactly fitted the case. The bribe, offered to the Duke of Marlborough, was not refused.

I CANNOT conclude without taking notice of this honest gentleman's learning, and wishing he had given us a little more of it. When he accidentally found himself so near speaking truth, it was rather unfair of him to leave out the *non potuisse refelli*. As it stands, the *pudet hæc approbria* may be divided equally between Mr. Rigby and the Duke of Bedford. Mr. Rigby, I take for granted, will assert his natural right to the modesty of the quotation, and leave all the opprobrium to his Grace.

PHILO JUNIUS

END OF THE FIRST VOLUME

sand pounds a year) ordered an inventory to be taken of his son's wearing apparel, down to his slippers, sold them all, and put the money in his pocket. The amiable Marchioness, shocked at such brutal, unfeeling avarice, gave the value of the cloaths to the Marquis's servant, out of her own purse. That incomparable woman did not long survive her husband. When she died, the Duchess of Bedford treated her as the Duke had treated his only son. She ordered every gown and trinket to be sold, and pocketed the money.—These are the monsters whom Sir William Draper comes forward to defend.—May God protect *me* from doing anything that may require such defence or deserve such friendship !

LETTER XXX

TO THE PRINTER OF THE PUBLIC ADVERTISER

17 October 1769

Sir,

It is not wonderful that the great cause in which this country is engaged, should have aroused and engrossed the whole attention of the people. I rather admire the generous spirit, with which they feel and assert their interest in this important question, than blame them for their indifference about any other. When the constitution is openly invaded, when the first original right of the people, from which all laws derive their authority, is directly attacked, inferior grievances naturally lose their force, and are suffered to pass by without punishment or observation. The present ministry are as singularly marked by their fortune, as by their crimes. Instead of atoning for their former conduct by any wise or popular measure, they have found, in the enormity of one fact, a cover and defence for a series of measures, which must have been fatal to any other administration. I fear we are too remiss in observing the whole of their proceedings. Struck with the principal figure, we do not sufficiently mark in what manner the canvass is filled up. Yet surely it is not a less crime, nor less fatal in its consequences, to encourage a flagrant breach of the law by a military force, than to make use of the forms of parliament to destroy the constitution.—The ministry seem determined to give us a choice of difficulties, and, if possible, to perplex us with the multitude of their offences. The expedient is well worthy of the Duke of Grafton. But though he has preserved a gradation and variety in his measures, we should remember that the principle is uniform. Dictated by the same spirit, they deserve the same attention. The following fact, though of the most alarming nature, has not yet been clearly stated to the public, nor have the consequences of it been sufficiently understood. Had I taken it up at an earlier period, I should have been accused of an uncandid, malignant precipitation, as if I watched for an unfair advantage against the ministry, and would not allow them a reasonable time to do their duty. They now stand without excuse. Instead of employing the leisure they have had, in a strict examination of the offence, and punishing the offenders, they seem to have considered *that*

indulgence as a security to them, that, with a little time and management, the whole affair might be buried in silence and utterly forgotten.

A MAJOR general of the army is arrested by the sheriff's officers for a considerable debt.[1] He persuades them to conduct him to the Tilt-yard in St. James's Park, under some pretence of business, which it imported him to settle before he was confined. He applies to a serjeant, not immediately on duty, to assist with some of his companions in favouring his escape. He attempts it. A bustle ensues. The bailiffs claim their prisoner. [2] An officer of the guards, not then on duty, takes part in the affair, applies to the [3] lieutenant commanding the Tilt-yard guard, and urges him to turn out his guard to relieve a general officer. The lieutenant declines interfering in person, but stands at a distance and suffers the business to be done. The officer takes upon himself to order out the guard. In a moment they are in arms, quit their guard, march, rescue the general, and drive away the sheriff's officers, who in vain represent their right to the prisoner, and the nature of the arrest. The soldiers first conduct the general into their guard-room, then escort him to a place of safety with bayonets fixed, and in all the forms of military triumph. I will not enlarge upon the various circumstances which attended this atrocious proceeding. The personal injury received by the officers of the law in the execution of their duty, may perhaps be atoned for by some private compensation. I consider nothing but the wound, which has been given to the law itself, to which no remedy has been applied, no satisfaction made. Neither is it my design to dwell upon the misconduct of the parties concerned, any farther than is necessary to show the behaviour of the ministry in its true light. I would make every compassionate allowance for the infatuation of the prisoner, the false and criminal discretion of one officer, and the madness of another. I would leave the ignorant soldiers entirely out of the question. They are certainly the least guilty, though they are the only persons who have yet suffered, even in the appearance of punishment.[4] The fact itself, however atrocious, is not the principal point to be considered. It might have happened under a more regular government, and with guards better disciplined than ours. The main

[1] Major General Gansel.
[2] Lieutenant Dodd.
[3] Lieutenant Garth.
[4] A few of them were confined.

question is, in what manner have the ministry acted on this extraordinary occasion. A general officer calls upon the king's own guard, then actually on duty, to rescue him from the laws of his country; yet at this moment he is in a situation no worse than if he had not committed an offence, equally enormous in a civil and military view.—A lieutenant upon duty designedly quits his guard, and suffers it to be drawn out by another officer, for a purpose which he well knew (as we may collect from an appearance of caution, which only makes his behaviour the more criminal) to be in the highest degree illegal. Has this gentleman been called to a court-martial to answer his conduct? No. Has it been censured? No. Has it been in any shape inquired into? No.—Another lieutenant, not upon duty, nor even in his regimentals, is daring enough to order out the king's guard, over which he had properly no command, and engages them in a violation of the laws of his country, perhaps the most singular and extravagant that ever was attempted.—What punishment has *he* suffered? Literally none. Supposing he should be prosecuted at common law for the rescue, will that circumstance, from which the ministry can derive no merit, excuse or justify their suffering so flagrant a breach of military discipline to pass by unpunished and unnoticed? Are they aware of the outrage offered to their sovereign, when his own proper guard is ordered out to stop by main force, the execution of his laws? What are we to conclude from so scandalous a neglect of their duty, but that they have other views, which can only be answered by securing the attachment of the guards? The minister would hardly be so cautious of offending them, if he did not mean, in due time, to call for their assistance.

With respect to the parties themselves, let it be observed, that these gentlemen are neither young officers nor very young men. Had they belonged to the unfledged race of ensigns, who infest our streets, and dishonour our public places, it might perhaps be sufficient to send them back to that discipline, from which their parents, judging lightly from the maturity of their vices, had removed them too soon. In this case, I am sorry to see, not so much the folly of youth, as the spirit of the corps, and the connivance of government. I do not question that there are many brave and worthy officers in the regiment of guards. But, considering them as a corps, I fear it will be found that they are neither good soldiers,

nor good subjects. Far be it from me to insinuate the most distant reflection upon the army. On the contrary, I honour and esteem the profession; and if these gentlemen were better soldiers, I am sure they would be better subjects. It is not that there is any internal vice or defect in the profession itself, as regulated in this country, but that it is the spirit of this particular corps to despise their profession, and that while they vainly assume the lead of the army, they make it a matter of impertinent comparison and triumph over the bravest troops in the world (I mean our marching regiments) that *they* indeed stand upon higher ground, and are privileged to neglect the laborious forms of military discipline and duty. Without dwelling longer upon a most invidious subject, I shall leave it to military men who have seen a service more active than the parade, to determine, whether or no I speak truth.[1]

How far this dangerous spirit has been encouraged by government, and to what pernicious purposes it may be applied hereafter, well deserves our most serious consideration. I know indeed, that when this affair happened, an affectation of alarm ran through the ministry. Something must be done to save appearances. The case was too flagrant to be passed by absolutely without notice. But how have they acted? Instead of ordering the officers concerned, (and who, strictly speaking, are alone guilty), to be put under arrest, and brought to trial, they would have it understood, that they did their duty completely, in confining a serjeant and four private soldiers, until they should be demanded by the civil power; so that while the officers, who ordered or permitted the thing to be done, escape without censure, the poor men who obeyed those orders, who in a military view are in no way responsible for what they did, and who for that reason have been discharged by the civil magistrates, are the only objects whom the ministry have thought proper to expose to punishment. They did not venture to bring even these men to a court-

[1] Editor's Note. It may be of interest here to give a brief account of Lord Shelburne's military career. He received a commission in the 20th Regiment of Foot in 1757, exchanging into the 3rd Regiment of Foot Guards in 1758. He served in expeditions to the coast of France in 1757 and 1758; under Prince Ferdinand of Brunswick and Lord Granby in Germany, distinguishing himself at the battle of Minden in 1759, and again at Kloster Kampen in 1760. On his return to England he was given the rank of colonel and post of aide-de-camp to the king. He was dismissed in 1763 because he had opposed the prosecution of Wilkes.

some persons, whom *they* were determined to protect. Otherwise, I doubt not, the lives of these unhappy, friendless soldiers would long since have been sacrificed without scruple to the security of their guilty officers.

I have been accused of endeavouring to inflame the passions of the people.—Let me now appeal to their understanding. If there be any tool of administration daring enough to deny these facts, or shameless enough to defend the conduct of the ministry, let him come forward. I care not under what title he appears. He shall find me ready to maintain the truth of my narrative, and the justice of my observations upon it, at the hazard of my utmost credit with the public.

Under the most arbitrary governments, the common administration of justice is suffered to take its course. The subject, though robbed of his share in the legislature, is still protected by the laws. The political freedom of the English constitution was once the pride and honour of an Englishman. The civil equality of the laws preserved the property, and defended the safety of the subject. Are these glorious privileges the birthright of the people, or are we only tenants at the will of the ministry?—But that I know there is a spirit of resistance in the hearts of my countrymen, that they value life, not by its conveniences, but by the independance and dignity of their condition, I should, at this moment, appeal only to their discretion. I should persuade them to banish from their minds all memory of what we were; I should tell them this is not a time to remember that we were Englishmen; and give it as my last advice, to make some early agreement with the minister, that since it has pleased him to rob us of those political rights, which once distinguished the inhabitants of a country, where honour was happiness, he would leave us at least the humble, obedient security of citizens, and graciously condescend to protect us in our submission.

JUNIUS

LETTER XXXI

TO THE PRINTER OF THE PUBLIC ADVERTISER

November 14, 1769

Sir,

The variety of remarks, which have been made upon the last letter of *Junius*, and my own opinion of the Writer,

who, whatever may be his faults, is certainly not a weak man, have induced me to examine, with some attention, the subject of that letter. I could not persuade myself that, while he had plenty of important materials, he would have taken up a light or trifling occasion to attack the Ministry ; much less could I conceive that it was his intention to ruin the officers concerned in the rescue of General Gansel, or to injure the general himself. These are little objects, and can no way contribute to the great purposes he seems to have in view by addressing himself to the public.—Without considering the ornamented stile he has adopted, I determined to look farther into the matter, before I decided upon the merits of his letter. The first step I took was to inquire into the truth of the facts ; for if these were either false or misrepresented, the most artful exertion of his understanding, in reasoning upon them, would only be a disgrace to him.—Now, Sir, I have found every circumstance stated by *Junius* to be literally true. General Gansel persuaded the bailiffs to conduct him to the parade, and certainly solicited a Corporal and other Soldiers to assist him in making his escape. Captain Dodd did certainly apply to Captain Garth for the assistance of his guard. Captain Garth declined appearing himself, but stood aloof, while the other took upon him to order out the King's guard, and by main force rescued the General. It is also strictly true, that the General was escorted by a file of musqueteers to a place of security.—These are facts, Mr. Woodfall, which I promise you no gentleman in the guards will deny. If all or any of them are false, why are they not contradicted by the parties themselves ? However secure against military censure, they have yet a character to lose, and surely, if they are innocent, it is not beneath them to pay some attention to the opinion of the public.

The force of *Junius's* Observations upon these facts cannot be better marked, than by stating and refuting the objections which have been made to them. One writer says, ' Admitting the officers have offended, they are punishable at common law, and will you have a British subject punished twice for the same offence ? '—I answer that they have committed two offences, both very enormous, and violated two laws. The rescue is one offence, the flagrant breach of discipline another, and hitherto it does not appear that they have been punished, or even censured for either. Another gentleman lays much

stress upon the calamity of the case, and, instead of disproving facts, appeals at once to the compassion of the public. This idea, as well as the insinuation *that depriving the parties of their commissions would be an injury to their creditors*, can only refer to General Gansel. The other officers are in no distress, therefore have no claim to compassion, nor does it appear that their creditors, if they have any, are more likely to be satisfied by their continuing in the guards. But this sort of plea will not hold in any shape. Compassion to an offender, who has grossly violated the laws, is in effect a cruelty to the peaceable subject who has observed them; and, even admitting the force of any alleviating circumstances, it is nevertheless true that, in this instance, the royal compassion has interposed too soon. The legal and proper mercy of a King of England may remit the punishment, but ought not to stop the trial.

Besides these particular objections, there has been a cry raised against *Junius* for his malice and injustice in attacking the ministry upon an event, which they could neither hinder nor foresee. This, I must affirm, is a false representation of his argument. He lays no stress upon the event itself, as a ground of accusation against the ministry, but dwells entirely upon their subsequent conduct. He does not say that they are answerable for the offence, but for the scandalous neglect of their duty, in suffering an offence, so flagrant, to pass by without notice or inquiry. Supposing them ever so regardless of what they owe to the public, and as indifferent about the opinion as they are about the interests of their country, what answer, as officers of the crown, will they give to *Junius*, when he asks them, *Are they aware of the outrage offered to their Sovereign, when his own proper guard is ordered out to stop, by main force, the execution of his laws*?—And when we see a ministry giving such a strange unaccountable protection to the officers of the guards, is it unfair to suspect, that they have some secret and unwarrantable motives for their conduct? If they feel themselves injured by such a suspicion, why do they not immediately clear themselves from it, by doing their duty? For the honour of the guards, I cannot help expressing another suspicion, that, if the commanding officer had not received a secret injunction to the contrary, he would, in the ordinary course of his business, have applied for a court-martial to try the two subalterns; the one for quitting his guard;—the other for taking upon him the command of the guard, and employ-

ing it in the manner he did. I do not mean to enter into or defend the severity, with which *Junius* treats the guards. On the contrary I will suppose for a moment, that they deserve a very different character. If this be true, in what light will they consider the conduct of the two subalterns, but as a general reproach and disgrace to the whole corps? And will they not wish to see them censured in a military way, if it were only for the credit and discipline of the Regiment?

Upon the whole, Sir, the Ministry seem to me to have taken a very improper advantage of the good-nature of the public, whose humanity, they found, considered nothing in this affair, but the distress of General Gansel. They would persuade us that it was only a common rescue by a few disorderly soldiers, and not the formal deliberate act of the king's guard, headed by an officer, and the public has fallen into the deception. I think, therefore, we are obliged to *Junius* for the care he has taken to inquire into the facts, and for the just commentary with which he has given them to the world.—For my own part, I am as unwilling as any man to load the unfortunate; but really, Sir, the precedent, with respect to the guards, is of a most important nature, and alarming enough (considering the consequences with which it may be attended) to deserve a parliamentary inquiry: when the guards are daring enough, not only to violate their own discipline, but publicly and with the most atrocious violence to stop the execution of the laws, and when such extraordinary offences pass with impunity, believe me, Sir, the precedent strikes deep.

PHILO JUNIUS [1]

LETTER XXXII

TO THE PRINTER OF THE PUBLIC ADVERTISER

15 Nov. 1769

Sir,

I admit the claim of a gentleman, who publishes in the Gazetteer under the name of *Modestus*. He has some right to expect an answer from me; though, I think, not so much from the merit or importance of his objections, as from my own voluntary engagement. I had a reason for not taking notice of him sooner, which, as he is a candid person, I believe

[1] Editor's Note. The letter was printed in the Public Advertiser with the signature of *Moderatus*, changed to *Philo-Junius* in the collected edition.

he will think sufficient. In my first letter, I took for granted, from the time which had elapsed, that there was no intention to censure, nor even to try the persons concerned in the rescue of General Gansel; but *Modestus* having since either affirmed, or strongly insinuated, that the offenders might still be brought to a legal trial, any attempt to prejudge the cause, or to prejudice the minds of a jury, or a court-martial, would be highly improper.

A man, more hostile to the ministry than I am, would not so often remind them of their duty. If the Duke of Grafton will not perform the duty of his station, why is he minister?—I will not descend to a scurrilous altercation with any man: but this is a subject too important to be passed over with silent indifference. If the gentlemen, whose conduct is in question, are not brought to a trial, the Duke of Grafton shall hear from me again.

The motives on which I am supposed to have taken up this cause, are of little importance, compared with the facts themselves, and the observations I have made upon them. Without a vain profession of integrity, which, in these times might justly be suspected, I shall show myself in effect a friend to the interests of my countrymen, and leave it to them to determine, whether I am moved by a personal malevolence to three private gentlemen, or merely by a hope of perplexing the ministry, or whether I am animated by a just and honourable purpose of obtaining a satisfaction to the laws of this country, equal, if possible, to the violation they have suffered.

JUNIUS

LETTER XXXIII

TO HIS GRACE THE DUKE OF GRAFTON

29 Nov. 1769

My Lord,

Though my opinion of your Grace's integrity was but little affected by the coyness with which you received Mr. Vaughan's proposals,[1] I confess I gave you some credit for your discretion. You had a fair opportunity of displaying a certain delicacy, of which you had not been suspected; and you were in the right to make use of it. By laying in a moderate stock of reputation, you undoubtedly meant to provide for the

[1] Editor's Note. See *Junius's* note, p. 134.

future necessities of your character, that with an honourable resistance upon record, you might safely indulge your genius, and yield to a favourite inclination with security. But you have discovered your purposes too soon ; and, instead of the modest reserve of virtue, have shown us the termagant chastity of a prude, who gratifies her passions with distinction, and prosecutes one lover for a rape, while she solicits the lewd embraces of another.

Your cheek turns pale ; for a guilty conscience tells you, you are undone.—Come forward, thou virtuous minister, and tell the world by what interest Mr. Hine has been recommended to so extraordinary a mark of his Majesty's favour ; what was the price of the patent he has bought, and to what honourable purpose the purchase-money has been applied. Nothing less than many thousands could pay Colonel Burgoyne's expenses at Preston. Do you dare to prosecute such a creature as Vaughan, while you are basely setting up the Royal Patronage to auction? Do you dare to complain of an attack upon your own honour, while you are selling the favours of the crown, to raise a fund for corrupting the morals of the people? And do you think it possible such enormities should escape without impeachment? It is indeed highly your interest to maintain the present house of commons. Having sold the nation to you in gross, they will undoubtedly protect you in the detail ; for while they patronize your crimes, they feel for their own.

JUNIUS

LETTER XXXIV

TO HIS GRACE THE DUKE OF GRAFTON

12 Dec. 1769

My Lord,

I find with some surprize, that you are not supported as you deserve. Your most determined advocates have scruples about them, which you are unacquainted with ; and, though there be nothing too hazardous for your Grace to engage in, there are some things too infamous for the vilest prostitute of a newspaper to defend.[1] In what other manner shall we

[1] From the publication of the preceding to this date, not one word was said in defence of the infamous Duke of Grafton. But vice and impudence

account for the profound, submissive silence, which you and your friends have observed upon a charge which called immediately for the clearest refutation, and would have justified the severest measures of resentment? I did not attempt to blast your character by an indirect, ambiguous insinuation, but candidly stated to you a plain fact, which struck directly at the integrity of a privy counsellor, of a first commissioner of the treasury, and of a leading minister, who is supposed to enjoy the first share in his majesty's confidence.[1] In every one of these capacities I employed the most moderate terms to charge you with treachery to your Sovereign, and breach of trust in your office. I accused you of having sold a patent place in the collection of the customs at Exeter, to one Mr. Hine, who, unable or unwilling to deposit the whole purchase-money himself, raised part of it by contribution, and has now a certain Doctor Brooke quartered upon the salary for one hundred pounds a year.—No sale by the candle was ever conducted with greater formality.—I affirm that the price at which the place was knocked down (and which, I have good reason to think, was not less than three thousand five hundred pounds) was, with your connivance and consent, paid to Colonel Burgoyne,[2] to reward him, I presume, for the decency of his deportment at Preston; or to reimburse him, perhaps, for the fine of one thousand pounds, which, for that very deportment, the court of King's Bench thought proper to set upon him.—It is not often that the chief justice and the prime minister are so strangely at variance in their opinions of men and things.

I THANK God there is not in human nature a degree of impudence daring enough to deny the charge I have fixed upon you. Your courteous secretary,[3] your confidential architect,[4] are silent as the grave. Even Mr. Rigby's countenance

soon recovered themselves, and the sale of the royal favour was openly avowed and defended. We acknowledge the piety of St. James's; but what is become of *his* morality?

[1] And by the same means preserves it to this hour.

[2] Editor's Note. Colonel Burgoyne had been held responsible for the rioting of his partisans during the general election of 1768, when he was a candidate for Preston. He was fined a thousand pounds, as Junius says in the text.

[3] Tommy Bradshaw.

[4] Mr. Taylor. He and George Ross (the Scotch agent and worthy confidant of Lord Mansfield) managed the business.

fails him. He violates his second nature, and blushes whenever he speaks of you!—Perhaps the noble Colonel himself will relieve you. No man is more tender of his reputation. He is not only nice, but perfectly sore in everything that touches his honour. If any man, for example, were to accuse him of taking his stand at a gaming-table, and watching, with the soberest attention, for a fair opportunity of engaging a drunken young nobleman at piquet, he would undoubtedly consider it as an infamous aspersion upon his character, and resent it like a man of honour.—Acquitting him therefore of drawing a regular and splendid subsistence from any unworthy practices, either in his own house or elsewhere, let me ask your Grace, for what military merits you have been pleased to reward him with a military government? [1] He had a regiment of dragoons which one would imagine was at least an equivalent for any services *he* ever performed. Besides he is but a young officer, considering his preferment, and, except in his activity at Preston, not very conspicuous in his profession. But it seems, the sale of a civil employment was not sufficient, and military governments which were intended for the support of worn out veterans, must be thrown into the scale to defray the extensive bribery of a contested election. Are these the steps you take to secure to your Sovereign the attachment of his army? With what countenance dare you appear in the royal presence branded as you are with the infamy of a notorious breach of trust? With what countenance can you take your seat at the treasury-board or in council, when you feel that every circulating whisper is at your expence alone, and stabs you to the heart? Have you a single friend in parliament so shameless, so thoroughly abandoned, as to undertake your defence? You know, my Lord, that there is not a man in either house, whose character, however flagitious, would not be ruined by mixing his reputation with yours; and does not your heart inform you, that you are degraded below the condition of a man, when you are obliged to hear these insults with submission, and even to thank me for my moderation?

We are told, by the highest judicial authority, that Mr.

[1] Editor's Note. Colonel Burgoyne was strongly suspected of using his abilities as a card-player in the manner intimated.

The military government referred to was that of Fort William, which had been given to Colonel Burgoyne only a few days before the date of this letter.

Vaughan's offer to purchase ...
Jamaica (which he was otherwise sufficiently entitled to) amounted to a high misdemeanour. Be it so: and, if he deserves it, let him be punished.[2] But the learned judge might have had a fairer opportunity of displaying the powers of his eloquence. Having delivered himself with so much energy upon the criminal nature, and dangerous consequences of any attempt to corrupt a man in your Grace's station, what would he have said to the minister himself, to that very privy coun-

[1] A little before the publication of this and the preceding letter, the chaste Duke of Grafton had commenced a prosecution against Mr. Samuel Vaughan, for endeavouring to corrupt his integrity, by an offer of five thousand pounds for a patent place in Jamaica. A rule to show cause, why an information should not be exhibited against Vaughan for certain misdemeanours, being granted by the Court of King's Bench, the matter was solemnly argued on the 27th of November, 1769, and, by the unanimous opinion of the four judges, the rule was made absolute. The pleadings and speeches were accurately taken in short-hand and published. The whole of Lord Mansfield's speech, and particularly the following extracts from it, deserve the reader's attention. 'A practice of the kind complained of here is certainly dishonourable and scandalous.—If a man, standing under the relation of an officer under the King, or of a person in whom the King puts confidence, or of a minister, takes money for the use of that confidence the King puts in him, he basely betrays the King,—he basely betrays his trust. If the King sold the office, it would be acting contrary to the trust the constitution had reposed in him. The constitution does not intend the crown should sell those offices to raise the revenue out of them.—Is it possible to hesitate whether this would not be criminal in the Duke of Grafton; contrary to his duty as a privy counsellor; contrary to his duty as a minister—contrary to his duty as a subject?—His advice should be free according to his judgment; It is the duty of his office;—he has sworn to it.' Notwithstanding all this, the chaste Duke of Grafton certainly sold a patent place to Mr. Hine for three thousand five hundred pounds, and, for so doing, is now Lord Privy Seal to the chaste George, with whose piety we are perpetually deafened. If the house of commons had done their duty, and impeached the black Duke for this most infamous breach of trust, how woefully must poor, honest Mansfield have been puzzled! His embarrassment would have afforded the most ridiculous scene that ever was exhibited. To save the worthy judge from this perplexity, and the no less worthy Duke from impeachment, the prosecution against *Vaughan* was immediately dropped upon my discovery and publication of the Duke's treachery. The suffering this charge to pass without any enquiry, fixes shameless prostitution upon the face of the house of commons more strongly than even the Middlesex election.—Yet the licentiousness of the press is complained of!

[2] Editor's Note. Doubtless the real reason for prosecuting Vaughan was that he was known to be backing the opposition group in the city. He was a wealthy merchant.

sellor, to that first commissioner of the treasury, who does not wait for, but impatiently solicits the touch of corruption, who employs the meanest of his creatures in these honourable services, and, forgetting the genius and fidelity of his secretary, descends to apply to his house-builder for assistance?

This affair, my Lord, will do infinite credit to government, if, to clear your character, you should think proper to bring it into the house of Lords, or into the court of King's Bench. But, my Lord, you dare not do either.

JUNIUS

LETTER XXXV[1]

TO THE PRINTER OF THE PUBLIC ADVERTISER

19 December 1769

When the complaints of a brave and powerful people are observed to encrease in proportion to the wrongs they have suffered; when, instead of sinking into submission, they are roused to resistance, the time will soon arrive at which every inferior consideration must yield to the security of the Sovereign, and to the general safety of the state. There is a moment of difficulty and danger at which flattery and falsehood can no longer deceive, and simplicity itself can no longer be misled. Let us suppose it arrived. Let us suppose a gracious, well-intentioned prince, made sensible at last of the great duty he owes to his people, and of his own disgraceful situation; that he looks round him for assistance, and asks for no advice, but how to gratify the wishes, and secure the happiness of his subjects. In these circumstances, it may be matter of curious SPECULATION to consider, if an honest man were permitted to

[1] Editor's Note. This letter is of great significance in the history of the liberty of the Press. Woodfall printed 1,750 extra copies of the *Public Advertiser* in which it appeared, all of which sold in a few hours after its appearance. It was also reprinted in a number of other London newspapers. Woodfall was prosecuted for seditious libel, and the jury brought in the celebrated verdict of 'guilty of printing and publishing only', a form of words without legal import. In consequence, two motions were made in court: that by counsel for the defendant, in arrest of judgment, on the ground of the ambiguity of the judgment; and that by the counsel for the crown, to order the defendant to show cause why the verdict should not be entered merely as 'guilty'. After argument, the court of King's Bench granted a new trial. The second trial was terminated because the Attorney General could not produce the original newspaper. Woodfall was freed on the payment of costs, £120. See private letter, No. 19.

approach a King, in what terms he would address himself to his Sovereign. Let it be imagined, no matter how improbable, that the first prejudice against his character is removed, that the ceremonious difficulties of an audience are surmounted, that he feels himself animated by the purest and most honourable affections to his King and country, and that the great person, whom he addresses, has spirit enough to bid him speak freely, and understanding enough to listen to him with attention. Unacquainted with the vain impertinence of forms, he would deliver his sentiments with dignity and firmness, but not without respect.

Sir,—It is the misfortune of your life, and originally the cause of every reproach and distress, which has attended your government, that you should never have been acquainted with the language of truth, until you heard it in the complaints of your people. It is not, however, too late to correct the error of your education. We are still inclined to make an indulgent allowance for the pernicious lessons you received in your youth, and to form the most sanguine hopes from the natural benevolence of your disposition.[1] We are far from thinking you capable of a direct, deliberate purpose to invade those original rights of your subjects, on which all their civil and political liberties depend. Had it been possible for us to entertain a suspicion so dishonourable to your character, we should long since have adopted a style of remonstrance very

[1] The plan of tutelage and future dominion over the heir apparent, laid many years ago at Carlton-house, between the Princess Dowager and her favourite the Earl of Bute, was as gross and palpable as that which was concerted between Anne of Austria and Cardinal Mazarin, to govern Lewis the Fourteenth, and in effect to prolong his minority until the end of their lives. That prince had strong natural parts, and used frequently to blush for his own ignorance and want of education, which had been wilfully neglected by his mother and her minion. A little experience, however, soon showed him how shamefully he had been treated, and for what infamous purposes he had been kept in ignorance. Our great Edward too, at an early period, had sense enough to understand the nature of the connection between his abandoned mother, and the detested Mortimer. But since that time human nature, we may observe, is greatly altered for the better. Dowagers may be chaste, and minions may be honest. When it was proposed to settle the present king's household as Prince of Wales, it is well known that the Earl of Bute was forced into it in direct contradiction to the late king's inclination. *That* was the salient point, from which all the mischiefs and disgraces of the present reign took life and motion. From that moment Lord Bute never suffered the Prince of Wales to be an instant out of his sight. We need not look farther.

distant from the humility of complaint. The doctrine inculcated by our laws, *That the King can do no wrong*, is admitted without reluctance. We separate the amiable, good-natured prince from the folly and treachery of his servants, and the private virtues of the man from the vices of his government. Were it not for this just distinction, I know not whether your Majesty's condition, or that of the English nation would deserve most to be lamented. I would prepare your mind for a favourable reception of truth, by removing every painful, offensive idea of personal reproach. Your subjects, Sir, wish for nothing but that, as *they* are reasonable and affectionate enough to separate your person from your government, so *you*, in your turn, should distinguish between the conduct which becomes the permanent dignity of a King, and that which serves only to promote the temporary interest and miserable ambition of a minister.

You ascended the throne with a declared, and, I doubt not, a sincere resolution of giving universal satisfaction to your subjects. You found them pleased with the novelty of a young prince, whose countenance promised even more than his words, and loyal to you not only from principle, but passion. It was not a cold profession of allegiance to the first magistrate, but a partial, animated attachment to a favourite prince, the native of their country. They did not wait to examine your conduct, nor to be determined by experience, but gave you a generous credit for the future blessings of your reign, and paid you in advance the dearest tribute of their affections. Such, Sir, was once the disposition of a people, who now surround your throne with reproaches and complaints. Do justice to yourself. Banish from your mind those unworthy opinions, with which some interested persons have laboured to possess you. Distrust the men, who tell you that the English are naturally light and inconstant;—that they complain without a cause. Withdraw your confidence equally from all parties: from ministers, favourites, and relations; and let there be one moment in your life, in which you have consulted your own understanding.

When you affectedly renounced the name of Englishman,[1]

[1] Editor's Note. An allusion to the use of the word *Briton* in the King's speech of 18 November, 1760: 'Born and educated in this country, I glory in the name of Briton, and the peculiar happiness of my life will ever consist in promoting the welfare of a people whose loyalty and warm affection to me I consider as the greatest and most permanent security of my throne.'

believe me, Sir, you were persuaded to pay a very ill-judged compliment to one part of your subjects at the expence of another. While the natives of Scotland are not in actual rebellion, they are undoubtedly intitled to protection, nor do I mean to condemn the policy of giving some encouragement to the novelty of their affections for the house of Hanover. I am ready to hope for everything from their new-born zeal, and from the future steadiness of their allegiance. But hitherto they have no claim to your favour. To honour them with a determined predilection and confidence, in exclusion of your English subjects, who placed your family, and in spite of treachery and rebellion, have supported it upon the throne, is a mistake too gross, even for the unsuspecting generosity of youth. In this error we see a capital violation of the most obvious rules of policy and prudence. We trace it however, to an original bias in your education, and are ready to allow for your inexperience.

To the same early influence we attribute it, that you have descended to take a share not only in the narrow views and interests of particular persons, but in the fatal malignity of their passions. At your accession to the throne, the whole system of government was altered, not from wisdom or deliberation, but because it had been adopted by your predecessor. A little personal motive of pique and resentment was sufficient to remove the ablest servants of the crown [1]; but it is not in this country, Sir, that such men can be dishonoured by the frowns of a king. They were dismissed, but could not be disgraced. Without entering into a minuter discussion of the merits of the peace, we may observe, in the imprudent hurry with which the first overtures from France were accepted, in the conduct of the negociation, and terms of the treaty, the strongest marks of that precipitate spirit of concession, with which a certain part of your subjects have been at all times ready to purchase a peace with the natural enemies of this country. On *your* part we are satisfied that everything was honourable and sincere, and if England was sold to France, we doubt not that your Majesty was equally betrayed. The conditions of the peace were matter of grief and surprise to your

[1] One of the first acts of the present reign was to dismiss Mr. Legge, because he had some years before refused to yield his interest in Hampshire to a Scotchman recommended by Lord Bute. This was the reason publicly assigned by his Lordship.

subjects, but not the immediate cause of their present discontent.

HITHERTO, Sir, you had been sacrificed to the prejudices and passions of others. With what firmness will you bear the mention of your own?

A man, not very honourably distinguished in the world, commences a formal attack upon your favourite, considering nothing, but how he might best expose his person and principles to detestation, and the national character of his countrymen to contempt. The natives of that country, Sir, are as much distinguished by a peculiar character, as by your Majesty's favour. Like another chosen people, they have been conducted into the land of plenty, where they find themselves effectually marked, and divided from mankind. There is hardly a period, at which the most irregular character may not be redeemed. The mistakes of one sex find a retreat in patriotism; those of the other in devotion. Mr. Wilkes brought with him into politics the same liberal sentiments, by which his private conduct had been directed, and seemed to think, that, as there are few excesses in which an English gentleman may not be permitted to indulge, the same latitude was allowed him in the choice of his political principles, and in the spirit of maintaining them.—I mean to state, not entirely to defend, his conduct. In the earnestness of his zeal, he suffered some unwarrantable insinuations to escape him. He said more than moderate men would justify, but not enough to entitle him to the honour of your Majesty's personal resentment. The rays of Royal indignation, collected upon him, served only to illuminate, and could not consume. Animated by the favour of the people on one side, and heated by persecution on the other, his views and sentiments changed with his situation. Hardly serious at first, he is now an enthusiast. The coldest bodies warm with opposition, the hardest sparkle in collision. There is a holy mistaken zeal in politics as well as in religion. By persuading others, we convince ourselves. The passions are engaged, and create a maternal affection in the mind, which forces us to love the cause for which we suffer.—Is this a contention worthy of a King? Are you not sensible how much the meanness of the cause gives an air of ridicule to the serious difficulties into which you have been betrayed? the destruction of one man has been now, for many years, the sole object of your government; and if there can

be anything still more disgraceful, we have seen, for such an object, the utmost influence of the executive power, and every ministerial artifice exerted, without success. Nor can you ever succeed, unless *he* should be imprudent enough to forfeit the protection of those laws, to which you owe your crown, or unless your ministers should persuade you to make it a question of force alone, and try the whole strength of government in opposition to the people. The lessons *he* has received from experience, will probably guard him from such excess of folly; and in your Majesty's virtues we find an unquestionable assurance that no illegal violence will be attempted.

Far from suspecting you of so horrible a design, we would attribute the continued violation of the laws, and even this last enormous attack upon the vital principles of the constitution, to an ill-advised, unworthy personal resentment. From one false step you have been betrayed into another, and as the cause was unworthy of you, your ministers were determined that the prudence of the execution should correspond with the wisdom and dignity of the design. They have reduced you to the necessity of choosing out of a variety of difficulties;—to a situation so unhappy, that you can neither do wrong without ruin, nor right without affliction. These worthy servants have undoubtedly given you many singular proofs of their abilities. Not contented with making Mr. Wilkes a man of importance, they have judiciously transferred the question, from the rights and interests of one man, to the most important rights and interests of the people, and forced your subjects from wishing well to the cause of an individual, to unite with him in their own. Let them proceed as they have begun, and your Majesty need not doubt that the catastrophe will do no dishonour to the conduct of the piece.

The circumstances to which you are reduced, will not admit of a compromise with the English nation. Undecisive, qualifying measures will disgrace your government still more than open violence, and, without satisfying the people, will excite their contempt. They have too much understanding and spirit to accept of an indirect satisfaction for a direct injury. Nothing less than a repeal, as formal as the resolution itself, can heal the wound, which has been given to the constitution, nor will anything less be accepted. I can readily believe that there is an influence sufficient to recall that pernicious vote. The house of commons undoubtedly consider their duty to

the crown as paramount to all other obligations. To *us* they are only indebted for an accidental existence, and have justly transferred their gratitude from their parents to their benefactors;—from those, who gave them birth, to the minister, from whose benevolence they derive the comforts and pleasures of their political life;—who has taken the tenderest care of their infancy, and relieves their necessities without offending their delicacy. But, if it were possible for their integrity to be degraded to a condition so vile and abject, that, compared with it, the present estimation they stand in is a state of honour and respect, consider, Sir, in what manner you will afterwards proceed. Can you conceive that the people of this country will long submit to be governed by so flexible a house of commons! It is not in the nature of human society, that any form of government, in such circumstances, can long be preserved. In ours, the general contempt of the people is as fatal as their detestation. Such, I am persuaded, would be the necessary effect of any base concession made by the present house of commons, and, as a qualifying measure would not be accepted, it remains for you to decide whether you will, at any hazard, support a set of men who have reduced you to this unhappy dilemma, or whether you will gratify the united wishes of the whole people of England by dissolving the parliament.

TAKING it for granted, as I do very sincerely, that you have personally no design against the constitution, nor any views inconsistent with the good of your subjects, I think you cannot hesitate long upon the choice, which it equally concerns your interest, and your honour to adopt. On one side you hazard the affections of all your English subjects; you relinquish every hope of repose to yourself, and you endanger the establishment of your family for ever. All this you venture for no object whatsoever, or for such an object as it would be an affront to you to name. Men of sense will examine your conduct with suspicion; while those who are incapable of comprehending to what degree they are injured, afflict you with clamours equally insolent and unmeaning. Supposing it possible that no fatal struggle should ensue, you determine at once to be unhappy, without the hope of a compensation either from interest or ambition. If an English King be hated or despised, he *must* be unhappy; and this, perhaps, is the only political truth which he ought to be convinced of without

experiment. But if the English people should no longer confine their resentment to a submissive representation of their wrongs; if, following the glorious example of their ancestors, they should no longer appeal to the creature of the constitution, but to that high Being, who gave them the rights of humanity, whose gifts it were sacrilege to surrender, let me ask you, Sir, upon what part of your subjects would you rely for assistance?

The people of Ireland have been uniformly plundered and oppressed. In return, they give you every day fresh marks of their resentment. They despise the miserable governor you have sent them,[1] because he is the creature of Lord Bute; nor is it from any natural confusion in their ideas, that they are so ready to confound the original of a King with the disgraceful representation of him.

The distance of the Colonies would make it impossible for them to take an active concern in your affairs, if they were as well affected to your government as they once pretended to be to your person. They were ready enough to distinguish between *you* and your ministers. They complained of an act of the legislature, but traced the origin of it no higher than to the servants of the crown: they pleased themselves with the hope that their Sovereign, if not favourable to their cause, at least was impartial. The decisive, personal part you took against them has effectually banished that first distinction from their minds.[2] They consider you as united with your servants against America, and know how to distinguish the sovereign and a venal parliament on one side, from the real sentiments of the English people on the other. Looking forward to Independence, they might possibly receive you for their King; but, if ever you retire to America, be assured they will give you such a covenant to digest, as the presbytery of Scotland would have been ashamed to offer to Charles the second. They left their native land in search of freedom, and found it in a desart. Divided as they are into a thousand

[1] Viscount Townshend, sent over on the plan of being resident governor. The history of his ridiculous administrations shall not be lost to the public.

[2] In the King's speech of 8 November, 1768, it was declared 'That the spirit of faction had broken out afresh in some of the colonies, and, in one of them, proceeded to acts of violence and resistance to the execution of the laws;—that Boston was in a state of disobedience to all law and government, and had proceeded to measures subversive of the constitution, and attended with circumstances that manifested a disposition to throw off their dependance on Great Britain.'

forms of policy and religion, there is one point in which they all agree :—they equally detest the pageantry of a King, and the supercilious hypocrisy of a bishop.

It is not then from the alienated affections of Ireland or America, that you can reasonably look for assistance ; still less from the people of England, who are actually contending for their rights, and in this great question, are parties against you. You are not, however, destitute of every appearance of support : you have all the Jacobites, Nonjurors, Roman Catholics, and Tories of this country, and all Scotland without exception. Considering from what family you are descended, the choice of your friends has been singularly directed ; and truly, Sir, if you had not lost the whig interest of England, I should admire your dexterity in turning the hearts of your enemies. Is it possible for you to place any confidence in men, who, before they are faithful to you, must renounce every opinion, and betray every principle, both in church and state, which they inherit from their ancestors, and are confirmed in by their education ? whose numbers are so inconsiderable that they have long since been obliged to give up the principles and language which distinguish them as a party, and to fight under the banners of their enemies ? Their zeal begins with hypocrisy, and must conclude in treachery. At first they deceive ; at last they betray.

As to the Scotch, I must suppose your heart and understanding so biassed, from your earliest infancy in their favour, that nothing less than *your own* misfortunes can undeceive you. You will not accept of the uniform experience of your ancestors ; and when once a man is determined to believe, the very absurdity of the doctrine confirms him in his faith. A bigoted understanding can draw a proof of attachment to the house of Hanover from a notorious zeal for the house of Stuart, and find an earnest of future loyalty in former rebellions. Appearances are, however, in their favour : so strongly, indeed, that one would think they had forgotten that you are their lawful King, and had mistaken you for a pretender to the crown. Let it be admitted, then, that the Scotch are as sincere in their present professions as if you were in reality not an Englishman, but a Briton of the North. You would not be the first prince of their native country, against whom they have rebelled, nor the first whom they have basely betrayed. Have you forgotten, Sir, or has your favourite

oncealed from you that part of our history, which the ... appy Charles (and he too had private virtues) fled from the pen, avowed indignation of his English subjects, and surrendered himself at discretion to the good faith of his own countrymen? Without looking for support in their affections as subjects, he applied only to their honour as gentlemen, for protection. They received him as they would your Majesty, with bows, and smiles, and falsehood, and kept him until they had settled their bargain with the English parliament; then basely sold their native king to the vengeance of his enemies. This, Sir, was not the act of a few traitors, but the deliberate treachery of a Scotch parliament, representing the nation. A wise prince might draw from it two lessons of equal utility to himself. On one side he might learn to dread the undisguised resentment of a generous people, who dare openly assert their rights, and who, in a just cause are ready to meet their Sovereign in the field. On the other side, he would be taught to apprehend something far more formidable; a fawning treachery, against which no prudence can guard, no courage can defend. The insidious smile upon the cheek would warn him of the canker in the heart.

From the uses to which one part of the army has been too frequently applied,[1] you have some reason to expect, that there are no services they would refuse. Here, too, we trace the partiality of your understanding. You take the sense of the army from the conduct of the guards, with the same justice with which you collect the sense of the people from the representations of the ministry. Your marching regiments, Sir, will not make the guards their example either as soldiers or subjects. They feel and resent, as they ought to do, that invariable, undistinguishing favour with which the guards are treated [2]; while those gallant troops by whom every hazardous,

[1] Editor's Note. This is probably a reference to five or six men having been killed by the military in the Wilkes riots.

[2] The number of commissioned officers in the guards are to the marching regiments as *one* to eleven; the number of regiments given to the guards, compared with those given to the line, is about three to one at a moderate computation; consequently the partiality in favour of the guards is as thirty-three to one.—So much for the officers.—The private men have fourpence a day to subsist on, and five hundred lashes if they desert. Under this punishment they frequently expire. With these encouragements it is supposed they may be depended upon whenever a certain person thinks it necessary to butcher his *fellow-subjects*.

every laborious service is performed, are left to perish in garrisons abroad, or pine in quarters at home, neglected and forgotten. If they had no sense of the great original duty they owe their country, their resentment would operate like patriotism, and leave your cause to be defended by those to whom you have lavished the rewards and honours of their profession. The Prætorian Bands, enervated and debauched as they were, had still strength enough to awe the Roman populace: but when the distant legions took the alarm, they marched to Rome, and gave away the empire.

On this side then, whichever way you turn your eyes you see nothing but perplexity and distress. You may determine to support the very ministry who have reduced your affairs to this deplorable situation: you may shelter yourself under the forms of a parliament, and set your people at defiance. But be assured, Sir, that such a resolution would be as imprudent as it would be odious. If it did not immediately shake your establishment, it would rob you of your peace of mind for ever.

On the other, how different is the prospect! How easy, how safe and honourable is the path before you! The English nation declare they are grossly injured by their representatives, and solicit your Majesty to exert your lawful prerogative, and give them an opportunity of recalling a trust, which, they find, has been scandalously abused. You are not to be told that the power of the house of commons is not original, but delegated to them for the welfare of the people, from whom they received it. A question of right arises between the constituent and the representative body. By what authority shall it be decided? Will your Majesty interfere in a question in which you have properly no immediate concern?—It would be a step equally odious and unnecessary. Shall the lords be called upon to determine the rights and privileges of the commons?—They cannot do it without a flagrant breach of the constitution. Or will you refer it to the judges?—They have often told your ancestors, that the law of parliament is above them. What party then remains, but to leave it to the people to determine for themselves? They alone are injured; and, since there is no superior power, to which the cause can be referred, they alone ought to determine.

I do not mean to perplex you with a tedious argument upon a subject already so discussed that inspiration could

duly throw a new light upon it. There are, however,
oints of view, in which it particularly imports your Majesty
consider, the late proceedings of the house of commons.
y depriving a subject of his birthright, they have attributed
their own vote an auth he whole
gislature; and, tho' perhaps not with the same motives,
ave strictly followed the example of the long parliament,
hich first declared the regal office useless, and soon after
ith as little ceremony, dissolved the house of lords. The
me pretended power which robs an English subject of his
an English King of his crown. In another
on of the house of commons, apparently
ot so dangerous to your Majesty, is still more alarming to
people. Not contented with divesting one man of his
have arbitrarily conveyed tha
hey have set aside a return as illegal, without daring to
ensure those officers, who were particularly apprized of Mr.
Vilkes's incapacity, not only by the declaration of the house,
ut expressly by the writ directed to them, and, who never-
heless returned him as duly elected. They have rejected
ie majority of votes, the only criterion, by which our laws
idge of the sense of the people; they have transferred the
ght of election from the collective to the representative body;
nd, by these acts, taken separately or together, they have
ssentially altered the original constitution of the of
ommons. Versed as your Majesty undoubtedly is, in the
nglish history, it cannot easily escape you how much it is
our interest, as well as your duty, to prevent one of the three
states from encroaching upon the province of the other two,
r assuming the authority of them all. When once they have
eparted from the great constitutional line, by which all their
roceedings should be directed, who will answer for their
iture moderation? Or what assurance will they give you,
hat, when they have trampled upon their equals, they will
ubmit to a superior? Your majesty may learn hereafter,
ow nearly the slave and tyrant are allied.

Some of your council, more candid than the rest, admit
he abandoned profligacy of the present house of commons,
ut oppose their dissolution upon an opinion, I confess not
ery unwarrantable, that their successors would be equally at
he disposal of the treasury. I cannot persuade myself that
he nation will have profited so little by experience. But if

that opinion were well founded, you might then gratify our wishes at an easy rate, and appease the present clamour against your government, without offering any material injury to the favourite cause of corruption.

You have still an honourable part to act. The affections of your subjects may still be recovered. But before you subdue *their* hearts, you must gain a noble victory over your own. Discard those little, personal resentments which have too long directed your public conduct. Pardon this man the remainder of his punishment; and if resentment still prevails, make it, what it should have been long since, an act, not of mercy, but contempt. He will soon fall back into his natural station,—a silent senator, and hardly supporting the weekly eloquence of a newspaper. The gentle breath of peace would leave him on the surface, neglected and unremoved. It is only the tempest that lifts him from his place.[1]

WITHOUT consulting your minister, call together your whole council. Let it appear to the public that you can determine and act for yourself. Come forward to your people. Lay aside the wretched formalities of a King, and speak to your subjects with the spirit of a man, and in the language of a gentleman. Tell them you have been fatally deceived. The acknowledgment will be no disgrace, but rather an honour to your understanding. Tell them you are determined to remove every cause of complaint against your government; that you will give your confidence to no man who does not possess the confidence of your subjects; and leave it to themselves to determine, by their conduct at a future election, whether or no it be in reality the general sense of the nation, that their rights have been arbitrarily invaded by the present house of commons, and the constitution betrayed. They will then do justice to their representatives and to themselves.

These sentiments, Sir, and the stile they are conveyed in, may be offensive, perhaps, because they are new to you. Accustomed to the language of courtiers, you measure their affections by the vehemence of their expressions; and, when they only praise you indirectly, you admire their sincerity. But this is not a time to trifle with your fortune. They deceive you, Sir, who tell you that you have many friends, whose

[1] Editor's Note. This was Shelburne's attitude towards Wilkes from the first.

affections are founded upon a principle of personal attachment. The first foundation of friendship is not the power of conferring benefits, but the equality with which they are received and *may* be returned. The fortune, which made you a king, forbad you to have a friend. It is a law of nature which cannot be violated with impunity. The mistaken prince, who looks for friendship, will find a favourite, and in that favourite the ruin of his affairs.

The people of England are loyal to the house of Hanover, not from a vain pr of one family er, but from a conviction that the establishment of that family was necessary to the support of their civil and religious liberties. Sir, is a principle of allegiance equally sol al; —fit for Englishmen to adopt, and well worthy of your Majesty's encouragement. We cannot long be deluded by nominal distinctions. The name of Stuart, of itself, is only contemptible;—armed with the Sovereign authority, their principles are formidable. ho imitates their conduct, should be warned by their example; and, while he plu self upon the security of his title to the crown, shoul ber that, as it was acquired by one revolution, it may be another.

JUNIUS

LETTER XXXVI

TO HIS GRACE THE DUKE OF GRAFTON

14 Feb. 1770

My Lord,

If I were personally your enemy, I might pity and forgive you. You have every claim to compassion, that can arise from misery and distress. The condition you are reduced to would disarm a private enemy of his resentment, and leave no consolation to the most vindictive spirit, but that such an object, as you are, would disgrace the dignity of revenge.[1]

[1] Editor's Note. At this time, the opposition seemed at last united. The Grenville party, the Rockingham party, the Chatham party, and the Shelburne group were all holding together, determined to force at least a dissolution of parliament. The Duke of Grafton had resigned the Treasury, Lord Camden had been dismissed from the office of Lord Chancellor, and the King having prevailed on Mr. Charles Yorke to become Chancellor, Yorke committed suicide because he was unable to face his former friends in opposition. Lord North had become Secretary of the Treasury, but was

But in the relation you have borne to this country, you have no title to indulgence; and if I had followed the dictates of my own opinion, I never should have allowed you the respite of a moment. In your public character, you have injured every subject of the empire; and though an individual is not authorized to forgive the injuries done to society, he is called upon to assert his separate share in the public resentment. I submitted however to the judgment of men more moderate, perhaps more candid than myself. For my own part, I do not pretend to understand those prudent forms of decorum, those gentle rules of discretion, which some men endeavour to unite with the conduct of the greatest and most hazardous affairs. Engaged in the defence of an honourable cause, I would take a decisive part.—I should scorn to provide for a future retreat, or to keep terms with a man who preserves no measures with the public. Neither the abject submission of deserting his post in the hour of danger, nor even the sacred shield of cowardice should protect him.[1] I would pursue him through life, and try the last exertion of my abilities to preserve the perishable infamy of his name, and make it immortal.

What then, my Lord, is this the event of all the sacrifices you have made to Lord Bute's patronage, and to your own unfortunate ambition? Was it for this you abandoned your earliest friendships,—the warmest connexions of your youth, and all those honourable engagements, by which you once solicited, and might have acquired, the esteem of your country? Have you secured no recompense for such a waste of honour? Unhappy man! What party will receive the common deserter of all parties? Without a client to flatter, without a friend to console you, and with only one companion from the honest house of Bloomsbury, you must now retire into a dreadful solitude. At the most active period of life, you must quit the busy scene, and conceal yourself from the world, if you would hope to save the wretched remains of a ruined reputation. The vices operate like age,—bring on disease before its time, and in the prime of youth leave the character broken and exhausted.

generally thought of little importance. In this state of affairs, Junius probably hoped to detach Grafton completely from the court party, as well as to estrange the court from him.

[1] *Sacro tremuere timore*—Every coward pretends to be planet-struck.

Yet your conduct has been mysterious, as well as contemptible. Where is now that firmness, or obstinacy so long boasted of by your friends, and acknowledged by your enemies? We were taught to expect that you would not leave the ruin of this country to be compleated by other hands, but were determined either to gain a decisive victory over the constitution, or to perish bravely at least behind the last dyke of the prerogative. You knew the danger, and might have been provided for it. You took sufficient time to prepare for a meeting with your parliament, to confirm the mercenary fidelity of your dependants, and to suggest to your Sovereign a language suited to his dignity at least, if not to his benevolence and wisdom. Yet, while the whole kingdom was agitated with anxious expectation upon one great point, you meanly evaded the question, and instead of the explicit firmness and decision of a King, gave us nothing but the misery of a ruined grazier,[1] and the whining piety of a Methodist. We had reason to expect, that notice would have been taken of the petitions which the king has received from the English nation; and although I can conceive some personal motives for not yielding to them, I can find none, in common prudence or decency, for treating them with contempt. Be assured, my Lord, the English people will not tamely submit to this unworthy treatment;—they had a right to be heard, and their petitions, if not granted, deserved to be considered. Whatever be the real views and doctrine of a court, the Sovereign should be taught to preserve some forms of attention to his subjects, and if he will not redress their grievances, not to make them a topic of jest and mockery among lords and ladies of the bedchamber. Injuries may be atoned for and forgiven; but insults admit of no compensation. They degrade the mind in its own esteem, and force it to recover its level by revenge. This neglect of the petitions was however a part of your original plan of government, nor will any consequences it has produced account for your deserting your Sovereign, in the midst of that distress, in which you and your new friends [2] had

[1] There was something wonderfully pathetic in the mention of the horned cattle.

Editor's Note. The wits said, according to Almon, that when, in the speech from the throne, the King spoke of the 'distresses among the horned cattle,' the two noble lords, Grafton and Grosvenor, who had just divorced their wives, gravely bowed to each other, as fellow cuckolds.

[2] The Bedford party.

involved him. One would think, my Lord, you might have taken this spirited resolution before you had dissolved the last of those early connexions, which once, even in your own opinion, did honour to your youth—before you had obliged Lord Granby to quit a service he was attached to—before you had discarded one chancellor and killed another. To what an abject condition have you laboured to reduce the best of princes, when the unhappy man who yields at last to such personal instance and solicitation, as never can be fairly employed against a subject, feels himself degraded by his compliance, and is unable to survive the disgraceful honours which his gracious Sovereign had compelled him to accept. He was a man of spirit, for he had a quick sense of shame, and death has redeemed his character. I know your Grace too well to appeal to your feelings upon this event; but there is another heart, not yet, I hope, quite callous to the touch of humanity, to which it ought to be a dreadful lesson for ever.[1]

Now, my Lord, let us consider the situation to which you have conducted, and in which you have thought it adviseable to abandon your royal master. Whenever the people have complained, and nothing better could be said in defence of the measures of government, it has been the fashion to answer us, though not very fairly, with an appeal to the private virtues of your Sovereign. 'Has he not, to relieve the people, surrendered a considerable part of his revenue?—Has he not made the judges independent, by fixing them in their places for life?' My Lord, we acknowledge the gracious principle, which gave birth to these concessions, and have nothing to regret, but that it has never been adhered to. At the end of seven years, we are loaded with a debt of above five hundred thousand pounds upon the civil list,[2] and we now see the Chancellor of Great Britain tyrannically forced out of his office, not for want of abilities, not for want of integrity, or of attention to his duty, but for delivering his honest opinion in parliament, upon the greatest constitutional question that has arisen since the revolution.[3]—We care not to whose private virtues you

[1] The most secret particulars of this detestable transaction shall, in due time, be given to the public. The people shall know what kind of man they have to deal with.

[2] Editor's Note. The £500,000 had almost certainly been used by the King for the corruption of parliament.

[3] Editor's Note. Lord Camden's speech, which brought about his dismissal, was made in the house of lords at the opening of the session, January

appeal; the theory of such a government is falsehood and mockery;—the practice is oppression. You have laboured then (though I confess to no purpose) to rob your master of the only plausible answer, that ever was given in defence of his government,—of the opinion, which the people had conceived of his personal honour and integrity.—The Duke of Bedford was more moderate than your Grace. He only forced his master to violate a solemn promise made to an individual.[1] But you, my Lord, have successfully extended your advice to every political, every moral engagement, that could bind either the magistrate or the man. The condition of a King is often miserable, but it required your Grace's abilities to make it contemptible.

You will say perhaps that the faithful servants, in whose hands you have left him, are able to retrieve his honour, and to support his government. You have publicly declared, even since your resignation, that you approved of their measures, and admired their conduct,—particularly that of the Earl of Sandwich. What a pity it is, that, with all this appearance, you should think it necessary to separate yourself from such amiable companions. You forget, my Lord, that while you are lavish in the praise of men whom you desert, you are publicly opposing your conduct to your opinions, and depriving yourself of the only plausible pretence you had for leaving your Sovereign overwhelmed with distress; I call it plausible, for, in truth, there is no reason whatsoever, less than the frowns of your master, that could justify a man of spirit for abandoning his post at a moment so critical and important? It is in vain to evade the question. If you will not speak out, the public have a right to judge from appearances. We are authorized to conclude, that you either differed from your colleagues, whose measures you still affect to defend, or that you thought the administration of the king's affairs no longer tenable. You are at liberty to choose between the hypocrite and the coward. Your best friends are in doubt which way

9, 1770, and referred to the legality of the act of the House of Commons in seating Mr. Luttrell as follows:—'I consider the decision upon that affair as a direct attack upon the first principles of the constitution; and if, in the judicial exercise of my office I were to pay any regard to that or to any other such vote passed in opposition to the known and established laws of the land, I should look upon myself as a traitor to my trust and an enemy to my country.'

[1] Mr. Stuart Mackenzie.

they shall incline. Your country unites the characters, and gives you credit for them both. For my own part I see nothing inconsistent in your conduct. You began with betraying the people,—you conclude with betraying the king.

In your treatment of particular persons, you have preserved the uniformity of your character. Even Mr. Bradshaw declares that no man was ever so ill used as himself. As to the provision [1] you have made for his family, he was intitled to it by the house he lives in. The successor of one Chancellor might well pretend to be the rival of another. It is the breach of private friendship which touches Mr. Bradshaw; and to say the truth, when a man of his rank and abilities, had taken so active a part in your affairs, he ought not to have been let down at last with a miserable pension of fifteen hundred pounds a year. Colonel Luttrell, Mr. Onslow, and Governor Burgoyne, were equally engaged with you, and have rather more reason to complain than Mr. Bradshaw. These are men, my Lord, whose friendship you should have adhered to on the same principle, on which you deserted Lord Rockingham, Lord Chatham, Lord Camden, and the Duke of Portland. We can easily account for your violating your engagements with men of honour, but why should you betray your *natural* connexions? Why separate yourself from Lord Sandwich, Lord Gower, and Mr. Rigby, or leave the three worthy gentlemen above-mentioned to shift for themselves? With all the fashionable indulgence of the times, this country does not abound in characters like theirs; and you may find it a difficult matter to recruit the black catalogue of your friends.

The recollection of the royal patent you sold to Mr. Hine, obliges me to say a word in defence of a man whom you have

[1] A pension of £1,500 per annum, insured upon the four-and-a-half per cents (he was too cunning to trust to Irish security), for the lives of himself and all his sons. This gentleman, who a few years ago was clerk to a contractor for forage, and afterwards exalted to a petty post in the war-office, thought it necessary (as soon as he was appointed Secretary to the Treasury) to take that great house in Lincoln's-Inn Fields in which the Earl of Northington had resided, while he was Lord High Chancellor of Great Britain. As to the pension, Lord North very solemnly assured the house of commons that no pension was ever so well deserved as Mr. Bradshaw's,—N.B. Lord Camden and Sir Jeffery Amherst are not near so well provided for and Sir Edward Hawke, who saved the state, retires with two thousand pounds a year, on the Irish establishment, from which he in fact receives less than Mr. Bradshaw's pension.

taken the most dishonourable means to injure. I do not refer to the sham prosecution which you affected to carry on against him. On that ground, I doubt not he is prepared to meet you with tenfold recrimination, and set you at defiance. The injury you have done him affects his moral character. You knew that the offer to purchase the reversion of a place, which has heretofore been sold under a decree of the court of Chancery, however imprudent in his situation, would no way tend to cover him with that sort of guilt which you wished to fix upon him in the eyes of the world. You laboured then, by every species of false suggestion, and even by publishing counterfeit letters, to have it understood that he had proposed terms of accommodation to you, and had offered to abandon his principles, his party, and his friends. You consulted your own breast for a character of consummate treachery, and gave it to the public for that of Mr. Vaughan. I think myself obliged to do this justice to an injured man, because I was deceived by the appearances thrown out by your Grace, and have frequently spoken of his conduct with indignation. If he really be, what I think him, honest, though mistaken, he will be happy in recovering his reputation, though at the expence of his understanding. Here, I see, the matter is likely to rest. Your Grace is afraid to carry on the prosecution. Mr. Hine keeps quiet possession of his purchase ; and Governor Burgoyne, relieved from the apprehension of refunding the money, sits down for the remainder of his life, INFAMOUS AND CONTENTED.

I believe, my Lord, I may now take my leave of you for ever. You are no longer that resolute minister, who had spirit to support the most violent measures ; who compensated for the want of great and good qualities by a brave determination (which some people admired and relied on) to maintain himself without them. The reputation of obstinacy and perseverance might have supplied the place of all the absent virtues. You have now added the last negative to your character, and meanly confessed that you are destitute of the common spirit of a man. Retire then, my Lord, and hide your blushes from the world ; for, with such a load of shame, even BLACK may change its colour. A mind such as yours, in the solitary hours of domestic enjoyment, may still find topics of consolation. You may find it in the memory of violated friendship ; in the afflictions of an accomplished prince, whom you have

disgraced and deserted, and in the agitations of a great country, driven, by your counsels, to the brink of destruction.

The palm of ministerial firmness is now transferred to Lord North. He tells us so himself with the plenitude of the *ore rotundo* [1]; and I am ready enough to believe, that, while he can keep his place, he will not easily be persuaded to resign it. Your Grace was the firm minister of yesterday: Lord North is the firm minister of to-day. To-morrow, perhaps, his Majesty, in his wisdom, may give us a rival for you both. You are too well acquainted with the temper of your late allies, to think it possible that Lord North should be permitted to govern this country. If we may believe common fame, they have shown him their superiority already. His Majesty is indeed too gracious to insult his subjects, by chusing his first minister from among the domestics of the Duke of Bedford. That would have been too gross an outrage to the three kingdoms. Their purpose, however, is equally answered by pushing forward this unhappy figure, and forcing it to bear the odium of measures, which they in reality direct. Without immediately appearing to govern, they possess the power, and distribute the emoluments of government as they think proper. They still adhere to the spirit of that calculation, which made Mr. Luttrell representative of Middlesex. Far from regretting your retreat, they assure us very gravely, that it increases the real strength of the ministry. According to this way of reasoning, they will probably grow stronger, and more flourishing every hour they exist; for I think there is hardly a day passes in which some one or other of his Majesty's servants does not leave them to improve by the loss of his assistance. But, alas! their countenances speak a different language. When the Members drop off, the main body cannot be insensible of its approaching dissolution. Even the violence of their proceedings is a signal of despair. Like broken tenants, who have had warning to quit the premises, they curse their landlord, destroy the fixtures, throw everything into confusion, and care not what mischief they do to the estate.

JUNIUS

[1] This eloquent person has got as far as the *discipline* of Demosthenes. He constantly speaks with pebbles in his mouth, to improve his articulation.

LETTER XXXVII

TO THE PRINTER OF THE PUBLIC ADVERTISER

Sir, *19 March 1770*

I believe there is no man, however indifferent about the interests of this country, who will not readily confess that the situation, to which we are now reduced, whether it has arisen from the violence of faction, or from an arbitrary system of government, justifies the most melancholy apprehensions, and calls for the exertion of whatever wisdom or vigour is left among us. The King's answer to the remonstrance of the city of London, and the measures since adopted by the ministry amount to a declaration that the principle, on which Mr. Luttrell was seated in the house of commons, is to be supported in all its consequences, and carried to its utmost extent.[1] The same spirit, which violated the freedom of election, now invades the declaration and bill of rights, and threatens to punish the subject for exercising a privilege, hitherto undisputed, of petitioning the crown. The grievances of the people are aggravated by insults; their complaints not merely disregarded, but checked by authority; and every one of those acts against which they remonstrated, confirmed by the King's decisive approbation. At such a moment, no honest man will remain silent or inactive. However distinguished by rank or property, in the rights of freedom we are all equal. As we are Englishmen, the least considerable man among us has an interest equal to the proudest nobleman, in the laws and constitution of his country, and is equally called upon to make a generous contribution in support of them;—whether it be the heart to conceive, the understanding to direct, or the hand to

[1] Editor's Note. Numerous petitions for the dissolution of Parliament on account of the illegal rejection of Wilkes and seating of Luttrell had been presented by the cities of London and Westminster and by several counties. No attention having been paid to the petitions, remonstrances were sent in, to which the King replied, in part, 'I shall always be ready to receive the requests, and to listen to the complaints of my subjects; but it gives me great concern to find that any of them should have been so far misled as to offer me an address and remonstrance, the contents of which I cannot but consider as disrespectful to me, injurious to my parliament, and irreconcilable to the principles of the constitution.'

A second remonstrance followed from the city of London, and was likewise rebuked, upon which the Lord Mayor, Mr. Beckford, broke the usual etiquette by a reply to the King, in person. This is the reply engraved on the base of the statue of Mr. Beckford at the Guildhall. The Rev. John Horne afterwards claimed the authorship of the reply, probably falsely.

execute. It is a common cause, in which we are all interested, in which we should all be engaged. The man who deserts it at this alarming crisis, is an enemy to his country, and, what I think of infinitely less importance, a traitor to his Sovereign. The subject, who is truly loyal to the chief magistrate, will neither advise nor submit to arbitrary measures. The city of London have given an example, which I doubt not, will be followed by the whole kingdom. The noble spirit of the metropolis is the life-blood of the state, collected at the heart: from that point it circulates, with health and vigour, through every artery of the constitution. The time is come, when the body of the English people must assert their own cause: conscious of their strength, and animated by a sense of their duty, they will not surrender their birthright to ministers, parliaments, or kings.

The city of London have expressed their sentiments with freedom and firmness; they have spoken truth boldly; and, in whatever light their remonstrance may be represented by courtiers, I defy the most subtle lawyer in this country to point out a single instance, in which they have exceeded the truth. Even that assertion which we are told is most offensive to parliament, in the theory of the English constitution, is strictly true. If any part of the representative body be not chosen by the people, that part vitiates and corrupts the whole. If there be a defect in the representation of the people, that power, which alone is equal to the making of laws in this country, is not complete, and the acts of parliament under that circumstance, are not the acts of a pure and entire legislature. I speak of the theory of our constitution; and whatever difficulties or inconveniences may attend the practice, I am ready to maintain, that, as far as the fact deviates from the principle, so far the practice is vicious and corrupt. I have not heard a question raised upon any other part of the remonstrance. That the principle, on which the Middlesex election was determined, is more pernicious in its effects, than either the levying of ship-money, by Charles the First, or the suspending power assumed by his son, will hardly be disputed by any man who understands or wishes well to the English constitution. It is not an act of open violence done by the King, or any direct and palpable breach of the laws attempted by his minister, that can ever endanger the liberties of this country. Against such a King or minister the people would immediately

take the alarm, and all the parties unite to oppose him. The laws may be grossly violated in particular instances, without any direct attack upon the whole system. Facts of that kind stand alone; they are attributed to necessity, not defended upon principle. We can never be really in danger, until the forms of parliament are made use of to destroy the substance of our civil and political liberties;—until parliament itself betrays its trust, by contributing to establish new principles of government, and employing the very weapons committed to it by the collective body, to stab the constitution.

As for the terms of the remonstrance, I presume it will not be affirmed, by any person less polished than a gentleman usher, that this is a season for compliments. Our gracious King indeed is abundantly civil to himself. Instead of an answer to a petition, his majesty, very gracefully pronounces his own panegyric; and I confess, that, as far as his personal behaviour, or the royal purity of his intentions is concerned, the truth of those declarations, which the minister has drawn up for his master, cannot decently be disputed. In every other respect, I affirm, that they are absolutely unsupported, either in argument or fact. I must add too, that supposing the speech were otherwise unexceptionable, it is not a direct answer to the petition of the city. His Majesty is pleased to say, that he is always ready to receive the requests of his subjects; yet the sheriffs were twice sent back with an excuse, and it was certainly debated in council whether or no the magistrates of the city of London should be admitted to an audience. Whether the remonstrance be or be not injurious to parliament, is the very question between the parliament and the people, and such a question as cannot be decided by the assertion of a third party, however respectable. That the petitioning for a dissolution of parliament is irreconcilable with the principles of the constitution is a new doctrine.[1] His Majesty perhaps has not been

[1] Compare Lord Shelburne's speech in the House of Lords, May 4, 1770: 'It is gravely told us that the answer lately given to the City Address is similar to the answers given by Charles I, Charles II, James II, and Queen Anne, to similar applications of their subjects for redress of grievances. But are some of the princes here named ranked in the catalogue of excellent sovereigns? Are they venerated as the parents or despised as the betrayers of their people, and is there no instance upon record which suits the present occasion but instances from the reign of the Stuarts? My lords, since examples from history are to be quoted let me tell you of one that does honour to the English name, and reflects new lustre upon the hero of the

informed, that the house of commons themselves have, by a formal resolution, admitted it to be the right of the subject. His Majesty proceeds to assure us that he has made the laws the rule of his conduct.—Was it in ordering or permitting his ministers to apprehend Mr. Wilkes by a general warrant?—Was it in suffering his ministers to revive the obsolete maxim of *nullum tempus* to rob the Duke of Portland of his property, and thereby give a decisive turn to a county election?—Was it in erecting a chamber consultation of surgeons, with authority to examine into and supersede the legal verdict of a jury? Or did his Majesty consult the laws of this country, when he permitted his secretary of state to declare, that whenever the civil magistrate is trifled with, a military force must be sent for, *without the delay of a moment*, and effectually employed? Or was it in the barbarous exactness with which this illegal, inhuman doctrine was carried into execution?—If his Majesty had recollected these facts, I think he would never have said, at least with any reference to the measures of his government, that he had made the laws the rule of his conduct. To talk of preserving the affections, or relying on the support of his subjects, while he continues to act upon these principles, is indeed paying a compliment to their loyalty, which I hope they have too much spirit and understanding to deserve.

His Majesty, we are told, is not only punctual in the performance of his own duty, but careful not to assume any of those powers which the constitution has placed in other hands. Admitting this last assertion to be strictly true, it is no way to the purpose. The city of London have not desired the King to assume a power placed in other hands. If they had, I should hope to see the person, who dared to present such a petition, immediately impeached. They solicit their Sovereign to exert that constitutional authority, which the laws have vested in him, for the benefit of his subjects. They call upon him to make use of his lawful prerogative in a case, which our laws evidently supposed might happen, since they have provided for it by

Revolution. Let me tell you of the Kentish Petition, in compliance with which William III dissolved the Parliament, to let the Nation see he had no double game to play, and to shew that as he had no interest separate from the interest of his subjects, all parliaments were alike acceptable to him that were agreeable to the wishes of the Kingdom. Here is a precedent for royalty, if precedents must be talked of in opposition to common sense; and happy would it be for the country, if it was carefully attended to by our silent Ministers!'—*Parl. His.*, xvi, p. 966.

trusting the Sovereign with a discretionary power to dissolve the parliament. This request will, I am confident, be supported by remonstrances from all parts of the kingdom. His Majesty will find at last, that this is the sense of his people, and that it is not his interest to support either ministry or parliament, at the hazard of a breach with the collective body of his subjects.—That he is the King of a free people, is indeed his greatest glory. That he may long continue the King of a free people, is the second wish that animates my heart. The first is, THAT THE PEOPLE MAY BE FREE.[1]

JUNIUS

LETTER XXXVIII

TO THE PRINTER OF THE PUBLIC ADVERTISER

3 April 1770

Sir,

In my last letter I offered you my opinion of the truth and propriety of his Majesty's answer to the city of London, considering it merely as the speech of a minister, drawn up in his own defence, and delivered, as usual, by the chief magistrate. I would separate as much as possible, the King's personal character and behaviour from the acts of the present government. I wish it to be understood that his Majesty had in effect no more concern in the substance of what he said, than Sir James Hodges [2] had in the remonstrance, and that as Sir James, in virtue of his office, was obliged to speak the sentiments of the people, his Majesty might think himself bound, by the same official obligation, to give a graceful utterance to the sentiments of his minister. The cold formality of a well-repeated lesson is widely distant from the animated expression of the heart.

This distinction, however, is only true with respect to the measure itself. The consequences of it reach beyond the minister, and materially affect his Majesty's honour. In their own nature they are formidable enough to alarm a man of

[1] 'When his Majesty had done reading his speech, the Lord Mayor, &c. had the honour of kissing his Majesty's hand; after which, as they were withdrawing, his Majesty instantly turned round to his courtiers *and burst out a laughing.*

'*Nero fiddled while Rome was burning.*'—JOHN HORNE.

[2] Editor's Note. Town-clerk to the city of London, who signed for the corporation the city petition and remonstrance.

prudence, and disgraceful enough to afflict a man of spirit. A subject, whose sincere attachment to his Majesty's person and family is founded upon rational principles, will not, in the present juncture, be scrupulous of alarming, or even of afflicting his Sovereign. I know there is another sort of loyalty, of which his Majesty has had plentiful experience. When the loyalty of Tories, Jacobites, and Scotchmen, has once taken possession of an unhappy Prince, it seldom leaves him without accomplishing his destruction. When the poison of their doctrines has tainted the natural benevolence of his disposition, when their insidious counsels have corrupted the *stamina* of his government, what antidote can restore him to his political health and honour, but the firm sincerity of his English subjects?

It has not been usual in this country, at least since the days of Charles the first, to see the sovereign personally at variance, or engaged in a direct altercation with his subjects. Acts of grace and indulgence are wisely appropriated to him, and should constantly be performed by himself. He never should appear but in an amiable light to his subjects. Even in France, as long as any ideas of a limited monarchy were thought worth preserving, it was a maxim, that no man should leave the royal presence discontented. They have lost or renounced the moderate principles of their government, and now, when parliaments venture to remonstrate, the tyrant comes forward, and answers absolutely for himself. The spirit of their present constitution requires that the King should be feared, and the principle I believe, is tolerably supported by the fact. But, in our political system, the theory is at variance with the practice, for the King should be beloved. Measures of greater severity may, indeed, in some circumstances, be necessary; but the minister who advises, should take the execution and odium of them entirely upon himself. He not only betrays his master, but violates the spirit of the English constitution, when he exposes the chief magistrate to the personal hatred or contempt of his subjects. When we speak of the firmness of government, we mean an uniform system of measures, deliberately adopted, and resolutely maintained by the servants of the crown, not a peevish asperity in the language or behaviour of the sovereign. The government of a weak, irresolute monarch may be wise, moderate, and firm;—that of an obstinate, capricious prince, on the contrary, may be feeble, undetermined and relaxed. The reputation of public measures depends upon the minister,

who is responsible, not upon the King, whose private opinions are not supposed to have any weight against the advice of his counsel, whose personal authority should therefore never be interposed in public affairs.—This, I believe, is true constitutional doctrine. But for a moment let us suppose it false. Let it be taken for granted, that an occasion may arise, in which a King of England shall be compelled to take upon himself the ungrateful office of rejecting the petitions, and censuring the conduct of his subjects; and let the City remonstrance be supposed to have created so extraordinary an occasion. On this principle, which I presume no friend of administration will dispute, let the wisdom and spirit of the ministry be examined. They advise the King to hazard his dignity, by a positive declaration of his own sentiments;—they suggest to him a language full of severity and reproach. What follows? When his Majesty had taken so decisive a part in support of his ministry and parliament, he had a right to expect from them a reciprocal demonstration of firmness in their own cause, and of zeal for his honour. He had reason to expect (and such, I doubt not, were the blustering promises of Lord North) that the persons whom he had been advised to charge with having failed in their respect to him, with having injured parliament, and violated the principles of the constitution, should not have been permitted to escape without some severe marks of the displeasure and vengeance of parliament. As the matter stands, the minister, after placing his sovereign in the most unfavourable light to his subjects, and after attempting to fix the ridicule and odium of his own precipitate measures upon the royal character, leaves him a solitary figure upon the scene, to recal, if he can, or to compensate, by future compliances, for one unhappy demonstration of ill-supported firmness, and ineffectual resentment. As a man of spirit, his Majesty cannot but be sensible, that the lofty terms in which he was persuaded to reprimand the city, when united with the silly conclusion of the business, resemble the pomp of a mock tragedy, where the most pathetic sentiments, and even the sufferings of the hero are calculated for derision.

Such has been the boasted firmness and consistency of a minister,[1] whose appearance in the house of commons was

[1] Lord North. This graceful minister is oddly constructed. His tongue is a little too big for his mouth, and his eyes a great deal too big for their sockets. Every part of his person sets natural proportion at defiance. At

thought essential to the King's service ;—whose presence was to influence every division :—who had a voice to persuade, an eye to penetrate, a gesture to command. The reputation of these great qualities has been fatal to his friends. The little dignity of Mr. Ellis has been committed. The mine was sunk ;—combustibles provided, and Welbore Ellis, the Guy Faux of the fable, waited only for the signal of command. All of a sudden the country gentlemen discover how grossly they have been deceived ;—the minister's heart fails him, the grand plot is defeated in a moment, and poor Mr. Ellis and his motion taken into custody. From the event of Friday last, one would imagine that some fatality hung over this gentleman. Whether he makes or suppresses a motion, he is equally sure of his disgrace. But the complexion of the times will suffer no man to be vice-treasurer of Ireland with impunity.[1]

I do not mean to express the smallest anxiety for the minister's reputation. He acts separately for himself, and the most shameful inconsistency may perhaps be no disgrace to him. But when the Sovereign, who represents the majesty of the state, appears in person, his dignity should be supported. The occasion should be important ;—the plan well considered ;—the execution steady and consistent. My zeal for his Majesty's real honour compels me to assert, that it has been too much the system of the present reign, to introduce him personally, either to act for, or to defend his servants. They persuade him to do what is properly *their* business, and desert him in the midst of it.[2]

this present writing, his head is supposed to be much too heavy for his shoulders.

[1] About this time the courtiers talked of nothing but a bill of pains and penalties against the lord mayor and sheriffs, or impeachment at the least. Little *mannikin Ellis* told the King that, if the business were left to his management, he would engage to do wonders. It was thought very odd that a motion of so much importance should be entrusted to the most contemptible little piece of machinery in the whole kingdom. His honest zeal, however, was disappointed. The minister took fright, and at the very instant that little Ellis was going to open, sent him an order to sit down. All their magnanimous threats ended in a ridiculous vote of censure, and a still more ridiculous address to the King. This shameful desertion so afflicted the generous mind of George the Third, that he was obliged to live upon potatoes for three weeks, to keep off a malignant fever.—Poor man !—*quis talia fando temperet a lacrymis* !

[2] After a certain person had succeeded in cajoling Mr. Yorke, he told the Duke of Grafton, with a witty smile, 'My Lord, you may kill the next Percy yourself.'—N.B. He had but that instant wiped the tears away, which overcame Mr. Yorke.

Yet this is an inconvenience, to which he must for ever be exposed, while he adheres to a ministry divided among themselves, or unequal in credit and ability to the great task they have undertaken. Instead of reserving the interposition of the royal personage, as the last resource of government, their weakness obliges them to apply it to every ordinary occasion, and to render it cheap and common in the opinion of the people. Instead of supporting their master, they look to *him* for support; and for the emolument of remaining one day more in office, care not how much his sacred character is prostituted and dishonoured.

If I thought it possible for this paper to reach the closet, I would venture to appeal at once to his Majesty's judgment. I would ask him, but in the most respectful terms, 'As you are a young man, Sir, who ought to have a life of happiness in prospect,—as you are a husband,—as you are father, (your filial duties I own have been religiously performed), is it *bona fide* for your interest or your honour to sacrifice your domestic tranquillity, and to live in a perpetual disagreement with your people, merely to preserve such a chain of beings as North, Barrington, Weymouth, Gower, Ellis, Onslow, Rigby, Jerry Dyson, and Sandwich? Their very names are a satire upon all government, and I defy the gravest of your chaplains to read the catalogue without laughing.'

For my own part, Sir, I have always considered addresses from parliament as a fashionable, unmeaning formality. Usurpers, ideots, and tyrants have been successively complimented with almost the same professions of duty and affection. But let us suppose them to mean exactly what they profess. The consequences deserve to be considered. Either the sovereign is a man of high spirit and dangerous ambition, ready to take advantage of the treachery of his parliament, ready to accept of the surrender they make him of the public liberty;—or he is a mild, undesigning prince, who, provided they indulge him with a little state and pageantry, would of himself intend no mischief. On the first supposition, it must soon be decided by the sword, whether the constitution should be lost or preserved. On the second, a prince no way qualified for the execution of a great and hazardous enterprize, and without any determined object in view, may nevertheless be driven into such desperate measures, as may lead directly to his ruin, or disgrace himself by a shameful fluctuation between the extremes of violence at one moment, and timidity at another. The

minister perhaps may have reason to be satisfied with the success of the present hour, and with the profits of his employment. He is the tenant of the day, and has no interest in the inheritance. The sovereign himself is bound by other obligations, and ought to look forward to a superior, a permanent interest. His paternal tenderness should remind him, how many hostages he has given to society. The ties of nature come powerfully in aid of oaths and protestations. The father, who considers his own precarious state of health, and the possible hazard of a long minority will wish to see the family estate free and unincumbered.[1] What is the dignity of the crown, though it were really maintained ;—what is the honour of parliament, supposing it could exist without any foundation of integrity and justice ;—or what is the vain reputation of firmness, even if the scheme of government were uniform and consistent, compared with the heartfelt affections of the people, with the happiness and security of the royal family, or even with the grateful acclamations of the populace ! Whatever style of contempt may be adopted by ministers or parliaments, no man sincerely despises the voice of the English nation. The house of commons are only interpreters, whose duty it is to convey the sense of the people faithfully to the crown. If the interpretation be false or imperfect, the constituent powers are called upon to deliver their own sentiments. Their speech is rude, but intelligible ; —their gestures fierce, but full of explanation. Perplexed by sophistries, their honest eloquence rises into action. The first appeal was to the integrity of their representatives ;—the second to the King's justice ;—the last argument of the people, whenever they have recourse to it, will carry more perhaps than persuasion to parliament, or supplication to the throne.

JUNIUS

LETTER XXXIX

TO THE PRINTER OF THE PUBLIC ADVERTISER

Sir, *28 May 1770*

While parliament was sitting, it would neither have been safe, nor perhaps quite regular, to offer any opinion to the

[1] Every true friend of the house of Brunswick sees with affliction how rapidly some of the principal branches of the family have dropped off.

public upon the justice or wisdom of their proceedings. To pronounce fairly upon their conduct, it was necessary to wait until we could consider, in one view, the beginning, progress, and conclusion of their deliberations. The cause of the public was undertaken and supported by men, whose abilities and united authority, to say nothing of the advantageous ground they stood on, might well be thought sufficient to determine a popular question in favour of the people. Neither was the house of commons so absolutely engaged in defence of the ministry, or even of their own resolutions, but that *they* might have paid some decent regard to the known disposition of their constituents, and, without any dishonour to their firmness, might have retracted an opinion too hastily adopted, when they saw the alarm it had created, and how strongly it was opposed by the general sense of the nation. The ministry too would have consulted their own immediate interest, in making some concession satisfactory to the moderate part of the people. Without touching the fact, they might have consented to guard against, or give up the dangerous principle on which it was established. In this state of things, I think it was highly improbable at the beginning of the session, that the complaints of the people upon a matter, which, in *their* apprehension at least, immediately affected the life of the constitution, would be treated with as much contempt by their own representatives, and by the house of lords, as they had been by the other branch of the legislature. Despairing of their integrity, we had a right to expect something from their prudence, and something from their fears. The Duke of Grafton certainly did not foresee to what an extent the corruption of a parliament might be carried. He thought, perhaps, that there was still some portion of shame or virtue left in the majority of the house of commons, or that there was a line in public prostitution, beyond which they would scruple to proceed. Had the young man been a little more practised in the world, or had he ventured to measure the characters of other men by his own, he would not have been so easily discouraged.

The prorogation of parliament naturally calls upon us to review their proceedings, and to consider the condition in which they have left the kingdom. I do not question but they have done what is usually called the King's business, much to his Majesty's satisfaction. We have only to lament, that, in consequence of a system introduced or revived in the present

reign, this kind of merit should be very consistent with the neglect of every duty they owe to the nation. The interval between the opening of the last and the close of the former session was longer than usual.[1] Whatever were the views of the minister in deferring the meeting of parliament, sufficient time was certainly given to every member of the house of commons, to look back upon the steps he had taken, and the consequences they had produced. The zeal of party, the violence of personal animosities, and the heat of contention had leisure to subside. From that period, whatever resolution they took was deliberate and prepense. In the preceding session, the dependents of the ministry had affected to believe, that the final determination of the question would have satisfied the nation, or at least put a stop to their complaints; as if the certainty of an evil could diminish the sense of it, or the nature of injustice could be altered by decision. But they found the people of England were in a temper very distant from submission; and although it was contended that the house of commons could not themselves reverse a resolution, which had the force and effect of a judicial sentence, there were other constitutional expedients, which would have given a security against any similar attempts for the future. The general proposition, in which the whole country had an interest, might have been reduced to a particular fact, in which Mr. Wilkes and Mr. Luttrell would alone have been concerned. The house of lords might interpose;—the king might dissolve the parliament;—or, if every other resource failed, there still lay a grand constitutional writ of error, in behalf of the people, from the decision of one court to the wisdom of the whole legislature. Every one of these remedies has been successively attempted. The people performed *their* part with dignity, spirit, and perseverance. For many months his Majesty heard nothing from his subjects but the language of complaint and resentment;—unhappily for this country, it was the daily triumph of his courtiers that he heard it with an indifference approaching to contempt.

The house of commons having assumed a power unknown to the constitution, were determined not merely to support it in the single instance in question, but to maintain the doctrine in its utmost extent, and to establish the fact as a precedent in law, to be applied in whatever manner his Majesty's servants should hereafter think fit. Their proceedings upon this occa-

[1] Editor's Note. •There had been no autumn session.

sion are a strong proof that a decision, in the first instance illegal and unjust, can only be supported by a continuation of falsehood and injustice. To support their former resolutions, they were obliged to violate some of the best known and established rules of the house. In one instance they went so far as to declare, in open defiance of truth and common sense, that it was not the rule of the house to divide a complicated question, at the request of a member.[1] But after trampling upon the laws of the land, it was not wonderful that they should treat the private regulations of their own assembly with equal disregard. The speaker, being young in office, began with pretending ignorance, and ended with deciding for the ministry. We were not surprized at the decision; but he hesitated and blushed at his own baseness,[2] and every man was astonished.[3]

The interest of the public was vigorously supported in the house of lords. Their right to defend the constitution against an encroachment of the other estates, and the necessity of exerting it at this period, was urged to them with every argument, that could be supposed to influence the heart or the understanding. But it soon appeared that they had already taken their part, and were determined to support the house of commons, not only at the expense of truth and decency, but even by a surrender of their own most important rights. Instead of performing that duty which the constitution expects from them, in return for the dignity and independence of their station, in return for the hereditary share it has given them in the legislature, the majority of them made common cause with

[1] This extravagant resolution appears in the Votes of the house, but, in the minutes of the committees, the instances of resolutions contrary to law and truth, and of refusals to acknowledge law and truth when proposed to them, are innumerable.

[2] Editor's Note. Sir Fletcher Norton had been elected speaker of the house of commons, January 22, 1770.

[3] When the King first made it a measure of his government to destroy Mr. Wilkes, and when for this purpose it was necessary to run down privilege, Sir Fletcher Norton, with his usual prostituted effrontery, assured the house of commons that he should regard one of their votes no more than a resolution of so many drunken porters. This is the very lawyer whom Ben Jonson describes in the following lines:

> 'Gives forked counsel; takes provoking gold
> *On either hand*, and puts it up.
> So wise, so grave, of so perplex'd a tongue,
> And *loud* withal, that would not wag, nor scarce
> Lie still without *a fee*.'

the other house in oppressing the people, and established another doctrine as false as itself, and if possible more pernicious to the constitution, than that on which the Middlesex election was determined. By resolving, 'that they had no right to impeach a judgment of the house of commons in any case whatsoever, where that house has a competent jurisdiction,' they in effect gave up that constitutional check and reciprocal controul of one branch of the legislature over the other, which is perhaps the greatest and most important object provided for by the division of the whole legislative power into three estates; and now, let the judicial decisions of the house of commons be ever so extravagant, let their declarations of the law be ever so flagrantly false, arbitrary, and oppressive to the subject, the house of lords have imposed a slavish silence upon themselves;—they cannot interpose,—they cannot protect the subject,—they cannot defend the laws of their country. A concession so extraordinary in itself, so contradictory to the principles of their own institution, cannot but alarm the most unsuspecting mind. We may well conclude, that the lords would hardly have yielded so much to the other house, without the certainty of a compensation, which can only be made to them at the expence of the people. The arbitrary power they have assumed of imposing fines, and committing, during pleasure, will now be exercised in its full extent.[1] The house of commons are too much in their debt to question or interrupt their proceedings. The crown too, we may be well assured, will lose nothing in this new distribution of power. After declaring, that to petition for a dissolution of parliament is irreconcilable with the principles of the constitution,—his Majesty has reason to expect that some extraordinary compliment will be returned to the Royal prerogative. The three branches of the legislature seem to treat their separate rights and interests as the Roman Triumvirs did their friends. They reciprocally sacrifice them to the animosities of each other, and establish a detestable union among themselves, upon the ruin of the laws and liberty of the commonwealth.

[1] The man who resists and overcomes this iniquitous power assumed by the lords must be supported by the whole people. We have the laws of our side, and want nothing but an intrepid leader. When such a man stands forth let the nation look to it. It is not *his* cause, but our own.

Editor's Note. See Private Letters, Nos. 80, 81, and 82, in which Wilkes and Junius discuss an attack on the House of Lords.

rough the whole proceedings of the house of commons in ession, there is an apparent, a palpable consciousness of , which has prevented their daring to assert their own ity, where it has been immediately and grossly attacked. ie course of Doctor Musgrave's examination, he said every- g that can be conceived mortifying to individuals, or offen- to the house. They voted his information frivolous, but were awed by his firmness and integrity, and sunk under[1]

The terms, in which the sale of a patent to Mr. Hine were nmunicated to the public, naturally called for a parlia- ntary inquiry. The integrity of the house of commons was ectly impeached; but they had not courage to move in their n vindication, because the inquiry would have been fatal to olonel Burgoyne, and the Duke of Grafton. When Sir George aville branded them with the name of traitors to their con- ituents, when the Lord Mayor, the Sheriffs, and Mr. Treco- ick expressly avowed and maintained every part of the city emonstrance, why did they tamely submit to be insulted? Why did they not immediately expel those refractory members? Conscious of the motives, on which they had acted, they prudently preferred infamy to danger, and were better prepared to meet the contempt, than to rouze the indignation of the whole people. Had they expelled those five members,[2] the consequences of the new doctrine of incapacitation would have come immediately home to every man. The truth of it would then have been fairly tried, without any reference to Mr. Wilkes's private character, or the dignity of the House, or the obstinacy of one particular county. These topics, I know, have had their weight with men, who affecting a character of moderation, in reality consult nothing but their own immediate ease;—who are weak enough to acquiesce under a flagrant violation of the laws, when it does not directly touch themselves, and care not what injustice is practised upon a man, whose moral character they piously think themselves obliged to condemn. In any other circumstances, the house of commons must have forfeited all credit and dignity, if, after such gross

[1] The examination of this firm, honest man is printed for Almon. The reader will find it a most curious and a most interesting tract. Doctor Musgrave, with no other support but truth, and his own firmness, resisted, and overcame the whole house of commons.

[2] Editor's Note. The five members included, besides Sir George Saville and Mr. Trecothick,—Mr. Beckford, Mr. Sawbridge, and Mr. Townshend.

provocation, they had permitted those five gentlemen to sit any longer among them. We should then have seen and felt the operation of a precedent, which is represented to be perfectly barren and harmless. But there is a set of men in this country whose understandings measure the violation of law, by the magnitude of the instance, not by the important consequences, which flow directly from the principle, and the minister, I presume, did not think it safe to quicken their apprehension too soon. Had Mr. Hampden reasoned and acted like the moderate men of these days, instead of hazarding his whole fortune in a law-suit with the crown, he would have quietly paid the twenty shillings demanded of him, the Stuart family would probably have continued upon the throne, and, at this moment, the imposition of ship-money would have been an acknowledged prerogative of the crown.

WHAT then has been the business of the session, after voting the supplies, and confirming the determination of the Middlesex election? The extraordinary prorogation of the Irish parliament, and the just discontents of that kingdom, have been passed by without notice. Neither the general situation of our Colonies, nor that particular distress which forced the inhabitants of Boston to take up arms in their defence, have been thought worthy of a moment's consideration. In the repeal of those acts, which were most offensive to America, the parliament have done everything but remove the offence. They have relinquished the revenue, but judiciously taken care to preserve the contention.[1] It is not pretended that the continuance of the tea duty is to produce any direct benefit whatsoever to the mother country. What is it, then, but an odious, unprofitable exertion of a speculative right, and fixing a badge of slavery upon the Americans, without service to their masters? But it has pleased God to give us a ministry and a parliament who are neither to be persuaded by argument nor instructed by experience.

Lord North, I presume, will not claim an extraordinary merit from anything he has done this year in the improvement or application of the revenue. A great operation, directed to an important object, though it should fail of success, marks the

[1] Editor's Note. In an earlier administration, Shelburne had taken exactly the same attitude in regard to the Declaratory Act of the Rockingham party.

:nius and elevates the character of a minister. A poor ontracted understanding deals in little schemes which dis-onour him if they fail, and do him no credit when they succeed. ord North had fortunately the means in his possession of educing all the four per cents at once.[1] The failure of his first nterprize in finance is not half so disgraceful to his reputation s a minister as the enterprise itself is injurious to the public. nstead of striking one decisive blow, which would have cleared he market at once, upon terms proportioned to the price of the our per cents six weeks ago, he has tampered with a pitiful portion of a commodity, which ought never to have been touched but in gross ;—he has given notice to the holders of that stock, of a design formed by government to prevail upon them to surrender it by degrees, consequently has warned them to hold up and enhance the price ;—so that the plan of reducing the four per cents must either be dropped entirely, or continued with an increasing disadvantage to the public. The minister's sagacity has served to raise the value of the thing he means to purchase, and to sink that of the three per cents, which it is his purpose to sell. In effect, he has contrived to make it the interest of the proprietor of four per cents to sell out and buy three per cents in the market, rather than subscribe his stock upon any terms that can possibly be offered by government.

The state of the nation leads us naturally to consider the situation of the King. The prorogation of parliament has the effect of a temporary dissolution. The odium of measures adopted by the collective body sits lightly upon the separate members, who composed it. They retire into summer quarters, and rest from the disgraceful labours of the campaign. But as for the Sovereign, *it is not so with him.* He has a permanent existence in this country ; HE cannot withdraw himself from the complaints, the discontents, the reproaches of his subjects. They pursue him to his retirement, and invade his domestic happiness, when no address can be obtained from an

[1] Editor's Note. The Sinking Fund being in a position to liquidate the loan of two millions raised by Government in the 29th of Geo. II, the house of commons had ordered, April 26, 1770, that the annuities remaining should be paid off. In consequence, these annuities, the three per cents, began to rise, and the Government four per cents began to drop in price. Lord North could have induced all the holders of four per cents to transfer them into three per cents by the offer of a small bonus, thus relieving the public debt, but as Junius shows, he went about the matter so slowly that his financial moves were discounted by investors before they were carried out.

obsequious parliament to encourage or console him. In other times, the interest of the King and people of England was, as it ought to be, entirely the same. A new system has not only been adopted in fact, but professed upon principle. Ministers are no longer the public servants of the state, but the private domestics of the Sovereign. One particular class of men are permitted to call themselves the King's friends,[1] as if the body of the people were the King's enemies; or as if his Majesty looked for a resource or consolation, in the attachment of a few favourites, against the general contempt and detestation of his subjects. Edward, and Richard the second, made the same distinction between the collective body of the people, and a contemptible party who surrounded the throne. The event of their mistaken conduct might have been a warning to their successors. Yet the errors of those princes were not without excuse. They had as many false friends, as our present gracious Sovereign, and infinitely greater temptations to seduce them. They were neither sober, religious, nor demure. Intoxicated with pleasure, they wasted their inheritance in pursuit of it. Their lives were like a rapid torrent, brilliant in prospect, though useless or dangerous in its course. In the dull, unanimated existence of other princes, we see nothing but a sickly, stagnant water, which taints the atmosphere without fertilizing the soil.—The morality of a King is not to be measured by vulgar rules. His situation is singular. There are faults which do him honour, and virtues that disgrace him. A faultless, insipid equality in his character, is neither capable of vice nor virtue in the extreme; but it secures his submission to those persons, whom he has been accustomed to respect, and makes him a dangerous instrument of *their* ambition. Secluded from the world, attached from his infancy to one set of persons, and one set of ideas, he can neither open his heart to new connexions, nor his mind to better information. A character of this sort is the soil fittest to produce that obstinate bigotry in politics and religion, which begins with a meritorious sacrifice of the understanding, and finally conducts the monarch and the martyr to the block.

At any other period, I doubt not, the scandalous disorders

[1] 'An ignorant, mercenary, and servile crew; unanimous in evil, diligent in mischief, variable in principles, constant to flattery, talkers for liberty, but slaves to power—stiling themselves the court party and the prince's only friends.'—*Davenant.*

which have been introduced into the government of all the dependencies of the empire would have roused and engaged the attention of the public. The odious abuse and prostitution of the prerogative at home, the unconstitutional employment of the military, the arbitrary fines and commitments by the house of lords, and court of king's bench, the mercy of a chaste and pious Prince extended chearfully to a wilful murderer, because that murderer is the brother of a common prostitute,[1] would, I think, at any other time, have excited universal indignation. But the daring attack upon the constitution in the Middlesex election, makes us callous and indifferent to inferior grievances. No man regards an eruption upon the surface, when the noble parts are invaded, and he feels a mortification approaching to his heart. The free election of our representatives in parliament comprehends, because it is, the source and security of every right and privilege of the English nation. The ministry have realized the compendious ideas of Caligula. They know that the liberty, the laws, and property of an Englishman have in truth but one neck, and that, to violate the freedom of election, strikes deeply at them all.

JUNIUS

LETTER XL

TO LORD NORTH

22 Aug. 1770

My Lord,

Mr. Luttrell's services were the chief support and ornament of the Duke of Grafton's administration. The

[1] Miss Kennedy.

Editor's Note. Heron, in his edition of Junius (1803), gives the following account of the Kennedys: 'Matthew and Patrick Kennedy were condemned to death for the murder of John Bigby, a watchman. Their sister was a prostitute. She found means to engage some persons to ask their reprieve from the King. There was nothing of unusual atrocity in the circumstances of their crime. They were respited; and pardoned. But the widow of the person whom they had killed, laid an appeal against them; and they were reserved for a new trial. Lord Palmerston, Lord Spencer, and George Selwyn, were among those who took an especial interest in their fate. Their friends contrived to satisfy the widow; and, when the time arrived for the second trial, she did not appear against them. The sum of three hundred and fifty pounds, is said to have been paid her, as a compensation. She cried bitterly when she came to receive the money; refused to take it with her own hands; and, at last, holding up her lap, bade them shove it into it.'

honour of rewarding them was reserved for your lordship. The Duke, it seems, had contracted an obligation he was ashamed to acknowledge, and unable to acquit. You, my Lord, had no scruples. You accepted of the succession with all its incumbrances, and have paid Mr. Luttrell his legacy, at the hazard of ruining the estate.

When this accomplished youth declared himself the champion of government, the world was busy in inquiring what honours or emoluments could be a sufficient recompense, to a young man of his rank and fortune, for submitting to mark his entrance into life with the universal contempt and detestation of his country. —His noble father had not been so precipitate.—To vacate his seat in parliament ;—to intrude upon a county in which he had no interest or connexion ;—to possess himself of another man's right, and to maintain it in defiance of public shame as well as justice, bespoke a degree of zeal or of depravity, which all the favour of a pious Prince could hardly requite. I protest, my Lord, there is in this young man's conduct, a strain of prostitution, which, for its singularity, I cannot but admire. He has discovered a new line in the human character ;—he has degraded even the name of Luttrell, and gratified his father's most sanguine expectations.

The Duke of Grafton, with every possible disposition to patronise this kind of merit, was contented with pronouncing Colonel Luttrell's panegyric. The gallant spirit, the disinterested zeal of the young adventurer, were echoed through the house of lords. His Grace repeatedly pledged himself to the house, as an evidence of the purity of his friend Mr. Luttrell's intentions ;—that he had engaged without any prospect of personal benefit, and that the idea of compensation would mortally offend him.[1] The noble Duke could hardly be in earnest ; but he had lately quitted his employment, and began to think it necessary to take some care of his reputation. At that very moment the Irish negociation was probably begun.—Come forward, thou worthy representative of Lord Bute, and tell this insulted country, who advised the King to appoint Mr. Luttrell ADJUTANT-GENERAL to the army in Ireland. By what management was Colonel Cuninghame prevailed on to resign his employment, and the obsequious Gisborne to accept of a

[1] He now says that his great object is the rank of colonel, and that he *will* have it.

pension for the government of Kinsale? [1] Was it an original stipulation with the Princess of Wales, or does he owe his preferment to your Lordship's partiality, or to the Duke of Bedford's friendship? My Lord, though it may not be possible to trace this measure to its source, we can follow the stream, and warn the country of its approaching destruction. The English nation must be rouzed, and put upon its guard. Mr. Luttrell has already shown us how far he may be trusted, whenever an open attack is to be made upon the liberties of this country. I do not doubt that there is a deliberate plan formed.—Your Lordship best knows by whom;—the corruption of the legislative body on this side—a military force on the other—and then, *Farewell to England*! It is impossible that any minister shall dare to advise the king to place such a man as Luttrell in the confidential post of Adjutant-general, if there were not some secret purpose in view, which only such a man as Luttrell is fit to promote. The insult offered to the army in general is as gross as the outrage intended to the people of England. What! Lieutenant-colonel Luttrell, Adjutant-general of an army of sixteen thousand men! one would think his Majesty's campaigns at Blackheath and Wimbledon might have taught him better.—I cannot help wishing General Harvey joy of a colleague, who does so much honour to the employment.—But, my Lord, this measure is too daring to pass unnoticed, too dangerous to be received with indifference or submission. You shall not have time to new-model the Irish army. They will not submit to be garbled by Colonel Luttrell. As a mischief to the English constitution, (for he is not worth the name of enemy) they already detest him. As a boy, impudently thrust over their heads, they will receive him with indignation and contempt.—As for you, my Lord, who perhaps are no more than the blind, unhappy instrument of Lord Bute and her Royal

[1] This infamous transaction ought to be explained to the public. Colonel Gisborne was quarter-master-general in Ireland. Lord Townshend persuades him to resign to a Scotch officer, one Fraser, and gives him the government of Kinsale.—Colonel Cuninghame was adjutant-general in Ireland. Lord Townshend offers him a pension to induce him to resign to Luttrell. Cuninghame treats the offer with contempt. What's to be done? poor Gisborne must move once more.—He accepts of a pension of 500*l.* a year until a government of greater value shall become vacant. Colonel Cuninghame is made Governor of Kinsale; and Luttrell, at last, for whom the whole machinery is put in motion, becomes Adjutant-general, and in effect takes the command of the army in Ireland.

Highness the Princess of Wales, be assured that you shall be called upon to answer for the advice, which has been given, and either discover your accomplices, or fall a sacrifice to their security.

JUNIUS

LETTER XLI

TO THE RIGHT HONOURABLE LORD MANSFIELD

14 November 1770

My Lord,

The appearance of this letter will attract the curiosity of the public, and command even your Lordship's attention. I am considerably in your debt, and shall endeavour, once for all, to balance the account. Accept of this address, my Lord, as a prologue to more important scenes, in which you will probably be called upon to act or suffer.

You will not question my veracity, when I assure you that it has not been owing to any particular respect for your person that I have abstained from you so long. Besides the distress and danger with which the press is threatened, when your Lordship is party, and the party is to be judge, I confess I have been deterred by the difficulty of the task. Our language has no term of reproach, the mind has no idea of detestation, which has not already been happily applied to you, and exhausted.—Ample justice has been done by abler pens than mine to the separate merits of your life and character. Let it be *my* humble office to collect the scattered sweets, till their united virtue tortures the sense.

Permit me to begin with paying a just tribute to Scotch sincerity, wherever I find it. I own I am not apt to confide in the professions of gentlemen of that country; and when they smile, I feel an involuntary emotion to guard myself against mischief. With this general opinion of an ancient nation, I always thought it much to your Lordship's honour, that in your earlier days, you were but little infected with the prudence of your country. You had some original attachments, which you took every proper opportunity to acknowledge. The liberal spirit of youth prevailed over your native discretion. Your zeal in the cause of an unhappy prince was expressed with the sincerity of wine, and some of the solemnities of reli-

gion.[1] This, I conceive, is the most amiable point of view in which your character has appeared. Like an honest man, you took that part in politics, which might have been expected from your birth, education, country, and connections. There was something generous in your attachment to the banished house of Stuart. We lament the mistakes of a good man, and do not begin to detest him until he affects to renounce his principles. Why did you not adhere to that loyalty you once professed? Why did you not follow the example of your worthy brother?[2] With him you might have shared in the honour of the Pretender's confidence—with him you might have preserved the integrity of your character, and England, I think, might have spared you without regret. Your friends will say, perhaps, that, although you deserted the fortune of your liege lord, you have adhered firmly to the principles which drove his father from the throne; that without openly supporting the person, you have done essential service to the cause, and consoled yourself for the loss of a favourite family by reviving and establishing the maxims of their government. This is the way in which a Scotchman's understanding corrects the error of his heart. My Lord, I acknowledge the truth of the defence, and can trace it through all your conduct. I see through your whole life, one uniform plan to enlarge the power of the crown, at the expence of the liberty of the subject. To this object your thoughts, words, and actions have been constantly directed. In contempt or ignorance of the common law of England, you have made it your study to introduce into the court, where you preside, maxims of jurisprudence unknown to Englishmen. The Roman code, the law of nations, and the opinion of foreign civilians are your perpetual theme;—but who ever heard you mention Magna Charta or the Bill of Rights with approbation or respect? By such treacherous arts, the noble simplicity and free spirit of our Saxon laws were first corrupted. The Norman conquest was not compleat, until Norman lawyers had introduced their laws, and reduced slavery to a system.—This one leading principle directs your interpretation of the laws, and accounts for your treatment of juries. It is not in political

[1] This man was always a rank Jacobite. Lord Ravensworth produced the most satisfactory Evidence of his having frequently drunk the Pretender's health upon his knees.

[2] Confidential secretary to the late Pretender. The circumstance confirmed the friendship between the brothers.



WILLIAM MURRAY, BARON MANSFIELD
AFTERWARDS EARL OF MANSFIELD

[FROM THE PAINTING BY COPLEY IN THE NATIONAL PORTRAIT GALLERY]

questions only (for there the courtier might be forgiven) but let the cause be what it may, your understanding is equally on the rack, either to contract the power of the jury, or to mislead their judgment. For the truth of this assertion, I appeal to the doctrine you delivered in Lord Grosvenor's cause. An action for criminal conversation being brought by a peer against a prince of the blood, you were daring enough to tell the jury that, in fixing the damages, they were to pay no regard to the quality or fortune of the parties ;—that it was a trial between A. and B.,—that they were to consider the offence in a moral light only, and give no greater damages to a peer of the realm, than to the meanest mechanic. I shall not attempt to refute a doctrine, which, if it was meant for law, carries falsehood and absurdity upon the face of it ; but, if it was meant for a declaration of your political creed, is clear and consistent. Under an arbitrary government, all ranks and distinctions are confounded. The honour of a nobleman is no more considered than the reputation of a peasant, for, with different liveries, they are equally slaves.

Even in matters of private property, we see the same bias and inclination to depart from the decisions of your predecessors, which you certainly ought to receive as evidence of the common law. Instead of those certain positive rules, by which the judgment of a court of law should invariably be determined, you have fondly introduced your own unsettled notions of equity and substantial justice. Decisions given upon such principles do not alarm the public so much as they ought, because the consequence and tendency of each particular instance, is not observed or regarded. In the meantime the practice gains ground ; the court of King's Bench becomes a court of equity, and the judge, instead of consulting strictly the law of the land, refers only to the wisdom of the court, and to the purity of his own conscience. The name of Mr. Justice Yates, will naturally revive in your mind some of those emotions of fear and detestation, with which you always beheld him.[1] That great lawyer, that honest man, saw your whole conduct in the light that I do. After years of ineffectual resistance to the pernicious principles introduced by your Lordship, and uniformly supported by your *humble friends* upon the bench, he determined, to quit a court, whose proceedings and deci-

[1] Editor's Note. Sir Joseph Yates had left the court of King's Bench, and passed to the Court of Common Pleas, May 4, 1770.

ns he could neither assent to with honour, nor oppose with success.

The injustice done to an Individual is sometimes of e public.[1] Facts are apt to alarm us more than ngerous principles. The sufferings and firmness of a inter have roused the public attention. You knew and felt at your conduct would not bear a parliamentary inquiry, id you hoped to escape it by the meanest, the basest sacrifice dignity and consistency, that ever was made by a great magistate. Where was your firmness, where was that vindictive pirit, of which we have seen so many examples, when a man, inconsiderable as Bingley, could force you to confess, in the ce of this country, that for two years together, you had legally deprived an English subject of his liberty, and that he ad triumphed over you at last? Yet I own my lord, that our's is not an uncommon character. Women, and men like omen, are timid, vindictive, and irresolute. Their passions ounteract each other, and make the same creatures at one noment hateful, at another contemptible. I fancy, my Lord, ome time will elapse before you venture to commit another Englishman for refusing to answer interrogatories.[2]

The doctrine you have constantly delivered, in cases of libel s another powerful evidence of a settled plan to cont egal power of juries, and to draw questions, inseparab act, within the *arbitrium* of the court. Here, my Lo have fortune of your side. When you invade the province of the jury in matter of libel, you, in effect, attack the liberty of the press, and with a single stroke, wound two of your ies.—In some instances you have succeeded, because jurymen are too often ignorant of their own rights, and too apt to be awed by the authority of a chief justice. In other criminal prosecutions, the malice of the design is confessedly as much the subject of consideration to a jury, as the certainty of the fact.

[1] The oppression of an obscure individual gave birth to the *Habeas Corpus* Act of 31 Car. II. which is frequently considered as another Magna Charta of the kingdom.—*Blackstone*, iii. 135.

[2] 'Bingley was committed for contempt in not submitting to be examined. He lay in prison two years, until the Crown thought the matter might occasion some serious complaint, and therefore he was let out, in the same contumacious state he had been put in, with all his sins about him, unanointed and unannealed.—There was much coquetry between the Court and the Attorney-General, about who should undergo the ridicule of letting him escape.'—*Vide another Letter to* ALMON, p. 189.

If a different doctrine prevails in the case of libels, why should it not extend to *all* criminal cases?—Why not to capital offences? I see no reason (and I dare say you will agree with me that there is no good one) why the life of the subject should be better protected against you, than his liberty or property. Why should you enjoy the full power of pillory, fine, and imprisonment, and not be indulged with hanging or transportation? With your Lordship's fertile genius and merciful disposition, I can conceive such an exercise of the power you have, as could hardly be aggravated by that which you have not.[1]

But, my Lord, since you have laboured, (and not unsuccessfully) to destroy the substance *of the trial*, why should you suffer the form of the *verdict* to remain? Why force twelve honest men, in palpable violation of their oaths, to pronounce their fellow-subject a *guilty* man, when, almost at the same moment, you forbid their inquiring into the only circumstance, which in the eye of law and reason constitutes guilt—the malignity or innocence of his intentions?—But I understand your Lordship. —If you could succeed in making the trial by jury useless and ridiculous, you might then with greater safety introduce a bill into parliament for enlarging the jurisdiction of the court, and extending your favourite trial by interrogatories to every question, in which the life or liberty of an Englishman is concerned.[2]

Your charge to the jury, in the prosecution against Almon and Woodfall, contradicts the highest legal authorities, as well as the plainest dictates of reason. In Miller's cause, and still more expressly in that of Baldwin, you have proceeded a step farther, and grossly contradicted yourself.—You may know perhaps, though I do not mean to insult you by an appeal to your experience, that the language of truth is uniform and consistent. To depart from it safely requires memory and dis-

[1] Editor's Note. Junius's position was legally established in 1792, as remarked before, by Fox's Libel Act, 32 Geo. 3, c. 60.

[2] 'The philosophical poet, doth notable describe the damnable and damned proceedings of the Judge of Hell:

'Gnossius hîc Rhadamanthus habet durissima regna,
'Castigatque, auditque dolos, *subigitque fateri.*

First he punisheth, and *then* he heareth; and, lastly, compelleth to confess, and makes and mars laws at his pleasure, like as the Centurion, in the holy history, did to St. Paul, for the text saith, "*Centurio apprehendi Paulum jussit, et se catensis eligari, et* tunc INTERROGABAT, *quis fuisset, et quid fecisset*"; but good Judges and Justices abhor these courses.'—*Coke* 2, *Inst.* 55.

cretion. In the two last trials, your charge to the jury began, as usual, with assuring them that they had nothing to do with the law,—that they were to find the bare fact, and not concern themselves about the legal inferences drawn from it, or the degree of the defendant's guilt.—Thus far you were consistent with your former practice.—But how will you account for the conclusion? You told the jury that, 'if, after all, they would take upon themselves to determine the law, *they might do it*, but they must be very sure that they determined according to law, for it touched their consciences, and they acted at their peril.'—If I understand your first proposition, you meant to affirm, that the jury were not competent judges of the law in the criminal case of a libel—that it did not fall within *their* jurisdiction; and that, with respect to *them*, the malice or innocence of the defendant's intentions would be a question *coram non judice*.—But the second proposition clears away your own difficulties, and restores the jury to all their judicial capacities. You make the competence of the court to depend upon the legality of the decision.[1] In the first instance you deny the power absolutely. In the second, you admit the power, provided it be legally exercised. Now, my Lord, without pretending to reconcile the distinctions of Westminster-hall with the simple information of common sense, or the integrity of fair argument, I shall be understood by your Lordship, when I assert that, if a jury or any other court of judicature (for jurors are judges) have no right to entertain a cause, or question of law, it signifies nothing whether their decision be or be not according to law. Their decision is in itself a mere nullity: the parties are not bound to submit to it; and, if the jury run any risque of punishment, it is not for pronouncing a corrupt or illegal verdict, but for the illegality of meddling with a point, on which they have no legal authority to decide.[2]

I cannot quit this subject without reminding your Lordship

[1] Directly the reverse of the doctrine he constantly maintained in the house of lords and elsewhere upon the decision of the Middlesex election. He invariably asserted that the decision must be *legal*, because the court was *competent*; and never could be prevailed on to enter farther into the question.

[2] These iniquitous prosecutions cost the best of princes six thousand pounds, and ended in the total defeat and disgrace of the prosecutors. In the course of one of them, Judge Aston had the unparalleled impudence to tell Mr. Morris (a gentleman of unquestionable honour and integrity, and who was then giving his evidence on oath), that *he should pay very little regard to any affidavit he should make.*

of the name of Mr. Benson. Without offering any legal objection, you ordered a special juryman to be set aside in a cause, where the King was prosecutor. The novelty of the fact required explanation. Will you condescend to tell the world by what law or custom you were authorized to make a peremptory challenge of a juryman? The parties indeed have this power, and perhaps your Lordship, having accustomed yourself to unite the characters of judge and party, may claim it in virtue of the new capacity you have assumed, and profit by your own wrong. The time, within which you might have been punished for this daring attempt to pack a jury, is, I fear, elapsed; but no length of time shall erase the record of it.

The mischiefs you have done this country are not confined to your interpretation of the laws. You are a minister, my Lord, and, as such, have long been consulted; let us candidly examine what use you have made of your ministerial influence; I will not descend to little matters, but come at once to those important points, on which your resolution was waited for, on which the expectation of your opinion kept a great part of the nation in suspence.—A constitutional question arises upon a declaration of the law of parliament, by which the freedom of election, and the birthright of the subject were supposed to have been invaded.—The King's servants are accused of violating the constitution.—The nation is in a ferment.—The ablest men of all parties engage in the question, and exert their utmost abilities in the discussion of it.—What part has the honest Lord Mansfield acted? As an eminent judge of the law, his opinion would have been respected.—As a peer, he had a right to demand an audience of his Sovereign, and inform him that his ministers were pursuing unconstitutional measures.—Upon other occasions, my Lord, you have no difficulty in finding your way into the closet. The pretended neutrality of belonging to no party, will not save your reputation.—In questions merely political an honest man may stand neuter. But the laws and constitution are the general property of the subject; not to defend is to relinquish;—and who is there so senseless as to renounce his share in a common benefit, unless he hopes to profit by a new division of the spoil. As a lord of parliament, you were repeatedly called upon to condemn or defend the new law declared by the house of commons. You affected to have scruples, and every expedient was attempted to remove them.—The question was proposed and urged to you in a thousand

different shapes.—Your prudence still supplied you with evasion :—your resolution was invincible. For my own part I am not anxious to penetrate this solemn secret. I care not to whose wisdom it is intrusted, nor how soon you carry it with you to your grave.[1] You have betrayed your opinion by the very care you have taken to conceal it. It is not from Lord Mansfield that we expect any reserve in declaring his real sentiments in favour of government, or in opposition to the people ; nor is it difficult to account for the motions of a timid, dishonest heart, which neither has virtue enough to acknowledge truth, nor courage to contradict it.—Yet you continue to support an administration which you know is universally odious, and which, on some occasions, you yourself speak of with contempt. You would fain be thought to take no share in government, while, in reality, you are the main spring of the machine.—Here, too, we trace the *little*, prudential policy of a Scotchman. Instead of acting that open, generous part which becomes your rank and station, you meanly skulk into the closet, and give your Sovereign such advice, as you have not spirit to avow or defend. You secretly engross the power, while you decline the title of minister ; and though you dare not be Chancellor, you know how to secure the emoluments of the office.—Are the seals to be for ever in commission, that you may enjoy five thousand pounds a year ?—I beg pardon, my Lord ;[2]—your fears have interposed at last, and forced you to resign.—The odium of continuing speaker of the house of lords, upon such terms, was too formidable to be resisted. What a multitude of bad passions are forced to submit to a constitutional infirmity ! But though you have relinquished the salary, you still assume the rights of a minister.—Your conduct, it seems, must be defended in parliament.—For what other purpose is your wretched friend, that miserable serjeant, posted to the house of commons ? Is it in the abilities of Mr. Leigh to defend the great Lord Mansfield ?—Or is he only the Punch of the puppet-show, to speak as he is prompted, by the CHIEF JUGGLER behind the curtain.[3]

[1] He said in the house of lords, that he believed he should carry his opinion with him to the grave. It was afterwards reported that he had entrusted it, in special confidence, to the ingenious Duke of Cumberland.

[2] Editor's Note. After the death of Charles Yorke, the Great Seal was held in commission for nearly a year, during which period Lord Mansfield was appointed Speaker of the Upper House, and received the fees of that office. Lord Apsley became Lord Chancellor, January 23, 1771.

[3] This paragraph gagged poor Leigh. I really am concerned for the man, and wish it were possible to open his mouth.—He is a very pretty orator.

In public affairs, my Lord, cunning, let it be ever so well wrought, will not conduct a man honourably through life. Like bad money, it may be current for a time, but it will soon be cried down. It cannot consist with a liberal spirit, though it be sometimes united with extraordinary qualifications. When I acknowledge your abilities, you may believe I am sincere. I feel for human nature, when I see a man so gifted as you are, descend to such vile practice.—Yet do not suffer your vanity to console you too soon. Believe me, my good Lord, you are not admired in the same degree, in which you are detested. It is only the partiality of your friends, that balances the defects of your heart with the superiority of your understanding. No learned man, even among your own tribe, thinks you qualified to preside in a court of common law. Yet it is confessed that, under *Justinian*, you might have made an incomparable *Prætor*.—It is remarkable enough, but I hope not ominous, that the laws you understand best, and the judges you affect to admire most, flourished in the decline of a great empire, and are supposed to have contributed to its fall.

Here, my Lord, it may be proper for us to pause together.—It is not for my own sake that I wish you to consider the delicacy of your situation. Beware how you indulge the first emotions of your resentment. This paper is delivered to the world, and cannot be recalled. The persecution of an innocent printer cannot alter facts, nor refute arguments.—Do not furnish me with farther materials against yourself.—An honest man, like the true religion, appeals to the understanding, or modestly confides in the internal evidence of his conscience. The impostor employs force instead of argument, imposes silence where he cannot convince, and propagates his character by the sword.

JUNIUS

LETTER XLII[1]

TO THE PRINTER OF THE PUBLIC ADVERTISER

January 30, 1771

Sir,

If we recollect in what manner the *King's Friends* have been constantly employed, we shall have no reason to be sur-

[1] Editor's Note. Claiming possession by virtue of discovery in the sixteenth century, of Falkland Islands, off the coast of South America, an

prised at any condition of disgrace to which the once respected name of Englishman may be degraded. His Majesty has no cares, but such as concern the laws and constitution of this country. In his Royal breast there is no room left for resentment, no place for hostile sentiments against the natural enemies of his crown. The system of government is uniform.—Violence and oppression at home can only be supported by treachery and submission abroad. When the civil rights of the people are daringly invaded on one side, what have we to expect, but that their political rights should be deserted and betrayed, in the same proportion, on the other? The plan of domestic policy, which has been invariably pursued, from the moment of his present Majesty's accession, engrosses all the attention of his servants. They know that the security of their places depends upon their maintaining, at any hazard, the secret system of the closet. A foreign war might embarrass, an unfavourable event might ruin the minister, and defeat the deep-laid scheme of policy, to which he and his associates owe their employments. Rather than suffer the execution of that scheme to be delayed or interrupted, the King has been advised to make a public surrender, a solemn sacrifice, in the face of all Europe, not only of the interests of his subjects, but of his own personal reputation, and of the dignity of that crown, which his predecessors have worn with honour. These are strong terms, Sir, but they are supported by fact and argument.

The King of Great Britain has been for some years in possession of an island, to which, as the ministry themselves have repeatedly asserted, the Spaniards had no claim of right. The importance of the place is not in question. If it were, a better judgment might be formed of it from the opinions of Lord Anson and Lord Egmont, and from the anxiety of the Spaniards, than from any fallacious insinuations thrown out by men, whose interest it is to undervalue that property, which they are determined to relinquish. The pretensions of Spain were a subject of negotiation between the two courts. They had

English force erected fortifications there a short time before these letters. The Spaniards then asserted the islands to belong to them by a grant from the Pope, and sent a force which ejected the English settlers and sent them home. After a complaint to the Court of Madrid by the English ambassador, negotiations began which resulted in the Spaniards agreeing to make restitution without relinquishing their claim, and the secret agreement was that the English, after the Spanish surrender, should at once evacuate the islands.

been discussed, but not admitted. The King of Spain, in these circumstances, bids adieu to amicable negotiation, and appeals directly to the sword. The expedition again Port Egmont does not appear to have been a sudden ill-concerted enterprise. It seems to have been conducted not only with the usual military precautions, but in all the forms and ceremonies of war. A frigate was first employed to examine the strength of the place. A message was then sent, demanding immediate possession, in the Catholic King's name, and ordering our people to depart. At last, a military force appears, and compels the garrison to surrender. A formal capitulation ensues, and his Majesty's ship, which might at least have been permitted to bring home his troops immediately, is detained in port twenty days, and her rudder forcibly taken away. This train of facts carries no appearance of the rashness or violence of a Spanish governor. On the contrary, the whole plan seems to have been formed and executed in consequence of deliberate orders, and a regular instruction from the Spanish court. Mr. Bucarelli is not a pirate, nor has he been treated as such by those who employed him. I feel for the honour of a gentleman, when I affirm that our King owes him a signal reparation.—Where will the humiliation of this country end! A King of Great Britain, not contented with placing himself upon a level with a Spanish governor, descends so low as to do a notorious injustice to that Governor. As a salvo for his own reputation, he has been advised to traduce the character of a brave officer, and to treat him as a common robber, when he knew with certainty that Mr. Bucarelli had acted in obedience to his orders and had done no more than his duty. Thus it happens in private life, with a man who has no spirit nor sense of honour.—One of his equals orders a servant to strike him.—Instead of returning the blow to the master, his courage is contented with throwing an aspersion, equally false and public, upon the character of the servant.

This short recapitulation was necessary to introduce the consideration of his Majesty's speech, of 13 November, 1770, and the subsequent measures of government. The excessive caution, with which the speech was drawn up, had impressed upon me an early conviction, that no serious resentment was thought of, and that the conclusion of the business, whenever it happened, must, in some degree, be dishonourable to England. There appears through the whole speech a guard and

reserve in the choice of expression, which shows how careful the ministry were not to embarrass their future prospects by any firm or spirited declaration from the throne. When all hopes of peace are lost, his Majesty tells his parliament, that he is preparing,—not for barbarous war, but (with all his mother's softness), *for a different Situation.*—An open act of hostility, authorised by the Catholic King, is called *an act of a governor.* This act, to avoid the mention of a regular siege and surrender, passes under the piratical description of *seizing by force* ; and the thing taken is described, not as a part of the King's territory, or proper dominion, but merely as a *possession*, a word expressly chosen in contradistinction to, and exclusion of the idea of *right*, and to prepare us for a future surrender both of the right and of the possession. Yet this speech, Sir, cautious and equivocal as it is, cannot, by any sophistry, be accommodated to the measures, which have since been adopted. It seemed to promise, that whatever might be given up by secret stipulation, some care would be taken to save appearances to the public. The event shows us, that to depart, in the minutest article, from the nicety and strictness of punctilio, is as dangerous to national honour, as to female virtue. The woman, who admits of one familiarity, seldom knows where to stop, or what to refuse ; and when the counsels of a great country give way in a single instance,—when once they are inclined to submission, every step accelerates the rapidity of the descent. The ministry themselves, when they framed the speech, did not foresee that they should ever accede to such an accommodation, as they have since advised their master to accept of.

The King says, *The honour of my crown and the rights of my people are deeply affected.* The Spaniard, in his reply, says, *I give you back possession, but I adhere to my claim of prior right, reserving the assertion of it for a more favourable opportunity.*

The speech says, *I made an immediate demand of satisfaction, and, if that fails, I am prepared to do myself justice.* This immediate demand must have been sent to Madrid on the 12th of September, or in a few days after. It was certainly refused, or evaded, and the King *has not* done himself justice.—When the first magistrate speaks to the nation, some care should be taken of his apparent veracity.

The speech proceeds to say, *I shall not discontinue my preparations until I have received proper reparation for the injury.* If this assurance may be relied on, what an enormous expence is

entailed, *sine die*, upon this unhappy country! Restitution of a possession, and reparation of an injury are as different in substance as they are in language; The very act of restitution may contain, as in this instance it palpably does, a shameful aggravation of the injury. A man of spirit does not measure the degree of an injury by the mere positive damage he has sustained. He considers the principle on which it is founded, he resents the superiority asserted over him; and rejects with indignation the claim of right which his adversary endeavours to establish, and would force him to acknowledge.

The motives on which the Catholic King makes restitution are, if possible, more insolent and disgraceful to our Sovereign, than even the declaratory condition annexed to it. After taking four months to consider, whether the expedition was undertaken by his own orders or not, he condescends to disavow the enterprize and to restore the island,—not from any regard to justice;—not from any regard he bears to his Britannic Majesty, but merely *from the persuasion in which he is of the pacific sentiments of the King of Great Britain.*—At this rate, if our King had discovered the spirit of a man,—if he had made a peremptory demand of satisfaction, the King of Spain would have given him a peremptory refusal. But why this unseasonable, this ridiculous mention of the King of Great Britain's pacific intentions? Have they ever been in question? Was *He* the aggressor? Does he attack foreign powers without provocation? Does he even resist when he is insulted? No, Sir, if any ideas of strife or hostility have entered his royal mind, they have a very different direction. The enemies of England have nothing to fear from them.

After all, Sir, to what kind of disavowal has the King of Spain at last consented? Supposing it made in proper time, it should have been accompanied with instant restitution; and if Mr. Bucarelli acted without orders, he deserved death. Now, Sir, instead of immediate restitution, we have a four months' negociation, and the officer, whose act is disavowed, returns to court, and is loaded with honours.

If the actual situation of Europe be considered, the treachery of the king's servants, particularly of Lord North, who takes the whole upon himself, will appear in the strongest colours of aggravation. Our allies were masters of the Mediterranean. The King of France's present aversion from war and the distraction of his affairs are notorious. He is now in a state of

war with his people. In vain did the Catholic King solicit him to take part in the quarrel against us. His finances were in the last disorder, and it was probable that his troops might find sufficient employment at home. In these circumstances, we might have dictated the law to Spain. There are no terms, to which she might not have been compelled to submit. At the worst, a war with Spain alone carries the fairest promise of advantage. One good effect at least would have been immediately produced by it. The desertion of France would have irritated her ally, and, in all probability, have dissolved the family compact. The scene is now fatally changed. The advantage is thrown away. The most favourable opportunity is lost.—Hereafter we shall know the value of it. When the French king is reconciled to his subjects; when Spain has compleated her preparations; when the collected strength of the house of Bourbon attacks us at once, the King himself will be able to determine upon the wisdom or imprudence of his present conduct. As far as the probability of argument extends, we may safely pronounce that a conjuncture, which threatens the very being of this country, has been wilfully prepared and forwarded by our own ministry. How far the people may be animated to resistance under the present administration, I know not; but this I know with certainty, that, under the present administration, or if anything like it should continue, it is of very little moment whether we are a conquered nation or not.[1]

[1] The king's acceptance of the Spanish Ambassador's declaration is drawn up in barbarous French, and signed by the Earl of Rochford. This diplomatic Lord has spent his life in the study and practice of *Etiquettes*, and is supposed to be a profound master of the ceremonies. I will not insult him by any reference to grammar or common sense. If he were even acquainted with the common forms of his office, I should think him as well qualified for it as any man in his Majesty's service. The reader is requested to observe Lord Rochford's method of authenticating a public instrument. 'En foi de quoi, *moi* soussigné, un des principaux Secrétaires d'État de S. M. B. *ai* signé la présente de ma signature ordinaire, et à icelle fait apposer le cachet de *nos* armes.' In three lines there are no less than seven false concords. But the man does not even know the style of his office;—if he had known it, he would have said, '*nous*, soussigné, Secrétaire d'État de S. M. B. *avons* signé,' &c.

Editor's Note. Lord Shelburne had just been supplanted by Rochford as Secretary of State for the southern department, and his knowledge of French was excellent, as he kept up a correspondence with many Frenchmen of distinction, including Morellet.

Having travelled thus far in the high road of matter of fact, I may now be permitted to wander a little into the field of imagination. Let us banish from our minds the persuasion that these events have really happened in the reign of the best of princes. Let us consider them as nothing more than the materials of a fable, in which we may conceive the Sovereign of some other country to be concerned. I mean to violate all the laws of probability, when I suppose that this imaginary King, after having voluntarily disgraced himself in the eyes of his subjects, might return to a sense of his dishonour;—that he might perceive the snare laid for him by his ministers, and feel a spark of shame kindling in his breast. —The part he must then be obliged to act, would overwhelm him with confusion. To his parliament he must say, *I called you together to receive your advice, and have never asked your opinion.*— To the merchant,—*I have distressed your commerce; I have dragged your seamen out of your ships; I have loaded you with a grievous weight of insurances.*—To the landholder, *I told you war was too probable, when I was determined to submit to any terms of accommodation; I extorted new taxes from you before it was possible they could be wanted, and am now unable to account for the application of them.*—To the public creditor, *I have delivered up your fortunes a prey to foreigners and to the vilest of your fellow-subjects.* Perhaps this repenting Prince might conclude with one general acknowledgment to them all,—*I have involved every rank of my subjects in anxiety and distress, and have nothing to offer you in return, but the certainty of national dishonour, an armed truce, and peace without security.*

If these accounts were settled, there would still remain an apology to be made to his navy and to his army. To the first he would say, *you were once the terror of the world. But go back to your harbours. A man dishonoured, as I am, has no use for your service.* It is not probable that he would appear again before his soldiers, even in the pacific ceremony of a review.[1] But, wherever he appeared, the humiliating confession would be extorted from him. *I have received a blow,—and had not spirit to resent it. I demanded satisfaction, and have accepted a declaration, in which the right to strike me again is asserted and confirmed.* His countenance at least would speak this language, and even his guards would blush for him.

But to return to our argument.—The ministry, it seems, are

[1] A Mistake. He appears before them every day with the mark of a blow upon his face.—*proh pudor!*

labouring to draw a line of distinction between the honour of the crown and the rights of the people. This new idea has yet been only started in discourse, for in effect both objects have been equally sacrificed. I neither understand the distinction, nor what use the ministry propose to make of it. The King's honour is that of his people. *Their* real honour and real interest are the same.—I am not contending for a vain punctilio. A clear, unblemished character comprehends not only the integrity that will not offer, but the spirit that will not submit to an injury; and whether it belongs to an individual or to a community, it is the foundation of peace, of independance, and of safety. Private credit is wealth;—public honour is security.—The feather that adorns the royal bird, supports his flight. Strip him of his plumage, and you fix him to the earth.

JUNIUS [1]

[1] Editor's Note. Dr. Johnson was engaged by the Ministry to answer this letter, and to do so he wrote his 'Thoughts on the late transactions respecting Falkland's Islands'. He says, in part:

'Of Junius it cannot be said, as of Ulysses, that he scatters ambiguous expressions among the vulgar; for he cries *havoc* without reserve, and endeavours to let slip the dogs of foreign and of civil war, ignorant whither they are going, and careless what may be their prey. Junius has sometimes made his satire felt, but let not injudicious admiration mistake the venom of the shaft for the vigour of the bow. He has sometimes sported with lucky malice; but to him that knows his company, it is not hard to be sarcastic in a mask. While he walks like Jack the Giant Killer in a coat of darkness, he may do much mischief with little strength. Novelty captivates the superficial and thoughtless; vehemence delights the discontented and turbulent. He that contradicts acknowledged truth will always have an audience; he that vilifies established authority will always find abettors.

'Junius burst into notice with a blaze of impudence which has rarely glared upon the world before, and drew the rabble after him as a monster makes a show. When he had once provided for his safety by impenetrable secrecy, he had nothing to combat but truth and justice, enemies whom he knows to be feeble in the dark. Being then at liberty to indulge himself in all the immunities of invisibility; out of the reach of danger, he has been bold; out of the reach of shame—he has been confident. As a rhetorician, he has the art of persuading when he seconded desire; as a reasoner, he has convinced those who had no doubt before; as a moralist, he has taught that virtue may disgrace; and as a patriot, he has gratified the mean by insults on the high. Finding sedition ascendant, he has been able to advance it; finding the nation combustible, he has been able to inflame it. Let us abstract from his wit the vivacity of insolence, and withdraw from his efficacy the sympathetic favour of plebeian malignity; I do not say that we shall leave him nothing; the cause that I defend scorns the help of falsehood; but if we leave him only his merit, what will be his praise?

'It is not by his liveliness of imagery, his pungency of periods, or his

LETTER XLIII

TO THE PRINTER OF THE PUBLIC ADVERTISER

6 February 1771

Sir,

I hope your correspondent *Junius* is better employed than in answering or reading the criticisms of a newspaper. This is a task, from which, if he were inclined to submit to it, his friends ought to relieve him. Upon this principle, I shall undertake to answer Anti-Junius, more, I believe, to his conviction than to his satisfaction. Not daring to attack the main body of *Junius's* last letter, he triumphs in having, as he thinks, surprized an outpost, and cut off a detached argument, a mere

fertility of allusion, that he detains the cits of London and the boors of Middlesex. Of style and sentiment they take no cognizance. They admire him for virtues like their own, for contempt of order and violence of outrage, for rage of defamation and audacity of falsehood. The supporters of the Bill of Rights feel no niceties of composition, nor dexterities of sophistry; their faculties are better proportioned to the bawl of Bellas or barbarity of Beckford; but they are told that Junius is on their side, and they are therefore sure that Junius is infallible. Those who know not whither he would lead them, resolve to follow him; and those who cannot find his meaning, hope he means rebellion.

'Junius is an unusual phenomenon on which some have gazed with wonder, and some with terror, but wonder and terror are transitory passions. He will soon be more closely viewed, or more attentively examined, and what folly has taken for a comet that, from its flaming hair, shook pestilence and war, inquiry will find to be only a meteor formed by the vapours of putrefying democracy, and kindled into flame by the effervescence of interest struggling with conviction, which after having plunged its followers in a bog, will leave us inquiring why we regarded it.

'Yet though I cannot think the style of Junius secure from criticism, though his expressions are often trite, and his periods feeble, I should never have stationed him where he has placed himself, had I not rated him by his morals rather than his faculties. "What," says Pope, "must be the priest, where the monkey is a god?" What must be the drudge of a party of which the heads are Wilkes and Crosby, Sawbridge and Townshend?

'Junius knows his own meaning, and can therefore tell it. He is an enemy of the ministry, he sees them hourly growing stronger. He knows that a war at once unjust and unsuccessful would have certainly displaced them, and is therefore, in his zeal for his country, angry that war was not unjustly made, and unsuccessfully conducted; but there are others whose thoughts are less clearly expressed, and whose schemes, perhaps, are less consequentially digested, who declare that they do not wish for a rupture, yet condemn the ministry for not doing that from which a rupture would naturally have followed.'

straggling proposition. But even in this petty warfare, he shall find himself defeated.

Junius does not speak of the Spanish *nation* as the *natural enemies* of England. He applied that description, with the strictest truth and justice, to the Spanish *Court*. From the moment when a Prince of the House of Bourbon ascended that throne, their whole system of government was inverted and became hostile to this country. Unity of possession introduced a unity of politics, and Lewis the fourteenth had reason when he said to his grandson, '*The Pyrenees are removed.*' The History of the present century is one continued confirmation of the prophecy.

THE assertion '*That violence and oppression at home can only be supported by treachery and submission abroad,*' is applied to a free people, whose rights are invaded, not to the government of a country, where despotic, or absolute power is confessedly vested in the prince; and with this application, the assertion is true. An absolute monarch having no points to carry at home, will naturally maintain the honour of his crown in all his transactions with foreign powers. But if we could suppose the Sovereign of a free nation, possessed with a design to make himself absolute, he would be inconsistent with himself if he suffered his projects to be interrupted or embarrassed by a foreign war; unless that war tended, as in some cases it might, to promote his principal design. Of the three exceptions to this general rule of conduct, (quoted by *Anti-Junius*) that of Oliver Cromwell is the only one in point. Harry the Eighth, by the submission of his parliament, was as absolute a prince as Lewis the Fourteenth. Queen Elizabeth's government was not oppressive to the people; and as to her foreign wars, it ought to be considered that they were *unavoidable*. The national honour was not in question. She was compelled to fight in defence of her own person and of her title to the crown. In the common course of selfish policy, Oliver Cromwell should have cultivated the friendship of foreign powers, or at least have avoided disputes with them, the better to establish his tyranny at home. Had he been only a bad man, he would have sacrificed the honour of the nation to the success of his domestic policy. But, with all his crimes he had the spirit of an Englishman. The conduct of such a man must always be an exception to vulgar rules. He had abilities sufficient to reconcile contradictions, and to make a great nation at the

same moment unhappy and formidable. If it were not for the respect I bear the minister, I could name a man who, without one grain of understanding, can do half as much as Oliver Cromwell.

WHETHER or no there be a *secret system* in the closet, and what may be the object of it, are questions, which can only be determined by appearances, and on which every man must decide for himself.

THE whole plan of *Junius's* letter proves that he himself makes no distinction between the real honour of the crown and the real interest of the people. In the climax, to which your correspondent objects, *Junius* adopts the language of the court, and by that conformity, gives strength to his argument. He says that, '*the King has not only sacrificed the interests of his people, but,* (what was likely to touch him more nearly,) *his personal reputation, and the dignity of his crown*'.

THE queries, put by *Anti-Junius*, can only be answered by the ministry. Abandoned as they are, I fancy they will not confess that they have for so many years, maintained possession of another man's property. After admitting the assertion of the ministry,—viz., *that the Spaniards had no rightful claim*, and after justifying them for saying so ;—it is *his* business, not *mine*, to give us some good reason for their *suffering the pretensions of Spain to be a subject of negotiation.* He admits the facts ;—let him reconcile them if he can.

THE last paragraph brings us back to the original question, whether the Spanish declaration contains such a satisfaction as the King of Great Britain ought to have accepted. This was the field upon which he ought to have encountered *Junius* openly and fairly. But here he leaves the argument as no longer defensible. I shall therefore conclude with one general admonition to my fellow-subjects ;—that, when they hear these matters debated, they should not suffer themselves to be misled by general declamations upon the conveniences of peace, or the miseries of war. Between peace and war, abstractedly, there is not, there cannot be a question in the mind of a rational being. The real questions are, *Have we any security that the peace we have so dearly purchased will last a twelvemonth?* and if not,—*have we or have we not, sacrificed the fairest opportunity of making war with advantage?*

PHILO JUNIUS

LETTER XLIV[1]

TO THE PRINTER OF THE PUBLIC ADVERTISER

22 April 1771

Sir,

To write for profit without taxing the press;—to write for fame and to be unknown;—to support the intrigues of faction and to be disowned, as a dangerous auxiliary, by every party in the kingdom, are contradictions, which the minister must reconcile, before I forfeit my credit with the public. I may quit the service, but it would be absurd to suspect me of desertion. The reputation of these papers is an honourable pledge for my attachment to the people. To sacrifice a respected character, and to renounce the esteem of society, requires more than Mr. Wedderburne's resolution[2]; and though, in him, it was rather a profession than a desertion of his principles, (I speak tenderly of this gentleman, for when treachery is in question, I think we should make allowances for a Scotchman), yet we have seen him in the house of commons overwhelmed with confusion, and almost bereft of his faculties.—But in truth, Sir, I have left no room for an accommodation with the piety of Saint James's. My offences are not to be redeemed by recantation or repentance. On one side, our warmest patriots would disclaim me as a burthen to their honest ambition. On the other, the vilest prostitution, if *Junius* could descend to it, would lose its natural merit and influence in the cabinet, and treachery be no longer a recommendation to the royal favour.

The persons, who, till within these few years, have been most distinguished by their zeal for high church and prerogative, are now, it seems, the great assertors of the privileges of the house of commons. This sudden alteration of their sentiments or language carries with it a suspicious appearance. When I hear the undefined privileges of the popular branch of the legislature exalted by Tories and Jacobites, at the expence of those strict rights, which are known to the subject and limited by the laws, I cannot but suspect, that some

[1] Editor's Note. See Introduction.

[2] Mr. Wedderburne had been a friend of George Grenville, but after Grenville's death had gone over to administration, where he replaced Dunning as Solicitor-General, January 12, 1771.

mischievous scheme is in agitation, to destroy both law and privilege, by opposing them to each other. They who have uniformly denied the power of the whole legislature to alter the descent of the crown, and whose ancestors, in rebellion against his Majesty's family, have defended that doctrine at the hazard of their lives, now tell us that privilege of parliament is the only rule of right, and the chief security of the public freedom.—I fear, Sir, that, while forms remain, there has been some material change in the substance of our constitution. The opinions of these men were too absurd to be so easily renounced. Liberal minds are open to conviction.—Liberal doctrines are capable of improvement.—There are proselytes from atheism, but none from superstition.—If their present professions were sincere, I think they could not but be highly offended at seeing a question, concerning parliamentary privilege, unnecessarily started at a season so unfavourable to the house of commons, and by so very mean and insignificant a person as the minor *Onslow*.[1] They knew that the present house of commons, having commenced hostilities with the people, and degraded the authority of the laws by their own example, were likely enough to be resisted, *per fas et nefas*. If they were really friends to privilege, they would have thought the question of right too dangerous to be hazarded at this season, and, without the formality of a convention, would have left it undecided.

I HAVE been silent hitherto, though not from the shameful indifference about the interests of society, which too many of us profess, and call moderation. I confess, Sir, that I felt the prejudices of my education, in favour of a house of commons, still hanging about me. I thought that a question, between law and privilege could never be brought to a formal decision, without inconvenience to the public service, or a manifest diminution of legal liberty ;—that it ought, therefore, to be carefully avoided : and when I saw that the violence of the house of commons had carried them too far to retreat, I determined not to deliver a hasty opinion upon a matter of so much delicacy and importance.

THE state of things is much altered in this country, since it was necessary to protect our representatives against the direct

[1] Editor's Note. It was Colonel Onslow who had made a motion in the House of Commons against the printers, for violating the privileges of Parliament in publishing the debates.

power of the crown. We have nothing to apprehend from prerogative, but everything from [illegible]. Formerly it was the interest of the people, that the privileges of parliament should be left unlimited and undefined. At present it is [illegible]nly their interest, but I [illegible] be essentially necessary to the preservation of the constitution, that the privileges of parliament should be strictly ascertained, and confined within the narrowest bounds the nature of their institution will admit of. Upon the same principle, on which I would have resisted prerogative in the last century, I now resist privilege. It is indifferent to me, whether the crown, by its own immediate act, imposes new, and dispenses with old laws, or whether the same arbitrary power produces the same effects through the medium of the house of commons. We trusted our representatives with privileges for their own defence and ours. We cannot hinder their desertion, but we can prevent their carrying over their arms to the service of the enemy.—It will be said that I begin with endeavouring to reduce the argument concerning privilege to a mere question of convenience;—that I deny at one moment when I would allow at another; and that to resist the power of a prostituted house of commons may establish a precedent injurious to all future parliaments.—To this I answer generally, that human affairs are in no instance governed by strict positive right. If change of circumstances were to have no weight in directing our conduct and opinions, the mutual intercourse of mankind would be nothing more than a contention between positive and equitable right. Society would be a state of war, and law itself would be injustice. On this general ground, it is highly reasonable, that the degree of our submission to privileges, which have never been defined by any positive law, should be considered as a question of convenience, and proportioned to the confidence we repose in the integrity of our representatives. As to the injury we may do to any future and more respectable house of commons, I own I am not now sanguine enough to expect a more plentiful harvest of parliamentary virtue in one year than another. Our political climate is severely altered; and, without dwelling upon the depravity of modern times, I think no reasonable man will expect that, as human nature is constituted, the enormous influence of the crown should cease to prevail over the virtue of individuals. The mischief lies too deep to be cured by any remedy, less than some great

convulsion, which may either carry back the constitution to its original principles, or utterly destroy it. I do not doubt that, in the first session after the next election, some popular measures may be adopted. The present house of commons have injured themselves by a too early and public profession of their principles ; and if a strain of prostitution, which had no example, were within the reach of emulation, it might be imprudent to hazard the experiment too soon. But after all, Sir, it is very immaterial whether a house of commons shall preserve their virtue for a week, a month, or a year. The influence, which makes a septennial parliament dependent upon the pleasure of the crown, has a permanent operation, and cannot fail of success.—My premises, I know, will be denied in argument, but every man's conscience tells him they are true. It remains then to be considered whether it be for the interests of the people that privilege of parliament (which,[1] in respect to the purposes, for which it has hitherto been acquiesced under, is merely nominal) should be contracted within some certain limits, or whether the subject shall be left at the mercy of a power, arbitrary upon the face of it, and notoriously under the direction of the crown.

I DO not mean to decline the question of *right*. On the contrary, Sir, I join issue with the advocates for privilege, and affirm that, 'excepting the cases wherein the house of commons are a court of judicature, (to which, from the nature of their office, a coercive power must belong) and excepting such contempts as immediately interrupt their proceedings, they have no legal authority to imprison any man for any supposed violation of privilege whatsoever.'—It is not pretended that privilege, as now claimed, has ever been defined or confirmed by statute ; neither can it be said, with any colour of truth, to be a part of the common law of England which had grown into prescription, long before we knew anything of the existence of a house of commons. As for the law of parliament it is only

[1] 'The necessity of securing the house of commons against the King's power, so that no interruption might be given either to the attendance of the members in parliament, or to the freedom of debate, was the foundation of parliamentary privilege ; and we may observe, in all the addresses of new appointed Speakers to the Sovereign, the utmost privilege they demand is liberty of speech and freedom from arrests. The very word privilege, means no more than immunity or a safe-guard to the party who possesses it, and can never be construed into an active power of invading the rights of others.'

another name for the privilege in question; and since the power of creating new privileges has been formally renounced by both houses,—since there is no code, in which we can study the law of parliament, we have but one way left to make ourselves acquainted with it;—that is, to compare the nature of the institution of a house of commons, with the facts upon record. To establish a claim of privilege in either house, and to distinguish original right from usurpation, it must appear that it is indispensably necessary for the performance of the duty they are employed in, and also that it has been uniformly allowed. From the first part of this description it follows clearly, that whatever privilege does of right belong to the present house of commons, did equally belong to the first assembly of their predecessors, was as completely vested in them, and might have been exercised in the same extent. From the second we must infer that privileges, which for several centuries, were not only never allowed, but never even claimed by the house of commons, must be founded upon usurpation. The constitutional duties of a house of commons are not very complicated nor mysterious. They are to propose or assent to wholesome laws for the benefit of the nation. They are to grant the necessary aids to the King;—petition for the redress of grievances, and prosecute treason or high crimes against the state. If unlimited privilege be necessary to the performance of these duties, we have reason to conclude that, for many centuries after the institution of the house of commons, they were never performed. I am not bound to prove a negative, but I appeal to the English history when I affirm that, with the exceptions already stated (which yet I might safely relinquish) there is no precedent, from the year 1265 to the death of Queen Elizabeth, of the house of commons having imprisoned any man (not a member of their house) for contempt or breach of privilege. In the most flagrant cases, and when their acknowledged privileges were most grossly violated, the *poor Commons,* as they then stiled themselves, never took the power of punishment into their own hands. They either sought redress by petition to the King, or, what is more remarkable, applied for justice to the house of lords; and when satisfaction was denied them or delayed, their only remedy was to refuse proceeding upon the King's business. So little conception had our ancestors of the monstrous doctrines, now maintained concerning privilege, that in the reign

of Elizabeth, even liberty of speech, the vital principle of a deliberate assembly, was restrained, by the Queen's authority, to a simple *aye* or *no*, and this restriction, though imposed upon three successive parliaments,[1] was never once disputed by the house of commons.

I KNOW there are many precedents of arbitrary commitments for contempt. But, besides that they are of too modern a date to warrant a presumption that such a power was originally vested in the house of commons,—*Fact* alone does not constitute *Right*. If it does, general warrants were lawful.—An ordinance of the two houses has a force equal to law; and the criminal jurisdiction assumed by the Commons in 1621, in the case of Edward Lloyd [2] is a good precedent, to warrant the like proceedings against any man, who shall unadvisedly mention the folly of a King or the ambition of a Princess.—The truth is, Sir, that the greatest and most exceptionable part of the privileges now contended for, were introduced and asserted by a house of commons which abolished both monarchy and peerage, and whose proceedings, although they ended in one glorious act of substantial justice, could no way be reconciled to the forms of the constitution. Their successors profited by the example, and confirmed their power by a moderate or a popular use of it. Thus it grew by degrees, from a notorious innovation at one period, to be tacitly admitted as the privilege of parliament at another.

If, however it could be proved, from considerations of necessity or convenience, that an unlimited power of commitment ought to be intrusted to the house of commons, and that *in fact* they have exercised it without opposition, still, in contemplation of law, the presumption is strongly against them. It is a leading maxim of the laws of England (and without it, all laws are nugatory), that there is no right without a remedy, nor any legal power without a legal course to carry it into effect. Let the power, now in question, be tried by this rule. The speaker issues his warrant of attachment. The party attached either resists force with force, or appeals to a magistrate, who declares the warrant illegal, and discharges the prisoner. Does the law provide no legal means for enforc-

[1] In the years 1593–1597–and 1601.

[2] Editor's Note. Lloyd had been twice pilloried and fined £1,000, by the authority of the House of Commons, for having ridiculed the daughter of James the First and her husband.

ing a legal warrant? Is there no regular proceeding pointed out in our law books to assert and vindicate the authority of so high a court as the house of commons? The question is answered directly by the fact. Their unlawful commands are resisted, and they have no remedy. The imprisonment of their own members is revenge indeed, but it is no assertion of the privilege they contend for.[1] Their whole proceeding stops, and there they stand, ashamed to retreat, and unable to advance. Sir, these ignorant men should be informed that the execution of the laws of England is not left in this uncertain, defenceless condition. If the process of the courts of Westminster-hall be resisted, they have a direct course sufficient to enforce submission. The court of King's Bench commands the Sheriff to raise the *posse comitatûs*. The courts of Chancery and Exchequer issue a *writ of rebellion*, which must also be supported, if necessary, by the power of the county.—To whom will our honest representatives direct *their* writ of rebellion? The guards, I doubt not, are willing enough to be employed, but they know nothing of the doctrine of writs, and may think it necessary to wait for a letter from Lord Barrington.[2]

It may now be objected to me that my arguments prove too much; for that certainly there may be instances of contempt and insult to the house of commons, which do not fall within my own exceptions, yet, in regard to the dignity of the house, ought not to pass unpunished. Be it so.—The courts of criminal jurisdiction are open to prosecutions, which the Attorney-General may commence by information or indictment. A libel, tending to asperse or vilify the house of commons, or any of their members, may be as severely punished in the court of King's-bench as a libel upon the King. Mr. De Grey thought so, when he drew up the information upon my Letter to his Majesty, or he had no meaning in charging it to be a scandalous libel upon the house of commons. In *my* opinion, they would consult their real dignity much better,

[1] Upon their own principles they should have committed Mr. Wilkes, who had been guilty of a greater offence than even the Lord Mayor or Alderman Oliver. But after repeatedly ordering him to attend, they at last adjourned beyond the day appointed for his attendance, and by this mean, pitiful evasion, gave up the point.—Such is the force of conscious guilt!

[2] Editor's Note. Lord Barrington had sent a letter of thanks to the Guards for their conduct at the riots in St. George's Fields.

by appealing to the laws when they are offended, than by violating the first principle of natural justice, which forbids us to be judges when we are parties to the cause.[1]

I do not mean to pursue them through the remainder of their proceedings. In their first resolutions, it is possible they might have been deceived by ill-considered precedents. For the rest there is no colour of palliation or excuse. They have advised the King to resume a power of dispensing with the laws by royal proclamation[2]; and kings, we see, are ready enough to follow such advice.—By mere violence, and without the shadow of right, they have expunged the record of a judicial proceeding.[3] Nothing remained but to attribute to their own vote a power of stopping the whole distribution of criminal and civil justice.

THE public virtues of the chief magistrate have long since ceased to be in question. But it is said that he has private good qualities, and I myself have been ready to acknowledge them. They are now brought to the test. If he loves his people, he will dissolve a parliament, which they can never confide in or respect.—If he has any regard for his own honour, he will disdain to be any longer connected with such abandoned prostitution. But if it were conceivable that a King of this country had lost all sense of personal honour, and all concern for the welfare of his subjects, I confess, Sir, I should be contented to renounce the forms of the constitution once more,

[1] 'If it be demanded, in case a subject should be committed by either house, for a matter manifestly out of their jurisdiction, what remedy can he have? I answer, that it cannot well be imagined that the law, which favours nothing more than the liberty of the subject, should give us a remedy against commitments by the King himself, appearing to be illegal, and yet give us no manner of redress against a commitment by our fellow-subjects, equally appearing to be unwarranted. But as this is a case, which I am persuaded will never happen, it seems needless over nicely to examine it.' *Hawkins* 2, 110.—*N.B. He was a good lawyer, but no prophet.*

[2] That their practice might be every way comformable to their principles, the house proceed to advise the crown to publish a proclamation universally acknowledged to be illegal. Mr. Moreton publicly protested against it before it was issued; and Lord Mansfield, though not scrupulous to an extreme, speaks of it with horror. It is remarkable enough that the very men, who advised the proclamation, and who hear it arraigned every day both within doors and without, are not daring enough to utter one word in its defence, nor have they ventured to take the least notice of Mr. Wilkes for discharging the persons apprehended under it.

[3] Lord Chatham very properly called this the act of a mob, not of a senate.

f there were no other way to obtain substantial justice for the people.[1]

JUNIUS

LETTER XLV

TO THE PRINTER OF THE PUBLIC ADVERTISER

1 May 1771

Sir,

They who object to detached parts of Junius's last letter, either do not mean him fairly, or have not considered the general scope and course of his argument.—There are degrees in all the private vices.—Why not in public prostitution?—The influence of the crown naturally makes a septennial parliament dependent.—Does it follow that every house of commons will plunge at once into the *lowest depths* of prostitution?—Junius supposes that the present house of commons, in going such enormous lengths, have been *imprudent to themselves*, as well as wicked to the public;—that their example is *not within the reach of emulation;* —and that, in the first session after the next election, *some* popular measures may probably be adopted. He does not expect that a dissolution of parliament will destroy corruption, but that at least it will be a check and terror to their successors, who will have seen that, *in*

[1] When Mr. Wilkes was to be punished, they made no scruple about the privileges of parliament; and, although it was as well known as any matter of public record and uninterrupted custom could be, *that the members of either house are privileged, except in case of treason, felony, or breach of peace*, they declared without hesitation *that privilege of parliament did not extend to the case of a seditious libel*; and undoubtedly they would have done the same if Mr. Wilkes had been prosecuted for any other misdemeanor whatsoever. The ministry are of a sudden grown wonderfully careful of privileges, which their predecessors were as ready to invade. The known laws of the land, the rights of the subject, the sanctity of charters, and the reverence due to our magistrates, must all give way, without question or resistance, to a privilege of which no man knows either the origin or the extent. The house of commons judge of their own privileges without appeal:—they may take offence at the most innocent action, and imprison the person who offends them, during their arbitrary will and pleasure. The party has no remedy;—he cannot appeal from their jurisdiction; and if he questions the privilege, which he is supposed to have violated, it becomes an aggravation of his offence. Surely this doctrine is not to be found in Magna Charta. If it be admitted without limitation, I affirm that there is neither law nor liberty in this kingdom. We are the slaves of the house of commons, and through them, we are the slaves of the King and his ministers.—ANONYMOUS.

flagrant cases, their constituents *can* and *will* interpose with effect.—After all, Sir, will you not endeavour to remove or alleviate the most dangerous symptoms, because you cannot eradicate the disease? Will you not punish *treason* or *parricide*, because the sight of a gibbet does not prevent highway robberies? When the main argument of Junius is admitted to be unanswerable, I think it would become the minor critic, who hunts for blemishes, to be a little more distrustful of his own sagacity.—The other objection is hardly worth an answer. When Junius observes that kings are ready enough to follow *such* advice, he does not mean to insinuate that, if the advice of parliament were good, the King would be so ready to follow it.

PHILO JUNIUS

LETTER XLVI

TO THE PRINTER OF THE PUBLIC ADVERTISER

22 May 1771

Sir,

Very early in the debate upon the decision of the Middlesex election, it was well observed by *Junius*, that the house of commons had not only exceeded their boasted precedent of the expulsion and subsequent incapacitation of Mr. Walpole, but that they had not even adhered to it strictly as far as it went. After convicting Mr. Dyson of giving a false quotation from the journals, and having explained the purpose which that contemptible fraud was intended to answer, he proceeds to state the vote itself, by which Mr. Walpole's supposed incapacity was declared,—viz., 'Resolved, That Robert Walpole, Esq., having been this session of parliament committed a prisoner to the Tower, and expelled this house for a high breach of trust in the execution of his office, and notorious corruption when secretary at war, was, and is incapable of being elected a member to serve in this present parliament.'—And then observes, that, from the terms of the vote, we have no right to annex the incapacitation to the *expulsion* only, for that, as the proposition stands, it must arise equally from the expulsion and the commitment to the Tower. I believe, Sir, no man, who knows anything of dialectics, or who understands English, will dispute the truth and fairness of this construction. But Junius has a great authority to support him, which, to speak with the Duke of Grafton, I accidentally met with this

morning in the course of my reading. It contains an admonition, which cannot be repeated too often. Lord Sommers, in his excellent tract upon the rights of the people, after reciting the vote of the convention of the 28th of January, 1689, viz.,—'That King James the Second, having endeavoured to subvert the constitution of this kingdom by breaking the original contract between King and people; and by the advice of Jesuits and other wicked persons having violated the fundamental laws, and having withdrawn himself out of this kingdom, hath abdicated the government,' &c. :—makes this observation upon it. 'The word *abdicated* relates to *all* the clauses aforegoing, as well as to his deserting the kingdom, or else they would have been wholly in vain.' And, that there might be no pretence for confining the *abdication* merely to *withdrawing*, Lord Sommers farther observes, *That King James, by refusing to govern us according to that law, by which he held the crown, did implicitly renounce his title to it.*

If *Junius's* construction of the vote against Mr. Walpole be now admitted, (and indeed I cannot comprehend how it can honestly be disputed) the advocates of the house of commons must either give up their precedent entirely, or be reduced to the necessity of maintaining one of the grossest absurdities imaginable, viz., 'That a commitment to the Tower is a constituent part of, and contributes half at least to the incapacitation of the person who suffers it.'

I NEED not make you any excuse for endeavouring to keep alive the attention of the public to the decision of the Middlesex election. The more I consider it, the more I am convinced that, as a *fact*, it is indeed highly injurious to the rights of the people; but that, as a *precedent*, it is one of the most dangerous that ever was established against those who are to come after us. Yet I am so far a moderate man that I verily believe the majority of the house of commons, when they passed this dangerous vote, neither understood the question, nor knew the consequence of what they were doing. Their motives were rather despicable than criminal, in the extreme. One effect they certainly did not foresee. They are now reduced to such a situation, that if a member of the present house of commons were to conduct himself ever so improperly, and in reality deserve to be sent back to his constituents with a mark of disgrace, they would not dare to expel him; because they know that the people, in order to try again the great question of

right, or to thwart an odious house of commons, would probably overlook his immediate unworthiness, and return the same person to parliament.—But, in time, the precedent will gain strength. A future house of commons will have no such apprehensions, consequently will not scruple to follow a precedent, which they did not establish. The miser himself seldom lives to enjoy the fruit of his extortion; but his heir succeeds to him of course, and takes possession without censure. No man expects him to make restitution, and no matter for his title, he lives quietly upon the estate.

PHILO JUNIU

LETTER XLVII

TO THE PRINTER OF THE PUBLIC ADVERTISER

25 May 1771

Sir,

I confess my partiality to *Junius*, and feel a considerable pleasure in being able to communicate anything to the public, in support of his opinions. The doctrine laid down in his last letter concerning the power of the house of commons to commit for contempt is not so new as it appeared to many people who, dazzled with the name of *privilege*, had never suffered themselves to examine the question fairly. *In the course of my reading this morning* [1] I met with the following passage in the journals of the house of commons (vol. i., p. 603). Upon occasion of a jurisdiction unlawfully assumed by the house, in the year 1621, Mr. Attorney-General *Noye* gave his opinion as follows. 'No doubt but, in some cases, this house may give judgment;—in matters of returns, and concerning members of our house, or falling out in our view in parliament; but for foreign matters, knoweth not how we can judge it. Knoweth not that we have been used to give judgment in any case, but those before mentioned.'

Sir Edward Coke, upon the same subject, says (page 604). 'No question but this is a house of record, and that it hath power of judicature in some cases—have power to judge of returns and members of our house; one, no member, offending out of the parliament, *when he came hither and justified it*, was censured for it.'

[1] Editor's Note. 'In the course of my reading this morning' is a quotation from a speech by the Duke of Grafton.

Now, Sir, if you will compare the opinion of ages of the law with *Junius's* doctrine, you will find they tally exactly.—He allows the power of the House to commit their own members ; (which, however, they may grossly abuse). He allows their power in cases where they are acting as a court of judicature, viz., elections, returns, &c.,—and he allows it in such contempts as immediately interrupt their proceedings, or, as Mr. Noye expresses it, *falling out in their view in parliament.*

They, who would carry the privileges of parliament farther than *Junius*, either do not mean well to the public, or know not what they are doing. The government of England is a government of law. We betray ourselves, we contradict the spirit of our laws, and we shake the whole system of English jurisprudence, whenever we intrust a discretionary power over the life, liberty, or fortune of the subject, to any man or set of men whatsoever upon a presumption that it will not be abused.

PHILO JUNIUS

LETTER XLVIII

TO THE PRINTER OF THE PUBLIC ADVERTISER

28 May 1771

Sir,

Any man who takes the trouble of perusing the journals of the house of commons, will soon be convinced that very little, if any regard at all, ought to be paid to the resolutions of one branch of the legislature, declaratory of the law of the land, or even what they call the law of parliament. It will appear that these resolutions have no one of the properties, by which, in this country, particularly, *law* is distinguished from mere *will* and *pleasure* ; but that, on the contrary, they bear every mark of a power arbitrarily assumed and capriciously applied :—That they are usually made in times of contest, and to serve some unworthy purpose of passion or party ;—that the law is seldom declared until *after* the fact, by which it is supposed to be violated ;—that legislation and jurisdiction are united in the same persons, and exercised at the same moment —and that a court from which there is no appeal, assumes an *original* jurisdiction in a criminal case ;—in short, Sir, to collect a thousand absurdities into one mass, 'we have a law which cannot be known because it is *ex post facto*, the party is both legislator and judge, and the jurisdiction is without

appeal.' Well might the judges say, *The law of parliament is above us.*

You will not wonder, Sir, that, with these qualifications, the declaratory resolutions of the house of commons should appear to be in perpetual contradiction, not only to common sense and to the laws we are acquainted with, (and which alone we can obey) but even to one another. I was led to trouble you with these observations by a passage, which, to speak in lutestring, *I met with this morning in the course of my reading*, and upon which I mean to put a question to the advocates for privilege.—On the 8th of March, 1704 (*vide* Journals, Vol. 14. p. 565), the house thought proper to come to the following resolutions.—[1] 'That no commoner of England, committed by the house of commons for breach of privilege or contempt of that house, ought to be, by any writ of *Habeas Corpus*, made to appear in any other place, or before any other judicature, during that session of parliament, wherein such person was so committed.'

2. 'That the Sergeant at Arms attending this house do make no return of or yield any obedience to the said writs of *Habeas Corpus*, and for such his refusal, that he have the protection of the house of commons.'[1]

WELBORE ELLIS, What say you? Is this the law of parliament, or is it not? I am a plain man, Sir, and cannot follow you through the phlegmatic forms of an oration. Speak out, Grildrig,[2]—say yes, or no. If you say *yes*, I shall then enquire by what authority Mr. De Grey, the honest Lord Mansfield, and the Barons of the Exchequer, dared to grant a writ of *Habeas Corpus* for bringing the bodies of the Lord Mayor and Mr. Oliver before them, and why the Lieutenant of the Tower made any return to a writ, which the house of commons had, in a similar instance, declared to be unlawful.—If you say

[1] If there be in reality any such law in England, as the *law of parliament*, which, (under the exceptions stated in my letter on privileges), I confess, after long deliberation, I very much doubt, it certainly is not constituted by, nor can it be collected from, the resolutions of either house, whether *enacting* or *declaratory*. I desire the reader will compare the above resolution of the year 1704, with the following of the 3d of April, 1628.—'*Resolved*, That the writ of *Habeas Corpus* cannot be denied, but ought to be granted to *every* man, that is committed or detained in prison, or otherwise restrained by the command of the King, the Privy Council, or *any other*, he praying the same.'

[2] Editor's Note. The name given Gulliver by the giant Brobdignagians. Ellis was a very small man.

no, take care you do not at once give up the cause, in support of which you have so long and so laboriously tortured your understanding. Take care you do not confess that there is no test by which we can distinguish,—no evidence by which we can determine what is, and what is not the law of parliament. The resolutions I have quoted stand upon your journals, uncontroverted and unrepealed ;—they contain a declaration of the law of parliament by a court, competent to the question. and whose decision, as you and Lord Mansfield say, must be law, because there is no appeal from it, and they were made, not hastily, but after long deliberation upon a constitutional question.—What farther sanction or solemnity will you annex to any resolution of the present house of commons, beyond what appears upon the face of those two resolutions, the legality of which you now deny? If you say that parliaments are not infallible, and that Queen Anne, in consequence of the violent proceedings of that house of commons, was obliged to prorogue and dissolve them, I shall agree with you very heartily and think that the precedent ought to be followed immediately. But you, Mr. Ellis, who hold this language, are inconsistent with your own principles. You have hitherto maintained that the house of commons are the sole judges of their own privileges, and that their declaration does, *ipso facto*, constitute the law of parliament ; yet now you confess that parliaments are fallible, and that their resolutions may be illegal, consequently that their resolutions *do not* constitute the law of parliament. When the King was urged to dissolve the present parliament, you advised him to tell his subjects, that *he was careful not to assume any of those powers which the constitution had placed in other hands*, &c. Yet Queen Anne, it seems, was justified in exerting her prerogative to stop a house of commons, whose proceedings, compared with those of the assembly, of which you are a most worthy member, were the perfection of justice and reason.

In what a labyrinth of nonsense does a man involve himself who labours to maintain falsehood by argument? How much better would it become the dignity of the house of commons to speak plainly to the people, and tell us at once *that their will must be obeyed, not because it is lawful and reasonable, but because it is their will.* Their constituents would have a better opinion of their candour, and, I promise you, not a worse opinion of their integrity.

PHILO JUNIUS

LETTER XLIX

TO HIS GRACE THE DUKE OF GRAFTON

22 June 1771

My Lord,

The profound respect I bear to the gracious Prince, who governs this country with no less honour to himself than satisfaction to his subjects, and who restores you to your rank under his standard, will save you from a multitude of reproaches. The attention I should have paid to your failings is involuntarily attracted to the hand that rewards them ; and though I am not so partial to the royal judgment, as to affirm, that the favour of a King can remove mountains of infamy, it serves to lessen at least, for undoubtedly it divides, the burthen. While I remember how much is due to *his* sacred character, I cannot, with any decent appearance of propriety, call you the meanest and the basest fellow in the kingdom. I protest, my Lord, I do not think you so. You will have a dangerous rival, in that kind of fame to which you have hitherto so happily directed your ambition, as long as there is one man living who thinks you worthy of his confidence, and fit to be trusted with any share in his government. I confess you have great intrinsic merit ; but take care you do not value it too highly. Consider how much of it would have been lost to the world, if the King had not graciously affixed his stamp, and given it currency among his subjects. If it be true that a virtuous man, struggling with adversity, be a scene worthy of the gods, the glorious contention, between you and the best of Princes, deserves a circle, equally attentive and respectable. I think I already see other gods rising from the earth to behold it.

But this language is too mild for the occasion. The king is determined, that our abilities shall not be lost to society. The perpetration and description of new crimes will find employment for us both. My Lord, if the persons, who have been loudest in their professions of patriotism, had done their duty to the public with the same zeal and perseverance that I did, I will not assert that government would have recovered its dignity, but at least our gracious Sovereign must have spared his subjects this last insult,[1] which, if there be any feeling left among us, they will resent more than even the real

[1] The Duke was lately appointed Lord Privy Seal.

injuries they received from every measure of your Grace's administration. In vain would he have looked round him for another character so consummate as yours. Lord Mansfield shrinks from his principles ;—his ideas of government perhaps go farther than your own, but his heart disgraces the theory of his understanding.—Charles Fox [1] is yet in blossom ; and as for Mr. Wedderburne, there is something about him, which even treachery cannot trust. For the present, therefore, the best of princes must have contented himself with Lord Sandwich.—You would long since have received your final dismission and reward ; and I, my Lord, who do not esteem you the more for the high office you possess, would willingly have followed you to your retirement. There is surely something singularly benevolent in the character of our Sovereign. From the moment he ascended the throne, there is no crime, of which human nature is capable, (and I call upon the Recorder to witness it) that has not appeared venial in his sight.[2] With any other Prince, the shameful desertion of him in the midst of that distress, which you alone had created,—in the very crisis of danger, when he fancied he saw the throne already surrounded by men of virtue and abilities, would have outweighed the memory of your former services. But his Majesty is full of justice, and understands the doctrine of compensation. He remembers with gratitude how soon you had accommodated your morals to the necessities of his service ;—how chearfully you had abandoned the engagements of private friendship, and renounced the most solemn professions to the public. The sacrifice of Lord Chatham was not lost upon him. Even the cowardice and perfidy of deserting him may have done you no disservice in his esteem. The instance was painful, but the principle might please.

You did not neglect the magistrate while you flattered the *man*. The expulsion of Mr. Wilkes, predetermined in the cabinet ;—the power of depriving the subject of his birthright, attributed to a resolution of one branch of the legislature ; —the constitution impudently invaded by the house of commons ;—the right of defending it treacherously renounced by the house of lords. These are the strokes, my Lord, which, in the present reign, recommend to office and constitute a

[1] Editor's Note. Charles Fox was at that time a lord of the Admiralty.

[2] Editor's Note. An allusion to the pardon granted McQuirk and the Kennedys.

minister. They would have determined your Sovereign's judgment, if they had made no impression upon his heart. We need not look for any other species of merit to account for his taking the earliest opportunity to recall you to his councils. Yet you have other merit in abundance.—Mr. Hine,—the Duke of Portland,—and Mr. Yorke.—Breach of trust, robbery, and murder. You would think it a compliment to your gallantry if I added rape to the catalogue ;—but the stile of your amours secures you from resistance. I know how well these several charges have been defended. In the first instance, the breach of trust is supposed to have been its own reward. Mr. Bradshaw affirms upon his honour, (and so may the gift of smiling never depart from him !) that you reserved no part of Mr. Hine's purchase-money for your own use, but that every shilling of it was scrupulously paid to governor Burgoyne.—Make haste, my Lord,—another patent, applied in time, may keep the OAKS [1] in the family. If not, Birnham Wood, I fear, must come to the *Macaroni*.[2]

The Duke of Portland was in life your earliest friend. In defence of his property he had nothing to plead, but equity against Sir James Lowther, and prescription against the crown. You felt for your friend ; *but the law must take its course.* Posterity will scarce believe that Lord Bute's son-in-law [3] had barely interest enough at the Treasury to get his grant compleated before the general election.[4]

Enough has been said of that detestable transaction, which ended in the death of Mr. Yorke,—I cannot speak of it without horror and compassion. To excuse yourself, you publickly impeach your accomplice, and to *his* mind, perhaps, the accusation may be flattery. But in murder you are both principals. It was once a question of emulation, and if the event had not disappointed the immediate schemes of the closet, it might still have been a hopeful subject of jest and merriment between you.

This letter, my Lord, is only a preface to my future correspondence. The remainder of the summer shall be dedicated to

[1] A superb villa of Colonel Burgoyne, about this time advertised for sale.

[2] Editor's Note. The auctioneer.

[3] Editor's Note. Sir James Lowther had married a daughter of Lord Bute.

[4] It will appear by a subsequent letter, that the Duke's precipitation proved fatal to the grant. It looks like the hurry and confusion of a young highwayman, who takes a few shillings, but leaves the purse and watch behind him.—And yet the Duke was an old offender !

your amusement. I mean now and then to relieve the severity of your morning studies, and to prepare you for the business of the day. Without pretending to more than Mr. Bradshaw's sincerity, you may rely upon my attachment, as long as you are in office.

Will your Grace forgive me, if I venture to express some anxiety for a man, whom I know you do not love ? [1] My Lord Weymouth has cowardice to plead, and a desertion of a later date than your own. You know the privy seal was intended for him ; and if you consider the dignity of the post he deserted, you will hardly think it decent to quarter him on Mr. Rigby. Yet he must have bread, my Lord ;—or rather he must have wine. If you deny him the cup, there will be no keeping him within the pale of the ministry.

JUNIUS

LETTER L

TO HIS GRACE THE DUKE OF GRAFTON

9 July 1771

My Lord,

The influence of your Grace's fortune still seems to preside over the treasury.—The genius of Mr. Bradshaw inspires Mr. Robinson.[2] How remarkable it is, (and I speak it not as a matter of reproach, but as something peculiar to your

[1] Editor's Note. Lord Weymouth had deserted the ministry, but had not gone into opposition. Junius hints that he will be given some sinecure or pension, or that Rigby, the Paymaster-General, will have to divide his salary with Weymouth, in order to ensure his attachment to administration.

[2] By an intercepted letter from the Secretary of the Treasury, it appeared, *that the friends of government were to be very active* in supporting the ministerial nomination of sheriffs.

Editor's Note. Robinson, in addition to being Secretary of the Treasury, also acted as confidential agent to Lord North, as Bradshaw had done before to the Duke of Grafton. The letter referred to by Junius reads as follows :

'Mr. Robinson presents his compliments to Mr. Smith. Mr. Harley meets his ward publicly to-day, to support Aldermen Plumbe and Kirkman. The friends of government will be very active, and it is earnestly desired that you will exert yourself to the utmost of your power to support those aldermen. It is thought it will be very advantageous to push the poll to-day with as many friends as possible, therefore it is desired that you will pursue that conduct. Mr. Harley will be early in the city to-day, and to be heard of at his counting-house in Bridge Yard, Bucklersbury, and if

character) that you have never yet formed a friendship which has not been fatal to the object of it, nor adopted a cause, to which, one way or other, you have not done mischief. Your attachment is infamy while it lasts, and whichever way it turns, leaves ruin and disgrace behind it. The deluded girl, who yields to such a profligate, even while he is constant, forfeits her reputation as well as her innocence, and finds herself abandoned at last to misery and shame.—Thus it happened with the best of Princes. Poor Dingley, too![1]—I protest I hardly know which of them we ought most to lament;—the unhappy man who sinks under the sense of his dishonour, or him who survives it. Characters, so finished, are placed beyond the reach of panegyric. Death has fixed his seal upon Dingley, and you, my Lord, have set your mark upon the other.

The only letter I ever addressed to the King was so unkindly received, that I believe I shall never presume to trouble his Majesty, in that way, again. But my zeal for his service is superior to neglect, and like Mr. Wilkes's patriotism, thrives by persecution. Yet his Majesty is much addicted to useful reading, and, if I am not ill informed, has honoured the *Public Advertiser* with particular attention. I have endeavoured therefore, and not without success, (as perhaps you may remember), to furnish it with such interesting and edifying intelligence, as probably would not reach him through any other channel. The services you have done the nation,—your integrity in office, and signal fidelity to your approved good master, have been faithfully recorded. Nor have his own virtues been intirely neglected. These letters, my Lord, are read in other countries and in other languages;[2] and I think I may affirm without vanity, that the gracious character of the best of Princes is by this time not only

you, or such person as you intrust in this matter, could see him to consult thereon, it might be beneficial to the cause.

'Tuesday morning, 25th of June, 1771, six o'clock.

J. ROBINSON.

'To Benj. Smith, Esq.'

The letter went astray through the carelessness of the messenger and was published by the gentleman who received it. Partly in consequence of the letter, Mr. Bull and Mr. Wilkes were returned as sheriffs in the election.

[1] Editor's Note. Dingley had offered himself as a candidate for Middlesex at the preceding election, at the request of the Duke of Grafton. He had been unable to find a single freeholder who would nominate him. He had just died before this letter appeared.

[2] Editor's Note. At the date of this letter, Lord Shelburne was travelling on the continent.

perfectly known to his subjects, but tolerably well understood by the rest of Europe. In this respect alone, I think, I have the advantage of Mr. Whitehead.[1] His plan, I think, is too narrow. He seems to manufacture his verses for the sole use of the hero, who is supposed to be the subject of them, and, that his meaning may not be exported in foreign bottoms, sets all translation at defiance.

Your Grace's re-appointment to a seat in the cabinet was announced to the public by the ominous return of Lord Bute to his country. When that noxious planet approaches England, he never fails to bring plague and pestilence along with him. The King already feels the malignant effect of your influence over his councils. Your former administration made Mr. Wilkes an Alderman of London, and Representative of Middlesex. Your next appearance in office is marked with his election to the shrievalty. In whatever measure you are concerned, you are not only disappointed of success, but always contrive to make the government of the best of Princes contemptible in his own eyes, and ridiculous to the whole world. Making all due allowance for the effect of the minister's declared interposition, Mr. Robinson's activity, and Mr. Horne's new zeal in support of administration,[2] we still want the genius of the Duke of Grafton to account for committing the whole interest of government in the city, to the conduct of Mr. Harley. I will not bear hard upon your faithful friend and emissary Mr. Touchet, for I know the difficulties of his situation, and that a few lottery tickets are of use to his œconomy. There is a proverb concerning persons in the predicament of this gentleman, which however cannot be strictly applied to him. *They commence dupes and finish knaves.* Now Mr. Touchet's character is uniform. I am convinced that his sentiments never depended upon his

[1] Editor's Note. The poet laureate.

[2] The contest for the office of Sheriff had brought about a division in the Society for the support of the Bill of Rights. Oliver was jealous of Wilkes, and having gained a considerable celebrity as a patriot by having resisted the authority of the house of commons, and having undergone imprisonment in the Tower, he had told Wilkes not to stand as a candidate for Sheriff, and had refused to serve with Wilkes as colleague, if elected. Wilkes and Bull became candidates, however, and were opposed by Kirkman, Plumbe, and Oliver. John Horne, a leading member of the Society, supported Oliver, thus dividing the forces of the opposition in the city, but in spite of his support, Oliver was returned at the bottom of the poll, and Wilkes and Bull were chosen Sheriffs by a large majority. [EDITOR'S NOTE.]

circumstances, and that, in the most prosperous state of his fortune, he was always the very man he is at present.—But was there no other person of rank and consequence in the city, whom government could confide in, but a notorious Jacobite? Did you imagine that the whole body of the Dissenters, that the whole Whig-interest of London would attend a levy, and submit to the directions of a notorious Jacobite? Was there no Whig magistrate in the city, to whom the servants of George the Third could intrust the management of a business, so very interesting to their master as the election of sheriffs? Is there no room at St. James's, but for Scotchmen and Jacobites? My Lord, I do not mean to question the sincerity of Mr. Harley's attachment to his Majesty's government. Since the commencement of the present reign, I have seen still greater contradictions reconciled. The principles of these worthy Jacobites, are not so absurd as they have been represented. Their ideas of divine right are not so much annexed to the person or family, as to the political character of the Sovereign. Had there ever been an honest man among the *Stuarts*, his Majesty's present friends would have been Whigs upon principle. But the conversion of the best of Princes has removed their scruples. They have forgiven him the sins of his Hanoverian ancestors, and acknowledge the hand of Providence in the descent of the crown upon the head of a true *Stuart*. In you, my Lord, they also behold, with a kind of predilection, which borders upon loyalty, the natural representative of that illustrious family. The mode of your descent from Charles the Second is only a bar to your pretensions to the crown, and no way interrupts the regularity of your succession to all the virtues of the *Stuarts*.

The unfortunate success of the reverend Mr. Horne's endeavours, in support of the ministerial nomination of sheriffs, will I fear obstruct his preferment. Permit me to recommend him to your Grace's protection. You will find him copiously gifted with those qualities of the heart which usually direct you in the choice of your friendships. He too was Mr. Wilkes's friend, and as incapable as you are of the liberal resentment of a gentleman. No, my Lord,—it was the solitary, vindictive malice of a monk, brooding over the infirmities of his friend, until he thought they quickened into public life; and feasting with a rancorous rapture upon the sordid catalogue of his distresses. Now, let him go back to his cloister. The church

is a proper retreat for him. In his principles he is already a Bishop.

The mention of this man has moved me from my natural moderation. Let me return to your Grace. You are the pillow, upon which I am determined to rest all my resentments. What idea can the best of Sovereigns form to himself of his own government?—in what repute can he conceive that he stands with his people, when he sees, beyond the possibility of a doubt, that, whatever be the office, the suspicion of his favour is fatal to the candidate, and that, when the party he wishes well to has the fairest prospect of success, if his royal inclination should unfortunately be discovered, it drops like an acid, and turns the election. This event, among others, may perhaps contribute to open his Majesty's eyes to his real honour and interest. In spite of all your Grace's ingenuity, he may at last perceive the inconvenience of selecting, with such a curious felicity, every villain in the nation to fill the various departments of his government. Yet I should be sorry to confine him in the choice either of his footmen or his friends.

JUNIUS

LETTER LI

FROM THE REVEREND MR. HORNE TO JUNIUS

13 July 1771

Sir,

Farce, Comedy, and Tragedy,—Wilkes, Foote, and *Junius*[1] united at the same time, against one poor Parson, are fearful odds. The two former are only labouring in their vocation, and may equally plead in excuse, that their aim is a livelihood. I admit the plea for the *second*; his is an honest calling, and my clothes were lawful game; but I cannot so readily approve Mr. Wilkes, or commend him for making patriotism a trade, and a fraudulent trade. But what shall I say to *Junius*? the grave, the solemn, the didactic! ridicule, indeed, has been

[1] Editor's Note. Horne intimates that Wilkes's patriotism was a farce. The comedian, Samuel Foote, owed a good deal of his popularity to his ability to write and present satirical pieces, in which conspicuous personages were presented under a very thin disguise as to name, and identified by having their peculiarities and dress carefully imitated. The story is well known of how he was deterred from representing Dr. Johnson, by the Doctor's threat of cudgelling him in public if he did so. He had just imitated Horne.

ridiculously called the test of truth ; but surely to confess that you lose your *natural moderation* when mention is made of the man, does not promise much truth or justice when you speak of him yourself.

You charge me with 'a new zeal in support of administration,' and with 'endeavours in support of the ministerial nomination of Sheriffs.' The reputation which your talents have deservedly gained to the signature of *Junius*, draws from me a reply which I disdained to give to the anonymous lies of Mr. Wilkes. You make frequent use of the word *Gentleman* ; I only call myself a *Man*, and desire no other distinction : if you are either, you are bound to make good your charges, or to confess that you have done me a hasty injustice upon no authority.

I put the matter fairly to issue.—I say, that so far from any new 'zeal in support of administration,' I am possessed with the utmost abhorrence of their measures : and that I have ever shewn myself, and am still ready, in any rational manner, to lay down all I have—my life, in opposition to those measures. I say, that I have not, and never have had, any communication or connexion of any kind, directly or indirectly, with any courtier or ministerial man, or any of their adherents : that I never have received, or solicited, or expected, or desired, or do now hope for, any reward of any sort, from any party or set of men in administration or opposition ; I say, that I never used any 'endeavours in support of the ministerial nomination of Sheriffs.' That I did not solicit any one liveryman for his vote for any one of the candidates ; nor employ any other person to solicit : and that I did not write one single line or word in favour of Messrs. Plumbe and Kirkman, whom I understand to have been supported by the ministry.

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

SINGULAR as my present situation is, it is neither painful, nor was it unforeseen. He is not fit for public business who

does not even at his entrance prepare his mind for such an event. Health, fortune, tranquility, and private connexions I have sacrificed upon the altar of the public ; and the only return I receive, because I will not concur to dupe and mislead a senseless multitude, is barely, that they have not yet torn me in pieces. That this has been the only return, is my pride ; and a source of more real satisfaction than honours or prosperity. I can practise before I am old, the lessons I learned in my youth ; nor shall I ever forget the words of my ancient Monitor,[1]

> 'Tis the last key-stone
> That makes the arch : the rest that there were put,
> Are nothing till that comes to bind and shut.
> Then stands it a triumphal mark ! then men
> Observe the strength, the height, the why and when
> It was erected ; and still walking under,
> Meet some new matter to look up at and wonder ! '

I am, Sir, your humble servant,

JOHN HORNE

LETTER LII

TO THE REVEREND MR. HORNE

24 July 1771

Sir,

I cannot descend to an altercation with you in the newspapers. But since I have attacked your character, and you complain of injustice, I think you have some right to an explanation. You defy me to prove, that you ever solicited a vote, or wrote a word in support of the ministerial aldermen. Sir, I did never suspect you of such gross folly. It would have been impossible for Mr. Horne to have solicited votes, and very difficult to have written for the newspapers in defence of that cause, without being detected and brought to shame. Neither do I pretend to any intelligence concerning you, or to know more of your conduct, than you yourself have thought proper to communicate to the public. It is from your own letters I conclude that you have sold yourself of the ministry [2] : or, if that

[1] Editor's Note. Ben Jonson. *Underwoods. An Epistle to Sir Edward Sackvile, now Earle of Dorset.*

[2] Editor's Note. Horne had been attacking Wilkes in the newspapers.

charge be too severe, and supposing it possible to be deceived by appearances so very strongly against you, what are your friends to say in your defence? must they not confess that, to gratify your personal hatred of Mr. Wilkes, you sacrificed, as far as depended upon *your* interest and abilities, the cause of the country? I can make allowance for the violence of the passions, and, if ever I should be convinced that you had no motive but to destroy Wilkes, I shall then be ready to do justice to your character, and to declare to the world, that I despise you somewhat less than I do at present.—But, as a public man, I must for ever condemn you. You cannot but know,—nay, you dare not pretend to be ignorant, that the highest gratification of which the most detestable —— in this nation is capable, would have been the defeat of Wilkes. I know *that man* much better than any of you. Nature intended him only for a good-humoured fool. A systematical education, with long practice, has made him a consummate hypocrite. Yet this man, to say nothing of his worthy ministers, you have most assiduously laboured to gratify. To exclude Wilkes, it was not necessary you should solicit votes for his opponents. We incline the balance as effectually by lessening the weight in one scale, as by increasing it in the other.

The mode of your attack upon Wilkes (though I am far from thinking meanly of your abilities) convinces me, that you either want judgment extremely, or that you are blinded by your resentment. You ought to have foreseen, that the charges you urged against Wilkes could never do him any mischief. After all, when we expected discoveries highly interesting to the community, what a pitiful detail did it end in!—Some old cloaths—a Welsh poney—a French footman, and a hamper of claret.[1] Indeed, Mr. Horne, the public should, and *will* forgive him his claret and his footmen, and even the ambition of making his brother chamberlain of London, as long as he

[1] Editor's Note. Horne had accused Wilkes, among other things, of having pawned some clothes Horne had left with him in Paris; of having asked Mr. Wildman to purchase a pony for him, which he had never paid for; of having drunk claret while in the King's Bench prison; of having an ambition to make his brother chamberlain of London; and of having in his employ six servants, three of whom were French,—all this while Wilkes was having his debts paid by the Bill of Rights Society. Wilkes promptly refuted the main charges in a witty letter, of which Junius remarked, Private Letter No. 35: 'I think Wilkes has closed well. I hope he will keep his resolution not to write any more.'

stands forth against a ministry and parliament, who are doing everything they can to enslave the country, and as long as he is a thorn in the King's side. You will not suspect me of setting up *Wilkes* for a perfect character. The question to the public, is, where shall we find a man, who, with purer principles, will go the lengths, and run the hazards that he has done? the season calls for such a man, and he ought to be supported. What would have been the triumph of that odious hypocrite and his minions, if *Wilkes* had been defeated! It was not *your* fault, reverend Sir, that he did not enjoy it compleatly.—But now, I promise you, you have so little power to do mischief, that I much question whether the ministry will adhere to the promises they have made you. It will be in vain to say that I am a partizan of Mr. Wilkes, or personally your enemy. You will convince no man, for you do not believe it yourself. Yet, I confess, I am a little offended at the low rate at which you seem to value my understanding. I beg, Mr. Horne, you will hereafter believe that I measure the integrity of men, by their conduct, not by their professions. Such tales may entertain Mr. Oliver, or your grandmother, but trust me, they are thrown away upon *Junius*.

You say you are a *man*. Was it generous, was it manly, repeatedly to introduce into a newspaper, the name of a young lady,[1] with whom you must heretofore have lived on terms of politeness and good humour?—but I have done with you. In *my* opinion, your credit is irrecoverably ruined. Mr. Townshend, I think, is nearly in the same predicament.—Poor Oliver has been shamefully duped by you. You have made him sacrifice all the honour he got by his imprisonment.—As for Mr. *Sawbridge*,[2] whose character I really respect, I am astonished he does not see through your duplicity. Never was so base a design so poorly conducted.—This letter, you see, is not intended for the public, but if you think it will do you any service, you are at liberty to publish it.

JUNIUS [3]

[1] Editor's Note. Miss Wilkes.

[2] Editor's Note. Aldermen Townshend and Sawbridge had combined with Horne to support Oliver against Wilkes.

[3] This letter was transmitted privately by the Printer to Mr. Horne, by Junius's request. Mr. Horne returned it to the Printer with directions to publish it.

LETTER LIII

FROM THE REVEREND MR. HORNE TO JUNIUS

31 July 1771

Sir,

You have disappointed me. When I told you that surmise and general abuse, in however elegant language, ought not to pass for proofs, I evidently hinted at the reply which I expected: but you have dropped your usual elegance, and seem willing to try what will be the effect of surmise and general abuse in very coarse language. Your answer to my letter (which I hope was cool and temperate and modest) has convinced me that my idea of a *man* is superior to yours of a *gentleman.* Of your former letters I have always said *materiem superabat opus*: I do not think so of the present; the principles are more detestable than the expressions are mean and illiberal. I am contented that all those who adopt the one should for ever load me with the other.

I APPEAL to the common sense of the public, to which I have ever directed myself: I believe they have it, though I am sometimes half inclined to suspect that Mr. Wilkes has formed a truer judgment of mankind than I have. However of this I am sure, that there is nothing else upon which to place a steady reliance. Trick, and low cunning, and addressing their prejudices and passions, may be the fittest means to carry a particular point; but if they have not common-sense, there is no prospect of gaining for them any real permanent good. The same passions which have been artfully used by an honest man for their advantage, may be more artfully employed by a dishonest man for their destruction. I desire them to apply their common-sense to this letter of *Junius*, not for my sake, but their own; it concerns them most nearly, for the principles it contains lead to disgrace and ruin, and are inconsistent with every notion of civil society.

The charges which *Junius* has brought against me are made ridiculous by his own inconsistency and self-contradiction. He charges me positively with 'a new zeal in support of administration;' and with 'endeavours in support of the ministerial nomination of Sheriffs.' And he assigns two inconsistent motives for my conduct: either that I have '*sold* myself to the

ministry ;' or am instigated 'by the solitary vindictive *malice* of a monk :' either that I am influenced by a sordid desire of *gain* ; or am hurried on by 'personal *hatred* and blinded by *resentment.*' In his letter to the Duke of Grafton he supposes me actuated by both : in his letter to me he at first doubts which of the two, whether interest, or revenge is my motive : however, at last he determines for the former, and again positively asserts that 'the ministry have made me promises ;' yet he produces no instance of corruption, nor pretends to have any intelligence of a ministerial connexion : he mentions no *cause* or personal hatred to Mr. Wilkes, nor any *reason* for my resentment, or revenge ; nor has Mr. Wilkes himself ever hinted any, though repeatedly pressed. When *Junius* is called upon to justify his accusation, he answers 'he cannot descend to an altercation with me in the newspapers.' *Junius*, who *exists* only in the newspapers, who acknowledges 'he has attacked my character' *there*, and 'thinks I have some right to an *explanation* ;' yet this *Junius* 'cannot descend to an altercation in the newspapers !' and because he cannot descend to an altercation with me in the newspapers, he sends a letter of abuse by the printer, which he finishes by telling me—'I am at liberty to *publish* it.' This, to be sure, is a most excellent method to avoid an altercation in the newspapers !

The *proofs* of his positive charges are as extraordinary, 'He does not pretend to any intelligence concerning me, or to know more of my conduct than I myself have thought proper to communicate to the public.' He does not suspect me of such gross folly as to have solicited votes, or to have written anonymously in the newspapers ; because it is impossible to do either of these without being detected and brought to shame. *Junius* says this ! Who yet imagines that he has himself written two years under that signature, (and more under *others*) without being detected !—his warmest admirers will not hereafter add, without being brought to shame. But though he did never suspect me of such gross folly as to run the *hazard* of being detected and brought to shame by *anonymous* writing, he insists that I have been guilty of a much grosser folly of incurring the certainty of shame and detection by writings *signed* with my name ! But this is a small flight for the towering *Junius* : 'He is FAR from thinking meanly of my abilities,' though he is 'convinced that I want judgment extremely,' and can 'really respect Mr. Sawbridge's character,' though

he declares[1] him to be so poor a creature as not to be able to 'see through the basest design conducted in the poorest manner!' And this most base design is conducted in the poorest manner, by a man whom he does not suspect of gross folly, and of whose abilities he is FAR from thinking meanly!

Should we ask *Junius* to reconcile these contradictions and explain this nonsense, the answer is ready; 'he cannot descend to an altercation in the newspapers.' He feels no reluctance to attack the character of any man: the throne is not too high nor the cottage too low: his mighty malice can grasp both extremes: he hints not his accusations as *opinion*, *conjecture*, or *inference*, but delivers them as *positive assertions*: Do the accused complain of injustice? He acknowledges they have some sort of right to an *explanation*; but if they ask for *proofs* and *facts*, he begs to be excused: and though he is nowhere else to be encountered,—'he cannot descend to an altercation in the newspapers.'

And this perhaps *Junius* may think 'the *liberal resentment of a gentleman*:' this skulking assassination he may call courage. In all things as in this I hope we differ:

> 'I thought that fortitude had been a mean
> 'Twixt fear and rashness; not a lust obscene,
> Or appetite of offending; but a skill
> And nice discernment between good and ill.
> Her ends are honesty and public good,
> And without these she is not understood.'[2]

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[1] I beg leave to introduce Mr. Horne to the character of the *Double Dealer*. I thought they had been better acquainted.—'Another very wrong objection has been made by some, who have not taken leisure to distinguish the characters. The hero of the play (meaning *Mellefont*) is a gull, and made a fool, and cheated.—Is every man a gull and a fool that is deceived?—At that rate I am afraid the two classes of men will be reduced to one, and the knaves themselves be at a loss to justify their title. But if an open, honest-hearted man, who has an entire confidence in one, whom he takes to be his friend, and who (to confirm him in his opinion) in all appearance and upon several trials has been so; if this man be deceived by the treachery of the other, must he of necessity commence fool immediately, only because the other has proved a villain?'—YES, says parson *Horne*. No, says *Congreve*, and he, I think, is allowed to have known something of human nature.

[2] Editor's Note. Ben Jonson, *Underwoods Epistle to Sir Edward Sackvile*. The passage should read:

> 'I thought that fortitude had beene a meane
> 'Twixt feare and reashnesse: not a lust obscene,
> Or appetite of offending, but a skill
> Or science of a discerning good and ill.

Of two things, however, he has condescended to give proof. He very properly produces a *young lady* to prove that I am not a man: and a good *old woman*, my grandmother, to prove Mr. Oliver a fool. Poor old soul! she read her bible far otherwise than *Junius*! she often found there that the sins of the fathers had been visited on the children; and therefore was cautious that herself and her immediate descendants should leave no reproach on her posterity: and they left none: how little could she foresee this reverse of *Junius*, who visits my political sins upon my *grandmother*! I do not charge this to the score of malice in him, it proceeded entirely from his propensity to blunder; that whilst he was reproaching me for introducing in the most harmless manner, the name of *one* female, he might himself at the same instant, introduce *two*.

I am represented alternately as it suits *Junius's* purpose, under the opposite characters of a *gloomy Monk*, and a man of *politeness and good humour*. I am called '*a solitary Monk*,' in order to confirm the notion given of me in Mr. Wilkes's anonymous paragraphs, that I *never laugh*: and the terms of *politeness* and *good humour* on which I am said to have lived heretofore with the *young lady*, are intended to confirm other paragraphs of Mr. Wilkes, in which he is supposed to have offended me by *refusing his daughter*. Ridiculous! Yet I cannot deny but that Junius has proved me *unmanly* and *ungenerous* as clearly as he has shown me *corrupt* and *vindictive*: and I will tell him more; I have paid the present ministry as many *visits*, and *compliments* as ever I paid to the *young lady*, and shall all my life treat them with the *same politeness and good humour*.

But Junius 'begs me to believe that he measures the integrity of men by their *conduct*, not by their *professions*.' Surely this Junius must imagine his readers as void of understanding as he is of modesty! Where shall we find the standard of HIS integrity? By what are we to measure the *conduct* of this lurking assassin?—And he says this to me, whose conduct, wherever I could personally appear, has been as direct and open and public as my words; I have not, like him, concealed myself in my chamber to shoot my arrows out the window;

And you, Sir, know it well, to whom I write,
That with these mixtures we put out her light;
Her ends are honestie, and publike good!
And where they want, she is not understood.'

nor contented myself to view the battle from afar ; but publicly mixed in the engagement, and shared the danger. To whom have I, like him, refused my name upon complaint of injury ? what printer have I desired to conceal me ? in the infinite variety of business in which I have been concerned, where it is not so easy to be faultless, which of my actions can he arraign ? to what danger has any man been exposed to which I have not faced ? *information*, *action*, *imprisonment*, or *death ?* what labour have I refused ? what expence have I declined ? what pleasure have I not renounced ?—But *Junius*, *to whom no conduct belongs*, 'measures the integrity of men by their *conduct*, not by their professions ;' himself all the while being nothing but *professions*, and those too *anonymous* ! the political ignorance or wilful falsehood of this *declaimer* is extreme : his own *former* letters justify both my conduct and those whom his *last* letter abuses : for the public measures, which *Junius* has been all along defending, were ours, whom he attacks ; and the uniform opposer of those measures has been Mr. Wilkes, whose bad actions and intentions he endeavours to screen.

Let *Junius* now, if he pleases, change his abuse ; and, quitting his loose hold of *interest* and *revenge*, accuse me of *vanity*, and call this defence *boasting*. I own I have a pride to see statues decreed, and the highest honours conferred for measures and actions which all men have approved : whilst those who counselled and caused them are execrated and insulted. The darkness in which *Junius* thinks himself shrouded has not concealed him ; nor the artifice of only *attacking under that signature* those he would pull down (whilst he *recommends by other ways* those he would have promoted) disguised from me whose partizan he is. When Lord Chatham can forgive the aukward situation in which for the sake of the public he was designedly placed by the thanks to him from the city [1] : and

[1] Editor's Note. The Common Council had expressed itself, May 14, 1770 : 'That the grateful thanks of this court be presented to the Right Hon. William, Earl of Chatham, for the zeal he has shown in support of those most valuable and sacred privileges, the right of election, and the right of petition ; and for his wishes and declaration, that his endeavours shall hereafter be used that parliaments may be restored to their original purity, by shortening their duration, and introducing a more full and equal representation, an act which will render his name more honoured by posterity than the memorable successes of the glorious war he conducted.' Chatham denied, in his reply to the vote of thanks, that he was in favour of triennial parliaments.

when *Wilkes's name* ceases to be necessary to Lord Rockingham to keep up a clamour against the *persons* of the ministry, without obliging the different factions now in opposition to bind themselves beforehand to some certain points, and to stipulate some precise advantages to the public ; then, and not till then, may those whom he now abuses expect the approbation of Junius. The approbation of the public for our faithful attention to their interest by endeavours for those stipulations, which have made us as obnoxious to the factions in opposition as to those in administration, is not perhaps to be expected till some years hence ; when the public will look back and see how shamefully they have been deluded ; and by what arts they were made to lose the golden opportunity of preventing what they will surely experience,—a change of ministers, without a *material* change of measures, and without any security for a tottering constitution.

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

his principle. The *right divine* and *sacredness* of kings is to me a senseless jargon. It was thought a daring expression of Oliver Cromwell in the time of Charles the First, that if he found himself placed opposite the King in battle, he would discharge his piece into his bosom as soon as into any other man's. I go farther : had I lived in those days, I would not have waited for chance to give me an opportunity of doing my duty ; I would have sought him through the ranks, and, without the least personal enmity, have discharged my piece into his bosom *rather* than into any other man's. The King, whose actions justify rebellion to his government, deserves death from the hand of every subject. And should such a time arrive I shall be as free to act as to say. But till then, my attachment to the person and family of the Sovereign shall ever be found more zealous and sincere than that of his flatterers. I would offend the Sovereign with as much reluctance as the parent ; but, if the happiness and security of the whole family made it necessary, so far and no farther, I would offend him without remorse.

But let us consider a little whither these principles of *Junius* would lead us. Should Mr. Wilkes once more commission Mr. Thomas Walpole to procure for him a pension of *one thousand pounds* upon the Irish establishment for thirty years ; he must be supported in the demand by the public,—because it would mortify the King !

Should he wish to see Lord Rockingham and his friends once more in administration, *unclogged by any stipulations for the people*, that he might again enjoy a *pension of one thousand and forty pounds* a year, viz., from the *First Lord of the Treasury* 500*l.* From the *Lords of the Treasury* 60*l.* each. From the *Lords of Trade* 40*l.* each,[1] &c. The public must give up their attention to points of national benefit, and assist Mr. Wilkes in his attempt—because it would mortify the King !

Should he demand the government of *Canada*, or of *Jamaica*, or the embassy of *Constantinople*, and in case of refusal threaten to write them down, as he had before served another administration, in a year and an half ; he must be supported in his pre-

[1] Editor's Note. The Rockingham party on coming into power had promised to obtain a reversal of the proceedings against Wilkes. They were unable to get the King to agree to the reversal, however, and to get out of an embarrassing situation, gave Wilkes a pension out of their own salaries, on condition that he should stay out of England.

tensions, and upheld in his insolence—because it would mortify the King !

Junius may chuse to suppose that these things cannot happen ! But that they have happened, notwithstanding Mr. Wilkes's denial, I do aver. I maintain that Mr. Wilkes did commission Mr. Thomas Walpole to solicit for him a pension of *one thousand pounds* on the *Irish* establishment for *thirty years* ; with which and a pardon he declared he would be satisfied : and that, notwithstanding his letter to Mr. Onslow, he did accept a *clandestine*, *precarious* and *eleemosynary* pension from the Rockingham administration ; which they paid in proportion to and out of their salaries ; and so entirely was it ministerial, that as any of them went out of the ministry, their names were scratched out of the list, and they contributed no longer. I say, he did solicit the governments and the embassy, and threatened their refusal nearly in these words—' It cost me a year and an half to write down the last administration, should I employ as much time upon you, very few of you would be in at the death.' When these threats did not prevail, he came over to England to embarrass them by his presence ; and when he found that Lord Rockingham was something firmer and more manly than he expected, and refused to be bullied—into what he could not perform, Mr. Wilkes declared that he could not leave England without money ; and the Duke of Portland and Lord Rockingham purchased his absence with *one hundred pounds a-piece* ; with which he returned to Paris. And for the truth of what I here advance, I appeal to the Duke of Portland, to Lord Rockingham, to Lord John Cavendish, to Mr. Walpole, &c.—I appeal to the hand-writing of Mr. Wilkes, which is still extant.

Should Mr. Wilkes afterwards (failing in this wholesale trade) chuse to dole out his popularity by the pound, and expose the city offices to sale to his brother, his attorney, &c., *Junius* will tell us it is only an *ambition* that he has to make them *chamberlain*, *town clerk*, &c., and he must not be opposed in thus robbing the ancient citizens of their birth-right—because any defeat of Mr. Wilkes would gratify the King !

Should he, after consuming the whole of his own fortune and that of his wife, and incurring a debt of *twenty thousand pounds* merely by his own private extravagance, without a single service or exertion all this time for the public, whilst his estate remained ; should he, at length, being undone, commence

patriot, have the good fortune to be illegally persecuted, and in consideration of that illegality be espoused by a few gentlemen of the purest public principles ; should his debts (though none of them were contracted for the public) and all his other incumbrances be discharged ; should he be offered 600*l.* or 1000*l.* a year to make him independent for the future ; and should he, after all, instead of gratitude for these services, insolently forbid his benefactors to bestow their own money upon any other object but himself, and revile them for setting any bounds to their supplies ; *Junius* (who, any more than Lord Chatham, never contributed one farthing to these enormous expenses) will tell them, that if they think of converting the supplies of Mr. Wilkes's private extravagance to the support of public measures —they are as great fools as my *grandmother* ; and that Mr. Wilkes ought to hold the strings of their purses—*as long as he continues to be a thorn in the King's side !*

Upon these principles I never have acted, and I never will act. In my opinion, it is less dishonourable to be the creature of a court than the tool of a faction. I will not be either. I understand the two great leaders of opposition to be Lord Rockingham and Lord Chatham ; under one of whose banners all the opposing members of both houses, who desire to get places, enlist. I can place no confidence in either of them, or in any others, unless they will now engage, whilst they are OUT, to grant certain essential advantages for the security of the public when they shall be IN administration. These points they refuse to stipulate, because they are fearful lest they should prevent any future overtures from the court. To force them to these stipulations has been the uniform endeavour of Mr. Sawbridge, Mr. Townsend, Mr. Oliver, &c., and, THEREFORE, they are abused by Junius. I know no reason but my zeal and industry in the same cause that should intitle me to the honour of being ranked by this abuse with persons of their fortune and station. It is a duty I owe to the memory of the late Mr. Beckford to say, that he had no other aim than this when he provided that sumptuous entertainment at the Mansion House for the members of both Houses in opposition. At the time he drew up the heads of an engagement, which he gave to me with a request that I would couch it in terms so cautious and precise, as to leave no room for future quibble and evasion, but to oblige them either to fulfil the intent of the obligation, or to sign their own infamy, and leave it on record ; and this engagement he was determined to

propose to them at the Mansion House, that either by their refusal they might forfeit the confidence of the public, or by the engagement lay a foundation for confidence. When they were informed of the intention, Lord Rockingham and his friends flatly refused any engagement; and Mr. Beckford as flatly swore, they should then 'eat none of his broth;' and he was determined to put off the entertainment: but Mr. Beckford was prevailed upon by —— to indulge them in the ridiculous parade of a popular procession through the city, and to give them the foolish pleasure of an imaginary consequence for the real benefit only of the cooks and purveyors.

It was the same motive which dictated the thanks of the city to Lord Chatham; which were expressed to be given for his declaration in favour of *short parliaments*: in order thereby to fix Lord Chatham at least to that one constitutional remedy, without which all others can afford no security. The embarrassment no doubt was cruel. He had his choice either to offend the Rockingham party who declared *formally* against short parliaments, and with the assistance of whose numbers in both houses he must expect again to be minister; or to give up the confidence of the public, from whom finally all real consequence must proceed. Lord Chatham chose the latter: and I will venture to say that, by his *answer* to those thanks, he has given up the people without gaining the friendship or cordial assistance of the Rockingham faction; whose little politics are confined to the making of matches, and extending their family connexions, and who think they gain more by procuring one additional vote to their party in the house of commons than by adding to their languid property and feeble character the abilities of a *Chatham*, or the confidence of a public.

WHATEVER may be the event of the present wretched state of politics in this country, the principles of Junius will suit no form of government. They are not to be tolerated under any constitution. Personal enmity is a motive fit only for the devil. Whoever or whatever is Sovereign, demands the respect and support of the people. The union is formed for their happiness, which cannot be had without mutual respect; and he counsels maliciously who would persuade either to a wanton breach of it. When it is banished by either party, and when every method has been tried in vain to restore it, there is no remedy but a divorce: But even then he must have a hard and a wicked heart indeed who punishes the greatest criminal merely for the

sake of the punishment; and who does not let fall a tear for every drop of blood that is shed in a public struggle, however just the quarrel.

JOHN HORNE

LETTER LIV[1]

TO THE PRINTER OF THE PUBLIC ADVERTISER

15 Aug. 1771

Sir,

I ought to make an apology to the Duke of Grafton for suffering any part of my attention to be diverted from his Grace to Mr. Horne. I am not justified by the similarity of their dispositions. Private vices, however detestable, have not dignity sufficient to attract the censure of the press, unless they are united with the power of doing some signal mischief to the community.—Mr. Horne's situation does not correspond with his intentions.—In my own opinion (which I know, will be attributed to my usual vanity and presumption) his letter to me does not deserve an answer. But I understand that the public are not satisfied with my silence;—that an answer is expected from me, and that if I persist in refusing to plead, it will be taken for conviction. I should be inconsistent with the principles I profess, if I declined an appeal to the good sense of the people, or did not willingly submit myself to the judgment of my peers.

If any coarse expressions have escaped me, I am ready to agree that they are unfit for Junius to make use of, but I see no reason to admit that they have been improperly applied.

Mr. Horne, it seems, is unable to comprehend how an extreme want of conduct and discretion can consist with the abilities I have allowed him; nor can he conceive that a very honest man, with a very good understanding, may be deceived by a knave. His knowledge of human nature must be limited indeed. Had he never mixed with the world, one would think that even his books might have taught him better. Did he hear Lord Mansfield when he defended his doctrine concerning libels?—Or when he stated the law in prosecutions for criminal conversation?—Or when he delivered his reasons for calling the house of lords together to receive a copy of his charge to the jury in Woodfall's trial?—Had he been present upon any of

[1] Editor's Note. See Private Letter, No. 37.

these occasions, he would have seen how possible it is for a man of the first talents, to confound himself in absurdities, which would disgrace the lips of an ideot. Perhaps the example might have taught him not to value his own understanding so highly.—Lord Littleton's integrity and judgment are unquestionable ;—yet he is known to admire that cunning Scotchman, and verily believes him an honest man.—I speak to facts with which all of us are conversant,—I speak to men and to their experience, and will not descend to answer the little sneering sophistries of a collegian.—Distinguished talents are not necessarily connected with discretion. If there be anything remarkable in the character of Mr. Horne, it is that extreme want of judgment should be united with his very moderate capacity. Yet I have not forgotten the acknowledgment I made him. He owes it to my bounty ; and though his letter has lowered him in my opinion, I scorn to retract the charitable donation.

I said it would be *very difficult* for Mr. Horne to write directly in defence of a ministerial measure, and not be detected ; and even that difficulty I confined to *his* particular situation. He changes the terms of the proposition, and supposes me to assert, that it would be *impossible* for *any* man to write for the newspapers and not be discovered.

He repeatedly affirms or intimates at least, that he knows the author of these letters.—With what colour of truth then can he pretend *that I am nowhere to be encountered but in a newspaper* ?—I shall leave him to his suspicions. It is not necessary that I should confide in the honour or discretion of a man, who already seems to hate me with as much rancour as if I had formerly been his friend.—But he asserts that he has traced me thro' a variety of signatures. To make the discovery of any importance to his purpose, he should have proved either that the fictitious character of *Junius* has not been consistently supported, or that the author has maintained different principles under different signatures.—I cannot recall to my memory the numberless trifles I have written ;—but I rely upon the consciousness of my own integrity, and defy him to fix any colourable charge of inconsistency against me.

I am not bound to assign the secret motives of his apparent hatred of Mr. Wilkes : nor does it follow that I may not judge fairly of *his* conduct, though it were true *that I had no conduct of my own.*—Mr. Horne enlarges, with rapture, upon the importance of his services ;—the dreadful battles which he might have been

engaged in, and the dangers he has escaped.—In support of the formidable description, he quotes verses without mercy. The gentleman deals in fiction, and naturally appeals to the evidence of the poets.—Taking him at his word, he cannot but admit the superiority of Mr. Wilkes in this line of service. On one side we see nothing but imaginary distresses. On the other we see real prosecutions ;—real penalties ;—real imprisonment ;—life repeatedly hazarded ; and, at one moment, almost the certainty of death. Thanks are undoubtedly due to every man who does his duty in the engagement ; but it is the wounded soldier who deserves the reward.

I did not mean to deny that Mr. Horne had been an active partizan. It would defeat my own purpose not to allow him a degree of merit which aggravates his guilt. The very charge *of contributing his utmost efforts to support a ministerial measure*, implies an acknowledgment of his former services. If he had not once been distinguished by his apparent zeal in defence of the common cause, he could not now be distinguished by deserting it.—As for myself, it is no longer a question *whether I shall mix with the throng, and take a single share in the danger.* Whenever *Junius* appears, he must encounter a host of enemies. But is there no honourable way to serve the public, without engaging in personal quarrels with insignificant individuals, or submitting to the drudgery of canvassing votes for an election ? Is there no merit in dedicating my life to the information of my fellow-subjects ?—What public question have I declined, what villain have I spared ?—Is there no labour in the composition of these letters ! Mr. Horne, I fear, is partial to me, and measures the facility of *my* writings, by the fluency of his own.

He talks to us, in high terms, of the gallant feats he would have performed, if he had lived in the last century. The unhappy Charles could hardly have escaped him. But living princes have a claim to his attachment and respect. Upon these terms, there is no danger in being a patriot. If he means anything more than a pompous rhapsody, let us try how well his argument holds together.—I presume he is not yet so much a courtier as to affirm that the constitution has not been grossly and daringly violated under the present reign. He will not say, that the laws have not been shamefully broken or perverted ;—that the rights of the subject have not been invaded, or that redress has not been repeatedly solicited and refused.—Grievances like these were the foundation of the

rebellion in the last century, and, if I understand Mr. Horne, they would, at that period, have justified him to his own mind, in deliberately attacking the life of his Sovereign. I shall not ask him to what political constitution this doctrine can be reconciled. But, at least, it is incumbent upon him to shew, that the present King has better excuses than Charles the First, for the errors of his government. He ought to demonstrate to us that the constitution was better understood a hundred years ago than it is at present ;—that the legal rights of the subject, and the limits of the prerogative were more accurately defined, and more clearly comprehended. If propositions like these cannot be fairly maintained, I do not see how he can reconcile it to his conscience, not to act immediately with the same freedom with which he speaks. I reverence the character of Charles the First as little as Mr. Horne ; but I will not insult his misfortunes by a comparison that would degrade him.

It is worth observing, by what gentle degrees, the furious, persecuting zeal of Mr. Horne has softened into moderation. Men and measures were yesterday his object. What pains did he once take to bring that great state criminal *Mac Quirk* to execution !—To-day he confines himself to measures only.—No penal example is to be left to the successors of the Duke of Grafton.—To-morrow, I presume both men and measures will be forgiven. The flaming patriot, who so lately scorched us in the meridian, sinks temperately to the west, and is hardly felt as he descends.

I comprehend the policy of endeavouring to communicate to Mr. Oliver and Mr. Sawbridge, a share in the reproaches, with which he supposes me to have loaded him. My memory fails me if I have mentioned their names with disrespect ;—unless it be reproachful to acknowledge a sincere respect for the character of Mr. Sawbridge, and not to have questioned the innocence of Mr. Oliver's intentions.

It seems I am a partizan of the great leader of the opposition. If the charge had been a reproach, it should have been better supported. I did not intend to make a public declaration of the respect I bear Lord Chatham. I well knew what unworthy conclusions would be drawn from it. But I am called upon to deliver my opinion, and surely it is not in the little censure of Mr. Horne to deter me from doing signal justice to a man, who, I confess, has grown upon my esteem. As for the common, sordid views of avarice, or any purpose of vulgar ambition, I

question whether the applause of *Junius* would be of service to Lord Chatham. *My* vote will hardly recommend him to an increase of his pension, or to a seat in the cabinet. But if his ambition be upon a level with his understanding ;—if he judges of what is truly honourable for himself, with the same superior genius, which animates and directs him, to eloquence in debate, to wisdom in decision, even the pen of *Junius* shall contribute to reward him. Recorded honours shall gather round his monument, and thicken over him. It is a solid fabric, and will support the laurels that adorn it.—I am not conversant in the language of panegyric.—These praises are extorted from me ; but they will wear well, for they have been dearly earned.

My detestation of the Duke of Grafton is not founded upon his treachery to any individual ; though I am willing enough to suppose that, in public affairs, it would be impossible to desert or betray Lord Chatham, without doing an essential injury to this country. My abhorrence of the Duke arises from an intimate knowledge of his character, and from a thorough conviction, that his baseness has been the cause of greater mischief to England, than even the unfortunate ambition of Lord Bute.

The shortening the duration of parliaments is a subject on which Mr. Horne cannot enlarge too warmly ; nor will I question his sincerity. If I did not profess the same sentiments, I should be shamefully inconsistent with myself. It is unnecessary to bind Lord Chatham by the written formality of an engagement. He has publicly declared himself a convert to Triennial Parliaments,[1] and tho' I have long been convinced that this is the only possible resource we have left to preserve the substantial freedom of the constitution, I do not think we have a right to determine against the integrity of Lord Rockingham or his friends. Other measures may undoubtedly be supported in argument, as better adapted to the disorder, or more likely to be obtained.

Mr. Horne is well assured, that I never was the champion of Mr. Wilkes. But tho' I am not obliged to answer for the firmness of his future adherence to the principles he professes, I have no reason to presume that he will hereafter disgrace them. As for all those imaginary cases, which Mr. Horne so petulantly urges against me, I have one plain, honest answer to make to him.—Whenever Mr. Wilkes shall be convicted of soliciting a

[1] Editor's Note. See the Introduction for a discussion of the change in Lord Chatham's attitude towards triennial parliaments.

pension, an embassy, or a government, he must depart from that situation, and renounce that character, which he assumes at present, and which, in *my* opinion, intitle him to the support of the public. By the same act, and at the same moment, he will forfeit his power of mortifying the King; and though he can never be a favourite at St. James's, his baseness may administer a solid satisfaction to the royal mind. The man, I speak of, has not a heart to feel for the frailties of his fellow-creatures. It is their virtues that afflict, it is their vices that console him.

I give every possible advantage to Mr. Horne, when I take the facts he refers to for granted. That they are the produce of his invention, seems highly probable; that they are exaggerated, I have no doubt. At the worst, what do they amount to, but that Mr. Wilkes, who never was thought of as a perfect pattern of morality, has not been at all times proof against the extremity of distress. How shameful is it in a man who has lived in friendship with him, to reproach him with failings, too naturally connected with despair! Is no allowance to be made for banishment and ruin? Does a two years' imprisonment make no atonement for his crimes?—The resentment of a priest is implacable. No sufferings can soften, no penitence can appease him.—Yet he himself, I think, upon his own system, has a multitude of political offences to atone for. I will not insist upon the nauseous detail, with which he so long disgusted the public. He seems to be ashamed of it. But what excuse will he make to the friends of the constitution for labouring to produce *this consummately bad man* to a station of the highest national trust and importance? Upon what honourable motives did he recommend him to the livery of London for their representative;—to the ward of Farringdon for their alderman;—to the county of Middlesex for their knight? Will he affirm that, at that time, he was ignorant of Mr. Wilkes's solicitations to the ministry?—That he should say so, is indeed very necessary for his own justification, but where will he find credulity to believe him?

In what school this gentleman learned his ethics I know not. His *logic* seems to have been studied under Mr. Dyson. That miserable pamphleteer, by dividing the only precedent in point, and taking as much of it as suited his purpose, had reduced his argument upon the Middlesex election to something like the shape of a syllogism. Mr. Horne has conducted him-

self with the same ingenuity and candour. I had affirmed that Mr. Wilkes would preserve the public favour, 'as long as he stood forth against a ministry and parliament, who were doing everything they could to enslave the country, *and* as long as he was a thorn in the King's side.' Yet, from the exulting triumph of Mr. Horne's reply, one would think that I had rested my expectation, that Mr. Wilkes would be supported by the public, upon the single condition of his mortifying the King. This may be logic at Cambridge or at the Treasury, but among men of sense and honour it is folly or villainy in the extreme.

I see the pitiful advantage he has taken of a single unguarded expression, in a letter not intended for the public. Yet it is only the *expression* that is unguarded. I adhere to the true meaning of that member of the sentence, taken separately as *he* takes it, and now, upon the coolest deliberation, re-assert that, for the purposes I referred to, it may be highly meritorious to the public, to wound the personal feelings of the Sovereign. It is not a general proposition, nor is it generally applied to the chief magistrate of this, or any other constitution. Mr. Horne knows as well as I do, that the best of princes is not displeased with the abuse, which he sees thrown upon his ostensible ministers. It makes them, I presume, more properly the objects of his royal compassion;—neither does it escape his sagacity, that the lower they are degraded in the public esteem, the more submissively they must depend upon his favour for protection. This, I affirm upon the most solemn conviction, and the most certain knowledge, is a leading maxim in the policy of the closet. It is unnecessary to pursue the argument any farther.

Mr. Horne is now a very loyal subject. He laments the wretched state of politics in this country, and sees, in a new light, the weakness and folly of the opposition. *Whoever or whatever is Sovereign, demands the respect and support of the people*[1]; it was not so, when *Nero fiddled while Rome was burning.*[2] Our gracious Sovereign has had wonderful success in creating new attachments *to his person and family.* He owes it, I presume, to the regular system he has pursued in the mystery of conversion. He began with an experiment upon the Scotch, and concludes with converting Mr. Horne.—What a pity it is that the *Jews* should be condemned by Providence to wait for a Messiah of their own!

[1] The very soliloquy of Lord Suffolk before he passed the Rubicon.
[2] Editor's Note. This is quoted from an article by Horne.

The priesthood are accused of misinterpreting the scriptures. Mr. Horne has improved upon his profession. He alters the text, and creates a refutable doctrine of his own. Such artifices cannot long delude the understanding of the people; and without meaning an indecent comparison, I may venture to foretel, that the Bible and *Junius* will be read, when the commentaries of the Jesuits are forgotten.

JUNIUS

LETTER LV

TO THE PRINTER OF THE PUBLIC ADVERTISER

26 Aug. 1771

Sir,

The enemies of the people, having now nothing better to object to my friend *Junius*, are at last obliged to quit his politics and to rail at him for crimes he is not guilty of. His vanity and impiety are now the perpetual topics of their abuse. I do not mean to lessen the force of such charges, (supposing they were true), but to show that they are not founded. If I admitted the premises, I should readily agree in all the consequences drawn from them. Vanity, indeed, is a venial error, for it usually carries its own punishment with it;—but if I thought Junius capable of uttering a disrespectful word of the religion of his country, I should be the first to renounce and give him up to the public contempt and indignation. As a man, I am satisfied that he is a Christian upon the most sincere conviction. As a writer, he would be grossly inconsistent with his political principles, if he dared to attack a religion established by those laws, which it seems to be the purpose of his life to defend.—Now for the proofs.—Junius is accused of an impious allusion to the holy sacrament, where he says that, *if Lord Weymouth be denied the cup, there will be no keeping him within the pale of the ministry.* Now, Sir, I affirm that this passage refers intirely to a ceremonial in the Roman catholic church, which denies the cup to the laity. It has no manner of relation to the Protestant creed, and is in this country, as far an object of ridicule as *transubstantiation*, or any other part of Lord *Peter's* history in the Tale of the Tub.

But *Junius* is charged with equal vanity and impiety, in comparing his writings to the holy scripture.—The formal protest he makes against any such comparison, avails him nothing.

It becomes necessary then to show that the charge destroys itself.—If he be *vain* he cannot be *impious*. A vain man does not usually compare himself to an object, which it is his design to undervalue. On the other hand, if he be *impious*, he cannot be *vain*. For his impiety, if any, must consist in his endeavouring to degrade the holy scriptures by a comparison with his own contemptible writings. This would be folly indeed of the grossest nature, but where lies the vanity? I shall now be told,—'Sir, what you say is plausible enough, but still you must allow that it is shamefully impudent in *Junius* to tell us that his works will live as long as the Bible.' My answer is, *Agreed: but first prove that he has said so.* Look at his words, and you will find that the utmost he expects is, that the Bible and *Junius* will survive the commentaries of the Jesuits, which may prove true in a fortnight. The most malignant sagacity cannot show that his works are, *in his opinion*, to live as long as the Bible.—Suppose I were to foretel that *Jack* and *Tom* would survive *Harry*.—Does it follow that *Jack* must live as long as *Tom*? I would only illustrate my meaning and protest against the least idea of profaneness.

Yet this is the way in which *Junius* is usually answered, arraigned, and convicted. These candid critics never remember anything he says in honour of our holy religion; though it is true that one of his leading arguments is made to rest *upon the internal evidence which the purest of all religions carries with it.* I quote his words, and conclude from them, that he is a true and hearty Christian, in substance, not in ceremony; though possibly he may not agree with my Reverend Lords the Bishops, or with the Head of the Church, *that prayers are morality, or that kneeling is religion.*

PHILO JUNIUS

LETTER LVI

FROM THE REVEREND MR. HORNE TO JUNIUS

17 August 1771

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

You brought a positive charge against me of corruption. I

denied the charge, and called for your proofs. You replied with abuse, and reasserted your charge. I called again for proofs. You reply again with abuse only, and drop your accusation. In your fortnight's letter there is not one word upon the subject of my corruption.

I have no more to say, but to return thanks to you for your *condescension*, and to a *grateful* public and *honest* ministry for all the favours they have conferred upon me. The two latter, I am sure, will never refuse me any grace I shall solicit; and since you have been pleased to acknowledge that you told a deliberate lye in my favour out of bounty, and as a charitable donation, why may I not expect that you will hereafter (if you do not forget you ever mentioned my name with disrespect) make the same acknowledgment for what you have said to my prejudice?—This second recantation will perhaps be more abhorrent from your disposition; but should you decline it, you will only afford one more instance how much easier it is to be generous than just, and that men are sometimes bountiful who are not honest.

At all events, I am as well satisfied with your panegyric Lord Chatham can be. Monument I shall have none; but over my grave it will be said, in your own words, '*Horne's situation did not correspond with his intentions.*'[1]

JOHN HORNE

LETTER LVII

TO HIS GRACE THE DUKE OF GRAFTON

28 Sept. 1771

My Lord,

The people of England are not apprised of the full extent of their obligations to you. They have yet no adequate idea of the endless variety of your character. They have seen you distinguished and successful in the continued violation of those moral and political duties, by which the little, as well as the great societies of life are collected and held together. Every colour, every character became you. With a rate of abilities, which Lord Weymouth very justly looks down upon with contempt, you have done as much mischief to the community as *Cromwell* would have done, if *Cromwell* had been a

[1] The epitaph would not be ill-suited to the character;—At the best, it is but equivocal.

coward, and as much as *Machiavel* if *Machiavel* had not known, that an appearance of morals and religion are useful in society.—To a thinking man, the influence of the crown will, in no view, appear so formidable, as when he observes to what enormous excesses it has safely conducted your Grace, without a ray of real understanding, without even the pretension to common decency or principle of any kind, or a single spark of personal resolution. What must be the operation of that pernicious influence, (for which our Kings have wisely exchanged the nugatory name of prerogative) that, in the highest stations, can so abundantly supply the absence of virtue, courage, and abilities, and qualify a man to be the minister of a great nation, whom a private gentleman would be ashamed and afraid to admit into his family! Like the universal passport of an ambassador, it supersedes the prohibition of the laws, banishes the staple virtues of the country, and introduces vice and folly triumphantly into all the departments of the state. Other princes, besides his Majesty, have had the means of corruption within their reach, but they have used it with moderation. In former times corruption was considered as a foreign auxiliary to government, and only called in upon extraordinary emergencies. The unfeigned piety, the sanctified religion of *George the Third*, have taught him to new model the civil forces of the state. The natural resources of the crown are no longer confided in. Corruption glitters in the van; collects and maintains a standing army of mercenaries, and at the same moment, impoverishes and inslaves the country.—His Majesty's predecessors, (excepting that worthy family, from which you, my Lord, are unquestionably descended,) had some generous qualities in their composition, with vices, I confess, or frailties in abundance. They were kings or gentlemen, not hypocrites or priests. They were at the head of the church, but did not know the value of their office. They said their prayers without ceremony, and had too little priestcraft in their understanding, to reconcile the sanctimonious forms of religion with the utter destruction of the morality of their people.—My Lord, this is fact, not declamation.—With all your partiality to the house *of Stuart*, you must confess that even *Charles the Second* would have blushed at that open encouragement, at those eager, meretricious caresses, with which every species of private vice and public prostitution is received at *St. James's*. The unfortunate house of *Stuart* has been treated with an asperity,

which, if comparison be a defence, seems to border upon injustice. Neither *Charles* nor his brother were qualified to support such a system of measures, as would be necessary, to change the government, and subvert the constitution of England. One of them was too much in earnest in his pleasures,—the other in his religion. But the danger to this country would cease to be problematical, if the crown should ever descend to a prince whose apparent simplicity might throw his subjects off their guard,—who might be no libertine in behaviour,—who should have no sense of honour to restrain him, and who, with just religion enough to impose upon the multitude, might have no scruples of conscience to interfere with his morality. With these honourable qualifications, and the decisive advantage of situation, low craft and falsehood are all the abilities that are wanting to destroy the wisdom of ages, and to deface the noblest monument that human policy has erected.—I know *such* a man ;—My Lord, I know you both ; and, with the blessing of God (for I too am religious), the people of England shall know you as well as I do. I am not very sure that greater abilities would not in effect be an impediment to a design, which seems at first sight to require a superior capacity. A better understanding might make him sensible of the wonderful beauty of that system he was endeavouring to corrupt. The danger of the attempt might alarm him. The meanness, and intrinsic worthlessness of the object (supposing he could attain to it) would fill him with shame, repentance and disgust. But these are sensations which find no entrance into a barbarous, contracted heart. In some men, there is a malignant passion to destroy the works of genius, literature, and freedom. The *Vandal* and the *Monk* find equal gratification in it.

Reflections like these, my Lord, have a general relation to your grace, and inseparably attend you, in whatever company or situation your character occurs to us. They have no immediate connexion with the following recent fact, which I lay before the public for the honour of the best of Sovereigns, and for the edification of his people.

A PRINCE (whose piety and self-denial, one would think, might secure him from such a multitude of worldly necessities,) with an annual revenue of near a million sterling, unfortunately *wants money*.—The navy of England, by an equally strange concurrence of unforeseen circumstances, (though not quite so

unfortunately for his Majesty), is in equal want of timber. The world knows, in what a hopeful condition you delivered the navy to your successor, and in what a condition we found it in the moment of distress. You were determined it should continue in the situation in which you left it. It happened, however, very luckily for the privy purse, that one of the above wants promised fair to supply the other. Our religious, benevolent, generous Sovereign, has no objection to selling *his own* timber to *his own* admiralty, to repair *his own* ships, nor to putting the money into *his own* pocket. People of a religious turn naturally adhere to the principles of the church. Whatever they acquire falls into *mortmain*.—Upon a representation from the admiralty of the extraordinary want of timber, for the indispensable repairs of the navy, the surveyor-general was directed to make a survey of the timber in all the royal chaces and forests in England. Having obeyed his orders with accuracy and attention, he reported, that the finest timber he had anywhere met with, and the properest in every respect for the purposes of the navy, was in Whittlebury Forest, of which your Grace, I think, is hereditary ranger. In consequence of this report, the usual warrant was prepared at the treasury, and delivered to the surveyor, by which he or his deputy were authorised to cut down any trees in *Whittlebury Forest*, which should appear to be proper for the purposes above mentioned. The deputy being informed that the warrant was signed and delivered to his principal in London, crosses the country to Northamptonshire, and with an officious zeal for the public service, begins to do his duty in the forest. Unfortunately for him, he had not the warrant in his pocket. The oversight was enormous, and you have punished him for it accordingly. You have insisted that an active, useful officer should be dismissed from his place. You have ruined an innocent man and his family.—In what language shall I address so black, so cowardly a tyrant;—thou worst than *one* of the *Brunswicks*, and all the *Stuarts*!—To them, who know Lord North, it is unnecessary to say, that he was mean and base enough to submit to you.—This however is but a small part of the fact. After ruining the surveyor's deputy for acting without the warrant, you attacked the warrant itself. You declared it was illegal, and swore, in a fit of foaming, frantic passion, that it never should be executed. You asserted upon your honour, that in the grant of the rangership of *Whittlebury*

Forest, made by *Charles the Second* (whom, with a modesty that would do honour to Mr. Rigby, you are pleased to call your ancestor) to one of his bastards, (from whom I make no doubt of your descent), the property of the timber is vested in the ranger.—I have examined the original grant, and now, in the face of the public, contradict you directly upon the fact. The very reverse, of what you have asserted upon your honour is the truth. The grant, *expressly and by a particular clause*, reserves the property of the timber for the use of the crown. In spite of this evidence,—in defiance of the representations of the admiralty,—in perfect mockery of the notorious distresses of the English navy, and those equally pressing, and almost equally notorious necessities of your pious Sovereign,—here the matter rests.—The lords of the treasury recall their warrant; the deputy-surveyor is ruined for doing his duty;—Mr. John Pitt, (whose *name* I suppose is offensive to you) submits to be brow-beaten and insulted;—the oaks keep their ground;—the King is defrauded, and the navy of England may perish for want of the best and finest timber in the island. And all this is submitted to—to appease the Duke of Grafton!—To gratify the man, who has involved the King and his kingdom in confusion and distress, and who, like a treacherous coward, deserted his Sovereign in the midst of it!

There has been a strange alteration in your doctrines since you thought it advisable to rob the *Duke of Portland* of his property, in order to strengthen the interest of Lord *Bute's* son-in-law before the last general election. *Nullum tempus occurrit regi* was then your boasted motto, and the cry of all your hungry partizans. Now it seems a grant of *Charles the Second* to one of his bastards is to be held sacred and inviolable! It must not be questioned by the King's servants, nor submitted to any interpretation but your own.—My Lord, this was not the language you held, when it suited you to insult the memory of the glorious deliverer of England from that detested family, to which you are still more nearly allied in principle than in blood.—In the name of decency and common sense, what are your grace's merits, either with King or ministry, that should entitle you to assume this domineering authority over both?—Is it the fortunate consanguinity you claim with the house of *Stuart*?—Is it the secret correspondence you have for so many years carried on with Lord Bute, by the assiduous assistance of your *cream-coloured parasite*? Could

not your gallantry find sufficient employment for him, in those *gentle* offices by which he first acquired the tender friendship of *Lord Barrington*? Or is it only that wonderful sympathy of manners which subsists between your Grace and one of your superiors, and does so much honour to you both?—Is the union of *Blifil* and *Black George* no longer a *romance*?—From whatever origin your influence in this country arises, it is a phaenomenon in the history of human virtue and understanding.—Good men can hardly believe the fact. Wise men are unable to account for it. Religious men find exercise for their faith, and make it the last effort of their piety, not to repine against providence.

JUNIUS [1]

LETTER LVIII [2]

TO THE LIVERY OF LONDON

30 Sept. 1771

Gentlemen,

If *you* alone were concerned in the event of the present election of a chief magistrate of the metropolis, it would be the highest presumption in a stranger, to attempt to influence your choice, or even to offer you his opinions. But the situation of public affairs has annexed an extraordinary importance to your resolutions. You cannot, in the choice of your magistrate, determine for *yourselves only*. You are going to determine upon a point, in which every member of the community is

[1] Editor's Note. Junius seems to have been almost completely misinformed in regard to the facts about Whittlebury Forest, and the administration writers were not slow to challenge him. One *Philalethes*, after showing how inaccurate Junius's presentation of the situation was, concluded: 'This, I say, may serve for a damning proof of Junius's veracity, and all his slanderous productions are equally refutable and false.'

Almon, in his edition of Junius, Vol. II, p. 200, says that Mr. John Pitt, the surveyor-general of the royal forests, had told him that Junius's statement was erroneous, and that the Duke of Grafton was quite free of blame for what happened.

[2] Editor's Note. The Lord Mayor of London was about to be elected for the year 1771–2. The choice was usually made of the senior alderman, though sometimes seniority was ignored. By the ordinary procedure, Alderman Nash would become mayor. Nash had signed the minority protest against the remonstrances offered to the King during Beckford's mayoralty, and Junius urges the Livery to elect Crosby or Sawbridge instead.

interested. I will not scruple to say, that the very being of that law, of that right, of that constitution, for which we have been so long contending, is now at stake. They who would ensnare your judgment, tell you, it is a *common, ordinary* case, and to be decided by ordinary precedent and practice. They artfully conclude, from moderate peaceable times, to times which *are not* moderate, and which *ought not* to be peaceable.—While they solicit your favour, they insist upon a rule of rotation, which excludes all idea of election.

Let me be honoured with a few minutes of your attention.—The question to those who mean fairly to the liberty of the people, (which we all profess to have in view), lies within a very narrow compass.—Do you mean to desert that just and honourable system of measures which you have hitherto pursued, in hopes of obtaining from parliament or from the crown, a full redress of past grievances, and a security for the future? —Do you think the cause desperate, and will you declare, that you think so to the whole people of England?—If this be your meaning and opinion, you will act consistently with it, in choosing Mr. *Nash*.—I profess to be unacquainted with his private character. But he has acted as a magistrate,—as a public man. As such I speak of him.—I see his name in a protest against one of your remonstrances to the crown.—He has done everything in his power to destroy the freedom of popular elections in the city, by publishing the poll upon a former occasion; and I know, in general, that he has distinguished himself, by slighting and thwarting all those public measures, which *you* have engaged in with the greatest warmth, and hitherto thought most worthy of your approbation.—From his past conduct what conclusion will you draw, but that he will act the same part as *Lord Mayor*, which he has invariably acted as *Alderman* and *Sheriff*? He cannot alter his conduct, without confessing that he never acted upon principle of any kind. —I should be sorry to injure the character of a man, who perhaps may be honest in his intention, by supposing it *possible* that he can ever concur with you in any political measure, or opinion.

If, on the other hand, you mean to persevere in those resolutions for the public good, which though not always successful, are always honourable, your choice will naturally incline to those men, who, (whatever they be in other respects) are most likely to co-operate with you in the great purposes which

you are determined not to relinquish :—The question is not, of what metal your instruments are made, but *whether they are adapted to the work you have in hand*? The honours of the city, *in these times*, are improperly, because exclusively, called a *reward*. You mean not merely to *pay*, but to *employ*.—Are Mr. Crosby and Mr. Sawbridge likely to execute the extraordinary, as well as the ordinary duties of Lord Mayor? Will they grant you common halls when it shall be necessary?—Will they go up with remonstrances to the King?—Have they firmness enough to meet the fury of a venal house of commons?—Have they fortitude enough not to shrink at imprisonment?—Have they spirit enough to hazard their lives and fortunes in a contest, if it should be necessary, with a prostituted legislature?—If these questions can fairly be answered in the affirmative, your choice is made. Forgive this passionate language, I am unable to correct it.—The subject comes home to us all. It is the language of my heart.

JUNIUS

LETTER LIX

TO THE PRINTER OF THE PUBLIC ADVERTISER

5 October 1771

Sir;

No man laments more sincerely than I do, the unhappy differences which have arisen among the friends of the people, and divided them from each other. The cause undoubtedly suffers, as well by the diminution of that strength, which union carries with it, as by the separate loss of personal reputation, which every man sustains, when his character and conduct are frequently held forth in odious or contemptible colours.—These differences are only advantageous to the common enemy of the country. The hearty friends of the cause are provoked and disgusted. The lukewarm advocate avails himself of any pretence to relapse into that indolent indifference about everything that ought to interest an Englishman, so unjustly dignified with the title of moderation.—The false, insidious partizan, who creates or foments the disorder, sees the fruit of his dishonest industry ripen beyond his hopes, and rejoices in the promise of a banquet, only delicious to such an appetite as his own.—

Comment. (Cambridge) 1937.

It is time for those who really mean the *Cause* and the *People*, who have no view to private advantage, and who have virtue enough to prefer the general good of the community to the gratification of personal animosities,—it is time for such men to interpose.—Let us try whether these fatal dissensions may not yet be reconciled; or, if that be impracticable, let us guard at least against the worst effects of division, and endeavour to persuade these furious partizans, if they will not consent to draw together, to be separately useful to that cause, which they all pretend to be attached to.—Honour and honesty must not be renounced, although a thousand modes of right and wrong were to occupy the degrees of morality between Zeno and Epicurus. The fundamental principles of Christianity may still be preserved, though every zealous sectary adheres to his own exclusive doctrine, and pious Ecclesiastics make it part of their religion to persecute one another.—The civil constitution too, that legal liberty, that general creed, which every Englishman professes, may still be supported, though Wilkes, and Horne, and Townshend, and Sawbridge, should obstinately refuse to communicate, and even if the fathers of the church, if Savile, Richmond, Camden, Rockingham, and Chatham, should disagree in the ceremonies of their political worship, and even in the interpretation of twenty texts in Magna Charta. —I speak to the people as one of the people.—Let us employ these men in whatever departments their various abilities are best suited to, and as much to the advantage of the common cause, as their different inclinations will permit. They cannot serve *us*, without essentially serving themselves.

If Mr. *Nash* be elected, he will hardly venture, after so recent a mark of the personal esteem of his fellow-citizens, to declare himself immediately a courtier. The spirit and activity of the sheriffs will, I hope, be sufficient to counteract any sinister intentions of the Lord Mayor. In collision with *their* virtue, perhaps he may take fire.

It is not necessary to exact from Mr. Wilkes the virtues of a Stoic. They were inconsistent with themselves, who, almost at the same moment, represented him as the basest of mankind, yet seemed to expect from him such instances of fortitude and self-denial, as would do honour to an apostle. It is not however flattery to say, that he is obstinate, intrepid, and fertile in expedients.—That he has no possible resource, but in the public favour, is, in my judgment, a considerable recom-

mendation of him. I wish that every man, who pretended to popularity, were in the same predicament. I wish that a retreat to St. James's were not so easy and open, as Patriots have found it. To Mr. Wilkes there is no access. However, he may be misled by passion or imprudence, I think he cannot be guilty of a deliberate treachery to the public. The favour of his country constitutes the shield, which defends him against a thousand daggers. Desertion would disarm him.

I can more readily admire the liberal spirit and integrity, than the sound judgment of any man, who prefers a republican form of government, in this or any other empire of equal extent, to a monarchy so qualified and limited as ours. I am convinced, that neither is it in theory the wisest system of government, nor practicable in this country. Yet, though I hope the English constitution will for ever preserve its original monarchical form, I would have the manners of the people purely and strictly republican.—I do not mean the licentious spirit of anarchy and riot.—I mean a general attachment to the common weal, distinct from any partial attachment to persons or families ;—an implicit submission to the laws only, and an affection to the magistrate, proportioned to the integrity and wisdom, with which he distributes justice to his people, and administers their affairs. The present habit of our political body appears to me the very reverse of what it ought to be. The form of the constitution leans rather more than enough to the popular branch ; while in effect, the manners of the people (of those at least who are likely to take a lead in the country) incline too generally to a dependance upon the crown. The real friends of arbitrary power combine the facts, and are not inconsistent with their principles, when they strenuously support the unwarrantable privileges assumed by the House of Commons.—In these circumstances, it were much to be desired, that we had many such men as Mr. Sawbridge to represent us in parliament.—I speak from common report and opinion only, when I impute to him a speculative predilection in favour of a republic.—In the personal conduct and manners of the man I cannot be mistaken. He has shown himself possessed of that republican firmness, which the times require, and by which an English gentleman may be as usefully and as honourably distinguished, as any citizen of ancient Rome, of Athens, or Lacedæmon.

Mr. Townsend complains, that the public gratitude has not been answerable to his deserts.—It is not difficult to trace the artifices, which have suggested to him a language, so unworthy of his understanding. A great man commands the affections of the people. A prudent man does not complain when he has lost them. Yet they are far from being lost to Mr. Townsend. He has treated our opinion a little too cavalierly. A young man is apt to rely too confidently upon himself, to be as attentive to his mistress, as a polite and passionate lover ought to be. Perhaps he found her at first too easy a conquest.—Yet, I fancy, she will be ready to receive him, whenever he thinks proper to renew his addresses. With all his youth, his spirit, and his appearance, it would be indecent in the lady to solicit his return.

I have too much respect for the abilities of Mr. Horne, to flatter myself that these gentlemen will ever be cordially reunited. It is not, however, unreasonable to expect, that each of them should act his separate part, with honour and integrity to the public.—As for differences of opinion upon speculative questions, if we wait until *they* are reconciled, the action of human affairs must be suspended for ever. But neither are we to look for perfection in any one man, nor for agreement among many.—When *Lord Chatham* affirms, that the authority of the British legislature is not supreme over the colonies, in the same sense in which it is supreme over Great Britain ;—when *Lord Camden* supposes a necessity, (which the King is to judge of) and, founded upon that necessity, attributes to the crown a legal power (not given by the act itself) to suspend the operation of an act of the legislature,—I listen to them both with diffidence and respect, but without the smallest degree of conviction or assent. Yet I doubt not they delivered their real sentiments, nor ought they to be hastily condemned.—I *too* have a claim to the candid interpretation of my country, when I acknowledge an involuntary compulsive assent to one very unpopular opinion. I lament the unhappy necessity, whenever it arises, of providing for the safety of the state, by a temporary invasion of the personal liberty of the subject.[1] Would to God it were practicable to reconcile these important objects, in every possible situation of public affairs !—I regard the legal liberty of the meanest man in Britain, as much as

[1] Editor's Note. A reference to the practice of impressing seamen for the navy.

my own, and would defend it with the same zeal. I know we must stand or fall together. But I never can doubt, that the community has a right to command, as well as to purchase, the service of its members. I see that right founded originally upon a necessity, which supersedes all argument. I see it established by usage immemorial, and admitted by more than a tacit assent of the legislature. I conclude there is no remedy, in the nature of things, for the grievance complained of; for, if there were, it must long since have been redressed. Though numberless opportunities have presented themselves, highly favourable to public liberty, no successful attempt has ever been made for the relief of the subject in this article. Yet it has been felt and complained of, ever since England had a navy.—The conditions, which constitute this right, must be taken together. Separately, they have little weight. It is not fair to argue, from any abuse in the execution, to the illegality of the power; much less is a conclusion to be drawn from the navy to the land service. A seaman can never be employed but against the enemies of his country. The only case in which the King can have a right to arm his subjects in general, is that of a foreign force being actually landed upon our coast. Whenever that case happens, no true Englishman will enquire, whether the King's right to compel him to defend his country be the custom of England, or a grant of the legislature. With regard to the press for seamen, it does not follow that the symptoms may not be softened, although the distemper cannot be cured. Let bounties be increased as far as the public purse can support them. Still they have a limit; and when every reasonable expence is incurred, it will be found, in fact, that the spur of the press is wanted to give operation to the bounty.

Upon the whole, I never had a doubt about the strict right of pressing, until I heard that Lord Mansfield had applauded Lord Chatham for delivering something like this doctrine in the house of lords. That consideration staggered me not a little. But, upon reflection, his conduct accounts naturally for itself. He knew the doctrine was unpopular, and was eager to fix it upon the man, who is the first object of his fear and detestation. The cunning Scotchman never speaks truth without a fraudulent design. In council, he generally affects to take a moderate part. Besides, his natural timidity, it makes part of his political plan, never to be known to recom-

mend violent measures. When the guards are called forth to murder their fellow-subjects, it is not by the ostensible advice of Lord Mansfield. That odious office, his prudence tells him, is better left to such men as Gower and Weymouth, as Barrington and Grafton. Lord Hillsborough wisely confines *his* firmness to the distant Americans.—The designs of Mansfield are more subtle, more effectual, and secure.—Who attacks the liberty of the press?—Lord Mansfield.—Who invades the constitutional power of juries?—Lord Mansfield.—What judge ever challenged a juryman, but Lord Mansfield?—Who was that judge, who, to save the King's brother, affirmed that a man of the first rank and quality, who obtains a verdict in a suit for criminal conversation, is entitled to no greater damages than the meanest mechanic?—Lord Mansfield.—Who is it makes commissioners of the great seal?—Lord Mansfield.—Who is it forms a decree for those commissioners, deciding against Lord Chatham,[1] and afterwards (finding himself opposed by the judges) declares in parliament, that he never had a doubt that the law was in direct opposition to that decree?—Lord Mansfield.—Who is he, that has made it the study *and practice of his life, to undermine and alter the whole* system of jurisprudence in the court of King's Bench?—Lord Mansfield. There never existed a man but himself, who answered exactly to so complicated a description. Compared to these enormities, his original attachment to the Pretender, (to whom his dearest brother was confidential secretary) is a virtue of the first magnitude. But the hour of impeachment *will* come, and neither he nor Grafton shall escape me. Now let them make common cause against England and the house of Hanover. A Stuart and a Murray should sympathise with each other.

When I refer to signal instances of unpopular opinions delivered and maintained by men, who may well be supposed to have no view but the public good, I do not mean to renew the discussion of such opinions. I should be sorry to revive the dormant questions of *Stamp Act*, *Corn Bill*, or *Press Warrant*. I mean only to illustrate one useful proposition, which it is the intention of this paper to inculcate;—*That we should not*

[1] Editor's Note. The Burton Pynsent estate had been bequeathed to Lord Chatham, and the bequest was contested by the heirs. The Commissioners of the Great Seal decided against Lord Chatham, but the House of Lords, on appeal, decided for him.

generally reject the friendship or services of any man, because he differs from us in a particular opinion. This will not appear a superfluous caution, if we observe the ordinary conduct of mankind. In public affairs, there is the least chance of a perfect concurrence of sentiment or inclination. Yet every man is able to contribute something to the common stock, and no man's contribution should be rejected. If individuals have no virtues, their vices may be of use to us. I care not with what principle the new-born patriot is animated, if the measures he supports are beneficial to the community. The nation is interested in his conduct. His motives are his own. The properties of a patriot are perishable in the individual, but there is a quick succession of subjects, and the breed is worth preserving.—The spirit of the Americans may be a useful example to us. Our dogs and horses are English only upon English ground; but patriotism, it seems, may be improved by transplanting.—I will not reject a bill, which tends to confine parliamentary privilege within reasonable bounds, though it should be stolen from the house of Cavendish, and introduced by Mr. Onslow. The features of the infant are a proof of the descent, and vindicate the noble birth from the baseness of the adoption.—I willingly accept of a sarcasm from *Colonel Barré*, or a simile from *Mr. Burke*. Even the silent vote of *Mr. Calcraft* is worth reckoning in a division.—What though he riots in the plunder of the army, and has only determined to be a patriot, when he could not be a peer? [1]—Let us profit by the assistance of such men, while they are with us, and place them, if it be possible, in the post of danger, to prevent desertion. The wary Wedderburne, the pompous Suffolk,[2] never threw away the scabbard, nor ever went upon a forlorn hope. They always treated the King's servants as men, with whom, some time or other, they might possibly be in friendship.—When a man who stands forth for the public, has gone that length, from which there is no practicable retreat,—when he has given that kind of personal offence, which a pious monarch never pardons, I then begin

[1] Editor's Note. Calcraft had begun as private secretary to Lord Holland, had made a fortune as army agent, and had finally followed Lord Chatham into opposition. He was at this time acting as a confidential agent for Chatham.

[2] Editor's Note. Suffolk and Wedderburne had made their peace with the administration as soon as it became apparent that the united opposition had failed. Their attitude was affected also by the death of George Grenville, to whose party they had belonged.

to think him in earnest, and that he never will have occasion to solicit the forgiveness of his country.—But instances of a determination so entire and unreserved are rarely met with. Let us take mankind *as they are*. Let us distribute the virtues and abilities of individuals, according to the offices they affect, and when they quit the service, let us endeavour to supply their places with better men than we have lost. In this country, there are always candidates enough for popular favour. The temple of *fame* is the shortest passage to riches and preferment.

ABOVE all things, let me guard my countrymen against the meanness and folly of accepting of a trifling or moderate compensation for extraordinary and essential injuries. Our enemies treat us, as the cunning trader does the unskilful Indian. They magnify their generosity when they give us baubles, of little proportionate value, for ivory and gold. The same house of commons, who robbed the constituent body of their right of free election, who presumed to *make* a law under pretence of *declaring* it, who paid our good King's debts, without once enquiring how they were incurred ; who gave thanks for repeated murders committed at home, and for national infamy incurred abroad ; who screened *Lord Mansfield* ; who imprisoned the magistrates of the metropolis, for asserting the subject's right to the protection of the laws ; who erased a judicial record, and ordered all proceedings in a criminal suit to be suspended ;—this very house of commons have graciously consented that their own members may be compelled to pay their debts, and that contested elections shall for the future be determined with some decent regard to the merits of the case. The event of the suit is of no consequence to the crown. While parliaments are septennial, the purchase of the sitting member or of the petitioner makes but the difference of a day.—Concessions, such as these, are of little moment to the sum of things ; unless it be to prove, that the worst of men are sensible of the injuries they have done us, and perhaps to demonstrate to us the imminent danger of our situation. In the shipwreck of the state, trifles float and are preserved ; while everything solid and valuable sinks to the bottom, and is lost for ever.

JUNIUS

LETTER LX

TO THE PRINTER OF THE PUBLIC ADVERTISER

15 October 1771

Sir,

I am convinced that *Junius* is incapable of wilfully misrepresenting any man's opinion, and that his inclination leads him to treat *Lord Camden* with particular candour and respect. The doctrine attributed to him by *Junius* as far as it goes, corresponds with that stated by your correspondent *Scævola*,[1] who seems to make a distinction without a difference. *Lord Camden*, it is agreed, did certainly maintain that, in the recess of parliament, the King, (by which we all mean the *King in council*, or the executive power) might suspend the operation of an act of the legislature; and he founded his doctrine upon a supposed necessity, of which the King, *in the first instance*, must be judge. The lords and commons cannot be judges of it in the first instance, for they do not exist.—Thus far *Junius*.

But, says *Scævola*, *Lord Camden* made *parliament*, and not the *King*, judges of the necessity.—That parliament may review the acts of ministers is unquestionable; but there is a wide difference between saying that the crown has a *legal* power, and that ministers may act *at their peril*. When we say an act is *illegal*, we mean that it is forbidden by a joint resolution of the three estates. How a subsequent resolution of two of those branches can make it *legal ab initio*, will require explanation. If it could, the consequence would be truly dreadful, especially in these times. There is no act of arbitrary power, which the King might not attribute to *necessity*, and for which he would not be secure of obtaining the approbation of his prostituted lords and commons. If Lord Camden admits that the subsequent sanction of parliament was necessary to make the proclamation *legal*, why did he so obstinately oppose the bill, which was soon after brought in, for indemnifying all those persons who had acted under it?—If that bill had not been passed, I am ready to maintain, in direct contradiction to Lord Camden's doctrine, (taken as Scævola states it), that a litigious exporter of corn, who had suffered in his property

[1] Editor's Note. See Appendix, p. 364, for Scævola's letter.

n consequence of the proclamation, might have laid his action gainst the custom house officers, and would infallibly have ecovered damages. No jury could refuse them; and if I, vho am by no means litigious, had been so injured, I would ssuredly have instituted a suit in Westminster-hall, on purpose o try the question of right. I would have done it upon a rinciple of defiance of the pretended power of either or both ouses to make declarations inconsistent with law, and I have o doubt, that, with an act of parliament on my side, I should ave been too strong for them all. This is the way in which n Englishman should speak and act, and not suffer dangerous recedents to be established, because the circumstances are avourable or palliating.

With regard to Lord *Camden*, the truth is that he inadvertently overshot himself, as appears plainly by that unguarded nention of a *tyranny of forty days*, which I myself heard. Instead f inserting that the proclamation was *legal*, he *should* have said, My lords, I know the proclamation was *illegal*, but I advised t because it was indispensably necessary to save the kingdom rom famine, and I submit myself to the justice and mercy of ny country.'

Such language as this would have been manly, rational, and consistent :—not unfit for a lawyer, and every way worthy of a great man.

PHILO JUNIUS

P.S. If *Scævola* should think proper to write again upon his subject, I beg of him to give me a *direct* answer, that is, a plain affirmative or negative, to the following questions :—In the interval between the publishing such a proclamation (or order in council) as that in question, and it's receiving the sanction of the two houses, of what nature is it—is it *legal* or *illegal*; or is it neither one nor the other?—I mean to be candid, and will point out to him the consequence of his answer either way.—If it be *legal*, it wants no farther sanction. If it be *illegal*, the subject is not bound to obey it, consequently it is a useless, nugatory act, even as to it's declared purpose. Before the meeting of parliament, the whole mischief, which it means to prevent, will have been compleated.

LETTER LXI

TO ZENO.[1]

17 Oct. 1771

Sir,

The sophistry of your letter in defence of *Lord Mansfield* is adapted to the character you defend. But *Lord Mansfield* is a man of *form*, and seldom in his behaviour transgresses the rules of decorum. I shall imitate his Lordship's good manners, and leave *you* in full possession of his principles. I will not call you *liar*, *jesuit*, or *villain*; but, with all the politeness imaginable, perhaps I may prove you so.

Like other fair pleaders in *Lord Mansfield's* school of justice, you answer *Junius* by misquoting his words, and misstating his propositions. If I am candid enough to admit that this is the very logic taught at *St. Omer's*, you will readily allow that it is the constant practice in the court of *King's Bench*.—JUNIUS *does not say*, that he never had a doubt about the strict right of pressing, *till he knew Lord Mansfield was of the same opinion*. His words are, *until he heard that Lord Mansfield had applauded Lord Chatham for maintaining that doctrine in the house of lords*. It was not the accidental concurrence of Lord Mansfield's opinion, but the suspicious applause given by a cunning Scotchman to the man he detests, that raised and justified a doubt in the mind of *Junius*. The question is not whether Lord Mansfield be a man of learning and abilities (which *Junius* has never disputed), but whether or no he abuses and misapplies his talents.

Junius did *not* say that Lord Mansfield had advised the
ling out the guards. On the contrary, his plain meaning
that he left that odious office to men less cunning than
nself.—Whether Lord Mansfield's doctrine concerning libels
or be not an attack upon the liberty of the press, is a ques-
n, which the public in general are very well able to deter-
ne. I shall not enter into it at present. Nor do I think
ecessary to say much to a man, who had the daring confi-
ce to say to a jury, 'Gentlemen, you are to bring in a

[1] Editor's Note. For Zeno's letter, see Appendix, p. 365.

verdict *guilty* or *not guilty*, but whether the defendant be guilty or innocent is not matter for *your* consideration.' Cloath it in what language you will, this is the sum total of Lord Mansfield's doctrine. If not, let *Zeno* show us the difference.

But it seems, *the liberty of the press may be abused*, and *the abuse of a valuable privilege is the certain means to lose it.* The *first* I admit,—but let the *abuse* be submitted to a jury, a sufficient and indeed the only legal and constitutional check upon the licence of the press. The *second*, I flatly deny. In direct contradiction to *Lord Mansfield*, I affirm that 'the abuse of a valuable privilege *is not* the *certain* means to lose it.' If it were, the English nation would have few privileges left, for where is the privilege that has not, at one time or other, been abused by individuals? But it is false in reason and equity, that particular abuses should produce a general forfeiture. Shall the community be deprived of the protection of the laws because there are robbers and murderers?—Shall the community be punished, because individuals have offended? Lord Mansfield says so, consistently enough with his principles, but I wonder to find him so explicit. Yet, for one concession, however extorted, I confess myself obliged to him.—The liberty of the press is after all a *valuable privilege.* I agree with him most heartily, and will defend it against him.

You ask me, What *juryman* was challenged by Lord Mansfield?—I tell you, his name was *Benson.* When his name was called, Lord Mansfield ordered the clerk to pass him by. As for his reasons, you may ask himself, for he assigned none. But I can tell you what all men thought of it. This *Benson* had been refractory upon a former jury, and would not accept of the law as delivered by Lord Mansfield; but had the impudence to pretend to think for himself.—But you it seems, honest Zeno, know nothing of the matter! You never read *Junius's* letter to your patron! You never heard of the intended instructions from the city to impeach Lord Mansfield —You never heard by what dexterity of Mr. Paterson that measure was prevented! How wonderfully ill some people are informed!

Junius did *never* affirm that the crime of seducing the wife of a mechanic or a peer, is not the same, taken in a moral or religious view. What he affirmed, in contradiction to the levelling principle so lately adopted by Lord Mansfield was *that the damages should be proportioned to the rank and fortune of*

parties ; and for this plain reason ; (admitted by every other judge that ever sat in Westminster Hall) because, what is a compensation or penalty to one man is none to another. The sophistical distinction you attempt to draw between the person *injured* and the person *injuring* is *Mansfield* all over. If you can once establish the proposition that the injured party is not intitled to receive large damages, it follows pretty plainly that the party *injuring* should not be compelled to *pay* them ; consequently the King's brother is effectually screened by *Lord Mansfield's* doctrine. Your reference to *Nathan* and *David* comes naturally in aid of your patron's professed system of jurisprudence. He is fond of introducing into the *court of King's Bench* any law that contradicts or excludes the common law of England ; whether it be *canon*, *civil*, *jus gentium*, or *levitical*. But, Sir, the Bible is the code of our religious faith, not of our municipal jurisprudence : and though it was the pleasure of God to inflict a particular punishment upon David's crime (taken as a breach of his divine commands) and to send his prophet to denounce it, an English jury have nothing to do either with David or the prophet. They consider the crime, only as it is a breach of order, an injury to an individual, and an offence to society, and they judge of it by certain positive rules of law, or by the practice of their ancestors. Upon the whole, the man *after God's own heart* is much indebted to you for comparing him to the Duke of Cumberland. That his Royal Highness may be the man after *Lord Mansfield's* own heart seems much more probable, and you I think, *Mr. Zeno*, might succeed tolerably well in the character of *Nathan*. The evil deity, the prophet, and the royal sinner would be very proper company for one another.

You say, Lord Mansfield did not *make* the commissioners of the Great Seal, and that he only advised the King to appoint. I believe *Junius* meant no more, and the distinction is hardly worth disputing.

You say he *did not* deliver an opinion upon Lord Chatham's appeal. I affirm that he *did*, directly in favour of the appeal. This is a point of fact, to be determined by evidence only. But you assign no reason for his supposed silence, nor for his desiring a conference with the judges the day before. Was not all Westminster-hall convinced that he did it with a view to puzzle them with some perplexing question, and in hopes of bringing some of them over to him?—You say the com-

missioners were *very capable of framing a decree for themselves.* By the fact it only appears that they were capable of framing an *illegal* one, which, I apprehend, is not much to the credit either of their learning or integrity.

We are both agreed that *Lord Mansfield* has incessantly laboured to introduce new modes of proceeding in the court where he presides; but *you* attribute it to an honest zeal in behalf of innocence oppressed by quibble and chicane. *I* say that he has introduced *new law* too, and removed the landmarks established by former decisions. *I* say that his view is to change a court of common law into a court of equity, and to bring everything within the *arbitrium* of a *prætorian* court. The public must determine between us. *But now for his merits. First* then, the establishment of the judges in their places for life, (which you tell us was advised by Lord Mansfield) was a concession merely to catch the people. It bore the appearance of royal bounty, but had nothing real in it. The judges were already for life, excepting in the case of a *demise.* Your boasted bill only provides that it shall not be in the power of the King's successor to remove them. At the best therefore, it is only a legacy, not a gift on the part of his present Majesty, since for himself he gives up nothing.—That he did oppose Lord Camden and Lord Northington upon the proclamation against the exportation of corn, is most true, and with great ability. With his talents, and taking the right side of so clear a question, it was impossible to speak ill.—His motives are not so easily penetrated. They who are acquainted with the state of politics, at that period, will judge of them somewhat differently from Zeno. Of the popular bills, which you say he supported in the house of lords, the most material is unquestionably that of *Mr. Grenville*, for deciding contested elections. But I should be glad to know upon what possible pretence any member of the upper house could oppose such a bill, after it had passed the *house of commons*?—I do not pretend to know what share he had in promoting the other two bills, but I am ready to give him all the credit you desire. Still you will find that a whole life of deliberate iniquity is ill-atoned for by doing now and then a laudable action upon a mixed or doubtful principle.—If it be unworthy of him, thus ungratefully treated, to labour any longer for the public, in God's name let him retire. His brother's patron, (whose health he once was anxious for) is dead, but the son of that unfortunate

prince survives, and, I dare say, will be ready to receive him.

PHILO JUNIUS

LETTER LXII

TO AN ADVOCATE IN THE CAUSE OF THE PEOPLE[1]

18 October 1771

Sir,

You do not treat *Junius* fairly. You would not have condemned him so hastily, if you had ever read *Judge Foster's* argument upon the legality of pressing seamen. A man who has not read that argument is not qualified to speak accurately upon the subject. In answer to strong facts and fair reasoning, you produce nothing but a vague comparison between two things which have little or no resemblance to each other. *General Warrants*, it is true, had been often issued, but they had never been regularly questioned or resisted, until the case of Mr. Wilkes. He brought them to trial, and the moment they were tried, they were declared *illegal*. This is not the case of *Press Warrants*. They have been complained of, questioned, and resisted, in a thousand instances; but still the legislature have never interposed, nor has there ever been a formal decision against them in any of the superior courts. On the contrary, they have been frequently recognized and admitted by parliament, and there are judicial opinions given in their favour, by judges of the first character. Under the various circumstances stated by *Junius*, he has a right to conclude, *for himself*, that there is no remedy. If you have a good one to propose, you may depend upon the assistance and applause of *Junius*. The magistrate, who guards the liberty of the individual, deserves to be commended. But let them remember that it is also his duty to provide for, or at least not to hazard the safety of the community. If, in the case of a foreign war and the expectation of an invasion, you would rather keep your fleet in harbour, than man it by pressing seamen, who refuse the bounty, I have done.

You talk of disbanding the army with wonderful ease and indifference. If a wiser man held such language, I should be apt to suspect his sincerity.

As for keeping up a *much greater* number of seamen in time

[1] Editor's Note. For the letter answered, see Appendix, p. 370.

of peace, it is not to be done. You will oppress the merchant, you will distress trade, and destroy the nursery of your seamen. He must be a miserable statesman, who voluntarily, by the same act increases the public expence, and lessens the means of supporting it.

PHILO JUNIUS

LETTER LXIII

22 October 1771

A friend of *Junius* desires it may be observed (in answer to *A Barrister-at-Law* [1]).

1. THAT the fact of Lord Mansfield's having ordered a juryman to be passed by (which poor *Zeno* never heard of) is now formally admitted. When *Mr. Benson's* name was called, *Lord Mansfield* was observed to flush in the face, (a signal of guilt not uncommon with him) and cried out, *Pass him by.* This I take to be something more than a peremptory challenge. It is an *unlawful command*, without any reason assigned. That the council did not resist, is true ; but this might happen either from inadvertence, or a criminal complaisance to Lord Mansfield.—You *Barristers* are too apt to be civil to my Lord Chief Justice, at the expence of your clients.

2. *Junius* did never say that Lord Mansfield had *destroyed* the liberty of the press. 'That his lordship has *laboured to destroy*,—that his doctrine is an *attack* upon the liberty of the press,—that it is an *invasion* of the right of juries,' are the propositions maintained by *Junius*. His opponents never answer him in point, for they never meet him fairly upon his own ground.

3. *Lord Mansfield's* policy, in endeavouring to screen his unconstitutional doctrines behind an act of the legislature, is easily understood.—Let every Englishman stand upon his guard ;—the right of juries to return a general verdict, in all cases whatsoever, is a part of our constitution. It stands in no need of a bill, either *enacting or declaratory*, to confirm it.

4. WITH regard to the *Grosvenor cause*, it is pleasant to observe that the doctrine attributed by *Junius* to Lord Mansfield, is admitted by Zeno, and directly defended. The *Barrister* has not the assurance to deny it flatly, but he evades

[1] Editor's Note. For this letter, see Appendix, p. 372.

the charge and softens the doctrine by such poor, contemptible quibbles, as cannot impose upon the meanest understanding.

5. The quantity of business in the *court of King's Bench* proves nothing but the litigious spirit of the people, arising from a great increase of wealth and commerce. These however are now upon the decline, and will soon leave nothing but *law suits* behind him. When *Junius* affirms that Lord Mansfield has laboured to alter the system of jurisprudence, in the court where his lordship presides, he speaks to those who are able to look a little further than the vulgar.[1] Besides that the multitude are easily deceived by the imposing names of *equity* and *substantial justice*, it does not follow that a judge, who introduces into his court new modes of proceeding, and new principles of law, intends, *in every instance*, to decide unjustly. Why should he, where he has no interest?—We say that Lord Mansfield is a bad *man* and a worse *judge*;—but we do not say that he is a *mere devil*. Our adversaries would fain reduce us to the difficulty of proving too much.—This artifice however shall not avail him. The truth of the matter is plainly this. When Lord Mansfield has succeeded in his scheme of changing a court of *common law* to a court of *equity*, he will have it in his power to do injustice, *whenever he thinks proper*. This, though a wicked purpose, is neither absurd nor unattainable.[2]

6. The last paragraph, relative to *Lord Chatham's* cause, cannot be answered. It partly refers to facts, of too secret a nature to be ascertained, and partly is unintelligible. 'Upon *ie* point, the cause is decided against Lord Chatham.—Upon *iother* point it is decided for him.'—Both the *law* and *language* 'e well suited to a *Barrister*!—If I have any guess at this onest gentleman's meaning, it is, that, 'whereas the commissioners of the Great Seal saw the question in a point of view ıfavourable to *Lord Chatham*, and decreed accordingly,—ord Mansfield, out of sheer love to Lord Chatham, took the

[1] Editor's Note. Lord Shelburne said of Lord Mansfield: 'Like the nerality of Scotch, Lord Mansfield had no regard to truth whatever. . . . but the worst part of his character as a judge was what Mr. Pitt called inventing law, and no fond parent could be more attached to his offspring than he was to such inventions.'—Fitzmaurice, *Life of Shelburne*, Vol. I, p. 68.

[2] Editor's Note. For a discussion of the changes Lord Mansfield endeavoured to make in the common law, see Holdsworth, *A History of English Law*, Vol. VII, p. 45, and Vol. VIII, pp. 45 ff.

pains to place it in a point of view more favourable to the *appellant*.'—*Credat Judæus Apella*.—So curious an assertion would stagger the faith of *Mr. Sylva*.

LETTER LXIV

2 November 1771

We are desired to make the following declaration, in behalf of *Junius*, upon three material points, on which his opinion has been mistaken, or misrepresented.

1. *Junius* considers the right of taxing the colonies, by an act of the British Legislature, as a *speculative* right merely, never to be *exerted*, nor ever to be *renounced*. To *his* judgment it appears plain, 'That the general reasonings, which were employed against that power, went directly to our whole legislative right, and that one part of it could not be yielded to such arguments, without a virtual surrender of all the rest.'

2. THAT, with regard to press warrants, his argument should be taken in his own words and answered strictly :—that comparisons may sometimes illustrate, but prove nothing ; and that, in this case, an appeal to the passions is unfair and unnecessary. *Junius* feels and acknowledges the evil in the most express terms, and will shew himself ready to concur in any rational plan, that may provide for the liberty of the individual, without hazarding the safety of the community. At the same time he expects that the evil, such as it is, be not exaggerated or misrepresented. In general, it is *not* unjust that when the rich man contributes his wealth, the *poor* man should serve the state in person ;—otherwise the latter contributes nothing to the defence of that law and constitution, from which he demands safety and protection. But the question does not lie between *rich* and *poor*. The laws of England make no such distinctions. Neither is it true that the poor man is torn from the care and support of a wife and family, helpless without him. The single question is, whether the *seaman*,[1] in times of public danger, shall serve the merchant or the state, in that profession to which he was bred, and by the exercise of which alone he can honestly support himself and his family.—General arguments against the doctrine of *necessity*, and the dangerous use that may

[1] I confine myself strictly to *seamen* ;—if any others are pressed, it is a gross abuse, which the magistrates can and should correct.—JUNIUS.

be made of it, are of no weight in this particular case. *Necessity* includes the idea of *inevitable*. Whenever it is so, it creates a law, to which all *positive* laws, and all *positive* rights must give way. In this sense the levy of *ship-money* by the King's warrant was not *necessary*, because the business might have been as well or better done by parliament. If the doctrine, maintained by *Junius*, be confined within this limitation, it will go but very little way in support of arbitrary power. That the King is to judge of the occasion, is no objection, unless we are told how it can possibly be otherwise. There are other instances, not less important in the exercise, nor less dangerous in the abuse, in which the constitution relies entirely upon the King's judgment. The executive power proclaims war and peace, binds the nation by treaties, orders general embargoes, and imposes quarantines, not to mention a multitude of prerogatives, which, though liable to the greatest abuses, were never disputed.

3. It has been urged, as a reproach to *Junius*, that he has not delivered an opinion upon the Game Laws, and particularly the late *Dog-act*. But *Junius* thinks he has much greater reason to complain, that he is never assisted by those, who are able to assist him, and that almost the whole labour of the press is thrown upon a single hand, from which a discussion of *every* public question whatsoever is unreasonably expected. He is not paid for his labour, and certainly has a right to choose his employment.—As to the *Game Laws*, he never scrupled to declare his opinion, that they are a species of the *Forest Laws*, that they are oppressive to the subject, and that the spirit of them is incompatible with legal liberty :—that the penalties, imposed by these laws, bear no proportion to the nature of the offence, that the mode of trial, and the degree and kind of evidence necessary to convict, not only deprive the subject of all the benefits of a trial by jury, but are in themselves too summary, and to the last degree arbitrary and oppressive. That, in particular, the late acts to prevent dog-stealing, or killing game between sun and sun, are distinguished by their absurdity, extravagance, and pernicious tendency. If these terms are weak, or ambiguous, in what language can Junius express himself?—It is no excuse for *Lord Mansfield* to say that he *happened* to be absent when these bills passed the house of lords. It was his duty to be present. Such bills could never have passed the house of commons without his knowledge. But we very well know by what rules he regulates his attendance. When that

order was made in the house of lords in the case of *Lord Pomfret*,[1] at which every Englishman shudders, my honest *Lord Mansfield*, found himself, *by mere accident*, in the court of king's bench.—Otherwise he would have done wonders in defence of law and property! The pitiful evasion is adapted to the character. But *Junius* will never justify himself, by the example of this bad man. The distinction between *doing wrong*, and *avoiding to do right* belongs to Lord Mansfield. *Junius* disclaims it.

LETTER LXV

TO LORD CHIEF JUSTICE MANSFIELD

2 November 1771

At the intercession of three of your countrymen, you have bailed a man, who, I presume, is also a *Scotchman*, and whom the Lord Mayor of London had refused to bail.[2] I do not mean to enter into an examination of the partial, sinister motives of your conduct; but confining myself strictly to the fact, I affirm, that you have done that, which by law you were not warranted to do. The thief was taken in the theft;—the stolen goods were found upon him, and he made no defence. In these circumstances, (the truth of which You dare not deny, because it is of public notoriety) it could not stand indifferent whether he was guilty or not, much less could there be any presumption of his innocence; and, in these circumstances, I affirm, in contradiction to YOU, LORD CHIEF JUSTICE MANSFIELD, that, by the laws of England, he was *not bailable*. If ever *Mr. Eyre* should be brought to trial, we shall hear what You have to say for Your-

[1] Editor's Note. Lord Pomfret claimed a tract of ground as a part of his freehold; the parish in which he resided asserted it to be common ground. The House of Lords decided in favour of the parish.

[2] Editor's Note. On October 2, 1771, Eyre was committed to Wood Street Compter for privately stealing out of a room at Guildhall three quires of writing paper, which were found upon him, and eight quires more of the same kind of paper, which had been secretly marked, were found in his lodgings. Mr. Halifax, the alderman who committed him, refused bail, as did also the Lord Mayor. He was bailed by Lord Mansfield, however, himself in £300, and three securities, Kinloch, Farquhar, and Innis, in £100 each. He surrendered himself at the Old Bailey, November 1, to take his trial, pleaded guilty, and was sentenced to be transported. He was said to be worth £30,000.

self; and I pledge myself, before God and my country, in proper time and place, to make good my charge against you.

JUNIUS

LETTER LXVI

TO THE PRINTER OF THE PUBLIC ADVERTISER

9 November 1771

Junius engages to make good his charge against *Lord Chief Justice Mansfield*, some time before the meeting of parliament, in order that the house of commons may, if they think proper, make it one article of the impeachment of the said *Lord Chief Justice*.

LETTER LXVII[1]

TO HIS GRACE THE DUKE OF GRAFTON

27 Nov. 1771

What is the reason, my Lord, that, when almost every man in the kingdom, without distinction of principles or party, exults in the ridiculous defeat of Sir James Lowther, when good and bad men unite in one common opinion of that baronet, and triumph in his distress, as if the event (without any reference to vice or virtue) were interesting to human nature, your Grace alone should appear so miserably depressed and afflicted? In such universal joy, I know not where you will look for a compliment of condolence, unless you appeal to the tender, sympathetic sorrows of Mr. Bradshaw. That cream-coloured gentleman's tears, affecting as they are, carry consolation along with them. He never weeps, but, like an April shower, with a lambent ray of sunshine upon his countenance. From the feelings of honest men, upon this joyful occasion, I do not mean to draw any conclusion to your Grace. *They* naturally rejoice, when they see a signal instance of tyranny resisted with success; —of treachery exposed to the derision of the world;—an infamous informer defeated, and an impudent robber dragged to the public gibbet.—But in the *other* class of mankind, I own expected to meet the Duke of Grafton. Men, who have no regard for justice, not any sense of honour, seem as heartily

[1] Editor's Note. See Private Letter, No. 44, in which Junius says, 'David Garrick has literally forced me to break my resolution of writing no more.'

pleased with Sir James Lowther's well-deserved punishment, as if it did not constitute an example against themselves. The unhappy Baronet has no friends, even among those who resemble him. You, my Lord, are not yet reduced to so deplorable a state of dereliction. Every villain in the kingdom is your friend; and, in compliment to such amity, I think you should suffer your dismal countenance to clear up. Besides, my Lord, I am a little anxious for the consistency of your character. You violate your own rules of decorum, when you do not insult the man, whom you have betrayed.

The divine justice of retribution seems now to have begun its progress. Deliberate treachery entails punishment upon the traitor. There is no possibility of escaping it, even in the highest rank, to which the consent of society can exalt the meanest and worst of men. The forced, unnatural union of Luttrell and Middlesex was an omen of another unnatural union, by which indefeasible infamy is attached to the house of Brunswick. If one of those acts was virtuous and honourable, the best of princes, I thank God, is happily rewarded for it by the other.—Your Grace, *it has been said*, had some share in recommending Colonel Luttrell to the King;—or was it only the gentle Bradshaw who made himself answerable for the good behaviour of his friend? An intimate connexion has long subsisted between him and the worthy Lord Irnham. It arose from a fortunate similarity of principles, cemented by the constant mediation of their common friend, Miss Davis.[1]

[1] There is a certain family in this country, on which nature seems to have entailed an hereditary baseness of disposition. As far as their history has been known, the son has regularly improved upon the vices of his father, and has taken care to transmit them pure and undiminished into the bosom of his successor. In the senate, their abilities have confined them to those humble, sordid services, in which the scavengers of the ministry are usually employed. But in the memoirs of private treachery, they stand first and unrivalled. The following story will serve to illustrate the character of this respectable family, and to convince the world that the present possessor has as clear a title to the infamy of his ancestors, as he has to their estate. It deserves to be recorded for the curiosity of the fact, and should be given to the public as a warning to every honest member of society.

The present Lord Irnham, who is now in the decline of life, lately cultivated the acquaintance of a younger brother of a family with which he had lived in some degree of intimacy and friendship. The young man had long been the dupe of a most unhappy attachment to a common prostitute. His friends and relations foresaw the consequences of this connexion, and did everything that depended upon them to save him from ruin. But he

Yet I confess I should be sorry that the opprobrious infamy of this match should reach beyond the family.—We have now a better reason than ever to pray for the long life of the best of princes, and the welfare of his royal *issue*.—I will not mix anything ominous with my prayers;—but let parliament look to it.—A *Luttrell* shall never succeed to the crown of England.[1]—If the hereditary virtues of the family deserve a kingdom, Scotland will be a proper retreat for them.

The next is a most remarkable instance of the goodness of Providence. The just law of retaliation has at last overtaken the little, contemptible tyrant of the North. To this son-in-law of your dearest friend the Earl of Bute, you meant to transfer the Duke of Portland's property; and you hastened the grant, with an expedition unknown to the Treasury, that he might have it time enough to give a decisive turn to the election for the county. The immediate consequence of this flagitious robbery was, that he lost the election, which you meant to insure to him, and with such signal circumstances of scorn, reproach, and insult, (to say nothing of the general exultation of all parties) as, (excepting the King's brother-in-law Col. Luttrell, and old Simon his father-in-law) hardly ever fell upon a gentleman in this country.—In the event, he loses the very property, of which he thought he had gotten possession; and after an expence, which would have paid the value of the land in question twenty times over. The forms of villany, you see, are necessary to its success. Hereafter you will act with greater circumspection, and not drive so directly to your object. To *snatch a grace*, beyond the reach of common treachery, is an exception, not a rule.

And now, my good Lord, does not your conscious heart inform you that the justice of retribution begins to operate, and

had a friend in Lord Irnham, whose advice rendered all their endeavours ineffectual. This hoary letcher, not contented with the enjoyment of his friend's mistress [the notorious Polly Davis, mentioned in the letter above], was base enough to take advantage of the passions and folly of a young man, and persuaded him to marry her. He descended even to perform the office of father to the prostitute. He gave her to his friend, who was on the point of leaving the kingdom, and the next night lay with her himself.

Whether the depravity of the human heart can produce anything more base and detestable than this fact, must be left undetermined until the son shall arrive at his father's age and experience.

[1] Editor's Note. Colonel Luttrell had become the King's brother-in-law by the marriage of his sister, Mrs. Horton, to the Duke of Cumberland.

hat it may soon approach your person?—Do you think that *Junius* has renounced the Middlesex election?—Or that the King's timber shall be refused to the Royal Navy with impunity?—Or that you shall hear no more of the sale of that patent to *Mr. Hine*, which you endeavoured to skreen by suddenly dropping your prosecution of *Samuel Vaughan*, when the rule against him was made absolute? I believe, indeed, there never was such an instance in all the history of negative impudence.—But it shall not save you. The very sunshine you live in, is a prelude to your dissolution. When you are ripe, you shall be plucked.

JUNIUS

P.S.—I beg you will convey to our gracious master my humble congratulations upon the glorious success of peerages and pensions, so lavishly distributed as the rewards of Irish virtue.

LETTER LXVIII

TO LORD CHIEF JUSTICE MANSFIELD

21 January 1772

I have undertaken to prove that when, at the intercession of three of your countrymen, you bailed *John Eyre*, you did that *which by law you were not warranted to do*, and that a felon, under the circumstances, *of being taken in the fact, with the stolen goods upon him, and making no defence*, is *not bailable* by the laws of England. Your learned advocates have interpreted this charge into a denial that the court of King's Bench, or the judges of that court, during the vacation, have any greater authority to bail for criminal offences, than a justice of peace. With the instance before me, I am supposed to question your power of doing wrong, and to deny the existence of a power at the same moment that I arraign the illegal exercise of it. But the opinions of such men, whether wilful in their malignity, or sincere in their ignorance, are unworthy of my notice. You, Lord Mansfield, did not understand me so, and I promise you your cause requires an abler defence.—I am now to make good my charge against you. However dull my argument, the subject of it is interesting. I shall be honoured with the attention of the public, and have a right to demand the attention of the legislature. Supported, as I am, by the whole body of the criminal law of England, I have no doubt of establishing my

charge. If, on your part, you should have no plain, substantial defence, but should endeavour to shelter yourself under the quirk and evasion of a practising lawyer, or under the mere, insulting assertion of power without right, the reputation you pretend to is gone for ever; you stand degraded from the respect and authority of your office, and are no longer *de jure*, Lord Chief Justice of England. This letter, my Lord, is addressed, not so much to *you*, as to the public. Learned as you are, and quick in apprehension, few arguments are necessary to satisfy you, that you have done that, which by law you were not warranted to do. Your conscience already tells you that you have sinned against knowledge, and that whatever defence you make contradicts your own internal conviction. But other men are willing enough to take the law upon trust. They rely upon authority, because they are too indolent to search for information; or, conceiving that there is some mystery in the laws of their country, which lawyers are only qualified to explain, they distrust their judgment, and voluntarily renounce the right of thinking for themselves. With all the evidence of history before them, from *Tresillian* to *Jefferies*, from *Jefferies* to *Mansfield*, they will not believe it possible that a learned judge can act in direct contradiction to those laws, which he is supposed to have made the study of his life, and which he has sworn to administer faithfully. Superstition is certainly not the characteristic of this age. Yet some men are bigoted in politics who are infidels in religion.—I do not despair of making them ashamed of their credulity.

The charge I brought against you is expressed in terms guarded and well considered. They do not deny the strict ower of the judges of the court of King's Bench to bail in cases, ot bailable by a justice of peace, nor replevisable by the com- ion writ, or *ex officio* by the Sheriff. I well knew the practice f the court, and by what legal rules it ought to be directed. ut, far from meaning to soften or diminish the force of those rms I have made use of, I now go beyond them, and affirm,

I. That the superior power of bailing for felony, claimed by ie court of King's Bench, is founded upon the opinion of wyers, and the practice of the court;—that the assent of the gislature to this power is merely negative, and that it is not ported by any positive provision in any statute whatsoever. f it be, produce the statute.

I. ADMITTING that the judges of the court of King's

ich are vested with a discretionary power to examine and ge of circumstances and allegations, which a justice of the ice is not permitted to consider, I affirm, that the judges, in : use and application of that discretionary power, are as ictly bound by the spirit, intent, and meaning, as the justice peace is by the words of the legislature. Favourable cir-mstances, alledged before the judge, may justify a doubt ether the prisoner be guilty or not ; and where the guilt is ubtful, a presumption of innocence should, in general, be lmitted. But, when any such probable circumstances are ledged, they alter the state and condition of the prisoner. e is no longer that *all-but-convicted* felon, whom the law intends, d who by law is *not bailable at all.* If no circumstances what-ever are alledged in his favour ;—if no allegation whatsoever e made to lessen the force of that evidence, which the law nnexes to a positive charge of felony, and particularly to the ict of *being taken with the maner*, I then say that the Lord Chief ustice of England has no more right to bail him than a justice f peace. The discretion of an English judge is not of mere will nd pleasure ; it is not arbitrary ;—it is not capricious ; but, is that great lawyer, (whose authority I wish you respected alf as much as I do) truly says,[1] ' Discretion, taken as it ought to e, is, *discernere per legem quid sit justum.* If it be not directed by he right line of the law, it is a crooked cord, and appeareth to be unlawful.'—If discretion were arbitrary in the judge, he might introduce whatever novelties he thought proper ; but, says Lord Coke, ' Novelties, without warrant of precedents are not to be allowed ; some certain rules are to be followed ;—*Quicquid judicis authoritati subjicitur, novitati non subjicitur* ' ; and this sound doctrine is applied to the Star-chamber, a court confessedly arbitrary. If you will abide by the authority of this great man, you shall have all the advantage of his opinion, wherever it appears to favour you. Excepting the plain, express meaning of the legislature, to which all private opinions must give way, I desire no better judge between us than Lord Coke.

III. I AFFIRM that, according to the obvious, indisputable meaning of the legislature, repeatedly expressed, a perso positively charged with *feloniously stealing* and taken *in flagrant delicto*, with the stolen goods upon him, *is not bailable.* The la considers him as differing in nothing from a *convict*, but in t form of conviction, and (whatever a corrupt judge may do) w

[1] 4 *Inst.* 41. 66.

accept of no security, but the confinement of his body within four walls. I know it has been alledged in your favour, that you have often bailed for murders, rapes, and other manifest crimes. Without questioning the fact, I shall not admit that you are to be justified by your own example. If that were a protection to you, where is the crime that, as a judge, you might not now securely commit? But neither shall I suffer myself to be drawn aside from my present argument, nor *you* to profit by your own wrong.—To prove the meaning and intent of the legislature will require a minute and tedious deduction. To investigate a question of law demands some labour and attention, though very little genius or sagacity. As a practical profession, the study of the law requires but a moderate portion of abilities. The learning of a pleader is usually upon a level with his integrity. The indiscriminate defence of right and wrong contracts the understanding, while it corrupts the heart. Subtlety is soon mistaken for wisdom, and impunity for virtue. If there be any instances upon record, as some there are undoubtedly, of genius and morality united in a lawyer, they are distinguished by their singularity, and operate as exceptions.

I must solicit the patience of my readers. This is no light matter, nor is it any more susceptible of ornament, than the conduct of Lord Mansfield is capable of aggravation.

As the law of bail in charges of felony, has been exactly ascertained by acts of the legislature, it is at present of little consequence to inquire how it stood at common law, before the statute of Westminster. And yet it is worth the reader's attention to observe, how nearly, in the ideas of our ancestors, the circumstance of being taken *with the maner* approached to the conviction of the felon. It 'fixed the authoritative stamp of verisimilitude upon the accusation, and by the common law, when a thief was taken *with the maner* (that is with the thing stolen upon him, *in manu*), he might, so detected, *flagrante delicto*, be brought into court, arraigned and tried, *without indictment*; as, by the Danish law, he might be taken and hanged upon the spot, without accusation or trial.[1] It will soon appear that our statute law, in this behalf, though less summary in point of proceeding, is directed by the same spirit. In one instance, the form is adhered to. In offences relating to the forest, if a man was taken with vert, or venison, it was declared to be equivalent to indictment.[2] To enable the reader to judge for

[1] *Blackstone*, iv. 303. [2] 1 Ed. III. cap. 8—and 7 Rich. II. cap. 4.

himself, I shall state, in due order, the several statutes relative to bail in criminal cases, or as much of them as may be material to the point in question, omitting superfluous words. If I misrepresent, or do not quote with fidelity, it will not be difficult to detect me.

The statute of Westminster the first,[1] in 1275, sets forth that, 'Forasmuch as Sheriffs and others, who have taken and kept in prison persons detected of felony, and incontinent have let out by replevin such as were *not replevisable* because they would gain *of the one party and grieve the other; and, forasmuch as,* before this time it was not determined which persons were replevisable and which not, it is provided and by the King commanded that such prisoners, &c., as be *taken with the manner,* &c., or for *manifest* offences, shall be *in no wise* replevisable by the common writ, nor without writ.'[2]—Lord Coke, in his exposition of the last part of this quotation, accurately distinguishes between *replevy* by the common writ or ex officio, and *bail* by the King's Bench. The words of the statute certainly do not extend to the judges of that court. But, besides that the reader will soon find reason to think that the legislature, in their intention, made no difference between *bailable* and *replevisable*, Lord Coke himself (if he be understood to mean nothing but an exposition of the statute of Westminster, and not to state the law generally), does not adhere to his own distinction. In expounding the other offences, which, by this statute, are declared *not replevisable*, he constantly uses the words *not bailable.*—'That outlaws, for instance, are *not bailable at all*;—that persons who have abjured the realm are attainted upon their own confession, and therefore *not bailable at all by law*;—that provers are *not bailable*;—that notorious felons are *not bailable.*' The reason, why the superior courts were not named in the statute of Westminster, was plainly this, 'because antiently most of the business touching bailment of prisoners for felony or misdemeanors, was performed by the Sheriffs, or

[1] '*Videtur e le statute de mainprise nest que rehersall del comen ley.*'—E Mainp. 61.

[2] 'There are three points to be considered in the construction of remedial statutes;—the old law, the mischief, and the remedy;—that how the common law stood at the making of the act, what the mischief v for which the common law did not provide, and what remedy the parliam hath provided to cure this mischief. It is the business of the judges so construe the act, as to suppress the mischief and advance the remedy. *Blackstone.* i. 87.

special bailiffs of liberties, either by writ, or *virtute officii*;'[1] consequently the superior courts had little or no opportunity to commit those abuses, which the statute imputes to the Sheriffs. —With submission to Doctor Blackstone, I think he has fallen into a contradiction, which, in terms at least, appears irreconcilable. After enumerating several offences not bailable, he asserts, without any condition or limitation whatsoever, 'all these are clearly not admissible to bail.'[2] Yet in a few lines after he says, '*it is agreed* that the court of King's Bench may bail for any crime whatsoever, *according to the circumstance of* the case.' To his first proposition he should have added *by Sheriffs* or *Justices*; otherwise the two propositions contradict each other; with this difference however, that the first is absolute, the second limited by *a consideration of circumstances*. I say this without the least intended disrespect to the learned author. His work is of public utility, and should not hastily be condemned.

The statute of 17 *Richard* II. cap. 10, 1393, sets forth, that 'forasmuch as thieves notoriously defamed, *and others taken with the maner*, by their long abiding in prison, were delivered by charters, and favourable inquests procured, to the great hindrance of the people, two men of law shall be assigned, in every commission of the peace, to proceed to the deliverance of such felons,' &c. It seems by this act, that there was a constant struggle between the legislature and the officers of justice. Not daring to admit felons *taken with the maner* to bail or mainprize, they evaded the law by keeping the party in prison a long time, and then delivering him without due trial.

The statute of 1 *Richard* III, in 1483, sets forth, that 'forasmuch as divers persons have been daily arrested and imprisoned for *suspicion* of felony, sometime of malice, and sometime of *a light suspicion*, and so kept in prison without bail or mainprize, be it ordained that every justice of peace shall have authority, by his discretion, to let such prisoners and persons so arrested to bail or mainprize.'—By this act it appears that there had been abuses in matter of imprisonment, and that the legislature meant to provide for the immediate enlargement of persons arrested on *light suspicion* of felony.

The statute of 3 Henry VII. in 1486, declares, that 'under colour of the preceding act of Richard the Third, persons, *such as were not mainpernable*, were oftentimes let to bail or main-

[1] 2 *Hale*, P. C. 128. 136. [2] *Blackstone*, iv. 296.

prize, by justices of the peace, whereby many murderers and felons escaped, the King, &c., hath ordained, that the justices of the peace, or two of them at the least (whereof one to be of the *quorum*) have authority to let any such prisoners or persons, mainpernable by the law, to bail or mainprize.'

The statute of 1st and 2nd of Philip and Mary, in 1554, sets forth, that 'notwithstanding the preceding statute of Henry the Seventh, *one* justice of the peace hath oftentimes, by sinister labour and means, set at large the greatest and notablest offenders, *such as be not replevisable by the laws of this realm*, and yet, the rather to hide their affections in that behalf, have signed the cause of their apprehension to be but only for *suspicion* of felony, whereby the said offenders have escaped unpunished, and do daily, to the high displeasure of Almighty God, the great peril of the King and Queen's true subjects, and encouragement of all thieves and evil-doers;—for reformation whereof be it enacted, that no justices of peace shall let to bail or mainprize any such persons, which, for any offence by them committed, be declared *not* to be *replevised*, or *bailed*, or be forbidden to be *replevised* or *bailed* by the statute of Westminster the first; and furthermore that any persons, arrested for manslaughter or felony, *being bailable by the law*, shall not be let to bail or mainprize, by any justices of peace, but in the form thereinafter prescribed.'—In the two preceding statutes, the words *bailable*, *replevisable*, and *mainpernable* are used synonymously,[1] or promiscuously to express the same single intention of the legislature, viz. *not to accept of any security but the body of the offender*; and when the latter statute prescribes the form, in which persons arrested on *suspicion* of felony (*being bailable by the law*) may be let to bail, it evidently supposes that there are some cases *not* bailable by the law.—It may be thought perhaps, that I attribute to the legislature an appearance of inaccuracy in the use of terms, merely to serve my present purpose. But, in truth, it would make more forcibly for my argument to presume that the legislature were constantly aware of the strict legal distinction between *bail* and *replevy*, and that they always meant to adhere to it.[2] For if it be true that *replevy* is by the Sheriffs, and *bail* by the higher courts at Westminster (which I think no

[1] 2 *Hale*, P. C. ii. 124.

[2] *Vide* 2 *Inst.* 150. 186.—'The word *replevisable* never signifies *bailable*. *Bailable*, is in a court of record by the King's justices; but *replevisable* is by the Sheriff.'—*Selden, State Tr.*, vii. 149.

lawyer will deny) it follows that, when the legislature expressly say, that any particular offence is by law *not bailable*, the superior courts are conprehended in the prohibition, and bound by it. Otherwise, unless there was a positive exception of the superior courts (which I affirm there never was in any statute relative to bail) the legislature would grossly contradict themselves, and the manifest intention of the law be evaded. It is an established rule that, when the law is *special*, and the reason of it general, it is to be *generally* understood ; and though, by custom, a latitude be allowed to the court of King's Bench (to consider circumstances inductive of a doubt whether the prisoner be guilty or innocent) if this latitude be taken as an arbitrary power to bail, when no circumstances whatsoever are alledged in favour of the prisoner, it is a power without right, and a daring violation of the whole English law of bail.

The Act of the 31st of Charles the Second (commonly called the *Habeas Corpus* Act) particularly declares that it is not meant to extend to treason or felony plainly and specially expressed in the warrant of commitment. The prisoner is therefore left to seek his *Habeas Corpus* at common law ; and so far was the legislature from supposing that persons, (committed for treason or felony plainly and specially expressed in the warrant of commitment) could be let to bail by a single judge, or by the whole court, that this very act provides a remedy for such persons, in case they are not indicted in the course of the term or session subsequent to their commitment. The law neither suffers them to be enlarged before trial, nor to be imprisoned after the time, in which they ought regularly to be tried. In this case the law says, ' It shall and may be lawful to and for the judges of the court of King's Bench and justices of oyer and terminer, or general gaol delivery, and they are hereby required, upon motion to them made in open court, the last day of the term, session, or gaol delivery, either by the prisoner or any one in his behalf, to set at liberty the prisoner upon bail ; unless it appear to the judges and justices, upon oath made, that the witnesses for the King could not be produced the same term, sessions, or gaol delivery.'—Upon the whole of this article I observe,

1. That the provision, made in the first part of it, would be in a great measure, useless and nugatory, if any single judge might have bailed the prisoner *ex arbitrio*, during the vacation ; or if

the court might have bailed him immediately after the commencement of the term or sessions.—2. When the law says, *It shall and may be lawful* to bail for felony under particular circumstances, we must presume that, before the passing of that act, it was *not* lawful to bail under those circumstances. The terms used by the legislature are *enacting*, not *declaratory*.—3. Notwithstanding the party may have been imprisoned during the greatest part of the vacation, and during the whole session, the court are expressly forbidden to bail him from that session to the next, if oath be made that the witnesses of the King could not be produced that same term or sessions.

Having faithfully stated the several acts of parliament relative to bail in criminal cases, it may be useful to the reader to take a short historical review of the law of bail, through its various gradations and improvements.

By the ancient common law, before and since the conquest, all felonies were bailable, till murder was excepted by statute, so that persons might be admitted to bail, before conviction, almost in every case. The statute of Westminster says that, before that time, it had not been determined, which offences were replevisable, and which were not, whether by the common writ *de homine replegiando*, or *ex officio* by the Sheriff. It is very remarkable that the abuses arising from this unlimited power of replevy, dreadful as they were and destructive to the peace of society, were not corrected or taken notice of by the legislature, until the commons of the kingdom had obtained a share in it by their representatives; but the house of commons had scarce begun to exist, when these formidable abuses were corrected by the statute of Westminster. It is highly probable that the mischief had been severely felt by the people, although no remedy had been provided for it by the Norman Kings or Barons. 'The iniquity of the times was so great, as it even forced the subjects to forego that, which was in account a great liberty, to stop the course of a growing mischief.' [1] The preamble of the statutes, made by the first parliament of Edward the First, assigns the reason of calling it, 'because the people had been otherwise entreated than they ought to be, the peace less kept, the laws less used, and *offenders less punished* than they ought to be, by reason whereof the people feared less to offend;' [2] and the first attempt to reform these various abuses was by contracting the power of replevying felons.

[1] *Selden*, by *N. Bacon*, 182. [2] *Parliamentary History*, i. 82.

For above two centuries following it does not appear that any alteration was made in the law of bail, except that *being taken with vert* or *venison* was declared to be equivalent to indictment. The legislature adhered firmly to the spirit of the statute of Westminster. The statute of 27th of Edward the first directs the justices of assize to enquire and punish officers bailing such as were *not bailable*. As for the judges of the superior courts, it is probable that, in those days, they thought themselves bound by the obvious intent and meaning of the legislature. They considered not so much to what particular persons the prohibition was addressed, as what the *thing* was, which the legislature meant to prohibit, well knowing that in law, *quando aliquid prohibetur, prohibetur et omne, per quod devenitur ad illud.* 'When anything is forbidden, all the means, by which the same thing may be compassed or done, are equally forbidden.'

By the statute of Richard the third, the power of bailing was a little enlarged. Every justice of peace was authorized to bail for felony; but they were expressly confined to persons arrested *on light suspicion*; and even this power, so limited, was found to produce such inconveniences that, in three years after, the legislature found it necessary to repeal it. Instead of trusting any longer to a single justice of peace, the act of 3d Henry VIIth, repeals the preceding act, and directs 'that no prisoner, (*of those who are mainpernable by the law*) shall be let to bail or mainprize by less than *two* justices, whereof one to be of the quorum.' And so indispensably necessary was this provision thought, for the administration of justice, and for the security and peace of society, that, at this time, an oath was proposed by the King to be taken by the knights and esquires of his household, by the members of the house of commons, and by the peers spiritual and temporal, and accepted and sworn to *quasi unâ voce* by them all, which, among other engagements, binds them 'not to let any man to bail or mainprise, knowing and deeming him to be a felon, upon your honour and worship. So help you God and all saints.' [1]

In about half a century however even these provisions were found insufficient. The act of Henry the seventh was evaded, and the legislature once more obliged to interpose. The act of 1st and 2d of Philip and Mary takes away intirely from the justices all power of bailing for offences declared *not bailable* by the statute of Westminster.

[1] *Parliamentary History*, ii. 419.

The illegal imprisonment of several persons, who had refused to contribute to a loan exacted by Charles the first, and the delay of the *Habeas Corpus* and subsequent refusal to bail them, constituted one of the first and most important grievances of that reign. Yet when the house of commons, which met in the year 1628, resolved upon measures of the most firm and strenuous resistance to the power of imprisonment assumed by the King or privy-council, and to the refusal to bail the party on the return of the *Habeas Corpus*, they did expressly, in all their resolutions, make an exception of commitments, where the cause of the restraint was expressed, and did by law justify the commitment. The reason of this distinction is, that, whereas when the cause of commitment is expressed, the crime is then known and the offender must be brought to the ordinary trial; if, on the contrary, no cause of commitment be expressed, and the prisoner be thereupon remanded, it may operate to perpetual imprisonment. This contest with Charles the first produced the act of the 16th of that King, by which the court of King's Bench are directed, within three days after the return of the *Habeas Corpus* to examine and determine the legality of any commitment by the King or privy-council, and to do *what to justice shall appertain* in delivering, bailing, or *remanding* the prisoner.—*Now*, it seems, it is unnecessary for the judge to do what appertains to justice. The same scandalous traffic, in which we have seen the privilege of parliament exerted or relaxed, to gratify the present humour, or to serve the immediate purpose of the crown, is introduced into the administration of justice. The magistrate, it seems, has now no rule to follow, but the dictates of personal enmity, national partiality, or perhaps the most prostituted corruption.

To compleat this historical inquiry it only remains to be observed that, the *Habeas Corpus* Act of 31st of Charles the second, so justly considered as another Magna Charta of the kingdom 'extends only to the case of commitments for such criminal charge, as can produce no inconvenience to public justice by a temporary enlargement of the prisoner.'[1] So careful were the legislature, at the very moment, when they were providing for the liberty of the subject, not to furnish any colour or pretence for violating or evading the established law of bail in the higher criminal offences. But the exception, stated in the body of the act, puts the matter out of all doubt.

[1] *Blackstone*, IV. 137.

After directing the judges how they are to proceed to the discharge of the prisoner upon recognizance and surety, having regard to the quality of the prisoner and nature of the offence, it is expressly added, 'unless it shall appear to the said Lord Chancellor, &c., that the party, so committed, is detained for such matters, or offences, for the which, BY THE LAW THE PRISONER IS NOT BAILABLE.'

When the laws, plain of themselves, are thus illustrated by facts, and their uniform meaning established by history we do not want the authority of opinions however respectable, to inform our judgment or to confirm our belief. But I am determined that you shall have no escape. Authority of every sort shall be produced against you, from *Jacob* to *Lord Coke*, from the dictionary to the classic.—In vain shall you appeal from those upright judges, whom you disdain to imitate, to those whom you have made your example. With one voice they all condemn you.

'To be taken with the *maner* is where a thief, having stolen anything, is taken with the same about him, as it were in his hands, which is called *flagrante delicto*. Such a criminal is *not bailable by law*.'—*Jacob, under the word Maner.*

'Those, who are taken with the *Maner*, are excluded by the statute of Westminster, from the benefit of a replevin.'—*Hawkins' P. C.* ii. 98.

'Of such heinous offences no one, who is notoriously guilty, seems to be *bailable* by the intent of this statute.'—*Hawkins' P. C.* 99.

'The common practice, and allowed general rule is, that bail is only then proper where it stands *indifferent* whether the party were guilty or innocent.'—*Do. Do.*

'There is no doubt but the bailing of a person, *who is not bailable by law*, is punishable, either at common law as a negligent escape, or as an offence against the several statutes relative to bail.'—*Do.* 89.

'It cannot be doubted but that, neither the judges of this, nor of any other superior court of justice, are strictly within the purview of that statute, yet they will always, in their discretion, pay a due regard to it, and not admit a person to bail, who is expressly declared by it irreplevisable, *without some particular circumstance in his favour*; and therefore it seems difficult to find an instance, where persons, attainted of felony, or notoriously guilty of treason or manslaughter, &c., by their own confession,

or *otherwise*, have been admitted to the benefit of bail, without some special motive to the court to grant it.'—*Do.* 114.

'If it appears that any man hath injury or wrong by his imprisonment, we have power to deliver and discharge him;—if otherwise, *he is to be remanded* by us to prison again.'—*Lord Ch. J. Hyde—State Trials*, vii. 115.

'The statute of Westminster was especially for direction to the Sheriffs and others, but to say courts of justice are excluded from this statute, I conceive it cannot be.'—*Attorney-General Heath—Do.* 132.

'The court, upon review of the return, judgeth of the sufficiency or insufficiency of it. If they think the prisoner *in law* to be *bailable*, he is committed to the Marshal and bailed; if not, he is remanded.'—Through that whole debate the objection, on the part of the prisoners, was, that no cause of commitment was expressed in the warrant; but it was uniformly admitted by their council that, if the cause of commitment had been expressed for treason or felony, the court would then have done right in remanding them.

The Attorney General having urged, before a committee of both houses, that, in Beckwith's case and others, the lords of the council sent a letter to the court of King's Bench to bail; it was replied by the managers for the house of commons, that this was of no moment, 'for that either the prisoner was *bailable by the law*, or *not bailable*;—if bailable by the law, then he was to be bailed without any such letter;—if not bailable by the law, then plainly the judges could not have bailed him upon the letter, without breach of their oath, which is, *that they are to do justice according to the law, &c.*'—*State Trials*, vii. 175.

'So that, in bailing upon such offences of the highest nature, a kind of discretion, rather than a constant law, hath been exercised, when it stands *wholly indifferent* in the eye of the court, whether the prisoner be guilty or not.'—*Selden—St. Tr.* vii. 230–1.

'I deny that a man is always bailable, when imprisonment is imposed upon him for custody.'—*Attorney-General Heath—Do.* 238. By these quotations from the State Trials, though otherwise not of authority, it appears plainly that, in regard to *bailable* or *not bailable*, all parties agreed in admitting one proposition as incontrovertible.

'In relation to capital offences, there are especially these acts of parliament that are the common *landmarks*[1] touching

[1] It has been the study of Lord Mansfield to remove landmarks.

offences bailable or not bailable.'—*Hale* 2 *P. C.* 127. The enumeration includes the several acts cited in this paper.

'Persons taken with the *Manouvre* are not bailable, because it is *furtum manifestum*.'—*Hale* 2 *P. C.* 133.

'The writ of *Habeas Corpus* is of a high nature; for if persons be wrongfully committed, they are to be discharged upon this writ returned; or, if bailable, they are to be bailed;—*if not bailable, they are to be committed*.'—*Hale* 2 *P. C.* 143. This doctrine of Lord Chief Justice Hale refers immediately to the superior courts from whence the writ issues.—'After the return is filed, the court is either to discharge, or bail, or *commit* him, as the nature of the cause requires.'—*Hale* 2 *P. C.* 146.

'If bail be granted, *otherwise than the law alloweth*, the party that alloweth the same, shall be fined, imprisoned, render damages or forfeit his place, as the case shall require.'—*Selden*, by *N. Bacon*, 182.

'This induces an absolute necessity of expressing, upon every commitment, the reason, for which it is made; that the court, upon a *Habeas Corpus*, may examine into its validity, and, *according to the circumstances of the case*, may discharge, admit to bail, or *remand* the prisoner.'—*Blackstone*, iii. 133.

'MARRIOT was committed for forging indorsements upon bank bills, and, upon a *Habeas Corpus*, was bailed, because the crime was only a great misdemeanor;—for, though the forging the bills be felony, yet forging the indorsement is not.'—*Salkeld*, i. 104.

'Appell de Mahem, &c., ideo ne fuit lesse a baille, nient plus que in appell de robbery ou murder; quod nota, et que in robry et murder le partie n'est baillable.'—*Bro. Mainprise*, 67.

'The intendment of the law in bails is, *quod stat indifferenter* whether he be guilty or no; but, when he is convict by verdict or confession, then he must be deemed in law to be guilty of the felony, and therefore *not bailable at all*.'—*Coke* ii. *Inst.* 188—iv. 178.

'BAIL is *quando stat indifferenter*, and *not* when the offence is open and manifest.'—2 *Inst.* 189.

'In this case *non stat indifferenter* whether he be guilty or no, being taken with the *maner*, that is, with the thing stolen, as it were in his hand.'—*Do. Do.*

'If it appeareth that this imprisonment be just and lawful, he *shall be remanded* to the former gaoler; but, if it shall appear to the court that he was imprisoned against the law of the land,

they ought, by force of this statute to deliver him; if it be *doubtful*, and under consideration, he may be bailed.'—2 *Inst.* 55.

It is unnecessary to load the reader with any further quotations. If these authorities are not deemed sufficient to establish the doctrine maintained in this paper, it will be in vain to appeal to the evidence of law books or to the opinions of judges. They are not the authorities by which Lord Mansfield will abide. He assumes an arbitrary power of doing right; and, if he does wrong, it lies only between God and his conscience.

Now, my Lord, although I have great faith in the preceding argument, I will not say that every minute part of it is absolutely invulnerable. I am too well acquainted with the practice of a certain court, directed by your example, as it is governed by your authority, to think there ever yet was an argument, however conformable to law and reason, in which a cunning, quibbling attorney might not discover a flaw. But, taking the whole of it together, I affirm that it constitutes a mass of demonstration, than which nothing more compleat or satisfactory can be offered to the human mind. How an evasive, indirect reply will stand with your reputation, or how far it will answer in point of defence at the bar of the house of lords, is worth your consideration. If, after all that has been said, it should still be maintained, that the court of King's Bench, in bailing felons, are exempted from all legal rules whatsoever, and that the judge has no direction to pursue, but his private affections, or mere unquestionable will and pleasure, it will follow plainly, that the distinction between *bailable* and *not bailable* uniformly expressed by the legislature, current through all our law books, and admitted by all our great lawyers without exception, is in one sense a nugatory, in another a pernicious distinction. It is nugatory, as it supposes a difference in the bailable quality of offences, when, in effect, the distinction refers only to the rank of the magistrate. It is pernicious, as it implies a rule of law, which yet the judge is not bound to pay the least regard to, and impresses an idea upon the minds of the people, that the judge is wiser and greater than the law.

It remains only to apply the law thus stated to the fact in question. By an authentic copy of the *mittimus* it appears that John Eyre was committed for felony, plainly and specially

expressed in the warrant of commitment. He was charged before Alderman Halifax by the oath of Thomas Fielding, William Holder, William Payne, and William Nash, for *feloniously stealing* eleven quires of writing-paper, value six shillings, the property of Thomas Beach, &c.—by the examinations, upon oath, of the four persons mentioned in the *mittimus*, it was proved, that large quantities of paper had been missed, and that eleven quires (previously marked from a suspicion that Eyre was the thief) were found upon him. Many other quires of paper, marked in the same manner, were found at his lodgings; and, after he had been some time in Wood Street Compter, a key was found in his room there, which appeared to be a key to the closet at Guildhall, from whence the paper was stolen. When asked what he had to say in his defence, his only answer was, *I hope you will bail me.* Mr. Holder, the Clerk, replied, *That is impossible. There never was an instance of it, when the stolen goods were found upon the thief.* The Lord Mayor was then applied to, and refused to bail him.—Of all these circumstances it was your duty to have informed yourself minutely. The fact was remarkable, and the chief magistrate of the city of London was known to have refused to bail the offender. To justify your compliance with the solicitations of your three countrymen, it should be proved that such allegations were offered to you, in behalf of their associate, as honestly and *bonâ fide* reduced it to a matter of doubt and indifference whether the prisoner was innocent or guilty.—Was anything offered by the Scotch triumvirate that tended to invalidate the positive charge made against him by four credible witnesses upon oath?—Was it even insinuated to you, either by himself or his bail, that no felony was committed:—or that *he* was not the felon;—that the stolen goods were *not* found upon him;—or that he was only the receiver, not knowing them to be stolen?—Or, in short, did they attempt to produce any evidence of his insanity?—To all these questions, I answer for you, without the least fear of contradiction, positively NO. From the moment he was arrested, he never entertained any hope of acquittal; therefore thought of nothing but obtaining bail, that he might have time to settle his affairs, convey his fortune to another country, and spend the remainder of his life in comfort and affluence abroad. In this prudential scheme of future happiness, the Lord Chief Justice of England most readily and heartily concurred. At sight of so much virtue in distress, your

atural benevolence took the alarm. Such a man as Mr ruggling with adversity, must always be an interesting scene o Lord Mansfield.—Or was it that liberal anxiety, by which our whole life has been distinguished, to enlarge the liberty of he subject?—My Lord, we did not want this new instance of he liberality of your principles. We already knew what kind f subjects they were, for whose liberty you were anxious. At ll events, the public are much indebted to you for fixing a rice, at which felony may be committed with impunity. You ound a felon, notoriously worth thirty thousand pounds, in the um of three hundred. With your natural turn to equity, and nowing as you are in the doctrine of precedents, you undoubtedly meant to settle the proportion between the fortune of the felon, and the fine, by which he may compound for his elony. The ratio now upon record, and transmitted to posterity under the auspices of Lord Mansfield, is exactly one to a hundred.—My Lord, without intending it, you have laid a cruel restraint upon the genius of your countrymen. In the warmest indulgence of their passions they have an eye to the expence, and if their other virtues fail us, we have a resource in their œconomy.

By taking so trifling a security from John Eyre, you invited and manifestly exhorted him to escape. Although in bailable cases, it be usual to take four securities, you left him in the custody of three Scotchmen, whom he might have easily satisfied for conniving at his retreat. That he did not make use of the opportunity you industriously gave him neither justifies your conduct, nor can it be any way accounted for, but by his excessive and monstrous avarice. Any other man, but this bosom-friend of three Scotchmen, would gladly have sacrificed a few hundred pounds, rather than submit to the infamy of pleading guilty in open court. It is possible indeed that he might have flattered himself, and not unreasonably with the hopes of a pardon. That he would have been pardoned seems more than probable, if I had not directed the public attention to the leading step you took in favour of him. In the present gentle reign, we well know what use has been made of the lenity of the court and of the mercy of the crown. The Lord Chief Justice of England accepts of the hundredth part of the property of a felon taken in the fact, as a recognizance for his appearance. Your brother *Smythe* browbeats a jury, and forces them to alter their verdict, by which they had found a Scotch

serjeant guilty of murder,[1] and though the Kennedys were convicted of a most deliberate and atrocious murder, they still had a claim to the royal mercy.—They were saved by the chastity of their connexions. They had a sister ;—yet it was not her beauty, but the pliancy of her virtue that recommended her to the King.—The holy author of our religion was seen in the company of sinners ; but it was his gracious purpose to convert them from their sins. Another man, who in the ceremonies of our faith might give lessons to the great enemy of it, upon different principles keeps much the same company. He advertises for patients, collects all the diseases of the heart, and turns a royal palace into an hospital for incurables.—A man of honour has no ticket of admission at St. James's. They receive him, like a virgin at the Magdalen's ;—*Go thou and do likewise.*

My charge against you is now made good. I shall, however, be ready to answer or to submit to fair objections.[1] If, whenever this matter shall be agitated, you suffer the doors of the house of lords to be shut, I now protest, that I shall consider you as having made no reply. From that moment, in the opinion of the world, you will stand self-convicted. Whether your reply be quibbling and evasive, or liberal and in point, will be matter for the judgment of your peers ;—but if, when every possible idea of disrespect to that noble house, (in whose honour and justice the nation implicitly confides) is here most solemnly disclaimed, you should endeavour to represent this charge as a contempt of their authority, and move their lordships to censure the publisher of this paper, I then affirm that you support injustice by violence, that you are guilty of a heinous aggravation of your offence, and that you contribute your utmost influence to promote, on the part of the highest court of judicature, a positive denial of justice to the nation.

JUNIUS

[1] Editor's Note. John Taylor, a Scotch serjeant, was tried at the Guildford summer assizes in 1770 for the murder of James Smith, a tavern-keeper. Smith had not only called Taylor insulting names, but had also assaulted him and thrown him into the street. In the street Taylor had been again attacked by Smith and another man, upon which he drew his sword and killed Smith. On the jury's bringing in a verdict of *guilty*, Mr. Baron Smythe, who presided at the trial, told the jury that he had instructed them that it was only *manslaughter*, and asked to have a special verdict drawn up to that effect, which the jury signed.

LETTER LXIX

TO THE RIGHT HON. LORD CAMDEN

My Lord,

I turn with pleasure from that barren waste, in which no salutary plant takes root, no verdure quickens, to a character fertile, as I willingly believe, in very great and good qualification. I call upon you, in the name of the English nation, to stand forth in defence of the laws of your country, and to exert, in the cause of truth and justice, those great abilities, with which you were entrusted for the benefit of mankind. To ascertain the facts, set forth in the preceding paper, it may be necessary to call the persons mentioned in the *mittimus* to the bar of the house of lords. If a motion for that purpose should be rejected, we shall know what to think of Lord Mansfield's innocence. The legal argument is submitted to your lordship's judgment. After the noble stand you made against Lord Mansfield upon the question of libel, we did expect that you would not have suffered that matter to have remained undetermined. But it was said that Lord Chief Justice Wilmot had been *prevailed upon* to vouch for an opinion of the late Judge Yates, which was supposed to make against you ; and we admit of the excuse. When such detestable arts are employed to prejudge a question of right, it might have been imprudent, at that time, to have brought it to a decision. In the present instance you will have no such opposition to contend with. If there be a judge, or lawyer of any note in Westminster-hall, who shall be daring enough to affirm that, according to the true intendment of the laws of England, a felon, taken with the *Maner*, *in flagrante delicto*, is bailable ; or that the discretion of an English judge is merely arbitrary, and not governed by rules of law,—I should be glad to be acquainted with him. Whoever he be, I will take care that he shall not give you much trouble. Your lordship's character assures me that you will assume that principal part, which belongs to you, in supporting the laws of England, against a wicked judge, who makes it the occupation of his life, to misinterpret and pervert them. If you decline this honourable office, I fear it will be said that, for some months past, you have kept too much company with the Duke of Grafton. When the contest turns upon

the interpretation of the laws, you cannot, without a formal surrender of all your reputation, yield the post of honour even to Lord Chatham. Considering the situation and abilities of Lord Mansfield, I do not scruple to affirm, with the most solemn appeal to God for my sincerity, that, in *my* judgment, he is the very worst and most dangerous man in the kingdom. Thus far I have done my duty in endeavouring to bring him to punishment. But mine is an inferior, ministerial office in the temple of justice.—I have bound the victim, and dragged him to the altar.

JUNIUS

POSTSCRIPT

The Reverend Mr. John Horne having with his usual veracity and honest industry, circulated a report that Junius, in a letter to the Supporters of the Bill of Rights, had warmly declared himself in favour of long parliaments and rotten boroughs, it is thought necessary to submit to the public the following extract from his letter to John Wilkes, Esq., dated the 7th of September 1771, and laid before the society on the 24th of the same month.

'With regard to the several articles, taken separately, I own I am concerned to see that the great condition, which ought to be the *sine quâ non* of parliamentary qualification,—which ought to be the basis (as it assuredly will be the only support) of every barrier raised in defence of the constitution, *I mean a declaration upon oath to shorten the duration of parliaments*, is reduced to the fourth rank in the esteem of the society; and, even in that place, far from being insisted on with firmness and vehemence, seems to have been particularly slighted in the expression.—*You shall endeavour to restore annual parliaments!*—Are these the terms, which men, who are in earnest, make use of when the *salus reipublicæ* is at stake?—I expected other language from Mr. Wilkes.—Besides my objection in point of form, I disapprove highly of the meaning of the fourth article as it stands. Whenever the question shall be seriously agitated, I will endeavour (and if I live will assuredly attempt it) to convince the English nation, by arguments to *my* understanding unanswerable, that they ought to insist upon a triennial, and banish the idea of an annual parliament . . . . . I am convinced that, if shortening the duration of parliaments (which in effect is keeping the representative under the rod of

the constituent) be not made the basis of our new parliamentary jurisprudence, other checks or improvements signify nothing. On the contrary, if this be made the foundation, other measures may come in aid, and, as auxiliaries, be of considerable advantage. Lord Chatham's project, for instance, of increasing the number of knights of shires, appears to me admirable . . . . . As to cutting away the rotten boroughs, I am as much offended as any man at seeing so many of them under the direct influence of the crown, or at the disposal of private persons. Yet I own, I have both doubts and apprehensions, in regard to the remedy you propose. I shall be charged perhaps with an unusual want of political intrepidity, when I honestly confess to you that I am startled at the idea of so extensive an amputation.—In the first place, I question the power, *de jure*, of the legislature to disfranchise a number of boroughs, upon the general ground of improving the constitution. There cannot be a doctrine more fatal to the liberty and property we are contending for, than that, which confounds the idea of a *supreme* and an *arbitrary* legislature. I need not point out to you the fatal purposes, to which it has been, and may be applied. If we are sincere in the political creed we profess, there are many things, which we ought to affirm, cannot be done by King, Lords, and Commons. Among these I reckon the disfranchising of boroughs with a general view to improvement. I consider it as equivalent to robbing the parties concerned of their freehold, of their birthright. I say that, although this birthright may be forfeited, or the exercise of it suspended in particular cases, it cannot be taken away, by a general law, for any real or pretended purpose of improving the constitution. Supposing the attempt made, I am persuaded you cannot mean that either King, or Lords should take an active part in it. A bill, which only touches the representation of the people, must originate in the house of commons. In the formation and mode of passing it, the exclusive right of the Commons must be asserted as scrupulously, as in the case of a money bill. Now, Sir, I should be glad to know by what kind of reasoning it can be proved, that there is a power vested in the representative to destroy his immediate constituent. From whence could he possibly derive it? A courtier, I know, will be ready enough to maintain the affirmative. The doctrine suits him exactly, because it gives an unlimited operation to the influence of the crown. But we, Mr. Wilkes, ought to hold a

different language. It is no answer to me to say, that the bill, when it passes the house of commons, is the act of the majority, and not of the representatives of the particular boroughs concerned. If the majority can disfranchise ten boroughs, why not twenty, why not the whole kingdom? Why should not they make their own seats in parliament for life?—When the septennial act passed, the legislature did what, apparently and palpably, they had no power to do; but they did more than people in general were aware of: they, in effect, disfranchised the whole kingdom for four years.

'For argument's sake, I will now suppose, that the expediency of the measure, and the power of parliament are unquestionable. Still you will find an insurmountable difficulty in the execution. When all your instruments of amputation are prepared, when the unhappy patient lies bound at your feet, without the possibility of resistance, by what infallible rule will you direct the operation?—When you propose to cut away the *rotten* parts, can you tell us what parts are perfectly *sound*?—Are there any certain limits, in fact or theory, to inform you at what point you must stop, at what point the mortification ends? To a man so capable of observation and reflection as you are, it is unnecessary to say all that might be said upon the subject. Besides that I approve highly of Lord Chatham's idea *of infusing a portion of new health into the constitution to enable it to bear its infirmities*, (a brilliant expression, and full of intrinsic wisdom) other reasons concur in persuading me to adopt it. I have no objection,' &c.

The man, who fairly and completely answers this argument, shall have my thanks and my applause. My heart is already with him.—I am ready to be converted.—I admire his morality, and would gladly subscribe to the articles of his faith.—Grateful as I am to the GOOD BEING, whose bounty has imparted to me this reasoning intellect, whatever it is, I hold myself proportionably indebted to him, from whose inlightened understanding another ray of knowledge communicates to mine. But neither should I think the most exalted faculties of the human mind, a gift worthy of the divinity; nor any assistance, in the improvement of them, a subject of gratitude to my fellow-creature, if I were not satisfied, that really to inform the understanding corrects and enlarges the heart.

JUNIUS

FINIS

THE LETTERS OF JUNIUS

APPENDIXES

APPENDIX I

PRIVATE LETTERS OF JUNIUS[1]

TO MR. H. S. WOODFALL

NO. I

Mr. Woodfall,

20 April 1769

Sir,

I am preparing a paper, which you shall have on or before Saturday night. Advertise it for Monday. *Junius on Monday.*

C.

If any enquiry is made about these papers, I shall rely on your giving me a hint.

NO. II

Friday, [5 May 1769?]

Sir,

It is essentially necessary that the inclosed should be published to-morrow, as the great Question comes on on Monday, and Lord Granby is already staggered.

If you should receive any answer to it, you will oblige me much by not publishing it, till after Monday.

C.

NO. III

Saturday, [15 July 1769?]

Sir,

I have received the favour of your note. From the contents of it, I imagine you may have something to communicate to me. If that be the case, I beg you will be

[1] British Museum, Add. MSS., 27,774.

particular; and also that you will tell me candidly whether you know or suspect who I am. Direct a letter to Mr. William Middleton, to be left at the bar of the New Exchange Coffee House, on Monday, as early as you think proper.

I am, Sir, your most obedient, and
Most humble Servant,

C.

NO. IV

(*Private*)

[*17 July 1769?*]

Sir,

Mr. Newberry having thought proper to reprint my Letters, I wish at least he had done it correctly. You will oblige me much by giving him the following hint to-morrow. The inclosed when you think proper.

'Mr. Newberry, having thought proper to reprint Junius's Letters, might at least have corrected the errata, as we did constantly.

Page	1,	line 13,	*for* national	*read*	rational.
	3,	— 4,	— was	—	were.
	5,	— 15,	— indisputable	—	indispensable.
Letter	7,	— 4,	— in all mazes	—	in all the mazes.
	15,	— 24,	— rightest	—	brightest.
	48,	— 2,	— indiscreet	—	indirect.

I did not expect more than the life of a newspaper, but if this man will keep me alive, let me live without being offensive.

Speciosa quæro pascere tigres.

NO. V

[*21 July 1769?*], *Friday Night*

Sir,

I can have no manner of objection to your reprinting the letters, if you think it will answer, which I believe it might before Newberry appeared. If you determine to do it, give me a hint, and I will send you more errata (indeed the year innumerable), and perhaps a preface. I really doubt whether I shall write any more under this signature. I am weary of attacking a set of brutes, whose writings are too dull to furnish me even with the materials of contention, and whose measures

are too gross and direct to be the subject of argument, or to require illustration.

That Swinney is a wretched but a dangerous fool. He had the impudence to go to Lord G. Sackville, whom he had never spoken to, and to ask him, whether or no he was the author of Junius—take care of him.

Whenever you have anything to communicate to me, let the hint be thus, C *at the usual place*, and so direct to Mr. John Fretly, at the same Coffee House, where it is absolutely impossible I should be known.

I did *not* mean the Latin to be printed.

I wish Lord Holland may acquit himself with honour. If his cause be good, he should at once have published that account to which he refers in his letter to the mayor.

Pray tell me whether George Onslow means to keep his word with you; about prosecuting.—*Yes* or *No* will be sufficient. Your Lycurgus is a Mr. Kent, a young man of good parts, upon town. And so I wish you a good night.

Yours,

C.

NO. VI

Sunday, [*6 August 1769?*]

Sir,

The spirit of your letter convinces me that you are a much better writer than most of the people whose works you publish. Whether you have guessed well or ill must be left to our future acquaintance. For the matter of assistance, be assured that, if a question should arise upon any writings of mine, you shall not want it. Yet you see how things go, and I fear my assistance would not avail you much. For the other points of printing, &c., it does not depend upon us at present. My own works you shall constantly have, and in point of money be assured you never shall suffer. I wish the inclosed to be announced to-morrow *conspicuously* for Tuesday. I am not capable of writing anything more finished.

Your Friend,

C.

Your *Veridicus* is Mr. Whitworth. I assure you I have not confided in him.

NO. VII

Wednesday Night, [16 August 1769?]

Sir,

I have been some days in the country, and could not conveniently send for your letter until this night. Your correction was perfectly right. The sense required it, and I am much obliged to you. When I spoke of *innumerable* blunders, I meant Newberry's pamphlet; for I must confess that upon the whole your papers are very correctly printed.

Do with my letters exactly what you please. I should think that, to make a better figure than Newberry, some others of my letters may be added, and so throw out a hint that you have reason to suspect they are by the same authour. If you adopt this plan, I shall point out those which I would recommend; for, you know, I do not, nor indeed have I time to give equal care to them all.

I know Mr. Onslow perfectly. He is a false silly fellow. Depend upon it, he will get nothing but shame by contending with Horne.

I believe I need not assure you that I have never written in any other paper since I began with yours. As to Junius, I must wait for fresh matter, as this is a character, which must be kept up with credit. Avoid prosecutions, if you can, but, above all things, avoid the Houses of Parliament—there is no contending with them. At present you are safe, for this House of Commons has lost all dignity, and dare not do anything.

Adieu,

C.

NO. VIII

(*Private*)

[*10 September 1769?*]

Sir,

The last letter you printed was idle and improper, and I assure you printed against my own opinion. The truth is, there are people about me whom I would wish not to contradict, and who had rather see Junius in the papers ever so improperly than not at all. I wish it could be recalled. Suppose you were to say:—*We have some reason to suspect that the last letter signed Junius in this paper was not written by the real*

Junius, though the observation escaped us at the time; or, if you can hit off anything yourself more plausible, you will much oblige me, but without a positive assertion. Don't let it be the same day with the inclosed. Begging your pardon for this trouble, I remain your friend and humble servant.

C.

NO. IX

(*Private*)

Friday Night [*10 September 1769?*]

Sir,

I beg you will to-morrow advertise *Junius to another Duke in our next.* If Monday's paper be engaged, then let it be for Tuesday, but not advertised till Monday. You shall have it some time to-morrow night. It cannot be corrected and copied sooner. I mean to make it worth printing.

Yours,

C.

NO. X

Thursday Night, 5 October 1769

I shall be glad to see the pacquet you speak of. It cannot come from the Cavendishes, though there be no end of the family. They would not be so silly as to put their arms on the cover. As to me, be assured that it is not in the nature of things that they, or you, or anybody else, should ever know me, unless I make myself known. All arts or inquiries, or rewards would be equally ineffectual.

As to *you*, it is clearly my opinion, that you have nothing to fear from the Duke of B[edford.] I reserve some things expressly to awe him, in case he should think of bringing you before the House of Lords. I am sure I can threaten him privately with such a storm as would [make] him tremble even [in] his grave. You may send to-morrow to the same place without farther notice; and if you have anything of your own to communicate, I shall be glad to hear it.

C.

NO. XI

[*8 November 1769?*]

Sir,

I have been out of town these three weeks, and, tho' I got your last, could not conveniently answer it. Be so good as to signify to A.B.C.,[1] either by word of mouth, or in your own hand, 'that his papers are received, and that I should have been ready to do him the service he desires; but at present it would be quite useless to the parties, and might offend some persons who must not be offended.' As to Mr. Mortimer, only make him some civil excuse.

I should be much obliged to you, if you would reprint (and in the front page, if not improper or inconvenient) a letter in the *London Evening Post* of last night, to the Duke of G[rafto]n. If it had not been anticipated, I should have touched upon the subject myself. However, it is not ill done, and it is very material that it should spread.—The person alluded to is Lord Denbigh. I should think you might venture him with a *D.* As it stands few people can guess who is meant. The only thing that hinders my pushing the subject of my last letter, is really the fear of ruining that poor devil Gansel, and those other Blockheads.—But as soon as a good subject offers.—Your types really wanted mending.

C.

NO. XII

[*12 November 1769?*]

Sir,

I return you the letters you sent me yesterday. A man who can neither write common English, nor spell, is hardly worth attending to. It is probably a trap for me. I should be glad, however, to know what the fool means. If he writes again, open his letter, and if it contains anything worth my knowing, send it, otherwise, not. Instead of C. in the usual place—say only *a Letter* when you have occasion to write to me again.—I shall understand you.

NO. XIII

Thursday, [*16 November 1769?*]

As I do not choose to answer for any body's sins but my own, I must desire you to say to-morrow, 'We can assure the

[1] Editor's note. Mr. Vaughan.

public that the Letter, signed A. B. relative to the Duke of Rutland, is not written by the Author of Junius.'

I sometimes change my signature, but could have no reason to change the paper, especially for one that does not circulate half so much as yours.

C.

For the future, open all letters to me, and don't send them, unless of importance. I can give you light about *Veridicus*.

NO. XIV

[*Sunday, 10 December 1769?*]

I would wish the paper (No. 2) might be advertised for Tuesday.

By way of intelligence you may inform the public that Mr. De La Fontaine, *for his secret services in the Ally*, is appointed Barrack-Master to the Savoy.

I hope Vaughan has got his papers again.

NO. XV

[*12 December 1769?*]

Sir,

You may tell Mr. V[aughan] that I did not receive this Letter till last night, and have not had time to look into the paper annext. I cannot at present understand what use I can make of it. It certainly shall not be an ungenerous one to him.—If he or his Council *know how to act*, I have saved him already, and really without intending it.

The facts are all literally true. Mr. Hine's place is customer at the port of Exeter. Col. Burgoyne received 4000*l.* for it. To mend the matter, the money was raised by contribution, and the subscribers quartered upon Mr. Hine. Among the rest, one Dr. Brook, a physician at Exeter, has 100*l.* a year out of the salary. I think you might give these particulars in your own way to the public.

As to yourself, I am convinced the Ministry will not venture to attack you. They dare not submit to such an inquiry. If they do, show no fear, but tell them plainly you will justify, and *subpœnâ* Mr. Hine, Burgoyne, and Bradshaw of the Treasury —that will silence them at once. As to the House of Commons there may be more danger. But even there I am fully satisfied the ministry will exert themselves to quash such an inquiry, and on the other side, you will have friends :—but they have

en so grossly abused on all sides, that they will hardly begin th *you*.

Tell Vaughan his paper shall be returned. I am now editating a capital, and I hope a final, piece ;—you shall ar of it shortly.

NO. XVI

[*19 December 1769 ?*]

For *material* affection, for God's sake read *maternal* ; it is in e 6 par. The rest is excellently done.

NO. XVII

26 December 1769

Sir,

With the inclosed alterations, I should think our paper ight appear. As to embowelling, do whatever you think roper, provided you leave it intelligible to vulgar capacities,— ut would not it be the shortest way at once to print it in an nonymous pamphlet ? judge for yourself. I enter sincerely nto the anxiety of your situation. At the same time I am rongly inclined to think that you will not be called upon. hey cannot do it without subjecting Hine's affair to an nquiry, which would be worse than death to the minister. As is, they are more seriously stabbed with this last stroke than ll the rest. At any rate, stand firm (I mean with all the umble appearances of contrition). If you trim or faulter, ou will lose friends without gaining others. Vaughan has lone right in publishing his letter. It defends him more ffectually than all his nonsense.—I believe I shall give him lift, for I really think he has been punished infinitely beyond is merits. I doubt much whether I shall ever have the leasure of knowing you ; but if things take the turn I expect, ou shall know *me by my Works*.

C.

NO. XVIII

(*Private*)

[*12 January 1770 ?*]

Sir,

I desired [Vaugha]n not to write to me until I gave him notice. He must therefore blame himself, if the detention of his papers has been inconvenient to him. Pray tell him this,

and that he shall have them in a day or two. I shall also keep my promise to him, but to do it immediately would be useless to *him*, and unadvisable with respect to myself. I believe you may banish your fears. The information will only be for a misdemeanour, and I am advised that no jury, especially in these times, will find it. I suspect the channel through which you have your intelligence. It will be carried on coldly. You must not write to me again, but be assured I will never desert you. I received your letters regularly, but it was *impossible* to answer them sooner. You shall hear from me again shortly.

C.

NO. XIX

(*Private*)

[*Beginning of February 1770?*]

Sir,

When you consider to what excessive enmities I may be exposed, you will not wonder at my caution. I really have not known how to procure your last. If it be not of any great moment I would wish you to recall it. If it be, give me a hint. If your affair should come to a trial, and you should be found guilty, you will then let me know what expence falls particularly on yourself; for I understand you are engaged with other proprietors. Some way or other *you* shall be reimbursed. But seriously and *bonâ fide*, I think it is impossible.

C.

NO. XX

[*About 14 February 1779?*]

I have carefully perused the information. It is so loose and ill drawn, that I am pursuaded Mr. De Grey could not have had a hand in it. Their inserting the whole, proves they had no strong passages to fix on. I still think it will not be tried. If it should, it is not possible for a jury to find you guilty.

NO. XXI

Saturday, [*17 March 1770?*]

To-morrow before 12 you shall have a Junius, it will be absolutely necessary that it should be published on Monday.

Would it be possible to give notice of it to-night or to-

morrow, by a dispersing a few Handbills? Pray do whatever you think will answer this purpose best, for now is the crisis.

C.

NO. XXII

Sunday, [18 March 1770?]

This letter is written wide, and I suppose will not fill two Columns. For God's sake let it appear to-morrow. I hope you received my note of yesterday.

Lord Chatham is determined to go to the Hall to support the Westminster remonstrance. I have no doubt that we shall conquer them at last.

C.

NO. XXIII

(*Private*)

Friday Morn., [19 October 1770?]

By your affected silence, you encourage an idle opinion that I am the author of the *Whig*, &c., tho' you very well know the contrary. I neither admire the writer nor his Idol. I hope you will soon set this Matter right.

C.

NO. XXIV

Monday Evening, [12 November 1770?]

Sir,

The inclosed, tho' begun within these few days, has been greatly laboured. It is very correctly copied, and I beg you will take care that it be literally printed as it stands. I don't think you run the least risque. We have got the rascal down, let us strangle him if it be possible. This paper should properly have appeared to-morrow, but I could not compass it, so let it be announced to-morrow, and printed Wednesday.—If you should have any fears, I entreat you to send it early enough to Miller, to appear to-morrow night in the *London Evening Post.* In that case, you will oblige me by informing the public to-morrow, in *your own paper*, that a real *Junius* will appear at Night in the *London.*—Miller, I am sure, will have no scruples.

Lord Mansfield has thrown Ministry into confusion by suddenly resigning the office of Speaker of the House of Lords.

NO. XXV

Wednesday Night, [*21 November 1770?*]

I shall be very glad to hear from your friend at Guildhall. You may, if you think proper, give my Compliments to him, and tell him, if it be possible, I will make use of any Materials he gives me. I will never rest till I have destroyed or expelled that wretch.—I wish you joy of yesterday.—The fellow truckles already.

C.

NO. XXVI

Friday, 1 o'Clock, [*7 December 1770?*]

I wish it were possible for you to print the inclosed to-morrow.—Observe the Italics *strictly* where they are marked. Why don't I hear from Guildhall?—if he trifles with me, he shall hear of it.

C:

NO. XXVII

[*2 January 1771?*]

Sir,

I have received your mysterious epistle. I dare say a letter may safely be left at the same place; but you may change the direction to Mr. *John Fretly*. You need not advertise it.

Yours,

C.

NO. XXVIII

[*16 January 1771?*]

You may assure the public that a squadron of four Ships of the Line is ordered to be got ready with *all possible expedition* for the East Indies. It is to be commanded by Commodore Spry. With[out] regarding the language of ignorant or interested people, depend upon the assurance *I* give you that every Man in Administration looks upon war as inevitable.

NO. XXIX

Thursday, 31 January 1771

The paper is extremely well printed, and has a great effect. It is of the utmost importance to the public cause that the

oors of the House of Lords should be opened on Tuesday ext. Perhaps the following may help to shame them into it.

We hear that the ministry intend to move for opening the loors of both Houses of Parliament on Tuesday next, in the usual manner, being desirous that the nation should be exactly nformed of their whole conduct in the business of Falkland sland.

(*Next Day.*)

The nation expect that on Tuesday next; at least, both Houses will be open as usual; otherwise there will be too much reason to suspect that the proceedings of the ministry have been such as will not bear a public discussion.

We hear that the ministry intend to move that no Gentleman may be refused admittance into either House on Tuesday next. Lord North in particular thinks it touches his character to have no part of his conduct concealed from the nation.

The Resolution of the Ministry to move for opening both Houses on Tuesday next does them great honour. If they were to do otherwise, it would raise and justify suspicions very disadvantageous to their own reputation, and to the King's honour.

Pray keep it up.

C.

NO. XXX

Tuesday Noon, [*5 February 1771 ?*]

Sir,

I did not receive your letter until this day. I shall be very glad to hear what you have to communicate.

C.

You need not advertise any notice.

NO. XXXI

(*Private*)

Monday, [*11 February 1771 ?*]

Our correspondence is attended with difficulties. Yet I should be glad to see the paper you mention. Let it be left

to-morrow *without further notice.* I am seriously of opinion that it will all end in smoke.

C.

NO. XXXII

Monday, [*18 February 1771 ?*]

If you are not grown too ministerial in your politics, I shall hope to see the inclosed announced to-morrow, and published on Wednesday.

NO. XXXIII

[*21 February 1771 ?*]

Sir,

It will be very difficult, if not impracticable for me to get your note. I presume it relates to *V*[*inde*]*x.* I leave it to you to alter or omit as you think proper;—or burn it. I think the argument about Gibraltar, &c., is too good to be lost. As to the Satyrical part, I must tell you (and with positive certainty) that our gracious —— is as callous as Stockfish to everything but the Reproach of *Cowardice.* That alone is able to set the humours afloat. After a paper of that kind he won't eat Meat for a Week.

You may rely upon it, the Ministry are sick of prosecutions. Those against Junius cost the Treasury above six thousand pounds, and after all they got nothing but Disgrace. After the paper you have printed to-day, (signed Brutus), one would think you feared Nothing. For my own part, I can very truly assure you that nothing would afflict me more than to have drawn you into a personal Danger, because it admits of no recompense. A little expence is not to be regarded, and I hope these papers have reimbursed you. I never will send you anything that *I* think dangerous, but the risque is yours, and you must determine for yourself.

C.

All the above is private.

NO. XXXIV

Friday Noon, [*19 April 1771 ?*]

I hope you will approve of announcing the enclosed *Junius* to-morrow, and publishing it on Monday. If, for any reasons that do not occur to me, you should think it unadvisable to print it as it stands, I must entreat the favour of you to transmit

it to Bingley, and satisfy him that it is a real Junius, worth a North Briton Extraordinary. It will be impossible for me to have an opportunity of altering any part of it.

I am, very truly your friend,

C.

NO. XXXV

Thursday, [*20 June 1771 ?*]

I am strangely partial to the enclosed. It is finished with the utmost care. If I find myself mistaken in my judgement of this paper, I positively will never write again.

Let it be announced to-morrow, J[unius] to the D[uke] of G[rafton] for Saturday.

I think Wilkes has closed well. I hope he will keep his resolution not to write any more.

NO. XXXVI

[*16 July 1771 ?*]

To prevent any unfair use being made of the enclosed, I entreat you to keep a copy of it. Then seal and deliver it to Mr. Horne. I presume you know where he is to be found.

C.

NO. XXXVII

[*13 August 1771 ?*]

Pray make an erratum for *ultimate* in the paragraph about the D[uke] of G[rafton], it should be *intimate.* The rest is very correct. If Mr. Horne answers this Letter handsomely and in point, he shall be my great Apollo.

NO. XXXVIII

Wednesday Noon, [*25 September 1771 ?*]

The inclosed is of such importance, so very material, that it *must* be given to the public immediately.

I will not advise ;—tho' I think you perfectly safe :—all I say is that *I rely* upon your Care to have it printed either to-morrow in your own paper, or to-night in the *Pacquet.*

I have not been able to get yours from that place, but you shall hear from me soon.

NO. XXXIX

[*About 5 November 1771 ?*]

Your reasons are very just about printing the Preface, &c. It is your own affair. Do whatever you think proper. I am convinced the book will sell, and I suppose will make two volumes,—the type might be one size larger than Wheble's. But of all this you are the best judge. I think you should give money to the Waiters at that place to make them more attentive.—The notes should be in a smaller type.

Pray find out, if you can, upon what day, the late Duke of Bedford, was flogged on the course at Litchfield by Mr. Heston Homphrey.

NO. XL

Friday, [*8 November 1771 ?*]

The above to that Scotchman should be printed conspicuously to-morrow. At last I have concluded my great work, and I assure you with no small labour. I would have you begin to advertise immediately, and publish before the meeting of parliament. Let all *my* papers in defence of Junius be inserted. I shall now supply you very fast with Copy and Notes. The paper and type should at least be as good as Wheble's. You must correct the press yourself, but I should be glad to see corrected proofs of the two first sheets. Show the Dedication and preface to Mr. Wilkes, and if he has any *material* objection, let me know. I say *material* because of the difficulty of getting your letters.

C.

(*Secret*)

Beware of David Garrick. He was *sent* to pump you, and *went* directly to Richmond to tell the King I should write no more.

The Dedication must stand first.

NO. XLI

TO MR. DAVID GARRICK

[*10 November 1771 ?*]

I am very exactly informed of your impertinent inquiries, and of the information you so busily *sent* to Richmond, and with what triumph and exultation it was received. I knew every particular of it the next day. Now mark me, vagabond.

—Keep to your pantomimes, or be assured you shall hear of t. Meddle no more, thou busy informer !—It is in *my* power to nake you curse the hour in which you dared to interfere with

JUNIUS

I would send the above to Garrick directly, but that I vould avoid having this hand too commonly seen. Oblige ne, then, so much as to have it copied in any hand, and sent)y the penny post, that is, if you dislike sending it in your)wn writing.—I must be more cautious than ever. I am sure should not survive a Discovery three days ; or, if I did, they vould attaint me by bill. Change to the *Somerset Coffee House*, ınd let no Mortal know the Alteration. I am persuaded you ıre too honest a man to contribute in any way to my *destruction*. Act honourably by me, and at a proper time you shall ınow me.

I think the second page, with the widest lines, looks best. Vhat is your essential reason for the change? I send you ome more sheets.—I think the paper is not so good as Wheble's, —but I may be mistaken—the type is good. The aspersions hrown upon my letter to the Bill of Rights should be refuted)y publication.

Prevail upon Mr. Wilkes to let you have extracts of my econd and third letters to him. It will make the book still nore new. I would see them before they are printed, but keep this last to yourself.

NO. XLII

[*11 November 1771 ?*]

Print the following as soon as you think proper, and at the ıead of your paper.

I sent you three Sheets of Copy last night.

When you send to me, instead of the usual signal, say *Vindex shall be considered*, and keep the alteration a secret to everybody.

NO. XLIII

[*About 15 November 1771 ?*]

If you can find the date of the D[uke] of B[edford']s flogging, ınsert it in the note. I think it was soon after the Westminster election. The *Philos* are not to be placed as notes, except where I mention it particularly. I have no doubt of what you say about D[avid] G[arrick], so drop the Note. The

truth is that, in order to curry favour, he made himself a greater rascal than he was. Depend upon what I tell you: —the King understood that he had found out the secret by his own cunning and activity. As it is important to deter him from meddling, I desire you will tell him that I am aware of his practices, and will certainly be revenged if he does not desist. An appeal to the public from Junius would destroy him.

Let me know whether Mr. W[ilkes] will give you the extracts.

I cannot proceed without answers to those seven queries.

Think no more of Junius Americanus. Let him reprint his letters himself. He acts most dishonourably in suffering Junius to be so traduced; but this falsehood will all revert upon Horne. In the meantime, I laugh at him.

With submission I think it is not your interest to declare that I have done.

As to yourself, I really think you are in no danger. *You* are not the object, and punishing *you* (unless it answered the purpose of stopping the press) would be no gratification to the King. If undesignedly I should send you anything you may think dangerous, judge for yourself, or take any opinion you think proper. You cannot offend or afflict me but by hazarding your own safety. They talk of farther informations, but they will always hold that language *in terrorem.*

Don't always use the same signal—any absurd Latin verse will answer the purpose.

Let me know about what time you may want more copy.

Upon reflection, I think it absolutely necessary to send that note to D. G.; only say *practices* instead of *impertinent inquiries.* I think you have no measures to keep with a man who could betray a confidential letter for so base a purpose as pleasing the odious hypocrite. Tell me how long it may be before you want more Copy. I want rest most severely, and am going to find it in the country for a few days. Cumbriensis has taken greatly.

NO. XLIV

27 November 1770 [*1771*]

The postscript to Titus must be omitted. I did never question your understanding. Far otherwise. The Latin word *simplex* conveys to me an amiable character, and never denotes folly. Though we may not be deficient in point of capacity,

it is very possible that neither of us may be cunning enough for Mr. Garrick. But with a sound heart, be assured you are better gifted, even for worldly happiness, than if you had been cursed with the abilities of a Mansfield. After long experience of the world, I affirm, before God I never knew a rogue, who was not unhappy.

Your account of my letter to the Bill of Rights astonishes me. I always thought the misrepresentation had been the work of Mr. Horne. I will not trust myself with suspecting. The remedy is in my own hands, but, for Mr. Wilkes's honour, I wish it to come freely and honorably from himself. Publish nothing of mine until I have seen it. In the meantime be assured that nothing can be more express than my declaration against long parliaments. Try Mr. Wilkes once more. Speak for me in a most friendly but *firm* tone. That I *will not* submit to be any longer aspersed.—Between ourselves, let me recommend it to you to be much upon your guard with patriots.—I fear your friend Jerry Dyson will lose his irish pension. Say *received.*

In page 25, it should be *the* instead of your. This is a woeful mistake ;—pray take care for the future—keep a page for Errata.

D[avid] G[arrick] has literally forced me to break my resolution of writing no more.

NO. XLV

[*5 December 1771 ?*]

These papers are all in their exact order. Take great care to keep them so. In a few days more I shall have sent you all the Copy. You must then take care of it yourself, except that I must see proof sheets of the Dedication and Preface, and these, if at all, I must see before the end of next week. You shall have the extract to go into the second volume, it will be a short one.—*Scævola,* I see, is determined to make me an enemy to Lord Camden. If it be not wilful malice, I beg you will signify to him that when I originally mentioned Lord Camden's declaration about the Corn Bill it was without any view of discussing that Doctrine, and only as an instance of a singular Opinion maintained by a Man of great Learning and integrity.—Such an instance was necessary to the plan of my letter. I think he has in effect injured the man whom he meant to defend.

When you send the above-mentioned proof sheets, return my own copy with them.

NO. XLVI

[*10 December 1771 ?*]

The inclosed completes all the materials that I can give you. I have done *my* part. Take care *you* do yours. There are still two letters wanting, which *I expect you will not fail* to insert in their places. One is from Philo Junius to Scævola about Lord Camden, the other to a Friend of the People about pressing. They must be in the course of October. I have no view but to serve you, and consequently have only to desire that the Dedication and Preface may be correct. Look to it. If you take it upon yourself, I will not forgive your suffering it to be spoiled. I weigh every word ; and every alteration, in my eyes at least, is a blemish.

I should not trouble you or myself about that Blockhead Scævola, but that his absurd fiction of *my* being Lord Camden's enemy has done harm. Every fool can do Mischief ; therefore signify to him what I said.

Garrick has certainly betrayed himself, probably to the King, who makes it a rule to betray everybody that confides in him. That new disgrace of Mansfield is true. What do you mean by affirming that the Dowager is better ? I tell you she suckles toads from Morning till Night. I think I have now done my duty by you, so farewell.

NO. XLVII

[*17 December 1771 ?*]

Make your mind easy about me. I believe you are an honest man, and I never am angry.—Say to-morrow ' We are desired to inform Scævola that his private note was received with the most profound indifference and contempt.' I see his design. The duke of Grafton has been long labouring to detach Camden. This Scævola is the wretchedest of all fools ; and dirty knave.

Upon no Account nor for any reason whatsoever, are you to write to me, until I give you notice.

When the Book is finished, let me have a set bound in vellum, gilt and lettered JUNIUS 1. 2. as handsomely as you can,—the edges gilt. Let the sheets be well dried before binding.—I must also have two sets in blue paper Covers.

This is all the fee I shall ever desire of you.—I think you ought not to publish before the second Week in January.

The *London Packet* is not worth our notice. I suspect Garrick, and I would have you hint so to him.

NO. XLVIII

6 January '72

I have a thing to mention to you in great Confidence. I expect your assistance, and rely upon your Secrecy.

There is a long paper ready for publication, but which must not appear until the morning of the meeting of parliament, nor be announced in any shape whatsoever. Much depends upon its appearing unexpectedly. If you receive it on the 8th or 9th instant, can you in a day or two have it composed, and two proof sheets struck off and sent me ; and can you keep the press standing ready for the *Public Advertiser* of the 21st, and can all this be done with such secrecy that none of your people shall know what is going forward, except the composer ; and can you rely on *his* fidelity ? Consider of it, and, if it be possible, say YES, in your paper to-morrow.

I think it will take four full Columns at the least, but I undertake that it shall sell.—It is essential that I should have a proof sheet, and correct it myself.

Let me know if the [books] are ready, that I may tell you what to do with them.

NO. XLIX

Saturday, [11 January 1772 ?]

Your failing to send me the proofs, as you engaged to do, disappoints and distresses me extremely. It is not merely to correct the press (though even that is of consequence), but for another *most material* purpose. This will be entirely defeated if you do not let me have the two proofs on Monday morning.

The paper itself is, in *my* opinion, of the highest style of Junius, and cannot fail to sell. My reason for not announcing it was that the party might have no time to concert his measures with the ministry. But upon reflection, I think it may answer better (in order to excite attention) to advertise it the day before, *J[unius] to L[ord] C[hief] J[ustice] M[ansfield] to-morrow.*

Quoting from memory, I have made a Mistake about Blackstone where I say *that he confines the power to the Court, and does not extend it to the Judges separately*. Those lines must be omitted.

—The rest is right.—If you have any regard for me, or for the cause, let nothing hinder your sending the proofs on Monday.

NO. L

[*16 January 1772?*]

I return you the proof with the errata, which you will be so good as to correct carefully. I have the greatest reason to be pleased with your care and attention, and wish it were in my power to render you some essential service. Announce it on Monday.

NO. LI

(*Private*)

Saturday [*18 January 1772?*]

The gentleman who transacts the Conveyancing part of our correspondence tells me there was much difficulty last night. For this reason, and because it could be no way material for me to see a paper on Saturday which is to appear on Monday, I had resolved not to send for it. Your hint of this morning I suppose relates to this.—I am truly concerned to see that the publication of the book is so long delayed. It ought to have appeared before the meeting of parliament.—By no means would I have you insert this long letter, if it made more than the difference of two days in the publication. Believe me the delay is a real injury to the cause. The letter to M. may come into a new edition.

Mr. Wilkes seems not to know that Morris published that letter. I think you should set him right.

NO. LII

25 January 1772

Having nothing better to do, I propose to entertain myself and the public with torturing that bloody wretch Barrington. He has just appointed a french Broker his deputy, for no reason but his relation to Bradshaw. I hear from all quarters, that it is looked upon as a most impudent insult to the army. Be careful not to have it known to come from me. Such an insignificant creature is not worth the generous rage of Junius. I am impatient for the book.

NO. LIII

Monday, [*3 February 1772 ?*]

I confess I do not see the use of the table of contents. I think it will be endless and answer no purpose ; an index of proper names and materials would, in my opinion, be sufficient. You may safely defy the malice of Mr. Wheble. Whoever buys such a book will naturally prefer the author's edition, and I think it will always be a book for sale. I really am in no hurry about that set. Purling, I hear, is to come in for Eastlow—a sure proof of the connection between him and government. I would have you open anything that may be brought to you for me (except from Mr. Wilkes), and not forward it unless it be material.

The large roll contained a pamphlet.

NO. LIV

Monday, [*10 Feb. 1772 ?*]

If you have anything to communicate you may send it to the original place for once N.E.C. ; and mention any new place you think proper, west of Temple bar. The delay of the books spoils everything.

NO. LV

Monday Night, [*17 Feb. 1772 ?*]

Surely you have misjudged it very much about the book. I could not have conceived it possible that you could protract the publication so long. At this time, particularly before Mr. Sawbridge's Motion, it would have been of singular use. You have trifled too long with the public Expectation. At a certain point of time the appetite palls. I fear you have already lost the Season. The Book, I am sure, will lose the greatest part of the Effect I expected from it.—But I have done.

NO. LVI

[*About 22 Feb. 1772 ?*]

I do you the justice to believe that the delay has been unavoidable. The expedient you propose of printing the Dedication and preface in the *P. A.* is unadvisable. The attention of the public would then be quite lost to the book itself. I think your Rivals will be disappointed. Nobody will apply to

them when they can be supplied at the fountain head. I hope you are too forward to have any room for that letter of Domitian, otherwise it is merely indifferent.—The Latin I thought much superior to the English.—The intended Bill, in consequence of the Message, will be a most dangerous innovasion in the internal Policy of this country. What an abandoned prostituted ideot is your Lord Mayor! The shameful mismanagement which brought him into office gave me the first, and an unconquerable Disgust. All I can now say is make haste with the book.

C.

The appointment of this Broker, I am told, gives universal disgust. That bloody wretch would never have taken a step apparently so absurd, if there were not some wicked design in it, more than we are aware of. At any rate, the Broker should be run down. That, at least, is due to his Master.

NO. LVII

Saturday, 29 Feb. [*1772*]

I am very glad to see that the book will be out before Sawbridge's motion. There is no occasion for a mark of admiration at the end of the motto. But it is of no moment whatsoever. When you see Mr. W. pray return him my thanks for the trouble he has taken. I wish he had taken more. I should be glad to have a set, sewed, left at the same place *to-morrow* evening. Let it be well sealed up.

C.

NO. LVIII

Tuesday, [*3 March 1772?*]

Your letter was twice refused last night, and the waiter as often attempted to see the person who sent for it.—I was impatient to see the book, and think I had a right to that attention a little before the general publication. When I desired to have two sets sewed, and one bound in vellum, it was not from a principle of œconomy. I despise such little savings, and shall still be a purchaser.—If I was to buy as many sets as I want, it would be remarked.

Pray let the *two* sets be well parcelled up and left at the bar of Munday's Coffee House, Maiden Lane, with the same Direction, and with orders to be delivered to a chairman

who will ask for them in the course of to-morrow Evening. Farewell.

NO. LIX

Thursday, [*5 March 1772?*]

Your letters with the books are come safe to hand. The difficulty of corresponding arises from situation and necessity, to which we must submit. Be assured I will not give you more trouble than is unavoidable. If the vellum books are not yet bound, I would wait for the index. If they are, let me know by a line in the *P.A.* When they are ready, they may safely be left at the same place as last night.

On *your* account I was alarmed at the price of the book. But of the sale of books I am no judge, and can only pray for your success. What you say about the profits is very handsome. I like to deal with such men. As for myself, be assured that I am far above all pecuniary views; and no other person, I think, has any claim to share with you. Make the most of it therefore, and let all your views in life be directed to a solid, however moderate, independance. Without it no man can be happy, nor even honest.

If I saw any prospect of uniting the City once more, I would readily continue to labour in the vineyard. Whenever Mr. Wilkes can tell me that such an union is in prospect, he shall hear of me.

Quod si quis existimat me aut voluntate esse mutata, aut debilitata virtute, aut animo fracto, vehementer errat. Farewell.

In the Preface, p. 20, line 7, read unseasonable,
p. 26, — 18, —— accuracy.

NO. LX

[*4 May 1772?*]

If *pars pro toto* be meant for me, I must beg the favour of you to recall it. At present it would be difficult for me to receive it.—When the books are ready, a Latin verse will be sufficient.

NO. LXI

Sunday, [*3 May 1772?*]

I am in no manner of hurry about the books. I hope the sale has answered. I think it will always be a saleable book. The enclosed is fact, and I wish it could be printed to-morrow.

It is not worth announcing. The proceedings of this wretch are unaccountable. There must be some Mystery in it which I hope will soon be discovered to his Confusion. Next to the Duke of Grafton, I verily believe that the blackest heart in the kingdom belongs to Lord B[arringto]n.

NO. LXII

[*10 May 1772?*]

Pray let this be announced, *Memoirs of Lord Barrington in our next.* Keep the author a secret.

NO. LXIII

19 Jan. [*1773*]

I have seen the signals thrown out for your old friend and correspondent. Be assured that I have had good reason for not complying with them. In the present state of things, if I were to write again, I must be as silly as any of the horned Cattle that run mad through the city, or as any of your wise Aldermen. I meant the cause and the public. Both are given up. I feel for the honour of this Country, when I see that there are not ten men in it who will unite and stand together upon any one question. But it is all alike, vile and contemptible.

You have never flinched that I know of; and I shall always rejoice to hear of your prosperity.

If you have anything to communicate (of moment to yourself) you may use the last address, and give a hint.

NO. LXIV

Sir,

I have troubled you with the Perusal of two Letters, as that of the prior Date accounts for the Delay of not sending the Books sooner; and this acquaints you that I did not get them out of the Bookbinder's Hands till yesterday; nor, though I desired them to be finished in the most elegant manner possible, are they done so well as I wished. But, Sir, if the manner of the Contents and Index are not agreeable to you, they shall be done over again according to any Directions you shall please to favour me with. With respect to City Politics, I fear the Breach is too wide ever to be again closed, and even my friend Mr. Wilkes lost some of his wonted coolness at the late election, on Sawbridge, Oliver, &c., scratching against him. I hope

you will believe that, however agreeable to me it must be to be honoured with your Correspondence, I should never entertain the most distant Wish that one Ray of your Splendour should be diminished by your continuing to write. Mr. Wilkes, indeed, mentioned to me the other Day that he thought the East India Company a proper Subject, and asked if I could communicate anything to You, to which my Reply was that I could not tell (as I did not know whether you might chuse to be intruded upon). You will perceive by the Papers that two Persons have forced themselves upon us who, without a Tithe of Mr. Wilkes's Abilities, imagine the Public will look up to them as their Deliverers; but they are most egregiously mistaken, as every one who possesses a Grain of Common Sense hold them in almost utter Contempt. You will probably guess that I mean Allen and Lewis, and were I capable of drawing a Parallel, I should borrow some Part of it from Shakespeare's Iago and Roderigo.—Should it please the Almighty to spare your Life till the next General Election, and I should at that Time exist, I shall hope you will deign to instruct me for whom I should give my Vote, as my Wish is to be represented by the most honest and able, and I know there cannot be any one who is so fit to judge as yourself. I have no Connections to warp me, nor am I acquainted with but one Person who would speak to me on the Subject, and that Gentleman is, I believe, a true Friend to the real Good of his Country; I mean Mr. Glover, the Author of *Leonidas*.

As I thought Serjeant Glyn deserving of something more than the mere Fees of his Profession, for the Pains he took upon my Trial, I have made a Purchase of a small Freehold at Brentford by way of Qualification, in order to convince him, if he should offer himself at the next election, whenever it should happen, that I hold his Services in grateful Remembrance. But I am since informed that it is not his Intention, and that Lord Percy is to be joined with Sir W. B. Proctor, who is to be supported by the Duke of Northumberland's Interest.—I have heard much of a most trimming Letter from Mr. Stewart to Lord Mansfield on the Douglas Cause, but cannot possibly get a Copy, which probably would be a good Letter to print.

If, Sir, you should not disapprove of the Contents and Index I thought of advertising them in the Manner of the enclosed

Form, if I have your Permission so to do, but not otherwise.— May I beg the Favour of a Line in answer? Believe me, Sir, to be, with Gratitude and Respect,

Your much obliged
humble servant to command,
HENRY SAMPSON WOODFALL

Sunday, 7 March 1773

APPENDIX II

PRIVATE CORRESPONDENCE BETWEEN JUNIUS AND MR. WILKES[1]

NO. I

JUNIUS TO JOHN WILKES, ESQ.

London, 21st August 1771

I presume, Sir, you are satisfied that I mean you well, and that it is not necessary to assure you that while you adhere to the Resolution of depending only upon the public favour (which, if you have half the understanding I attribute to you, you never can depart from) you may rely upon my utmost assistance. Whatever imaginary views may be ascribed to th author, it must always make part of *Junius's* plan to suppo Mr. Wilkes while *he* makes common cause with the peopl I would engage your favourable attention to what I am goi to say to you ; and I entreat you not to be too hasty in cluding, from the apparent tendency of this letter, to possible interests or connexions of my own. It is a very mon mistake in judgment, and a very dangerous one in duct, first to look for nothing in the argument propos but the motive of the man who uses it, and then to the truth of his argument by the motive we have him. With regard to me, Sir, any refinement in would assuredly mislead you ; and tho' I do no idea of some personal views to future honour (you would not believe me if I did), yet I can neither are they little in themselves, nor can the conjecture be collected from my writings.

[1] British Museum, Add. MSS., 30

Mr. Horne, after doing much mischief, is now, I think, completely defeated and disarmed. The author of the late unhappy divisions in the city is removed.—Why should we suffer his works to live after him? In this view, I confess, I am vindictive, and would visit his sins upon his children. I would punish him in his offspring, by repairing the breaches he has made. Convinced that I am speaking to a man who has spirit enough to act if his judgment be satisfied, I will not scruple to declare at once, that Mr. Sawbridge ought to be Lord Mayor, and that he ought to owe it to *your* first motion, and to the exertion of all your credit in the city. I affirm, without a doubt, that political prudence, the benefit of the cause, your public reputation and personal interest, do all equally demand this conduct of you. I do not deny that a stroke like this is above the level of vulgar policy, or that if you were a much less considerable man than you are it would not suit you. But you will recollect, Sir, that the public opinion of you rises every day, and that you must enlarge your plan as you proceed, since you have every day a new acquisition of credit to maintain. I offer you the sincere opinion of a man, who, perhaps, has more leisure to make reflections than you have, and who, though he stands clear of all business and intrigue, mixes sufficiently for the purposes of intelligence in the conversation of the world.

Whatever language you in prudence assume to the public, you cannot but be sensible that the separation of those gentlemen *who withdrew from the Bill of Rights was of considerable* disservice to you. It required, in my opinion, your utmost dexterity and resolution, and not a little of your good fortune, to get the better of it. But are you now really upon the best ground on which Mr. Wilkes might stand in the city? Will you say that to separate Mr. Sawbridge from a connexion every way hostile to you, and to secure him against the insidious arts of Mr. Horne, and the fury of Mr. Townshend (if it could be done without embarrassing your leading measures, and much more if it promoted them), would not give you a considerable personal gratification? Will you say that a public declaration of Mr. Sawbridge in your favour, and the appearance of your acting together (I do not speak at present of a hearty coalition or confidence), would not contribute to give you a more secure, a more permanent, and, without offence to any man, a more honourable hold upon

he city than you have at present? What sensations do you onceive a union between you and Mr. Sawbridge would xcite in the breast of Mr. Horne? Would it not amount to a lecisive refutation of all the invidious arguments he has drawn rom your being deserted by so many of the considerable igures of the party? The answer to these questions is too bvious to be mistaken. But you will say to yourself, what you would not confess to Junius :—'Mr. Sawbridge is a man of nquestionable probity, and the concurrence of his reputation would undoubtedly be of service to me; but he has not pliancy enough to yield to persuasion, and I, Wilkes, am determined not o suffer another to reap the harvest of my labours: that is, to ake the lead of me in the city.' Sir, I do not mean or expect hat you should make such a sacrifice to any man. But esides difference in point of conduct between leading and going foremost, I answer your thoughts when I say, that although Mr. Sawbridge is not to be directed (and even this perhaps is not so literally and completely true as he himself magines), on the other hand he does not mean to direct. His disposition, as you well know, is not fitted for that active management and intrigue which acquire an operating popularity and direct the people by their passions. I attribute to you both the most honourable intentions for the public; but you travel different roads, and never can be rivals. It is not hat Mr. Sawbridge does not wish to be popular; but, if I am not greatly mistaken, his virtues have not ostentation enough for the ordinary uses of party, and *that* they lead rather to the esteem of individuals than to popular opinion. This I conceive is exactly the man you want—you cannot always support a ferment in the minds of men. There will necessarily be moments of languor and fatigue; and upon these occasions Mr. Sawbridge's reputed firmness and integrity may be a capital resource to you—you have too much sagacity not to perceive how far this reasoning might be carried.

In the very outset you reap a considerable advantage, either from his acceptance or refusal. What a copious subject of ostentation!—what rich colours to the public! Your zeal to restore tranquillity to the city; the sacrifice of all personal recollections in favour of a man whose general character you esteem; the public good preferred to every private or interested consideration, with a long *et cætera* to your own advantage. Yet I do not mean to persuade you to so simple a part as that

of contributing to gratify Mr. Sawbridge without a reciprocal assurance from him that, upon fair and honourable occasions, he will in return promote your advantage. Your own judgment will easily suggest to you such terms of acknowledgment as may be binding upon him in point of gratitude, and not offensive to his delicacy. I have not entered into the consideration of any objections drawn from the fertile field of provocation and resentment. Common men are influenced by common motives; but you, Sir, who pretend to lead the people, must act upon higher principles. To make our passions subservient to you, you must command your own. The man who, for any personal indulgence whatsoever, can sacrifice a great purpose to a little one, is not qualified for the management of great affairs.

Let me suppose, then, that every material difficulty on your part is removed; and that, as far as you alone are concerned, you would be ready to adopt the plan I propose to you.

If you are a man of honour you will still have a powerful objection to oppose to me. Admitting the apparent advantage to your own purposes, and to the cause you are engaged in, you will tell me 'that you are no longer at liberty to choose;—that the desertion of those persons who once professed a warm attachment to you, has reduced you to a situation in which you cannot do that which is absolutely best;—that Mr. Crosby has deserved everything from *you* and from the city;—and that you stand engaged to contribute your whole strength to continue another year in the mayoralty.' My reply to this very just objection is addressed rather to Mr. Crosby than to Mr. Wilkes. He ought at all events to be satisfied; and if I cannot bring him over to my opinion, there is an end of the argument; for I do agree with you most heartily, that it is as gross a breach of policy as of morals, to sacrifice the man who has deserved well of us to any temporary benefit whatsoever. Far from meaning to separate you from Mr. Crosby, it is essential to the measure I recommend that it should be your *joint act. Nay, it is he who in the first instance should open* the communication with Mr. Sawbridge; nor is it possible for you to gain any credit by the measure in which he will not of necessity be a considerable sharer. But now for considerations which immediately affect Mr. Crosby.

Your plan, as I am informed, is to engage the livery to return him with Mr. Bridgen. In my own opinion the court

of aldermen will choose Bridgen; consequently the sacrifice I require of Mr. Crosby would in effect be nothing. That he will be defeated is to my judgment inevitable. It is for him to consider whether the idea of a defeat be not always attended with some loss of reputation. In that case, too, he will have forced upon the citizens (whom he professes to love and respect) a magistrate, upon whose odious and contemptible character he at present founds his only hopes of success. Do you think that the city will not once in the course of a twelve-month be sensible of the displeasure you have done them? Or that it will not be placed in strong terms to your account? I appeal to Miss Wilkes, whose judgment I hear highly commended, would she think herself much indebted to her favourite admirer if he forced a most disagreeable partner upon her for a long winter's night, because he could not dance with her himself?

You will now say,—'Sir, we understand the politics of the city better than you do, and are well assured that Mr. Crosby will be chosen lord mayor;—otherwise we allow that upon your plan he might acquire credit without forfeiting any real advantage.' Upon this ground I expect you, for I confess it is incumbent upon me to meet your argument where it is strongest against me. Taking it for granted, then, that Mr. Crosby may be lord mayor, I affirm that it is not his interest because it is not his greatest interest. The little profit of the salary cannot possibly be in contemplation with him. I do not doubt that he would rather make it an expensive office to himself. His view must be directed then to the flattering distinction of succeeding to a second mayoralty, and, what is still more honourable, to the being thought worthy of it by his fellow-citizens. Placing this advantage in its strongest light, I say that every purpose of distinction is as completely answered by his being known to have had the employment in his power (which may be well insisted upon in argument, and never can be disproved by the fact) as by his accepting it. To this I add the signal credit he will acquire with every honest man by renouncing, upon motives of the clearest and most disinterested public spirit, a personal honour, which you may fairly tell the world was unquestionably within his reach. But these are trifles. I assert that by now accepting the mayoralty (which he may take hereafter whenever he pleases) he precludes himself from soliciting, with any colour of decency, a real and solid reward from the city. I mean that he should be returned for

London in the next parliament. I think his conduct entitles him to it, and that he cannot fail of succeeding, if he does not furnish his opponents with too just a pretence for saying that the city have already rewarded him. On the contrary, with what force and truth may he tell his fellow-citizens at the next election, 'for your sakes I relinquished the honour you intended me. The common good required it. But I did not mean to renounce my hopes that upon a proper occasion you would honour me with a public mark of your approbation.'

You see I do not insist upon the good effects of Mr. Sawbridge's gratitude, yet I am sure it may be depended upon. I do not say that he is a man to go all lengths with Mr. Wilkes; but you may be assured that it is not danger that will deter him, and that wherever you have the voice of the people with you, he will, upon principle, support their choice at the hazard of his life and fortune.

Now, Sir, supposing all objections are removed, and that you and Mr. Crosby are agreed, the question is in what manner is the business to be opened to Mr. Sawbridge. Upon this point too, I shall offer you my opinion, because the plan of this letter would not otherwise be complete. At the same time I do very unaffectedly submit myself to your judgment.

I would have my lord mayor begin by desiring a private interview between him, Mr. Crosby, and yourself. Very little preface will be necessary. You have a man to deal with who is too honourable to take an unfair advantage of you. With such a man you gain everything by frankness and candour, and hazard nothing by the confidence you repose in him. Notwithstanding any passages in this letter, I would show him the whole of it: in a great business there is nothing so fatal as cunning management; and I would tell him it contained the plan upon which Mr. Crosby and you were desirous to act, provided he would engage to concur in it *bonâ fide*, so far forth as he was cerned. There is one condition, I own, which appears to a *sine quâ non*; and yet I do not see how it can be proposed erms, unless his own good sense suggests the necessity of it him—I mean the total and absolute renunciation of Mr. rne. It is very likely indeed that this gentleman may do the iness for himself, either by laying aside the mask at once, by abusing Mr. Sawbridge for accepting the mayoralty upon terms whatsoever of accommodation with Mr. Wilkes.

This letter, Sir, is not intended for a correct or polished

composition ; but it contains the very best of Junius's understanding. Do not treat me so unworthily, or rather do not degrade yourself so much, as to suspect me of any interested view to Mr. Sawbridge's particular advantage. By all that's honourable I mean nothing but the cause ; and I may defy your keenest penetration to assign a satisfactory reason why Junius, whoever he be, should have a personal interest in giving the mayoralty to Mr. Sawbridge, rather than to Mr. Crosby.

I am heartily weary of writing, and shall reserve another subject, on which I mean to address you, for another opportunity. I think that this letter, if you act upon it, should be a secret to everybody but Mr. Sawbridge and my Lord Mayor.

JUNIUS

NO. II

JUNIUS TO JOHN WILKES, ESQ.

London, 7 September 1771

As this letter, Sir, has no relation to the subject of my last, the motives upon which you may have rejected one of my opinions ought not to influence your judgment of another. I am not very sanguine in my expectations of persuading, nor do I think myself entitled to quarrel with any man for not following my advice ; yet this, I believe, is a species of injustice you have often experienced from your friends. From you, Sir, I expect in return, that you will not remember how unsuccessfully I have recommended one measure to your consideration, lest you should think yourself bound to assert your consistency, and, in the true spirit of persecution, to pass the same sentence indifferently upon all my opinions. Forgive this levity, and now to the business.

A man who honestly engages in a public cause must prepare himself for events which will at once demand his utmost patience, and rouse his warmest indignation. I feel myself, at this moment, in the very situation I describe ; yet from the common enemy I expect nothing but hostilities against the people. It is the conduct of our friends that surprises and afflicts me. I cannot but resent the injury done to the common cause by the assembly at the London Tavern, nor can conceal from you my own particular disappointment. They had it in their power to perform a real effectual service to the nation ; and we expected from them a proof, not only of the

zeal, but of their judgment. Whereas the measure they have adopted is so shamefully injudicious, with regard to its declared object, that, in my opinion, it will, and reasonably ought, to make their zeal very questionable with the people they mean to serve. When I see a measure excellent in itself, and not absolutely unattainable, either not made the principal object, or extravagantly loaded with conditions palpably absurd or impracticable, I cannot easily satisfy myself that the man who proposes it is quite so sincere as he pretends to be. *You* at least, Mr. Wilkes, should have shown more temper and prudence, and a better knowledge of mankind. No personal respects whatsoever should have persuaded you to concur in these ridiculous resolutions. But my own zeal, I perceive, betrays me: I will endeavour to keep a better guard upon my temper, and apply to your judgment in the most cautious and measured language.

I object, in the first place, to the bulk, and much more to the style of your resolutions of the 23rd of July; though some part of the preamble is as pointed as I could wish. You talk of yourselves with too much authority and importance. By assuming this false pomp and air of consequence you either give general disgust, or, what is infinitely more dangerous, you expose yourselves to be laughed at. The English are a fastidious people, and will not submit to be talked to in so high a tone by a set of private gentlemen of whom they know nothing but that they call themselves *Supporters of the Bill of Rights*. There are questions, which, in good policy, you should never provoke the people in general to ask themselves. At the same time, Sir, I am far from meaning to undervalue the institution of this Society. On the contrary, I think the plan was admirable; that it has already been of signal service to the public, and may be of much greater; and I do most earnestly wish that you would consider of, and promote a plan for forming constitutional clubs all through the kingdom. A measure of this kind would alarm government more, and be of more essential service to the cause, than anything that can be done relative to new-modelling the House of Commons. You see, then, that my objections are directed to the particular measure, not to the general institution.

In the consideration of this measure, my first objection goes to the declared purpose of the resolutions, in the terms and mode in which you have described it, viz. *the extermination of*

orruption. In *my* opinion, you grasp at the *impossible*, and *lose he really attainable.* Without plaguing you or myself with a ogical argument upon a speculative question, I willingly appeal o your own candour and judgment. Can any man in his enses affirm, that, as things are now circumstanced in this ountry, it is possible to *exterminate corruption?* Do you seriously hink it possible to carry through both Houses such a place-bill is you describe in the fifth article; or, supposing it carried, hat it would not be evaded? When you talk of contracts and ottery tickets, do you think that any human law can really prevent their being distributed and accepted, or do you only ntend to mortify *Townshend* and *Harley?* In short, Sir, would ou, *bonâ fide*, and as a man of honour, give it for your expecta- ion and opinion that there is a single county or borough in he kingdom that will form the declaration recommended to hem in these resolutions, and enforce it upon the candidates? For myself, I will tell you freely, not what I *think*, but what I *know*; the resolutions are either totally neglected in the coun- try, or, if read, are laughed at, and by people who mean as we to the cause as any of us.

With regard to the articles taken separately, I own I am concerned to see that the great condition which ought to be the *sine quâ non* of parliamentary qualification, which ought to be the basis, as it assuredly will be the only support, of every barrier raised in defence of the constitution, I mean *a declaration upon oath to shorten the duration of parliaments*, is reduced to the fourth rank in the esteem of the Society; and, even in that place, far from being insisted on with firmness and vehemence, seems to have been particularly slighted in the expression, *you shall endeavour to restore annual parliaments.* Are these the terms which men who are in earnest make use of when the *salus reipublicæ* is at stake! I expected other language from Mr. Wilkes. Besides my objection in point of form, I disapprove highly of the meaning of the fourth article, as it stands. Whenever the question shall be seriously agitated, I will endeavour (and if I live will assuredly attempt it) to convince the English nation, by arguments, to *my* understanding unanswerable, that they ought to insist upon a triennial, and banish the idea of an annual parliament.

Article 1. The terms of the first article would have been very proper a century or two ago, but they are not adapted to the present state of the constitution. The King does not

act *directly* either in imposing or redressing *grievances*. We need not *now* bribe the crown to do us justice; and, as to the refusal of supplies, we might punish ourselves indeed, but it would be no way compulsory upon the King. With respect to his civil list, he is already independent, or might be so, if he has common sense, or common resolution: and as for refusing to vote the army or navy, I hope we shall never be mad enough to try an experiment every way so hazardous. But, in fact, the effort would be infinitely too great for the occasion. All we want is an honest representative, or at least such a one as will have some respect for the constituent body. Formerly the house of commons were compelled to *bargain* with the Sovereign. At present they may prescribe their own conditions. So much, in general, for grievances: as to particular grievances, almost all those we complain of are, apparently, the acts either of the lords or the commons. The appointment of unworthy ministers is not strictly a grievance (that is, a legal subject of complaint to the King) until those ministers are arraigned and convicted in due course of law, If, after that, the King should persist in keeping them in office, it would be a *grievance* in the strict legal sense of the word, and would undoubtedly justify rebellion according to the forms, as well as the spirit of the constitution. I am far from condemning the late addresses to the throne. They ought to be incessantly repeated. The people, by the singular situation of their affairs, are compelled to do the duty of the house of commons.

Article 2. I object to the second article, because I think that multiplying oaths is only multiplying perjury. Besides this, I am satisfied that, with a triennial parliament (and without it all other provisions are nugatory), Mr. Grenville's bill is, or may be made, a sufficient guard against any gross or flagrant offences in this way.

Article 3. The terms of the third article are too loose and indefinite to make a distinct or serious impression. That the people are not equally and fully represented is unquestionable. But let us take care what we attempt. We may demolish the venerable fabric we intend to repair; and where is the strength and virtue to erect a better in its stead? I should not, for my own part, be so much moved at the corrupt and odious practices by which inconsiderable men get into parliament; nor even at the want of a perfect representation (and certainly nothing can be less reconcilable to the theory than the present

practice of the constitution), if means could be found to compel such men to do their duty (in essentials, at least) when they *are* in parliament. Now, Sir, I am convinced that, if shortening the duration of parliaments (which in effect is keeping the representative under the rod of the constituent) be not made the basis of our new parliamentary jurisprudence, other checks or improvements signify nothing. On the contrary, if this be made the foundation, other measures may come in aid, and, as auxiliaries, be of considerable advantage. Lord Chatham's project, for instance, of increasing the number of Knights of Shires, appears to me admirable, and the moment we have obtained a triennial parliament it ought to be tried. As to cutting away the rotten boroughs, I am as much offended as any man at seeing so many of them under the direct influence of the crown, or at the disposal of private persons; yet, I own I have both doubts and apprehensions in regard to the remedy you propose. I shall be charged, perhaps, with an unusual want of political intrepidity when I honestly confess to you, that I am startled at the idea of so extensive an amputation. In the first place, I question the power, *de jure*, of the legislature to disfranchise a number of boroughs upon the general ground of improving the constitution. There cannot be a doctrine more fatal to the liberty and property we are contending for than that which confounds the idea of a *supreme* and an *arbitrary* legislature. I need not point out to you the fatal purposes to which it has been and may be applied. If we are sincere in the political creed we profess, there are many things which we ought to affirm, cannot be done by King, Lords, and Commons. Among these I reckon the disfranchising a borough with a general view to improvement. I consider it as equivalent to robbing the parties concerned of their freehold, of their birthright. I say that although this birthright may be forfeited, or the exercise of it suspended in particular cases, it cannot be taken away by a general law for any real or pretended purpose of improving the constitution. I believe there is no power in this country to make such a law. Supposing the attempt made, I am persuaded you cannot mean that either King or lords should take an active part in it. A bill which only touches the representation of the people must originate in the house of commons, in the formation and mode of passing it. The exclusive right of the commons must be asserted as scrupulously as in the case of a Money Bill. Now, Sir, I should be glad to

know by what kind of reasoning it can be proved that there is a power vested in the representative to destroy his immediate constituent: from whence could he possibly derive it? A courtier, I know, will be ready enough to maintain the affirmative. The doctrine suits him exactly, because it gives an unlimited operation to the influence of the crown. But we, Mr. Wilkes, must hold a different language. It is no answer to me to say, that the bill, when it passes the house of commons, is the act of the majority, and not of the representatives of the particular boroughs concerned. If the majority can disfranchise ten boroughs, why not twenty? Why not the whole kingdom? Why should not they make their own seats in parliament for life? When the Septennial Act passed, the legislature did what apparently and palpably they had no power to do; but they did more than people in general were aware of: they disfranchised the whole kingdom for four years. For argument's sake, I will now suppose that the expediency of the measure and the power of parliament were unquestionable. Still, you will find an insurmountable difficulty in the execution. When all your instruments of amputation are prepared—when the unhappy patient lies bound at your feet, without the possibility of resistance, by what infallible rule will you direct the operation? When you propose to cut away the rotten parts, can you tell us what parts are perfectly sound? Are there any certain limits, in fact or theory, to inform you at what point you must stop—at what point the mortification ends? To a man so capable of observation and reflection as you are, it is unnecessary to say all that might be said upon the subject. Besides that I approve highly of Lord Chatham's idea of 'infusing a portion of new health into the constitution to enable it to bear its infirmities' (a brilliant expression, and full of intrinsic wisdom), other reasons concur in persuading me to adopt it. I have no objection to paying him such compliments as carry a condition with them, and either bind him firmly to the cause, or become the bitterest reproach to him if he deserts it. Of this last I have not the most distant suspicion. There is another man, indeed, with whose conduct I am not so completely satisfied.[1] Yet even *he*, I think, has not resolution enough to do anything flagrantly impudent in the face of his country. At the same time that I think it good policy to pay those

[1] [Camden?]

compliments to Lord Chatham, which, in truth, he has nobly deserved, I should be glad to mortify those contemptible creatures, who call themselves noblemen, whose worthless importance depends entirely upon their influence over boroughs, which cannot be safely diminished but by increasing the power of the counties at large. Among these men, I cannot but distinguish the meanest of the human species, the whole race of the *Conways*. I have but one word to add—I would not give representatives to those great trading towns which have none at present. If the merchant and the manufacturer must be *really* represented, let them become freeholders by their industry, and let the representation of the county be increased. You will find the interruption of business in those towns, by the triennial riot and cabals of an election, too dear a price for the nugatory privilege of sending members to parliament.

The remaining articles will not require a long discussion—of the fourth and fifth I have spoken already.

Article 6. The measures recommended in the sixth are unexceptionable. My only doubt is, how can an act, *apparently* done by the house of commons, be fixed, by sufficient legal evidence, upon the Duke of Grafton, or Lord North, of whose guilt I am nevertheless completely satisfied. As for Lord Weymouth and Lord Barrington, their own letters are a sufficient ground of impeachment.

Article 7. The seventh article is also very proper and necessary. The impeachment of Lord Mansfield, upon his own paper, is indispensable. Yet suffer me to guard you against the seducing idea of concurring in any veto, or encouraging any bill, which may pretend to ascertain, while in reality it limits, the constitutional power of juries. I would have their right to return a general verdict in all cases whatsoever considered as a part of the constitution, fundamental, sacred, and no more questionable by the legislature than whether the government of the country shall be by King, Lords, and Commons. Upon this point, an Enacting Bill would be pernicious ; a Declaratory Bill, to say the best of it, useless.

Article 8. I think the eighth article would be more properly expressed thus :—*You shall grant no money, unless for services known to, and approved of by, parliament.* In general the supplies are appropriated, and cannot easily be misapplied. The house of commons are indeed too ready in granting large sums

under the head of *extraordinaries incurred, and not provided for.* But the accounts lie before them, it is their own fault if they do not examine them. The manner in which the late debt upon the civil list was pretended to be incurred, and really paid, demands a particular examination. Never was there a more impudent outrage offered to a patient people.

Article 9. The ninth is indispensable; but I think the matter of it rather fit for instruction than for the declaration you have in view. I am very apprehensive of clogging the declaration, and making it too long.

Articles 10 and *11.* In the tenth and eleventh you are very civil to Ireland and America; and if you mean nothing but ostentation, it may possibly answer your purpose. Your care of Ireland is much to be commended. But I think, in good policy, you may as well complete a reformation at home before you attempt to carry your improvements to such a distance. Clearing the fountain is the best and shortest way to purify the stream. As to taxing the Americans by their own representatives, I confess I do not perfectly understand you. If you propose that, in the article of taxation, they should hereafter be left to the authority of their respective assemblies, I must own I think you had no business to revive a question which should, and probably would, have lain dormant for ever. If you mean that the Americans should be authorized to send their representatives to the British Parliament, I shall be contented with referring you to what Mr. Burke has said upon this subject, and will not venture to add anything of my own, for fear of discovering an offensive disregard of your opinion. Since the repeal of the Stamp Act, I know of no acts tending to tax the Americans, except that which creates the tea duty; and even that can hardly be called *internal.* Yet it ought to be repealed as an impolitic act, not as an oppressive one. It preserves the contention between the mother country and the colonies, when everything worth contending for is in reality given up. When this act is repealed, I presume you will turn your thoughts to the postage of letters; a tax imposed by authority of parliament, and levied in the very heart of the colonies. I am not sufficiently informed upon the subject of that excise, which you say is substituted in North America to the laws of customs, to deliver such an opinion upon it as I would abide by. Yet I can easily comprehend that, admitting the necessity of raising a revenue

for the support of government there, any other revenue laws but those of excise would be nugatory in such a country as America. I say this with great diffidence as to the point in question, and with a positive protest against any conclusion from America to Great Britain.

If these observations shall appear to deserve the attention of the Society, it is for *them* to consider what use may be made of them. I know how difficult and irksome it is to tread back the steps we have taken ; yet, if any part of what I have submitted to you carries reason and conviction with it, I hope that no false shame will influence our friends at the London Tavern.

I do not deny that I expect my opinions upon these points should have some degree of weight with you. I have served Mr. Wilkes, and am still capable of serving him. I have faithfully served the public, without the possibility of a personal advantage. As Junius I can never expect to be rewarded. The secret is too important to be committed to any great man's discretion. If views of interest or ambition could tempt me to betray my own secret, how could I flatter myself that the man I trusted would not act upon the same principles, and sacrifice me at once to the King's curiosity and resentment ? Speaking therefore as a disinterested man, I have a claim to your attention. Let my opinions be fairly examined.

JUNIUS

P.S. As you will probably never hear from me again, I will not omit this opportunity of observing to you that I am not properly supported in the newspapers. One would think that all the fools were of the other side of the question. As to myself, it is of little moment. I can brush away the swarming insects whenever I think proper. But it is bad policy to let it appear, in any instance, that we have not numbers as well as justice of our side. I wish you would contrive that the receipt of this letter and my last might be barely acknowledged by a hint in the *Public Advertiser*.

NO. III

TO JUNIUS

Prince's Court, Monday, 9 September

Mr. Wilkes had the honour of receiving from the same gentleman two excellent letters on important subjects, one dated Aug. 21, the other Sept. 7. He begs the favour of the author

to prescribe the mode of Mr. Wilkes's communicating his answer.

NO. IV

TO J. WILKES, ESQ.

10 September 1771

You may intrust Woodfall with a letter for me. Leave the rest to his management.

I expect that you will not enter into any explanations with him whatsoever.

NO. V

MR. WILKES TO JUNIUS

12 September 1771

Sir,

I do not mean to indulge the impertinent curiosity of finding out the most important secret of our times, the author of Junius. I will not attempt with profane hands to tear the sacred veil of the sanctuary ; I am disposed, with the inhabitants of Attica, to erect *an altar to the unknown god* of our political idolatry, and will be content to worship him in clouds and darkness.

This very circumstance, however, deeply embarrasses me. The first letter with which I was honoured by Junius, called for a thousand anecdotes of Crosby, Sawbridge, and Townshend, too tedious, too minute, to throw upon paper, which yet must be acted upon, and, as he well knows, mark the character of men. Junius has, in my idea, too favourable sentiments of Sawbridge. I allow him honest, but think he has more mulishness than understanding, more understanding than candour. He is become the absolute dupe of Malagrida's gang. He has declared that, if he was chosen mayor this year, he would not serve the office, but fine, because Townshend ought to be mayor. Such a declaration is certain, and in my opinion it borders on insanity. To me Sawbridge complained the last year that his sheriffalty passed in a continual secret cabal of Beckford, Townshend, and Horne, without the communication of anything to him till the moment of execution. Sawbridge has openly acted against us. Our troops will not be brought at present to fight his battles. Mrs. Macauley has warmly espoused the common cause, and severely condemns her brother. Any overtures to Sawbridge, I believe,

uld have been rejected, perhaps treated with contempt, by t the best bred man in the island. How could I begin a gociation when I was already pledged to Crosby, who has l himself with the hope of that and the membership, by iich I overcame his natural timidity? Junius sees the con- ence I place in him. Could there be a prospect of any rdiality between Sawbridge and the popular party, at least soon as his mayoralty? I should fear the Mansion House ɔuld be besieged and taken by the banditti of the Shelburnes. ıt what I am sure will be decisive to Junius, I was engaged Crosby before I received the letter of Aug. 21, and I have ıt since found in him the least inclination to yield the vourite point. The membership of the city is a security to e public for his steadiness in the cause. Surely then it ɔuld have been imprudent to have wished a change. My ıty to the people only makes me form a wish for Crosby. ɔ make Crosby mayor, it is necessary to return to the court aldermen another man so obnoxious that it is impossible r them to elect him. Bridgen I take to be this man. While ɜ presided in the city, he treated them with insolence, was ɪceedingly rude and scurrilous to them personally, starved ıem at the few entertainments he gave, and pocketed the city ısh. As he has always voted on the popular side, we are ıstified to the livery in the recommendation of him, and the ɜst will be guessed. Crosby will probably be the *locum tenens* f Bridgen, if Bridgen is elected. I wrote the letter on this ıbject in the *Public Advertiser* of Sept. 5. The argument there specious, although my private opinion is, the House of ɔommons will not again fall into that snare. Into another I m satisfied they will. The House of Lords too, will, I think, ırnish the most interesting scene, in consequence of the powers hey usurp, and the sheriff means the attack. I wish this great ɔusiness, as I have projected it, could be unravelled in a letter or wo to Junius, but the detail is too long and intricate. How ɡreatly is it to be lamented that the few real friends of the ɔublic have so little communication of counsels, so few and ɔnly distant means of a reserved intercourse!

I have nowhere met with more excellent and abundant ɔolitical matter than in the letter of Junius respecting the Bill ɔf Rights. He ought to know from me that the American Dr. Lee (the Gazetteer's Junius Americanus) was the author of he too long Preamble, Articles, &c. They were, indeed, sub-

mitted to me on the morning of the day on which they passed, but I made few corrections. I disliked the extreme *verbiage* of every part, and wished the whole put again on the anvil. Sir Joseph Mawbey and I were of opinion to adjourn the business for a reconsideration, but the majority of the members were too impatient to have something go forth in their names to the public. It would have been highly imprudent in Sir Joseph or me to thwart them in so favourite a point, and the substance I indeed greatly approve. At all times I hate taking in other people's foul linen to wash. The Society of the Bill of Rights have been called my committee, and it has been said that they were governed entirely by me. This has spread a jealousy even among my friends. I was therefore necessitated to act the most cautious and prudent part. You cannot always do all the good you wish, and you are sometimes reduced to the necessity of yielding in a particular moment to conciliate the doubtful, the peevish, or the refractory. Junius may be assured that I will warmly recommend the formation of constitutional clubs in several parts of the kingdom. I am satisfied that nothing would more alarm the ministry. I agree that the shortening the duration of parliaments is the first and most important of all considerations, without which all the rest would be nugatory; but I am unhappy to differ with Junius in so essential a point as that of triennial parliaments. They are inadequate to the cure of destroying dependance in the members on the crown. They only lessen, not root out, corruption, and only reduce the purchase money for an annuity of three instead of seven years. I have a thousand arguments against triennial and in favour of annual parliaments. The question was fairly agitated at the London Tavern, and several of your friends owned that they were convinced. The subject is too copious for a letter. I hope to read Junius's mature and deliberate thoughts on this subject. I own that in the House of Commons sound policy would rather favour triennial parliaments as the necessary road to annual, but the constitutional question is different.

I am sorry likewise to differ with Junius as to the power *de jure* of the legislature to disfranchise any boroughs. How originated the right, and why was it granted? Old Sarum and Gatton, for instance, were populous places when the right of representation was first given them. They are now desolate, and therefore in everything should return to their former state.

A barren mountain or a single farm-house can have no representation in parliament. I exceedingly approve of Lord Chatham's idea of increasing the number of Knights of Shires. If parliaments are not annual, I should not disapprove of a third part of the legislative body going out every year by ballot, and of consequence an annual re-election in part.

I am so much harassed with business at present that I have not time to mention many particulars of importance, and these three days I have had the shivering fits of a slow lurking fever, a strange disorder for Wilkes, which makes writing painful to me. I could plunge the patriot dagger in the heart of the tyrant of my country, but my hand would now tremble in doing it. In general I enjoy settled confirmed health, to which I have for some years paid great attention, chiefly from public views.

I am satisfied that Junius now means me well, and I wish to merit more than his regard, his friendship. He has poured balm into my wounds, the deepest of which, I sigh when I recollect, were made by that now friendly hand, I am always ready to kiss his rod, but I hope its destination is changed, and that it will never again fall as heavy upon me as towards the conclusion of the year 1769, when Thurlow said, sneeringly, the government prosecuted Junius out of compliment to Wilkes. I warmly wish Junius my friend. As a public man, I think myself secure of his support, for I will only depend on popular favour, and pursue only the true constitutional point of liberty. As a private person, I figure to myself that Junius is as amiable in the private as he is great in the public walk of life. I now live very much at home, happy in the elegant society of a sensible daughter, whom Junius has noticed in the most obliging manner.

I have not had a moment's conversation with Woodfall on the subject of our correspondence, nor did I mean to mention it to him. All he can guess will be from the following card, which I shall send by my servant with this letter. 'Mr. Wilkes presents his compliments to Mr. Woodfall, and desires him to direct and forward the inclosed to Junius.' After the first letter of Junius to me, I did not go to Woodfall to pry into a secret I had no right to know. The letter itself bore the stamp of Jove. I was neither doubting nor impertinent. I wish to comply with every direction of Junius, to profit by his hints, and to have the permission of writing to him on any important occasion. I desire to assure him that in all great

public concerns I am perfectly free from every personality either of dislike or affection. The Stoic apathy is then really mine.

Lord Chatham said to me ten years ago, 'The King is the falsest hypocrite in Europe.' I must hate the man as much as even Junius can, for thro' this whole reign almost it has been *the King versus Wilkes*. This conduct will probably make it *Wilkes versus the King*. Junius must imagine that no man in the island feels what he writes on that occasion more than I do.

This letter is an emanation of the heart, not an effort of the head. It claims attention from the honest zeal and sincerity of the writer, whose affection for his country will end only with his life.

JOHN WILKES

NO. VI

JUNIUS TO JOHN WILKES, ESQ.

London, 18 September 1771

Sir,

Your letter of the 12th instant was carefully conveyed to :. I am much flattered, as you politely intended I should with the worship you are pleased to pay to the unknown l of politics. I find I am treated as other gods usually are their votaries, with sacrifice and ceremony in abundance, l very little obedience. The profession of your faith is exceptionable ; but I am a modest deity, and should be full well satisfied with good works and morality.

There is a rule in business that would save much time if it re generally adopted. *A question once decided is no longer a ject of argument.* You have taken your resolution about the yoralty. What I have now to say is not meant to alter it, t, in perfect good humour, to guard you against some inconiences which may attend the execution. It is your own anair, and though I still think you have chosen injudiciously, both for yourself and for the public, I have no right to find fault or to tease you with reflections, which cannot divert you from your purpose.

I cannot comprehend the reason of Mr. Crosby's eagerness to be Lord Mayor, unless he proposes to disgrace the office and himself by pocketing the salary. In that case he will create a disgust among the citizens, of which you and your party will

feel the bad effects, and as for himself he may bid adieu to all hopes of being returned for the city. That he should live with unusual splendour is essentially your interest and his own; and even then I do not perceive that his merits are so distinguished as to entitle him to a double reward. Of the dignity or authority of a *locum tenens*, I know nothing; nor can I conceive what credit Mr. Crosby is likely to derive from representing Mr. Bridgen. But suppose Bridgen should be Lord Mayor, and should keep his word in appointing Crosby his lieutenant, I should be glad to know who is to support the expense and dignity of the office? It may suit such a fellow as Bridgen to shut up the Mansion House, but I promise you his economy will be of no service to Mr. Wilkes. If you make him Mayor, you will be answerable for his conduct; and if he and Crosby be returned, you may depend upon it the court of aldermen will choose him.

With regard to Mr. Sawbridge, since I cannot prevail with you to lay the foundation of a closer union between you, by any positive sacrifice in his favour, at least let me entreat you to observe a moderate and guarded conduct towards him. I should be much concerned to see his character traduced or his person insulted. He is *not* a dupe to any set of men whatsoever, nor do I think he has taken any violent or decided part against you. Yet to be excluded from those honours which are the only rewards he pretends to, and to which he is so justly entitled, and to see them bestowed upon such men as *Crosby* and *Bridgen*, is enough to excite and justify his resentment. All this, Sir, is matter of convenience, which I hope you will consider. There is another point, upon which I must be much more serious and earnest with you. You seem to have no anxiety or apprehension but lest the friends of Lord Shelburne should get possession of the Mansion House. In my opinion they have no chance of success whatsoever. The real danger is from the interest of government: from Harley and the Tories. If, while you are employed in counteracting Mr. Townshend, a ministerial alderman should be returned, you will have ruined the cause. You will have ruined yourself, and for ever. To say that Junius could never forgive you is nothing;—you could never forgive yourself. Junius from that moment will be compelled to consider you as a man who has sacrified the public to views which were every way unworthy of you. If, then, upon a fair canvass of the livery, you should see a probability that

Bridgen may not be returned, let that point be given up at once, and let *Sawbridge* be returned with *Crosby* ;—a more likely way, in *my* judgment, to make *Crosby* Lord Mayor.

Nothing can do you greater honour, nor be of greater benefit to the community, than your intended attack upon the unconstitutional powers assumed by the house of lords. You have my warmest applause ; and if I can assist, command my assistance. The arbitrary power of fine and imprisonment, assumed by these men, would be a disgrace to any form of legal government not purely *aristocratical.* Directly, it invades the laws ; indirectly, it saps the constitution. Naturally phlegmatic, these questions warm me. I envy you the laurels you will acquire. Banish the thought that Junius can make a dishonourable or an imprudent use of the confidence you repose in him. When you have leisure, communicate your plan to me, that I may have time to examine it, and to consider what part I can act with the greatest advantage to the cause. The constitutional argument is obvious. I wish you to point out to me where you think the force of the *formal legal* argument lies. In pursuing such inquiries I lie under a singular disadvantage. Not venturing to consult those who are qualified to inform me, I am forced to collect everything from books or common conversation. The pains I took with that paper upon privilege were greater than I can express to you. Yet after I had blinded myself with poring over journals, debates, and parliamentary history, I was at last obliged to hazard a bold assertion, which I am now convinced is true (as I really then thought it), because it has not been disproved or disputed. There is this material difference upon the face of the two questions. We can clearly show a time when the lower house had not an unlimited power of commitment for breach of privilege. Whereas I fear we shall not have the same advantage over the house of lords. It is not that precedents have any weight with me in opposition to principles ; but I know they weigh with the multitude.

My opinion of the several articles of the proposed declaration remains unaltered. I cannot pretend to answer those arguments in favour of annual parliaments by which you say the friends of Junius were convinced. The question is not what is best in theory (for there I should undoubtedly agree with you), but what is most expedient in practice. You labour to carry the constitution to a point of perfection which it can never reach to, or at which it cannot long be stationary. In this idea

I think I see the mistake of a speculative man, who is either not conversant with the world, or not sufficiently persuaded of the necessity of taking things *as they are*. The objection drawn from the purchase of an annuity for *three* years instead of *seven* is defective, because it applies in the same proportion to an annuity for one year. This is not the question. The point is to keep the representative as much under the check and control of the constituent as can be done consistently with other great and essential objects. But without entering further into the debate, I would advise that this part of the declaration be expressed in general terms, viz. to shorten the duration of parliaments. This mediating expedient will, for the present, take in both opinions, and leave open the *quantum* of time to a future discussion.

In answer to a general argument, by which the uncontrollable right of the people to form the third part of the legislature is defended, you urge against me two gross cases, which undoubtedly call for correction. These cases, you may believe, did not escape me, and, by and by, admit of a particular answer. But it is not treating me fairly to oppose general principles with particular abuses. It is not in human policy to form an institution from which no possible inconvenience shall arise. I did not pretend to deliver a doctrine to which there could be no possible objection. We are to choose between better and worse. Let us come fairly to the point—Whether is it safer to deny the legislature a power of disfranchising all the electors of a borough (which, if denied, entails a number of rotten boroughs upon the constitution), or to *admit* the power, and so leave it with the legislature to disfranchise, *ad arbitrium*, every borough and county in the kingdom. If you deny the consequence, it will be incumbent upon you to prove by *positive* reasoning that a power which holds in the case of Aylesbury or New Shoreham, *does not* hold in the case of York, London, or Middlesex. To this question I desire a direct answer; and when we have fixed our principles, we may regularly descend to the detail. The cases of Gatton and Old Sarum do not embarrass me. Their right to return members to parliament has neither fact nor theory to support it—'they have, *bonâ fide*, no electors;' consequently there is no man to be dispossessed of his freehold. No man to be disfranchised of his right of election. At the worst, supposing the annihilation of these pretended boroughs could no way be reconciled

to my own principles, I shall only say, give me a healthy, vigorous constitution, and I shall hardly consult my looking-glass to discover a blemish upon my skin.

You ask me, from whence did the right originate, and for what purpose was it granted? I do not see the tendency of these questions, but I answer them without scruple: 'In general it arose from the king's writs, and it was granted with a view to balance the power of the nobility, and to obtain aids from the people.' But, without looking back to an obscure antiquity, from which no certain information can be collected, you will find that the laws of England have much greater regard to possession (of a certain length) than to any other title whatsoever; and that, in every kind of property which savours of the *reality*, this doctrine is most wisely the basis of our English jurisprudence. Though I use the terms of art, do not injure me so much as to suspect I am a lawyer. I had as lief be a Scotchman. It is the encouragement given to disputes about titles, which has supported that iniquitous profession at the expense of the community. As to this whole argument about rotten boroughs, if I seem zealous in supporting my opinion, it is not from a conception that the constitution cannot possibly be relieved from them—I mean only to reconcile you to an evil which cannot safely be removed.

Now, Mr. Wilkes, I shall deal very plainly with you. The subject of my first letter was private and personal, and I am content it should be forgotten. Your letter to *me* is also sacred. But my second letter is of public import, and must not be suppressed. I did not mean that it should be buried in Prince's Court. It would be unfair to embarrass you with a new question, while your city election is depending. But if I perceive that within a reasonable time after that business is concluded, no steps are taken with the Bill of Rights to form a new, short, and rational declaration (whether by laying my letter before the Society, or by any other mode that you shall think advisable), I shall hold myself obliged, by a duty paramount to all other considerations, to institute an amicable suit against the Society before the tribunal of the public. Without asperity, without petulance or disrespect, I propose to publish the second letter, and to answer or submit to argument. The necessity of taking this step will indeed give me pain, for I well know that differences between the advocates are of no service to the cause. But the lives of the best of us are spent in choosing

between evils. And to you, Sir, you may as well take the trouble of directing that Society, since whatever they do is placed to your account.

The domestic society you speak of is much to be envied. I fancy I should like it still better than you do. I too am no enemy to good fellowship, and have often cursed that canting parson for wishing to deny you your claret. It is for *him*, and men like *him*, to beware of intoxication. Though I do not place the little pleasures of life in competition with the glorious business of instructing and directing the people, yet I see no reason why a wise man may not unite the public virtues of Cato, with the indulgence of Epicurus.

Continue careful of your health. Your head is too useful to be spared, and your hand may be wanted. Think no more of what is passed. You did not then stand so well in my opinion; and it was necessary to the plan of that letter to rate you lower than you deserved. The wound is curable, and the scar shall be no disgrace to you.

I willingly accept of as much of your friendship as you can impart to a man whom you will assuredly never know. Besides every personal consideration, if I were known, I could no longer be an useful servant to the public. At present there is something oracular in the delivery of my opinions. I speak from a recess which no human curiosity can penetrate, and darkness, we are told, is one source of the sublime. The mystery of Junius increases his importance.

JUNIUS

NO. VII

Prince's Court, Thursday, 19 Sept.

Mr. Wilkes thanks Mr. Woodfall for the care of the former letter, and desires him to transmit the inclosed to Junius.

MR WILKES TO JUNIUS

19 September 1771

Sir,

I had last night the honour of your letter of yesterday's date. I am just going to the Common Hall, but first take up the pen to thank you for the kindness you express to me, and to say that the Bill of Rights meet next Tuesday. I thought it necessary not to lose a moment in giving you this information, that whatever you judge proper may be submitted to that Society as early as possible. Junius may command me in

everything. When he says, 'my second letter is of public import, and must not be suppressed. I did not mean that it should be buried in Prince's Court,'—does he wish it should be communicated to the Society, and in what manner? The beginning of the second letter refers to a first letter, and some other expressions may be improper for the knowledge of the Society. I wait Junius's directions. I beg his free sentiments on all occasions. I mean next week to state a variety of particulars for his consideration and in answer to his letter. I had now only a moment to mention a point of business and a feeling of gratitude.

JOHN WILKES

NO. VIII

JUNIUS TO J. WILKES, ESQ.

21 September 1771

Sir,

Since you are so obliging as to say you will be guided by my opinion as to the manner of laying my sentiments before the Bill of Rights, I see no reason why the whole of the second letter may not be read there next Tuesday, except the postscript, which has no connection with the rest, and the word ridiculous, which may naturally give offence;—as I mean to persuade and soften, not irritate or offend. Let that word be expunged. The prefatory part you may leave or not as you think proper. You are not bound to satisfy any man's curiosity upon a *private* matter, and upon my silence you may, I believe, depend entirely. As to other passages I have no favour or affection, so let all go. It should be copied over in a better hand.

If any objections are raised, which are answered in my third letter, you will, I am sure, answer for me, so far forth, *ore tenus.*

By all means let it be copied. This manuscript is for private use only.

JUNIUS

NO. IX

JUNIUS TO J. WILKES, ESQ.

Monday

Sir,

When I wrote to you on Saturday, it did not occur to me that your own advertisement had already informed the public

of your receiving two letters ; your omitting the preamble to the second letter would therefore be to no purpose.

In my opinion you should not wish to decline the appearance of being particularly addressed in that letter. It is calculated to give you dignity with the public. There is more in it than perhaps you are aware of. Depend upon it, the perpetual union of *Wilkes* and *mob* does you no service. Not but that I love and esteem the mob. It is your interest to keep up dignity and gravity besides. I would not make myself cheap by walking the streets so much as you do. *Verbum sat.*

NO. X

MR WILKES TO JUNIUS

Wednesday, 25 September

Sir,

Yesterday I attended the meeting of the Society of the Bill of Rights, and laid before them the letter, which I had the honour of receiving from you on the 7th of September. The few lines of the preamble I omitted, the word *ridiculous*, according to your directions, and a very few more lines towards the conclusion. All the rest was a faithful transcript, the exact *tenor.* The season of the year occasioned the meeting to be ill attended. Only eleven members were present. The following resolution passed unanimously : 'That Mr. Wilkes be desired to transmit to Junius the thanks of the Society for his letter, and to assure him that it was received with all the respect due to his distinguished character and abilities.' Soon after my fever obliged me to return home, and I have not heard of anything further being done ; but Mr. Lee told me he thought the letter capable of a full answer, which he meant, on a future day, to submit to the Society, and would previously communicate to me. The letter is left in the hands of Mr. Reynolds, who has the care of the other papers of the Society, with directions to permit every member to peruse, and even transcribe it, on the promise of non-publication. Some particular expressions appeared rather too harsh and grating to the ears of some of the members.

Surely, Sir, nothing in the advertisement I inserted in the *Public Advertiser* could lead to the idea of the two letters I mentioned coming from Junius. I entreat him to peruse once more that guarded advertisement. I hope that Mr. Bull's

and my address of Saturday was approved where I most desire it should be thought of favourably. I know it made our enemies wince in the most tender part.

I am too ill to-day to add more.

JOHN WILKES

NO. XI

JUNIUS TO J. WILKES, ESQ.

16 October 1771

Sir,

I cannot help expressing to you my thanks and approbation of your letter of this day. I think it proper, manly, and to the purpose. In these altercations nothing can be more useful than to preserve dignity and *sang froid—fortiter in re, suaviter in modo*, increases both the force and the severity. Your conduct to Mr. Sawbridge is everything I could wish. Be assured you will find it both honourable and judicious. Had it been adopted a little sooner, you might have returned him and Crosby, and taken the whole merit of it to yourself. If I am truly informed of Mr. S.'s behaviour on the hustings, I must confess it does not satisfy me. But perseverance, management, and determined good humour, will set everything right, and, in the end, break the heart of Mr. Horne. Nothing can be more true than what you say about *great men*. They are indeed a worthless, pitiful race. Chatham has gallantly thrown away the scabbard, and never flinched. From that moment I began to like him.

I see we do not agree about the strict right of pressing. If you are as sincere as I am, we shall not quarrel about a difference of opinion. I shall say a few words to-morrow on this subject, under the signature of *Philo Junius*. The letters under that name have been hastily drawn up, but the principles are tenable. I thought your letter about the military very proper and well drawn.

JUNIUS

NO. XII

MR. WILKES TO JUNIUS

17 October 1771

Sir,

I am not yet recovered, and to-day have been harassed with complaints against the greatest villains out of hell, the

bailiffs ; but so very polite and friendly a letter as Junius's of yesterday, demands my earliest and warmest acknowledgments. I only take up the pen to say, that I think myself happy in his approbation, that a line of applause from him gives the same brisk circulation to my spirits as a kiss from Chloe, and that I mean soon to communicate to him a project of importance. I will skirmish with the great almost every day in some way or other. Does Junius approve the following manœuvre, instead of going in a gingerbread chariot to yawn through a dull sermon at St. Paul's ?

Old Bailey, 24 October 1771

' Mr. Sheriff Wilkes presents his duty to the Lord Mayor, and asks his Lordship's leave to prefer the real service of his country to-morrow in the administration of justice here, to the vain parade on the anniversary of the accession of a prince, under whose inauspicious government an universal discontent prevails among the people, and who still leaves the most intolerable grievances of his subjects unredressed.' This card to be published at length. Will Junius suggest any alteration or addition ? It is a bold step. The sessions will not be ended on the 25th, and it is the duty of the sheriff to attend. I will follow all your hints about Mr. Sawbridge. I am sorry to differ so much from you about press warrants. I own that I have warmly gone through that opposition upon the clear conviction that every argument alleged for the legality of the press warrant would do equally well for ship money. I believe Junius as sincere as myself ; I will therefore be so far from quarrelling with him for any difference of opinion, that when I find we disagree, I will act with double caution, and some distrust of the certainty of my being clearly in the right.

I hope the Sheriff's letter to Mr. Akerman has your approbation. Does Junius wish for the dinner or ball tickets for the Lord Mayor's day, for himself, or friends, or a favourite, or *Junia* ? The day will be worth observation. Whether, *cretâ an carbone notandus*, I do not know, but the *people*, *Sir*, *the people are the sight*. How happy should I be to see my Portia here dance a graceful minuet with Junius Brutus ! but Junius is inexorable and I submit. I would send your tickets to Woodfall.

To-morrow I go with the Lord Mayor and my brother Sheriff

to Rochester to take up our freedoms. We return on Sunday night.

I entreat of Junius to favour me with every idea which occurs to him for the common cause, in every particular relative to my conduct. He shall find me no less grateful than ductile.

JOHN WILKES

NO. XIII

JUNIUS TO J. WILKES, ESQ.

London, 21 October 1771

Many thanks for your obliging offer; but alas! my age and figure would do but little credit to my partner. I acknowledge the relation between Cato and Portia, but in truth I see no connection between Junius and a minuet.

You shall have my opinion whenever you think proper to ask it, freely, honestly, and heartily. If I were only a party man, I should naturally concur in any enterprise likely to create a bustle without risque or trouble to myself. But I love the cause independent of persons, and I wish well to Mr. Wilkes independent of the cause. Feeling, as I really do, for others where my own safety is provided for, the danger to which I expose a simple printer, afflicts and distresses me. It lowers me to myself to draw another into a hazardous situation which I cannot partake of with him. This consideration will account for my abstaining from the King so long, and for the undeserved moderation with which I have treated him. I know my ground thoroughly when I affirm that *he alone* is the mark. It is not Bute, nor even the Princess Dowager. It is the odious hypocrite himself whom every honest man should detest, and every brave man should attack. Some measures of dignity and prudence must nevertheless be preserved for our own sakes. I think your intended message to the Lord Mayor is more spirited than judicious, and that it may be attended with consequences which (compared with the single purpose of insulting the King) are not worth hazarding —*non est tanti*—consider it is not Junius or Jack Wilkes, but a grave sheriff (for *grave* you should be) who marks his entrance into office with a direct outrage to the Chief Magistrate;— that it is only an outrage, and leads to nothing. Will not courtiers take advantage? Will not Whigs be offended? And whether offended or not, will not all parties pretend to condemn you? If *measures and not men* has *any* meaning (and

own it has very little), it must hold particularly in the case
the King ; and if truth and reason be on one side, and all
ıe common-place topics on the other, can you doubt to which
de the multitude will incline ? Besides, that it is too early
begin this kind of attack, I confess I am anxious for your
ifety. I know that in the ordinary course of law they cannot
ırt you ; but did the idea of a Bill of Banishment never
ccur to you ? And don't you think a demonstration of this
nd on your part might furnish government with a specious
retence for destroying you at once, by a summary proceeding ?
onsider the measure coolly and then determine.

If these loose thoughts should not weigh with you as much as could wish, I would then recommend a little alteration in the ıessage. I would have it stated thus :—

'*Prince's Court, 4 October 1771*

'Mr. Wilkes presents his duty to the Lord Mayor, and atters himself he shall be honoured with his Lordship's pprobation, if he prefers the real service of his country to-ıorrow in the administration of justice at the Old Bailey, to ıe vain parade of a procession to St. Paul's. With the armest attachment to the House of Hanover, and the most etermined allegiance to the chief magistrate, he hopes it will ot be thought incumbent on him to take an active part in elebrating the accession of a prince, under whose inauspicious ign the English constitution has been most grossly and eliberately violated, the civil rights of the people no less aringly invaded, and their humble petitions for redress rejected ith contempt.'

In the first part, *to ask a man's leave to prefer the real service of his untry to a vain parade*, seems, if serious, too servile ;—if jest, nseasonable, and rather approaching to burlesque. The rest ppears to me not less strong than your own words, and better uarded in point of safety, which you neglect too much. I am ow a little hurried, and shall write to you shortly upon some ther topics.

JUNIUS

NO. XIV

MR. WILKES TO JUNIUS

Prince's Court, Monday Morning, 4 Nov.

On my return home last night I had the very great pleasure f reading the Dedication and Preface which Mr. Woodfall

left for me. I am going with the city officers to invite the little great to the custard on Saturday. *Perditur hoc inter misero lux.* I shall only add, *accepi, legi, probavi.* I am much honoured by the polite attention of Junius.

NO. XV

JUNIUS TO J. WILKES, ESQ.

6 November 1771

I entreat you to procure for me copies of the informations against Eyre before the Lord Mayor. I presume they were taken in writing. If not, I beg you will favour me with the most exact account of the substance of them, and any observations of your own that you think material. If I am right in my facts, I answer for my law, and mean to attack Lord Mansfield as soon as possible.

My American namesake is plainly a man of abilities, though I think a little unreasonable, when he insists upon more than an absolute surrender of the fact. I agree with him that it is a hardship on the Americans to be taxed by the British Legislature; but it is a hardship inseparable in theory from the condition of colonists in which they have voluntarily placed themselves. If emigration be no crime to deserve punishment, it is certainly no virtue to claim exemption; and however it may have proved eventually beneficial, the mother country was but little obliged to the intentions of the first emigrants. But, in fact, change of place does not exempt from subjection:—the members of our factories settled under foreign governments, and whose voluntary banishment is much more laudable with regard to the mother country, are taxed with the laws of consulage. *Au reste*, I see no use in fighting this question in the newspapers, nor have I time. You may assure Dr. Lee, that to *my* heart and understanding the names of American and Englishman are synonymous, and that as to any future taxation of America, I look upon it as near to impossible as the highest improbability can go.

I hope that, since he has opposed me where he thinks me wrong, he will be equally ready to assist me when he thinks me right. Besides the fallibility natural to us all, no man writes under so many disadvantages as I do. I cannot consult the learned, I cannot directly ask the opinion of my acquaintance, and in the newspapers I never am assisted.

Those who are conversant with books, well know how often

they mislead us, when we have not a living monitor at hand to assist us in comparing practice with theory.

NO. XVI

MR. WILKES TO JUNIUS

Prince's Court, Wednesday, 6 Nov.

Sir,

I do not delay a moment giving you the information you wish. I inclose a copy of Eyre's commitment. Nothing else in this business has been reduced to writing. The examination was before the sitting justice, Alderman Hallifax, at Guildhall; and it is not usual to take it in writing, on account of the multiplicity of business there. The paper was found upon him. He was asked what he had to say in his defence, his answer was, I hope you will bail me. Mr. Holder, the clerk, answered, That is impossible. There never was an instance of it, when the person was taken in the fact, or the goods found upon him. I believe Holder's law is right. Alderman Hallifax likewise granted a search-warrant prior to the examination. At Eyre's lodgings many more quires of paper were found, all marked on purpose, from a suspicion of Eyre. After Eyre had been some time at Wood Street Compter, a key was found in his room there, which appears to be a key to the closet at Guildhall, from whence the paper was stolen. The Lord Mayor refused to bail Eyre, but I do not find that any fresh examination was taken at the Mansion House. The circumstances were well known. I was present at the examination before Hallifax, but the sheriff could not interfere, only I whispered Hallifax he could not bail Eyre. *Anglus* in to-day's *Public Advertiser* told some particulars I had mentioned. I did not know of that letter; it is Mr. Bernard's of Berkeley Square. As to the Americans, I declare I know no difference between an inhabitant of Boston in Lincolnshire, and of Boston in New England. I honour the Americans; but our ancestors who staid and drove out the tyrant, are justly greater in merit and fame than those who fled and deserted their countrymen. Their future conduct has been a noble atonement, and their sons have much surpassed them. I will mention to Dr. Lee what you desire. You shall have every communication you wish from me. Yet I beg Junius to reflect a moment. To whom am I now writing? I am all doubt and uncertainty,

though not mistrust or suspicion. I should be glad to canvass freely every part of a great plan. I dare not write it to a man I do not know, of whose connections I am totally ignorant. I differ with Junius on one point: I think by being concealed he has infinite advantages which I want. I am on the Indian coast, where, from the fire kindled round me, I am marked out to every hostile arrow which knows its way to me. Those who are in the dark are safe, from the want of direction of the pointless shaft. I followed Junius's advice about the card on the anniversary of the King's accession. I dropped the idea. I wish to know his sentiments about certain projects against the usurped powers of the House of Lords. The business is too vast to write, too hazardous to communicate, to an unknown person. Junius will forgive me. What can be done? Alas! where is the man, after all Wilkes has experienced, in whose friendly bosom he can repose his secret thoughts, his noble but most dangerous designs? The person most capable he can have no access to, and all others he will not trust. I stand alone, *isolé* as the French call it, a single column, unpropped, and perhaps nodding to its fall.

JOHN WILKES

NO. XVII

JUNIUS TO J. WILKES, ESQ.

9 November 1771

I am much obliged to you for your information about Eyre. The facts are as I understood them, and, with the blessing of God, I will pull Mansfield to the ground.

Your offer to communicate your plan against the Lords was voluntary. Do now as you think proper. I have no resentments but against the common enemy, and will assist you in any way that you will suffer yourself to be assisted. When you have satisfied your understanding that there may be reasons why Junius should attack the King, the Minister, the Court of King's Bench, and the House of Commons, in the way that I have done, and yet should desert or betray the man who attacks the House of Lords, I would still appeal to your heart. Or if you have any scruples about that kind of evidence, ask that amiable daughter whom you so implicitly confide in—*Is it possible that* Junius *should betray me?* Do not conceive that I solicit new employment. I am overcome with the slavery of writing. Farewell.

NO. XVIII

MR. WILKES TO JUNIUS

Prince's Court, near Storey's Gate, Westminster, Wednesday, 15 January 1772

A necessary attention to my health engrossed my time entirely in the few holidays I spent at Bath, and I am rewarded with being perfectly recovered. The repairs of the clay cottage, to which I am tenant for life, seem to have taken place very successfully; and the building will probably last a few more years in tolerable condition.

Yesterday I met the Supporters of the Bill of Rights at the London Tavern. Much discourse passed about the publication of Junius's letter. Dr. Lee and Mr. Watkin Lewes, who were both suspected, fully exculpated themselves. I believe the publication was owing to the indiscretion of Mr. Patrick Cawdron, a linen-draper in Cheapside, who showed it to his partner on the Saturday. The partner copied it on the Sunday, and the Monday following it appeared in the *Morning Chronicle*. The *Gazetteer* only copied it from thence. The Society directed a disavowal of their publication of it to be sent to you, and are to take the letter into consideration at the next meeting. I forgot to mention that Mr. Cawdron keeps the papers of the Society.

The winter campaign will begin with the next week. I believe that the sheriffs will have the old battle renewed with the Commons, and I suppose the Lord Mayor and the courtly aldermen will commit the printer for us to release. Another scene will probably open with the Lords. Junius has observed, 'the arbitrary power they have assumed of imposing fines, and committing during pleasure, will now be exercised in its fullest extent.' The progress of the business I suspect will be this—a bitter libel against Pomfret, Denbigh, or Talbot, attacking the peer personally, not in his legislative or judicial capacity, will appear. His Lordship, passion's slave, will complain to the House. They will order the printer into custody, and set a heavy fine. The sheriffs the next morning will go to Newgate, examine the warrant of commitment, and, like the angel of Peter, take the prisoner by the hand, and conduct him out of prison; afterwards they will probably make their appeal to the public against the usurpation of their Lordships, and their entirely setting aside the power of juries in their proceedings.

Are there more furious wild beasts to be found in the upper den than the three I have named? Miller, the printer of the *London Evening Post*, at No. 2, Queen's Head Passage, Paternoster Row, is the best man I know for this business. He will print whatever is sent him. He is a fine Oliverian soldier. I intend a manifesto with my name on Monday to give spirit to the printers, and to show them who will be their protector. I foresee it will make the two Houses more cautious, but it is necessary for our friends, and the others shall be baited till they are driven into the snare. Adieu.

JOHN WILKES

APPENDIX III

PRIVATE LETTERS OF JUNIUS TO LORD CHATHAM

From the Chatham Correspondence. Edited by the Grandsons of the Earl of Chatham.]

NO. I

AN ANONYMOUS LETTER IN THE HANDWRITING OF JUNIUS

Private and secret: to be opened by Lord Chatham only)

London, 2 January 1768

My Lord,

If I were to give way to the sentiments of respect and veneration which I have always entertained for your character, or to the warmth of my attachment to your person, I should write a longer letter than your Lordship would have time or inclination to read. But the information which I am going to lay before you will, I hope, make a short one not unworthy your attention. I have an opportunity of knowing something, and you may depend on my veracity.

During your absence from administration, it is well known that not one of the ministers has either adhered to you with firmness, or supported, with any degree of steadiness, those principles on which you engaged in the King's service. From being their idol at first, their veneration for you has gradually diminished, until at last they have absolutely set you at defiance.

The Chancellor, on whom you had particular reasons to rely, has played a sort of fast and loose game, and spoken of your Lordship with submission or indifference, according to the reports he heard of your health; nor has he altered his language until he found you were really returning to town.

Many circumstances must have made it impossible for you to depend much upon Lord Shelburne or his friends; besides that, from his youth and want of knowledge, he was hardly of weight, by himself, to maintain any character in the cabinet. The best of him is, perhaps, that he has not acted with greater insincerity to your Lordship than to former connections.

Lord Northington's conduct and character need no observation. A singularity of manners, added to a perpetual affectation of discontent, has given him an excuse for declining all share in the support of government, and at last conducted him to his great object—a very high title, considering the species of his merit, and an opulent retreat. Your Lordship is best able to judge of what may be expected from this nobleman's gratitude.

Mr. Conway, as your Lordship knows by experience, is everything to everybody, as long as by such conduct he can maintain his ground. We have seen him in one day the humble, prostrate admirer of Lord Chatham; the dearest friend of Rockingham and Richmond; fully sensible of the weight of the Duke of Bedford's party; no irreconcileable enemy to Lord Bute; and, at the same time, very ready to acknowledge Mr. Grenville's merit as a financier. Lord Hertford is a little more explicit than his brother, and has taken every opportunity of treating your Lordship's name with indignity.

But these are facts of little moment. The most considerable remains. It is understood by the public, that the plan of introducing the Duke of Bedford's friends entirely belongs to the Duke of Grafton, with the secret concurrence, perhaps, of Lord Bute, but certainly without your Lordship's consent, if not absolutely against your advice. It is also understood, that if you should exert your influence with the King to overturn this plan, the Duke of Grafton will be strong enough, with his new friends, to defeat any attempt of that kind; or if he should not, your Lordship will easily judge to what quarter his Grace will apply for assistance.

My Lord, the man who presumes to give your Lordship these hints, admires your character without servility, and is convinced that, if this country can be saved, it must be saved by Lord Chatham's spirit—by Lord Chatham's abilities.

To the Earl of Chatham, &c. &c.
At Hayes, near Bromley, Kent.

NO. II

JUNIUS TO THE EARL OF CHATHAM

[From the original in his handwriting.]

(*Most secret*)

London, 14 January 1772

My Lord,

Confiding implicitly in your Lordship's honour, I take the liberty of submitting to you the inclosed paper, before it be given to the public. It is to appear on the morning of the meeting of parliament. Lord Mansfield flatters himself that I have dropped all thoughts of attacking him, and I would give him as little time as possible to concert his measures with the ministry. The address to Lord Camden will be accounted for, when I say, that the nation in general are not quite so secure of *his* firmness as they are of Lord Chatham.

I am so clearly satisfied that Lord Mansfield has done an act not warranted by law, and that the inclosed argument is not to be answered (besides that I find the lawyers concur with me), that I am inclined to expect he may himself acknowledge it as an oversight, and endeavour to whittle it away to nothing. For this possible event I would wish your Lordship and the Duke of Richmond to be prepared to take down his words, and thereupon to move for committing him to the Tower. I hope that proper steps will also be taken in the House of Commons. If he makes no confession of his guilt, but attempts to defend himself by any legal argument, I then submit it to your Lordship whether it might not be proper to put the following questions to the judges. In fact, they answer themselves; but it will embarrass the ministry, and ruin the character which Mansfield pretends to, if the House should put a direct negative upon the motion :—

1. 'Whether, according to the true meaning and intendment of the laws of England, relative to bail for criminal offences, a person positively charged with felony, taken *in flagrante delicto*, with the *mainœuvre*, and not making any defence, nor offering any evidence to induce a doubt whether he be guilty or innocent, is *bailable* or *not bailable*?

2. 'Whether the power exercised by the Judges of the Court of King's Bench, of bailing for offences not bailable by a justice of peace, be an absolute power, of mere will and pleasure in

the judge, or a discretionary power, regulated and governed in the application of it by the true meaning and intendment of the law relative to bail?'

Lord Mansfield's constant endeavour to misinterpret the laws of England is a sufficient general ground of impeachment. The specific instances may be taken from his doctrine concerning libels, the Grosvenor cause; his pleading Mr. De Grey's defence upon the bench, when he said, *idem fecerunt alii, et multi et boni*; his suffering an affidavit to be read, in *the King against Blair*, tending to inflame the court against the defendant when he was brought up to receive sentence; his direction to the jury, in the cause of Ansell, by which he admitted parol evidence against a written agreement, and in consequence of which the Court of Common Pleas granted a new trial; and lastly, his partial and wicked motives for bailing Eyre. There are some material circumstances relative to this last, which I thought it right to reserve for your Lordship alone.

It will appear by the evidence of the gaoler and the city solicitor's clerk, that Lord Mansfield refused to hear the return read, and at first ordered Eyre to be bound only in 200*l.* with two sureties, until his clerk, Mr. Platt, proposed 300*l.* with three sureties. Mr. King, clerk to the city solicitor, was never asked for his consent, nor did he ever give any. From these facts I conclude, either that he bailed without knowing the cause of commitment, or, which is highly probable, that he knew it extra-judicially from the Scotchmen and was ashamed to have the return read.

I will not presume to trouble your Lordship with any assurances, however sincere, of my respect and esteem for your character, and admiration of your abilities. Retired and unknown, I live in the shade, and have only a speculative ambition. In the warmth of my imagination, I sometimes conceive that, when Junius exerts his utmost faculties in the service of his country, he approaches in theory to that exalted character which Lord Chatham alone fills up and uniformly supports in action.

JUNIUS

APPENDIX IV

LETTERS ANSWERED BY JUNIUS

NO I

SCÆVOLA. PUBLIC ADVERTISER, 12 OCTOBER 1771, ANSWERED BY JUNIUS. LETTER LX.

TO JUNIUS

Sir,

You have mistaken Lord Camden's opinion, and changed it into as weak and mischievous a tenet as could have proceeded from Scroggs or Jefferies. You have made it the counterpart of the ship-money doctrine. In this representation you follow Lord Mansfield, who gave that colour to the argument in the House of Lords. The great point of difference between the *representation* and the *truth* is, that the former makes Lord Camden pronounce the king judge of the necessity, and the latter, namely, my Lord Camden's real speech, makes parliament the judge of it, and exposes the head of the minister who advised the illegal act upon the plea of its necessity, to the mercy of parliament. Lord Camden's opinion, which I heard him twice deliver in the House of Lords, was this :— That ' if the king should, in the recess of parliament, issue a proclamation, directing a step to be taken flat against a subsisting law, and at the next meeting of parliament, the step should appear to *them* to have been necessary for the good of the state, *their* declaration of that necessity would operate as a retrospect, so as to make the act legal *ab initio* '—(which is an idea countenanced by Mr. Locke).

That this was the scope and tenor of the noble Lord's argument, I appeal to himself and all that heard him. Whether the opinion so restored be or be not erroneous in point of law is a question foreign to this letter, which has no other view but

to convince the public that his Lordship never delivered that pernicious and foolish opinion which Junius, by mistake, and Lord Mansfield, by the basest misrepresentation, has imputed to him.

SCÆVOLA

NO. II

ZENO. PUBLIC ADVERTISER, 15 OCTOBER 1771, ANSWERED BY JUNIUS. LETTER LXI

Sir,

Your letter of the 8th is a greater miracle than any you have hitherto produced. I do not mean in its argument, language, and arrangement. In these particulars you have been invested with a creative power, and whatever you are pleased to bring forth is not for us to approve, but to admire; but, Sir, your letter of the 8th is not written in the single spirit of calumny; you have now turned the efforts which formerly were exerted in creating divisions amongst the good, to cement those which never fail to arise amongst the bad. I have no objection to your success in this undertaking. Let the fathers of your church and the sons of the city unite. Let them club their arts and their powers. Let Wilkes enjoy his fertility in expedients, he will have need for it all. But neither that fertility, the republican firmness of Sawbridge, no, nor the youth, spirit, and graces of Townshend will avail to overturn the constitution, or even procure to them or to you the ultimate object of your desires—a little money.

Yet, Sir, why, in a letter professedly written to reconcile the patriots of the city, do you make a digression to abuse Lord Mansfield! Is it because of the diametrical opposition of his character to theirs? Certainly it must be so; and Junius is less a fool than I believed him. Nothing more likely to reconcile rogues who rail at each other than railing at honest men. If your dogs are of the true breed they will leave off worrying one another, and join in the cry against the common enemy.

It is on the subject of this abuse that I take the liberty to address the mighty Junius.

This phœnix of politicians and of reasoners tells the public that 'he never had a doubt about the strict right of pressing, till he knew Lord Mansfield was of the same opinion. That indeed staggered him not a little'; and to be sure it was a

staggering consideration: for who is to learn that Lord Mansfield is utterly ignorant of the law? and that his judgment is avowedly so weak and perverse, that a wise politician (I mean so very wise a politician as Junius) will examine no further, but at once conclude that proposition in law to be false, which Lord Mansfield holds to be true.

Sir, when you are only puerile, blundering, inconsistent, and absurd, I treat you as you deserve, with ridicule and contempt. But when you assert positive falsehoods, the mildest usage you can expect is to have them crammed down the foul throat from which they issued. Of this nature are the questions you make, and the answers you are pleased to give to yourself, in relation to Lord Mansfield. So many infamous lies as these answers contain were never crowded together before—not even by Junius. You insinuate (and you dare but insinuate) that Lord Mansfield was the secret adviser of sending out the guards when the affair of St. George's Fields happened. That his Lordship was in any shape ostensibly or otherwise concerned in that matter, that he knew of it till days after it happened, is a lie of the first magnitude; and I dare you to bring even the shadow of proof of your infamous assertion.

It is also a lie that Lord Mansfield attacks the liberty of the press. He has endeavoured, indeed, by legal and constitutional methods, to restrain the abuse of that liberty, and in doing so he has shown himself a good citizen. Are you a politician, and ignorant that the abuse of the best things makes them degenerate into the worst? Are you a pretender to reason, and ignorant that the abuse of a valuable privilege is the certain means to lose it? Are not you a public defamer of every respectable character in the nation? Have not you carried the licence of the press beyond the bounds not only of decency and humanity, but even of human conception? And are you complain that its liberty is attacked? Your reliance on the ignorance of those to whom you write must be great indeed, when you dare affirm a fact which is contradicted and proved a lie by the very affirmation of its truth.

Nor is it less false that Lord Mansfield invades the constitutional power of juries. I refer all who are not willing to believe the lie upon the credit of a common liar, to the letters of Philoutherus Anglicanus, and those under the signature of A candid Enquirer, for information on this subject. The letters were in the *Public Advertisers* of November and December last:

and from them, all who are able to form a judgment on a question of law, will see it clearly demonstrated that Lord Mansfield's opinion with respect to the power of juries is no less the law of the land than the advantage of the subject.

Your question relating to Lord Mansfield's challenging a juryman, I confess I do not understand, neither do I know to what it alludes; a charge of that nature ought to have been accompanied with circumstances of time, place, and occasion. When, where, and on what account was this done? Answer me these questions, and I pledge myself to the public that I shall prove, to the conviction of every reasonable man, that if it was so done it was legally done.

Your next accusation shows you no less void of judgment and consistency than of justice and truth. You accuse Lord Mansfield to the public, for saying a lord is entitled to no greater damages in a suit for the debauching of his wife than a mechanic. Lord Mansfield did say that, in an action of damages for criminal conversation, the law did not consider the rank of the person injured; and in this he uttered not only the dictates of law, but the dictates of common sense and humanity, neither of which you seem to understand. Had Lord Mansfield said that the law did not consider the rank of the injuring person, it might have been argued that he meant to screen the king's brother; but the difference between light and darkness is not greater than between this proposition and the proposition he maintained. None but an Irish understanding could possibly take the change, or suppose them convertible propositions. But can you, Junius, seriously make your court to the people by telling them there is a wide difference between the crime of debauching the wife of a lord and one of their own? You were bred at St. Omer's. You were destined for a church, not that indeed of which Savile, &c., are the fathers; but, however, a church which requires some reading. Reading the Scriptures, it is true, is forbid by your canons; but surely you have heard of the prophet Nathan's address to David on a subject of this nature? The prophet, worse than Lord Mansfield, thought that debauching the wife of a poor man was a greater crime than debauching the wife of a lord; for this plain and humane reason, that a poor man's wife was his all, his only comfort and consolation, whereas a rich man had many others; yet Junius, the popular Junius, tells the people plainly that debauching one of their wives is nothing in comparison

of lying with a lord's, and arraigns the upright and discerning judge who says that the injury to the husband is in both cases equal.

Who makes commissioners of the great seal? Lord Mansfield. Indeed, I thought that power had only resided in the king. To see how plain men may mistake! If you, Junius, by making commissioners mean advising the king to make commissioners I understand you. The expression is rather inaccurate, but that one is often obliged to pass over in Junius. In my turn give me leave to ask you a question. Who so proper to advise his Majesty in the choice of a law officer as Lord Mansfield?

But Lord Mansfield not only made the commissioners of the great seal, he also framed their decree, and then disavowed the decree of his own framing in the House of Peers. This is an absurd and an improbable lie. It is absurd and improbable to suppose Lord Mansfield framed a decree for three judges very capable to frame one themselves. It is more absurd to suppose Lord Mansfield would disavow the decree which he himself had made, in the presence of the three commissioners for whom he had made it, and who could so easily have detected his duplicity. And it is a direct and public lie that Lord Mansfield said he never had a doubt that the law was in direct opposition to that decree. He did not give an opinion in the House of Peers. He only stated the question; and the decree was reversed on the unanimous opinion of the eight judges who attended. For the truth of this I appeal to all who were present.

The last charge of Junius represents Lord Mansfield making it his study to undermine and alter the whole system of jurisprudence in the King's Bench. One would scarcely believe that there could be an understanding so twisted, or a heart so corruptly malignant as to make that an article of accusation, which, fairly taken, includes in it the most exalted merit and virtue. If there be a superlatively eminent quality in Lord Mansfield's great and deserved character, it is the unremitting and unwearied efforts he constantly has made to rescue injured and oppressed innocence from the harpy fangs of chicane and quibble. The nation does him justice in this particular; and all the arts and lies that have been employed to defame him have never been able to stagger the public confidence in his judgment and integrity. The proof of this is in the breast

of every man to whom I write; and the crowd of suitors in the court where he presides gives the most honourable testimony to the truth which I affirm, and the most palpable lie to the assertion of the abandoned Junius.

And now, Sir, having answered all your questions, you are worth no further notice. I shall, in my turn, address a few queries to the public; and I am sorry that the temper of the times should oblige me to recall to their memory things which ought to be indelibly engraven on the heart of every Englishman.

By whose advice was it that his Majesty, immediately on his accession to the throne, made the judges places for life, thereby rendering them independent on king or minister? Lord Mansfield. When Lord Chatham and Lord Camden attempted to revive the impious and unconstitutional doctrine of a power in the crown to dispense with the laws of the land (which was precisely the point on which the glorious revolution hinged, and the doctrine for maintaining of which James II. lost his crown), who stood in the breach, and with eloquence and argument, more than human, defeated the pernicious attempt? Lord Mansfield. Who supported and carried through the House of Peers the bill called the *Nullum Tempus* bill; that law by which the minds of the people were quieted against apprehension of claims on the part of the crown? Lord Mansfield. To whom do we owe the success of the bill for restraining the privilege of parliament, of such essential service to the internal commerce of the nation, and especially to that part of it which could least afford to lie under any disadvantage, the industrious shopkeeper and tradesman? Lord Mansfield. Who carried Mr. Grenville's last legacy to the nation through the House of Peers, that bill by which questions of elections in the House of Commons are henceforth to be tried in a manner which will prevent the injustice supposed to have been done in the Middlesex election, and guard against the bad consequences which it was feared might follow from that determination? Lord Mansfield.

I might add many other constitutional questions in which Lord Mansfield has ever been on the side of public liberty. But if what I have already said be not sufficient to vindicate the first character in the nation from the false aspersions of an unprincipled scribbler, I am bold to say that the time is now arrived when it is unworthy of an honest man to labour for the

public ; and the character of an Englishman, once so respectable, will no longer be known but by its folly and ingratitude.—

ZENO

NO. III

AN ADVOCATE IN THE CAUSE OF THE PEOPLE. PUBLIC ADVERTISER, 8 OCTOBER, 1771. ANSWERED BY JUNIUS LETTER LXII.

TO JUNIUS

Sir,

There is a bigotry in politics as well as in religion. Precepts which, on examination, we should have found to be erroneous, are often implicitly received by us, because we have formed an opinion of the integrity and sound judgment of those by whom they were penned ; but the majority of the people are biassed by those principles entirely which they have imbibed in their youth, and pay deference to those persons and things which their parents instructed them to revere. The greater, therefore, the reputation of a writer, the stricter guard I must keep over my belief, for the easier he might lead my judgment astray. I even think it my duty, when such a writer errs, to sound the alarm, lest my fellow-citizens be unwarily misled. Junius is their favourite guide ; but shall they follow him blindfold because he affirms it to be dark ? No, let them walk with their eyes open, and see if there be not a ray of light. Credulity and superstitious veneration have ever held in darkness the human mind. It was not till the Pope and his priests had forfeited their character of holiness and infallibility that the Reformation took place, and mankind began to think for themselves ; the Scriptures began to be understood in their original meaning, though many to this day interpret them, not as they have considered them in their own minds, but as, by their priests or their parents, they are taught to believe. It was not till the prerogative of the crown was abused by the House of Stuart, that the revolution succeeded in the government of Britain. Men then lost that fear and reverence with which they used to behold their king ; and they began to imagine it would be better for the common weal that his power and prerogative were curtailed. The authority of the monarchical law-writers became also disregarded ; and customs which, before that period, were

peaceably received as the laws of the land, were then found to be illegal and inconsistent with the rights of a free man. Our minds are becoming still daily more enlightened; general warrants have lately been abolished as illegal; and you, Junius, have publicly arraigned the conduct of our chief magistrate with a freedom hitherto unknown. A few years ago a jury of your own countrymen would have perused your sentiments of their king with almost the same horror and detestation as they would have read blasphemy against their God. You have indeed, Sir, been the greatest reformer of our political creed, and I revere you for your enlarged mind. But, though in general I assent to the articles of your faith, I cannot entirely agree with you in the opinions delivered to us in your letter of the 8th of this month. What you have there written on the subject of press warrants does not become your pen. I wish, Sir, for your own honour you would give that matter a second consideration. You say, 'I see the right (of pressing men into the sea service) founded originally upon necessity, which supersedes all argument. I see it established by usage immemorial, and admitted by more than a tacit assent of the legislature. I conclude there is no remedy in the nature of things for the grievance complained of; for, if there were, it must long since have been redressed.'—Now really, Sir, this conclusion is more like the argument of a bigoted priest of the church of Rome than the sound reasoning of a Protestant divine. You might as well have told us to reverence the Pope, to believe in transubstantiation, and to kneel to all the images of the popish saints, because, if it were not proper to do, our ancestors would not have done so before us. Would you not have been laughed at if, in the debate on the legality of general warrants, you had declared there was no remedy against them, because, if there were, they must long since have been declared illegal? Were not general warrants as much established, by usage immemorial, as is the arbitrary custom of pressing men? and were they not as anciently admitted by the tacit assent of the legislature? Surely, Sir, if you had been seriously inclined to investigate the truth, you would have delivered yourself in a more rational style.

A man of your fertile imagination could easily have thought of a remedy against the grievance complained of in the custom of pressing men. You could have shown us that a body of seamen kept in constant pay was much more necessary for

the defence of this country than a standing army. You could, during the peace, have found employment for those seamen in the dock-yards, in the herring fishery, in the custom-house cutters, and in fully manning those inactive men-of-war now most improperly called guard-ships, though originally intended to guard our isle. In short, Sir, if those seamen were to do nothing during the peace, they would still be more requisite than an army in peace, only employed to add force to the prerogative of the crown. But Junius was not in earnest. He is, perhaps, one of our discarded ministers (or rather one of their secretaries, for ministers rarely write so well). He expects to be employed again ; and as he may then have occasion for men, suddenly to put a fleet to sea, he must not deliver his opinion against press warrants ; if it were received, he might hereafter find a difficulty to equip his fleet ; the remedy, though found by him, being not yet applied to the grievance of which the nation would complain.

AN ADVOCATE IN THE CAUSE OF THE PEOPLE

NO. IV

A BARRISTER-AT-LAW. PUBLIC ADVERTISER, 19 OCTOBER, 1771. ANSWERED BY JUNIUS. LETTER LXIII

LORD MANSFIELD DEFENDED AGAINST JUNIUS AND HIS PARTY

Junius derives importance from every reply. His pride is flattered by the number of his opponents ; and even detection itself is a triumph to a man who has no honour, no fame to lose. In the absence of all character he enjoys the security which others owe to a reputation invulnerable on every side ; and he is singularly independent of rebuke, under the unparalleled depravity of his mind. But there are charges which require an answer, notwithstanding the discredit which is annexed to them on account of the quarter from which they come. Junius is not more wicked than some of his readers are credulous ; and this consideration was the sole inducement to the following dispassionate answer to his late attack upon a great law Lord who is an ornament to the present age.

The charge *that his Lordship challenged a juror* is at once impossible and absurd. It answers itself, and bears the lie on its face. But Junius may found his accusation upon a misrepresented fact. A juryman, about fifteen years ago, for a

suspicion conceived upon something which happened in court, was passed by with the acquiescence and consent of the counsel on both sides. Neither of the parties complained. A factious attorney, to gain consequence to himself, began to mutter. He met with no encouragement, and he dropped the affair. Junius ought to know that jurors are passed by with the acquiescence of both parties, without a *formal challenge*. Without the consent of *both*, it cannot be done. Such a measure would be a *mis-trial* ; and, upon motion, would be set aside of course by the court. But when the parties are satisfied, nobody else has any right to complain.

His Lordship has destroyed the liberty of the press. Junius, in this charge, gives himself the lie. No writer ever used the liberty of the press with such unrestrained freedom as himself ; no times were ever so much marked as the present with public scurrility and defamation. A reply to the charge is in *every* column of *every* paper. They are the most dangerous enemies who abuse the liberty of the press like Junius and his adherents.

His lordship, not content with destroying the liberty of the press, has, if we believe Junius, *restrained the power of juries.* Juries, it has never yet been doubted, have a power of doing either right or wrong, according to their will and pleasure. The only question is, by what rules should they govern themselves if they mean to do right. Till the year 1730, there was some doubt whether the construction of a libel was not a question of law ; but in Franklin's trial, the rule, which has been invariably ever since followed, was admitted by Lord Hardwicke, then attorney-general, agreed to by eminent counsel on the other side, and adopted by the court. Lord Mansfield made a late opinion of the court very public, undoubtedly with a view that it should be taken up constitutionally in parliament by those who pretended to differ from him in opinion, by a *bill*, in the progress of which the matter might be discussed, with the assistance of the judges. It was in this light understood ; and the most considerable part of those who differed from that opinion in the House of Commons, being clear that there was no colour for a declaratory law, moved for a bill to make a law for the future, which was rejected. The enormous crime trumped up by Junius and his party then is, that a judge tells the jury what, in his opinion, *the law is*, and leaves them afterwards to do as they please, without interposition. If he thinks his opinion right, as he

ost certainly does, it is not in his power to do otherwise; nd he *must* repeat the same conduct whenever a similar case omes before him.

Junius next affirms that 'to save the king's brother, Lord Mansfield declared that, in a verdict for criminal conversation, a man of the first quality is entitled to no greater damages than the meanest mechanic.' I have talked with some who attended the trial, I have read the spurious accounts of it in print. We know how falsely and ignorantly such notes are taken, even when the writers mean no harm. They are generally unintelligible till they are corrected by the persons concerned. But I suspect that malice joined issue with blunder in what is made Lord Mansfield's opinion. It is full of nonsense, contradictory, and manifestly imperfect. Much depends upon a word or two, a restriction or a qualification. The published opinion makes Lord Mansfield tell the jury that the measure of damages must be formed from all the circumstances of the case taken together. In another place, it makes him state many of the circumstances, and say they are not at all material, without any restriction or qualification. But the scope and occasion of the direction are very plain, in whatever words the direction itself was expressed.

A very eminent and able counsel had, with a torrent of eloquence, applied to the passions of the jury. He laboured with great art and address to carry them, it is impossible to say where, merely on account of the rank and situation of the parties. The Duke of York, he informed the jury, recovered one hundred thousand pounds against a man for calling him a papist, which was no additional damage to his character, for all England knew him to be actually a papist. If, therefore, continued the counsel, the king's brother recovered so much, the rule should be reciprocal, and the defendant ought to pay much more, as the injury was greater. The learned counsel judiciously passed over the many cases in England—of a Duke of Norfolk, a Duke of Beaufort, a Duke of Grafton, and many other peers who had recovered moderate damages from men of fortune. But he rested on an Irish case, of which he stated no circumstances, where the rule was to give such damages as should ruin the defendant. He, therefore, contended for an exorbitant verdict by way of punishment.

It was the indispensable duty of the judge to extricate the matter from the passions of the jury, worked up and biassed

by inflammatory eloquence, that powerful instrument of deceit, and to bring it back to their cool and sound judgments. They were, therefore, told that damages are by way of retribution or compensation to the plaintiff for the injury, and to be estimated from all the circumstances. The rank and situation of the parties were not of themselves decisive. A peer, under some circumstances, may be entitled to less damages for this injury than a tradesman under other circumstances. That it might be just, in certain situations, to give small damages for this injury against a defendant of great wealth, and in other situations to give ten thousand pounds against a person of low degree. Even from the spurious opinion published, the case appears to have been left to the jury, upon all the circumstances, without a single remark on any of them, without a word of alleviation. No cases were mentioned where moderate damages had been given to peers of the highest rank for this injury against persons of great fortune.

The next charge of Junius and his party against the noble Lord is, 'that he has changed the system of jurisprudence.' The uncandid party do not recollect that Lord Mansfield has had three assistants most eminent for knowledge and integrity. The only change we of Westminster Hall either know or have heard of is, that the decisions inform and satisfy the bar: that hitherto no one has been reversed, and, which is a main point to the suitor, and perhaps new, there is *no delay*. Since Lord Mansfield sat there, the business which flows into that channel, and leaves every other almost dry, is increased beyond belief. I have been assured that, besides all the other business, there are not fewer than *seven* or *eight hundred* causes entered every year at the sittings before his Lordship for London and Middlesex. It is at once unjust and uncandid to take from him all merit while he goes through the immense fatigue which arises from a high reputation.

As to Lord Chatham's cause, the malevolent writer has sat down to invent a lie, without giving himself the trouble to inquire into what passed in public upon that subject. I, as many more of the profession, attended that cause. Lord Mansfield moved the question, which was put to the judges, penned with a view to that point, upon which, it appeared afterwards, he thought the cause depended. Though it had been argued, both above and below, upon another point, the judges considered the point on which it had been argued. They were

ded and prepared to give different opinions. Lord Mans-
l, apprized of the disagreement among the judges, suggested
t point upon which he thought the cause turned, be the
er as it might. He proposed to the judges to consider it
that light. The House was adjourned expressly for this
pose ; and when the judges came to consider the cause on
point suggested by Lord Mansfield, they were unanimous,
ich terminated the cause, whatever the law might be upon
other point on which it was decided below. The allegation
t Lord Mansfield made the decree for the commissioners,
ırs on its face the marks of a palpable falsehood. It is a
re invention of Junius ; never mentioned, never suspected
any other writer. I am convinced, both from the delicacy
he commissioners and that of his Lordship, that not a single
rd ever passed between them on the subject.

A BARRISTER-AT-LAW

Temple, 16 Oct.

APPENDIX V

OTHER PERSONS TO WHOM THE *LETTERS* HAVE BEEN ATTRIBUTED

THE BEST articles written on the subject of the authorship of the *Letters* are :

1. The introduction to Robert Heron's edition of the *Letters*, 1801, in which Dunning is given as the probable author.

2. *Appendix to the Supplemental Apology*, 1800 ; and *The Author of Junius ascertained*, 1817, by George Chalmers, written in support of Hugh Boyd.

3. *Reasons for rejecting the presumptive evidence of Mr. Almon, that Mr. Hugh Boyd was the writer of Junius, with passages selected to prove the real author of the Letters of Junius*, 1807, by Thomas Girdlestone, M.D. In favour of the authorship of Major-General Charles Lee. (Not to be confused with Arthur Lee, the author of *Junius Americanus*.)

4. *Preliminary Essay* to the George Woodfall edition of the *Letters*, 1812. By Dr. Mason Good. Good lists a number of persons mentioned as possible authors of the *Letters*, and is inclined to favour Lord George Sackville.

5. *A Critical Enquiry into the Authorship of the Letters of Junius*, 1825. By George Coventry, who considers and discards a number of possibilities, and makes out a plausible case for Lord George Sackville.

6. *Junius elucidated*, 1848. By John Britton. Britton selects Barré as the author, and says that he was furnished with materials by Shelburne and Dunning, and that Greatrakes, Shelburne's secretary, was the amanuensis.

7. *Junius, A new essay on the authorship.* In vol. II of the Bohn edition of the *Letters*, 1850. By John Wade. Written in favour of the authorship of Sir Philip Francis.

8. *Grenville Correspondence*, vol. III. Article by the editor,

W. J. Smith, in favour of Earl Temple as author of the *Letters*. Lady Temple is said to have been the amanuensis.

9. *Papers of a Critic*, vol. II, 1875. A reprint from the *Athenæum* of articles and reviews on the subject of the authorship. By Sir Charles Dilke. This is easily the most scholarly and comprehensive treatment of the subject. Dilke contented himself with destroying the supposed evidence in favour of most of the individuals named up to his time. He never supported any particular claimant seriously, but believed the author to be a middle class journalist.

The two men who seem to hold the field at the present time, as far as one may judge from general historical works, are Sir Philip Francis and Earl Temple. Of these two it may then be proper to go into considerable detail. The rest of the candidates for the authorship will be considered more briefly afterwards.

SIR PHILIP FRANCIS

Sir Philip Francis was not suspected as the author of Junius until after the appearance of the Mason Good–George Woodfall edition of 1812. In this edition were first printed the private letters of Junius to Mr. H. S. Woodfall, and among the hundred or so miscellaneous letters collected from the files of the *Public Advertiser* were reprinted several letters signed Veteran and Nemesis, signatures recognized by Junius in the Private Letters. These letters were written in pursuance of Junius's remark in Private Letter No. 52 : 'Having nothing better to do, I propose to entertain myself and the public with torturing that bloody wretch Barrington. He has just appointed a french broker his deputy, for no reason but his relation to Bradshaw. I hear from all quarters, that it is looked upon as a most impudent insult to the army. Be careful not to have it known to come from me. Such an insignificant creature is not worth the generous rage of Junius.'

In the letter of Veteran to the *Public Advertiser*, March 23, 1772, occurs the passage : 'I desire you will inform the public that the worthy Lord Barrington, not contented with having driven Mr. D'Oyly out of the War Office, has at last contrived to expel Mr. Francis. His Lordship will never rest till he has cleared his office of every gentleman who can either be serviceable to the public or whose honour and integrity are a check upon his own dark proceedings. Men who do their duty

with credit and ability are not proper instruments for Lord Barrington to work with. He must have a broker from 'Change Alley for his deputy, and some raw, ignorant boy for his first clerk.'

These two passages were seized upon as betraying the authorship of Veteran's letter, and consequently revealing the identity of Junius. John Taylor, in *Junius identified*, 1816, asserted that this paragraph of Veteran's exposed its author on account of the anger there expressed over Francis's 'expulsion', and he proceeded to identify Junius with Sir Philip Francis. Francis was still living in 1816, and when questioned by the editor of the *Monthly Magazine*, replied: 'Sir,—The great civility of your letter induces me to answer it, which, with reference merely to its subject matter, I should have declined. Whether you will assist in giving currency to a silly, malignant falsehood is a question for your own discretion. To me it is a matter of perfect indifference. I am, &c.' Francis characterized the idea of his having attacked Barrington as a silly malignant falsehood because he had never been expelled by Barrington, who on the contrary had been a most kindly and helpful patron to him, as will be shown later. Veteran was simply mistaken in his facts.

Further evidence was alleged to be found in similarities of phrase between a report of Chatham's speech in January 1770 given in Junius, and one used in 1791 by Almon, in his *Life of Lord Chatham*, known to have been reported by Francis. Other coincidences were said to exist between Francis's movements and the Private Letters to Woodfall. These evidences were completely destroyed by Sir Charles Dilke in an acute and scholarly series of articles in the *Athenæum*, later reprinted in *Papers of a Critic*, vol. II. Dilke showed that both speeches of Chatham's referred to might have been taken from London newspapers of 1770, and that any reasoning based on the dates given for the Private Letters in the Mason Good–George Woodfall edition of 1812 must be of little value, because the dates on the letters were affixed by Mason Good forty years after they were written, and that Mason Good had no more evidence for the dates than anyone else had or has, at present, i.e. the internal evidence of the letters themselves.

Furthermore, we now know, from the Francis Letters, published in 1901, that Veteran was not only not Francis, but was completely misinformed as to what had taken place between

Barrington and Francis. A letter from Philip Francis, January, 1772, to his friend, Major Philip Baggs says : ' You will have heard that Mr. D'Oyly has resigned his employment. He did it while I was at Bath. Immediately on my return my Lord Barrington was so good as to make me the Offer with many obliging and friendly Expressions. I had, however, solid Reasons for declining the Offer.' Three months later he wrote : ' Dear Phil, The formal letter you have just read [an official letter] is, I hope, the last you will receive from me in that Stile. At the end of the Quarter I leave the War Office. It is my own Act. Be not alarmed for me. Everything is secure and as it should be.' It seems that he had certain ' schemes ' in mind ' about a certain six months' voyage '. After this voyage, which took him over the continent, he came back to England with the idea of emigrating to Pennsylvania, where his friend Mackrabie had bought a tract of 1,000 acres for him. While he was actually talking over the plans for this emigration with Mackrabie on the fourth of June, 1773, ' we accidentally met a Gentleman in the Park, who informed me that John Cholwell, one of the intended Commissioners for India had declined the nomination. I immediately went to D'Oyly, who wrote to Grey Cooper. It was the King's birthday, and Barrington was gone to Court. I saw him the next morning ; as soon as I had explained my views to him, he wrote the handsomest and strongest letter imaginable in my favour to Lord North ; other interests contributed but I owe my success to Barrington.' He was accordingly appointed in June, 1773, as one of the Commissioners for India at a salary of £10,000 a year. He borrowed £2,500 from the Directors of the East India Company and prepared to depart. One of his last acts before leaving was to write to Lord Barrington, who had asked for positions for two of his dependants. ' The gentlemen you mention ' said Francis ' shall take place of every other Recommendation, and I beg of you not to limit yourself to two Names only. I shall think it an honour and happiness to be permitted to consider your Lordship's Friends as mine.'

His career in India brought him in conflict with Warren Hastings, and on his return six years later he considered himself deeply injured by Hastings, though he had brought back a fortune of £60,000, after having lived in the finest house in Calcutta, with a country place and over a hundred servants,

at the same time supporting a large family in England. On his return he proceeded to attack Hastings in a series of pamphlets and speeches. The subject would have been an excellent one for a Junius ; Francis made it the subject of some of the dreariest and dullest pamphlets in the English language.

Sir Charles Dilke concluded his attack on the Franciscan theory by saying that he hoped he would never hear Francis mentioned again until some *one* fact had been brought forward to show that there was a connection between him and Junius. Leslie Stephen, writing in the Dictionary of National Biography, (article *Sir Philip Francis*) ignored Dilke's request for facts, but avowed his belief in Francis's authorship of the *Letters*.

The fundamental basis of the Franciscan hypothesis is Veteran's attack on Lord Barrington for his supposed expulsion of Francis. It has been shown that Veteran was completely misinformed about what had happened to Francis, that Francis was generously befriended by Lord Barrington, and never expelled at all. In face of so notable a contradiction of the supposed facts, the Franciscan hypothesis must either give way or bring forward its 'one fact'.

EARL TEMPLE

Earl Temple was first mentioned as the author of the *Letters* in 1831, in a rather feeble book by Isaac Newhall. Newhall, who was an American, first suspected Temple because a portrait of Temple had accidentally been bound in his copy of Junius, as a frontispiece. In 1852, W. J. Smith, the editor of the *Grenville Correspondence*, again advanced the idea of Temple as the author, showing that Temple was a person of strong dislikes, and, in particular, that he hated George III. Much was made of Junius's praise of George Grenville, Temple's brother, and of Junius's support of Wilkes, with whom Temple had been associated at the time of the production of the *North Briton*. Undoubtedly Temple was of an irascible temper, but it is doubtful if he possessed the ability to write the *Letters*, and if he had, his connections at the time they appeared argue strongly against his wish to do so. In the reign of George II, Walpole said of him that he was 'vehement in whatever faction he was engaged, and as mischievous as his understand-

g would let him be, which is not saying he was very bad.' [1] hen he was a member of the cabinet, George II complained hat in the business of his office he was totally ignorant'. e stood back of Wilkes in the production of the *North Briton*, ut the *North Briton* was written by Wilkes and Churchill, ot by Temple. Temple did write two or three pamphlets imself, but they are generally admitted to be much inferior o Junius. The chief objection to Temple, however, is that he attitude of Grenville toward the Stamp Act, approved of y Junius, was precisely the thing that caused a break between he two brothers, not healed until shortly before the appearance f the Letters of Junius. Furthermore, Temple, who had been a liberal and generous friend to Wilkes, broke off all communications with him early in 1769. Wilkes was angered by some passages in George Grenville's speech in regard to Wilkes's expulsion from parliament, February 3, 1769, and prepared to reply to it. Temple begged him not to do so, but Wilkes persisted, and wrote his *Letter to the Right Honourable George Grenville*. The consequence was, according to Almon, 'a total annihilation of the friendship which had subsisted between them above twenty years; they never spoke to each other afterwards'. Yet Junius for the next three years made the support of Wilkes one of the chief measures of the *Letters*.

The following list [2] contains most of the names of other persons who have been suggested as possible authors of the *Letters*. Nearly all of them can be shown to have had political or personal affiliations which would make their authorship unlikely. To make out even a passable case for an author it should be shown that he had some motive in writing the *Letters*. Since forty-eight men of the period have found advocates, largely on the ground of style, it would seem to follow either that Junius has no distinctive style, or that to some people all styles are alike. Nor can much credit attach to alleged similarities of handwriting, since the supporters of Boyd, Chesterfield, Francis, Barré, Lee, Sackville, Temple, Wedderburne, and Wilmot have brought forward expert evidence of different hands all identical with that of Junius.

[1] Walpole, *Memoirs of the Reign of George II*, pp. 135–6.

[2] Similar lists are to be found in Allibone's *Dictionary of English Literature*, in Lowndes's *Bibliographer's Manual*, and in Halkett and Laing's *Dictionary of Anonymous and Pseudonymous Literature*.

1. Adair, James, M.P. Serjeant-at-law. Recorder of London. Mentioned in Allibone's *Dictionary of English Literature.*

2. Barré, Lt.-Col. Isaac, M.P. *Morning Herald,* 1813. John Britton, 1848. Barré sat for one of Shelburne's boroughs, and his attacks on the administration were so savage as to gain for him the nickname of 'Malagrida's bulldog'. Barré has been characterized as follows by Jeremy Bentham, who was intimate with Shelburne and knew Barré: 'Person and manner imposing; self-possession perfect. But, ignorance was extraordinary: extraordinary even in Honourable House; indolence, no less so. From Dunning, the patron used to extract his information; to Barré, he was forced to administer it. "The trouble I used to have in fighting him up" (that was Lord Shelburne's expression to me one day) "is altogether inconceivable."'[1]

3. Bentinck, Wm. Henry Cavendish. Mentioned in George Coventry's *Critical Enquiry,* 1825.

4. Boyd, Hugh Macaulay. Almon is said to have attributed the authorship to Boyd in 1769, and thereafter said that he believed Junius to be 'a broken gentleman, without a guinea in his pocket'. Also advocated by L. D. Campbell in an edition of Boyd's *Miscellaneous Works,* 1800; and by George Chalmers, 1800, and again in 1817, in *The Author of Junius Ascertained.* H. S. Woodfall declared that Boyd was not the author, though he could not say who was. See Mason Good's *Essay,* 1812, for the case against Boyd. The chief objection is that Boyd was actually avoiding arrest for debt at the very time that Junius was refusing Woodfall's offer of half the profits resulting from the sale of his own edition of the *Letters.* Private Letter, No. 59.

5. Burke, The Right Hon. Edmund. First suspected by Sir William Draper, to whom Burke denied the authorship. Advanced again in the 1772 Piccadilly edition, called the *Genuine Letters of Junius, with anecdotes of the author.* Again by John Roche, 1813, and in an anonymous pamphlet, entitled *Junius proved to have been Burke.* Burke voluntarily denied being the author to Dr. Johnson, saying 'I could not if I would, and I would not if I could'. Also, Burke differed with Junius in regard to the Declaratory Act, and opposed triennial parlia-

[1] Bentham, *Fragment on Government,* Preface to second edition, 1823, pp. xlvi, xlvii.

ments, which Junius advocated. See Mason Good's *Essay*, 1812.

6. Burke, Wm. J. C. Symons, 1859.

7. Butler, John, Bishop of Hereford, formerly secretary to the Right Hon. Bilson Legge, chancellor of the exchequer in 1760. Mentioned in Good's *Essay*, 1812.

8. Charles Pratt, Lord Camden. Mentioned by Allibone and by John Wade, 1850.

9. Chatham, Wm. Pitt, Earl of. 1809 Anon. *Another guess at Junius.* Benjamin Waterhouse, 1831. John Swinden, 1833. Anon. *Who was Junius?* 1837. Wm. Dowe, 1857. Disposed of by Junius's private letters to Chatham.

10. Chesterfield, Earl of. Wade, 1850. Wm. Cramp, 1851. Cramp published facsimiles of letters of Junius and of the writing of Mrs. C. Dayrolles, showing that she was the amanuensis employed. Chesterfield was very old and infirm at the time the *Letters* appeared, and died soon after. Also he lacked any reasonable motive.

11. De Lolme, John Louis. Thomas Busby, 1816. De Lolme first came to England in 1769.

12. Dunning, John, afterwards Lord Ashburton. Heron, 1801. *Morning Herald*, 1813. Britton, 1848. Britton supposes Dunning to have furnished Barré with materials. Dunning was a very able lawyer; Junius says that he was not a lawyer at all, and his mistakes in law have been held to bear him out.

13. Dyer, Samuel. Malone, the Shakespearean scholar, believed Dyer to have written the *Letters*, assisted by Burke. This suggestion of Dyer's authorship was dismissed by Mason Good, 1812, and by George Coventry, 1825.

14. Flood, Henry. Mentioned by Good, 1812.

15. Francis, Philip D.D., father of Sir Philip Francis. John Taylor, 1813, in *A Discovery of the Author of the Letters of Junius*, tried to fix the authorship on Dr. Francis, on the score of similarities between certain translations Francis had made, with the *Letters*. He afterwards changed his mind in favour of Sir Philip Francis.

16. Gibbon, Edward. Anon. *Junius unmasked*, 1819.

17. Glover, Richard. Richard Duppa, 1813.

18. Grattan, Henry. Almon, 1806, says Grattan and Macleane had been mentioned as joint authors. R. Perry, 1861. In answer to an inquiry by Almon, Grattan wrote:

'Sir, I can frankly assure you that I know nothing of Junius, except that I am *not* the author. When Junius began I was a boy, and knew nothing of politics or the persons concerned in them. I am, Sir, *not Junius*, but your very good wisher and obedient servant, H. Grattan.'

19. Greatrakes, Wm. Mentioned in Wraxall's *Memoirs of my own Times*, 1818, and in George Coventry's *Critical Enquiry*, 1825. Britton, 1848, says that Greatrakes was the amanuensis employed by Barré. Greatrakes was buried under a stone inscribed 'Stat nominis umbra', the motto of Junius. He was Shelburne's private secretary.

20. Grenville, The Right Hon. George. Mentioned by Wade and Allibone. He died before the Letters had ended.

21. Grenville, James. Mentioned by Wade and Allibone.

22. Hamilton, William Gerard (Single-speech Hamilton). A letter in the *Public Advertiser*, November 30, 1771, was addressed to William Junius Singlespeech, Esq. H. S. Woodfall said positively that Hamilton was not Junius. Mentioned by Mason Good, 1812, and Wade, 1850. Hamilton was chancellor of the exchequer in Ireland from 1769–1774.

23. Hollis, James. Mentioned by Wade and by Allibone.

24. Hollis, Thomas. Mentioned in George Coventry's *Critical Enquiry*, 1825.

25. Jones, Sir William. George Coventry, 1825. Wade, 1850.

26. Kent, John. Mentioned by Almon, 1806, and by Wade, 1850. A hack writer who wished to pass for Junius. Died early in 1773.

27. Lee, General Charles. *The Wilmington Mirror*, 1803. Said to have asserted in confidence to a Mr. Rodney that he was Junius. Thomas Girdlestone, M.D. 1807. Good analysed the case for Lee in 1812, and showed considerable differences in the politics of Lee and of Junius.

28. Lloyd, Charles, secretary to George Grenville. Mason Good, 1812. George Coventry, 1825. E. H. Barker, 1828. Lloyd died, after a lingering illness, January 22, 1773.

29. Lyttleton, Lord. Lyttleton's authorship was advocated in the *Quarterly Review*, vol. xc, by D. T. Coulton. Dilke showed, in his *Papers of a Critic*, that the personal and political connections of Lyttleton made his authorship extremely unlikely.

30. Macleane, Laughlin. Almon, 1806. Galt, *Life of West*, 1816. Impossible on account of political connections.

31. Paine, Thomas. Believed to have been the author by W. H. Burr, cited in Moncure's *Life of Paine*, 1892. Paine himself said that he never published a syllable in England in his life. He was an exciseman at Lewes at the time of the appearance of the *Letters*.

32. Portland, Duke of. Anon. *Letters to a Nobleman*, 1816. Based almost entirely on the ministerial grant of part of the Duke of Portland's estate to Sir James Lowther, a transfer which was strongly attacked by Junius. The Duke of Portland may have had the *motives* necessary for writing the *Letters*, but there is little evidence of his *ability* to write them.

33. Pownall, Governor Thomas. Frederick Griffin, 1854.

34. Rich, Sir Robert. Fr. Ayerst, *The Ghost of Junius*, 1853. The case for Rich was destroyed by Dilke, *Papers of a Critic*, 1875.

35. Roberts, John. Roberts had been a clerk in the Treasury, and a commissioner of the Board of Trade. He was accused of having written the *Letters* by an anonymous letter in the *Public Advertiser*, March 21, 1772. Good says that he died July 13, 1772.

36. Rosenhagen, The Rev. Philip. Said to have endeavoured to secure a pension from Lord North on the strength of his having written the *Letters*. H. S. Woodfall said positively that Rosenhagen was not the author.

37. Sackville, George Viscount. Good's *Preliminary Essay*, 1812–3 is inclined to favour Lord Sackville. Charles Butler, *Reminiscences*, 1822. George Coventry, *A Critical Enquiry*, &c., makes out a fair case for Sackville's motives. Anon. *Junius unmasked*, 1828. John Jaques, 1843. Sackville was a courtier, and afterwards became a favourite of George III, according to Wade.

38. Stuart, Dr. Gilbert. *Scots Magazine*, 1799. Mentioned by Coventry, 1825.

39. Tooke, John Horne. Mentioned in 1789 by Philip Thicknesse. J. B. Blakeway, 1813. *Memoirs of John Horne Tooke*, 1828, John Graham. *Posthumous Works of Junius*, 1829, John Fellows. Horne Tooke seems to have encouraged the belief that he was Junius, but the *Letters* hold him up to such ridicule that the idea seems absurd.

40. Walpole, Horatio, Earl of Orford. Sir Charles Gray, in a letter to the editor of Walpole's Letters, suggested that the Letters of Junius were written by Walpole in conjunction with his friend Mason. Coventry, 1825, rejected Walpole on

account of personal and political connections. Dilke, *Papers of a Critic*, vol. II, 158 ff., says that the Mason hypothesis was less absurd than most of the others, but does not treat it very seriously.

41. Wedderburne, Alexander, afterwards Lord Loughborough. *Memoirs of my own Times*, 1818, by Sir Nathaniel Wraxall. Wraxall says that he had always believed in Wedderburne's authorship in spite of the way in which he was attacked by the *Letters*. Wedderburne had been an adherent of George Grenville's, and had attacked the administration with great force and ability on the issue of the Middlesex election. When Grenville died, November 13, 1770, Wedderburne deserted the opposition and was heartily welcomed by the ministry. He was appointed cofferer to the queen, and, January 23, 1771, solicitor-general. Junius recognized this desertion as a symptom of the breaking up of the opposition, and consequently dealt rather severely with Wedderburne. 'The reputation of these papers is an honourable pledge for my attachment to the people,' he wrote. 'To sacrifice a respected character, and to renounce the esteem of society, requires more than Mr. Wedderburne's resolution: and though, in him, it was rather a profession than a desertion of his principles; (I speak tenderly of this gentleman; for when treachery is in question, I think we should make allowances for a Scotchman); yet we have seen him in the House of Commons overwhelmed with confusion, and almost bereft of his faculties. But, in truth, Sir, I have left no room for an accomodation with the piety of St. James's.' In another place, explaining how difficult the King found it to secure proper tools for his purposes, Junius says: 'Charles Fox is yet in blossom; and as for Mr. Wedderburne, there is something about him which even treachery cannot trust. For the present, therefore, the best of Princes must have contented himself with Lord Sandwich.' (Letter 48.)

42. Wilkes, John. *Address to Junius*, 1770. The private letters to Wilkes dispose of this hypothesis as to the authorship.

43. Wilmot, James, D.D. Olivia Wilmot Serres, 1813 and 1817. Mrs. Serres was an impostor, whose evidence was all invented.

44. Wray, Daniel. James Falconar, jun., 1830. Wray was a deputy teller of the exchequer. No evidence of importance is produced.

INDEX TO THE INTRODUCTION

AMERICAN colonies, resist Stamp Act, xxx

Amherst, Sir Jeffrey, dismissal of, xxxviii

Augusta, Princess, mother of George III, xxv-xxvii ; and the Regency Bill, xxxi

BARRÉ, Col., and Earl of Shelburne, xlvii

Barrington, Lord (Secretary for War), authorizes reading of Riot Act at Wilkes riots, xxxvii

Beckford (Lord Mayor of London), leader of Opposition group in City of London, lvii ; his death, *ib.*

Bedford, Duke of, appointed Lord Privy Seal (1762) xxvi ; negotiates bad peace with France at instance of King, xxvii ; insults the King, xxxi ; and dismissal of Earl of Shelburne, xlix

Bentham, Jeremy, Earl of Shelburne's correspondence with, lviii & *n.*

Bill of Rights Society (in support of Opposition) formation of, liv ; fatal divisions in, lvii

Blackstone, Sir William (Solicitor-to-the-Queen), xxxv *n.*, liv

Burgoyne, General, lv.

Bute, Earl of (First Lord to the Treasury (1762) and recognized head of Ministry), is tutor to Prince (afterwards George III) and becomes his Favourite, xxv ; his propaganda campaign, xxvii ; resigns (April, 1763) owing to his marked unpopularity, *ib.* ; and the Regency Bill, xxxi

CABINET, leaders of the, at accession of George III : Duke of Newcastle, William Pitt (afterwards Earl of Chatham) and Earl Temple, all to be dismissed by King as not properly subservient, and Henry Fox, xxvi

Camden, Earl (personal supporter of Pitt), appointed Lord Chancellor, xxxii ; refuses to move for Lord Mansfield's impeachment, lvii

Chatham, First Earl of (*see* Pitt)

Choiseuil, Duc de (head of French Ministry), and Corsica, xxxiv

Churchill (poet), writer for *North Briton*, xxvii

Cider Tax, xxvii, xxviii, xxx

Clarke, George, killed in Wilkes riot, liii

Clerk, Sir Thomas, on Lord Mansfield, lviii

Coleridge, Samuel Taylor, on Junius's letter to the King, lvi *n.*

Conway, Hon. H. S., appointed Secretary of State for Northern Department (1766), xxxii ; Junius on character of, xxxiv

Corsica, revolts against Genoese and asks England for help, xxxiv ; the Genoese sell their claim to France, *ib.* ; Shelburne urges Cabinet to intervene, but is overruled by Dukes of Grafton and Bedford, *ib.* ;

is invaded by French and surrenders, xxxv

DASHWOOD, Sir Francis (Chancellor of the Exchequer, 1762), notorious character of, xxvi; introduces Cider Tax, xxvii
Davenant, Charles, on the King's 'friends', xxlv
Declaratory Act (1766) arising out of American Stamp Act, xxxii, xxxiii
Draper, Sir William, first defends Lord Granby, and then himself, against attacks of Junius, liii, lv

EGREMONT, Earl of (Secretary of State), 'a nonentity', xxvi; joins Rockingham Ministry, 1765, xxxii

FOX, Henry (Paymaster-General 1762), his part in negotiating bad peace with France, xxvii
France: her advantageous peace with England in 1763, xxvii; annexes Corsica, the Duke of Grafton having secretly promised British neutrality, xxxv
Frederick the Great, King of Prussia: England's ally in Seven Years War concluded by Treaties of Paris and Hubertsberg (1763), xxviii

GANSEL, Maj.-Gen., resists arrest for debt by civil authorities, lv
General Warrants, Pitt's objection to, xxxi
George III, his accession (1760) under favourable auspices, xxv; his character and that of the Earl of Bute, his Favourite and early tutor, *ib.*; aiming at despotic power he gets rid of prominent members of Cabinet, xxvi; insists upon 'peace at any price' with France, *ib.*; agrees to a Regency Bill after fit of insanity (1765) xxvii; his speech on Treaty of Hubertsberg (1763) described by Wilkes in the *North Briton* as an odious measure, xxviii; offended by Grenville, who includes the Princess-dowager's name in Regency Bill, xxx, he begs Pitt to form a Ministry, but without immediate success, xxxi; is insulted by Duke of Bedford, xxx and hands over Administration to the Rockingham party, xxxi; instigates the dismissal of Earl of Shelburne by the Duke of Grafton, who thereby becomes head of Government and the King's instrument, xxxviii; Junius' Letter to, lvi; the King's 'stubbornness, ability and courage prevail', lvii
Grafton, Duke of, appointed First Lord of the Treasury by Earl of Chatham, xxxii; becomes virtual head of Government on latter's retirement through ill-health, *ib*; he abandons latter's policy and forms alliance with Bedford party; xxxiii; appoints Earl of Hillsborough Secretary of State for Colonies (a new office) thus displacing Earl of Shelburne, xxxiv; Junius on, *ib.*; he abandons Corsica to France, xxxiv, xxxv; dismisses Shelburne, xxxviii, xxxix; Junius on the resignation of, lvii
Granby, Lord (Commander-in-Chief) Junius' attack on, lii
Grenville, Rt. Hon. George (brother of Earl Temple and brother-in-law of Earl of Chatham), succeeds Earl of Bute as leader of the Government (1763), xxviii; short of revenue, he introduces the Stamp Act (1764), xxviii, li; at the instance of the King he with-

draws Wilkes' parliamentary privilege, xxix ; quarrels with King over Regency Bill but retains office, xxx, xxxi ; his Stamp Act is repealed (1766), xxxiv ; Junius a member of Grenville party (?), li ; death of, lvii

Griffiths, Mrs., vindicates Duke of Bedford against charge of Junius, lv

HALIFAX, Lord (First Lord of Admiralty, 1762), character of, xxvi, xxvii ; now Secretary of State (1763) he issues general warrant against the *North Briton*, and Wilkes is imprisoned, xxviii & *n.* ; and the Regency Bill, xxx

Hillsborough, Earl of, is appointed Secretary of State for the Colonies, xxxiv ; Junius' disapproval thereof, xliv ; America on verge of rebellion as result of attempted coercion of, li

Hine, sale of 'patent place' to, lv

Horne, Revd. John, one of the founders of the Bill of Rights Society and a supporter of Wilkes, he quarrels with the latter, lvii ; unsuccessful efforts of Junius to silence, *ib.*

Hubertsberg, Treaty of, between Prussia, Austria and Saxony (Feb., 1763) xxviii

JUNIUS (identified herein with Earl of Shelburne), resemblance of their views, xli *et seq.* ; on Corsica and Falkland Islands negotiations, xlii ; opposes taxation and military coercion of American Colonies and displacement of Shelburne by Earl of Hillsborough, xlv ; on Middlesex Election, triennial parliaments and 'rotten boroughs', xlvi ; his dislike of, and charges against, Lord Mansfield, xlvii, xlviii ; had probably served in army, xlix ; his diplomatic handling of Grenville over Stamp Act, li ; handwriting of, lii ; object of his Letters :—to discredit Ministry and unite Opposition, *ib.*, lvi ; his attacks on Lord Granby and Sir Wm. Draper, lii, liii ; opens attack on Duke of Grafton, liii *et seq.* ; on Middlesex Election and seating of Col. Luttrell, liv ; on public and private life of Duke of Bedford, *ib.*, lv ; successfully interferes in prosecution of S. Vaughan, lvi ; his climax, the Letter to the King, *ib.* ; on Lord North, resignation of Duke of Grafton, and surrender of Falkland Islands, lvii ; fails in efforts to secure impeachment of Lord Mansfield, lvii ; his final letters to Woodfall, recognizing the futility of his campaign, *ib.*, lviii

LANSDOWNE, Lord (title assumed by Earl of Shelburne shortly before his death in 1805),

Livery of London, petitions of, to the King, liv

London, strikes and bread riots in, taken advantage of by Wilkes in Middlesex Election (1766), xxxvi

Lowther, Sir James, defeats Duke of Portland, by aid of Sir William Blackstone, in struggle for supremacy in Cumberland, xxxv *n.*

Luttrell, Col., and 'Nullum Tempus Bill', xxxvi ; is elected as member for Middlesex, xxxvii, liii, liv, lvii

Lyttleton, Lord, refuses to enter ministry without Pitt, xxxi

MACKENZIE, Stuart (brother of Earl of Bute and Lord Privy Seal in Scotland), xxxi

MacQuirk, E., found guilty of murder at Wilkes riot but pardoned by the King, liii
'Malagrida', nickname of Earl of Shelburne, xxii, lii
Mansfield, Lord (Chief Justice), Junius (mistaken in his law) endeavours to obtain impeachment of, for bailing a thief, lvii
Martin, 'Target', duel of, with Wilkes, xxix
Middlesex Election (1768), xxxvi, liii (*see also* Wilkes)
'Modestus', defends Duke of Bedford against Junius, lv

NAVY, British, in command of seas at accession of George III, xxv; conquests of, relinquished by Treaty of Paris, xxvii
Newcastle, Duke of (First Lord to the Treasury, 1757–1762), is dismissed from office xxvi; accepts invitation to form Ministry with Marquis of Rockingham (1765), xxxi, liv
North, Lord (Chancellor of the Exchequer), is attacked by Junius, lvii
North Briton (edited by John Wilkes), xxvii, xxviii
Northington, Earl of, joins Rockingham ministry as Chancellor, xxxii; resigns, *ib.*
'Nullum Tempus Bill', xxxv *n.*

PAOLI, Corsican leader against Genoese, xxxiv
Paris, Treaty of (between France, England, Spain and Portugal) signed Feb., 1763, xxviii; is condemned by Wilkes, *ib.*, and by Junius, lv
Phillips, Sir Richard, Shelburne's enigmatic reply to, as to his authorship of Junius, l, li
Pitt, William, is dismissed by the King (1760), xxvi; asked to form a ministry five years later he refuses, xxi, but accepts in 1766, entering Upper House as Lord Privy Seal and assuming title of First Earl of Chatham, xxxii; Junius on his Ministers, *ib.*; his virtual retirement through ill health (Feb., 1767), xxxiii; on Shelburne's dismissal, xxxviii; favours short parliaments, xlvii; accuses Lord Mansfield of 'inventing' law, xlviii
Portland, Duke of, xxxv *n.* (*see* Lowther)
Pratt (Chief Justice of Common Pleas), xxviii

REGENCY Bill, xxx, xxxi
Rockingham, Marquis of, forms Ministry in 1765, xxxi; his party reconciled to supporters of Earl of Chatham and Grenville, liv

ST. GEORGE'S Fields, riot in, xxxvii
St. James's Chronicle, J. Wilkes and, xxxvii
Sandwich, Earl of (Secretary of State), institutes proceedings against Wilkes, xxix; and the Regency Bill, xxx
Saunders, First Lord of the Admiralty (1766), xxxii
Shelburne, Earl of (b. 1737, d. 1805) identified herein as author of Junius, xxi *et seq.*, xli *et seq.*; is forced out of office by Duke of Grafton at the instance of the King and the Bedford party two months before the Letters begin, xxi; character, abilities and wide experience of, xxii, xxxix; is compared with Edmund Burke by Disraeli, xxii; Jeremy Bentham on, xxiii; when in complete charge of colonial affairs he is supplanted by Earl of Hillsborough (October, 1768), xxxii, xxxviii; reasons for hiding his identity under name of Junius, xl; his speech on

Falkland Islands negotiations, xliii ; on Earl of Bute and the King's friends, xlv ; on unseating of Wilkes, and urging impeachment of Lord North, xlvi ; on triennial parliaments, *ib.* ; he indicts Lord Mansfield, xlviii ; his distinguished services in army ; not a lawyer ; wealthy and in touch with aristocratic circles, xlix ; objections to his authorship of Junius examined, *ib.* ; his ambiguous denial of authorship ; attitude to George Grenville ; absence on Continent no insuperable barrier to the publishing of some of his Letters in England, li ; his nomination of Lord Mayor considered, lii ; suggestion that he disguised his handwriting, *ib.* ; his correspondence with Jeremy Bentham, lviii

Smollett (editor of *The Briton*) employed by Earl of Bute as pamphleteer, xxvii

Spain, and British surrender of Falkland Islands, lvii

Stamp Act, enacted 1764, repealed 1766, xxviii, xxx, xxxii, xliv

Stewart (representative sent by Earl of Shelburne to Corsica), xxxiv

Suffolk, Earl of (adherent of Grenville), lvii

TEMPLE, Earl (Lord Privy Seal), is dismissed (1762), xxvi ; is friendly to J. Wilkes, xxvii, but breaks with him, lvii ; successfully institutes suit in Wilkes' name, xxx ; refuses office, xxxi

Townshend, Charles, Viscount, refuses to enter Ministry without Pitt, xxxi ; accepts office under him as Chancellor of the Exchequer, xxxii ; and Declaratory Act, xxxiii ; his death, *ib.*

VAUGHAN, Samuel, prosecution of, lv ; prosecution withdrawn, lvi

WEDDERBURNE, Alexr. (Solicitor-General), lvii

Weston, Edward, Government pamphleteer, liii

Weymouth, Lord (Secretary of State for Northern Department), and Corsica, xxxv ; and Wilkes riots, xxxvi, xxxvii

Wilkes, John (M.P. for Aylesbury, 1762, and editor of the *North Briton*), censures the King for sanctioning peace with France and is imprisoned, but discharged on ground of parliamentary privilege, xxviii ; privilege withdrawn, and further proceedings begun for his private circulation of *An Essay on Woman*, xxix ; his duels, *ib.* ; he flies to Paris, is expelled from House of Commons, found guilty of libel and outlawed, xxx ; returns to England (1768) stands for Middlesex and is elected at Brentford, xxxvi ; surrenders to his outlawry and is committed, *ib.* ; is relieved of outlawry but sentenced on prior conviction and his re-election annulled, xxxvii, liii ; his ambition wrecks Bill of Rights Society, lvii ; his controversy with Horne and break with Earl Temple, *ib.*

Wilmot, Sir Eardley, xlviii

Woodfall, Henry Sampson (editor of *Public Advertiser* wherein Junius' Letters appeared), Junius final letters to, admitting defeat, lvii, lviii

Wriothesley (niece of Duchess of Bedford), Duke of Grafton marries, liii

'XENO', letter of, vindicating Lord Mansfield, xlviii

INDEX TO THE LETTERS

'A.B.', letter of (relative to Duke of Rutland) disowned by Junius, 303
Adair, James, M.P., named as author of Junius, 383
Addresses from the Throne, 'an unmeaning formality', 164
Administration, ruin or prosperity of a State dependent upon the, 22
'Advocate in the Cause of the People', letter of, to Junius, on press warrants and general warrants, 371, 372
Akerman, 352
Allibone, on authorship of the Letters, 382 *n.*, 384, 385
Almon (bookseller, and printer of an edition of Junius) 9 & *n.*, 150 *n.*, 170 *n.*, 180, 181; on identity of Junius, 377, 379, 383, 385; his *Life of Lord Chatham*, 379; on break between Earl Temple and J. Wilkes (1769), 382
American Colonies, supported by Pitt and Lord Camden, 24; discontent in, *ib.*, 171; and appointment of Earl of Hillsborough as Secretary of State for Colonies, 24, 254; effect of Stamp Act in, 60, 254; Duke of Grafton as patron of, 61, 64; Junius on threatened Independence of, 143; Tea Duty imposed on, 171; Wilkes favours American representatives in British Parliament, 337; Junius on taxation of, *ib.*, 355
Amherst, Sir Jeffrey, is sacrificed by Lord Granby, 34, 153 *n.*
Anne, Queen, reference to her dissolving Parliament, 210
Anson, Lord, and Falkland Islands negotiations, 186
Apsley, Lord (Lord Chancellor, Jan., 1771) 184 *n.*
Arbuthnot, Dr., extract from letter of Alexander Pope to, 111 *n.*
Army, the, bad condition of and corruption in, 28, 34, 35, 144 & *n.*, 145, 176; honour of, impugned (*see* Gansel); calling out of Guards in Wilkes riots, 254, 259, 366
Ashburton, Lord (*see* Dunning)
Aston, Judge, illegal decision of, 182 *n.*

BAGGS, Maj. P. (friend of Sir Philip Francis) 380
Bail, law of, and Lord Mansfield, 272 *et seq.*, 362
Baldwin, cause of, and Lord Mansfield, 181
Barré, Col. Isaac, M.P., 255; named as author of Junius by J. Britton (1848) 377; described by Jeremy Bentham as 'ignorant and indolent', 383
Barrington, Lord (Secretary for War) on Cockburn, 15; Junius' detestation of, 164, 317, 321; his rulings on legal warrants, 202; his friendship with Earl of Bute, 247; Junius publishes his 'Memoirs of Lord Barrington', 321; is charged by 'Veteran' (Junius) with expelling Sir Philip Francis and D'Oyly, 378

'Barrister-at-Law', letter of, replied to by 'a friend of Junius' riddling his defence of Lord Mansfield, 264–266; his letter, 373
Beckford (Lord Mayor of London) petition of, to the King, 155 *n.*, 159 *n.*, 193 *n.*, 209, 231, 232, 247; reference to death of, 231
Bedford, Duke of, and the American Colonies, 25 *n.*; and Sir Wm. Draper's decoration (Manilla Expedition) 40; his friendship with Duke of Grafton, 59, 60; his public and private life held up to opprobrium by Junius, *ib.*, 100–107; his callousness on death of his son, 101 & *n.*, 115, 120, 121 *n.*; sells a borough, 102 & *n.*, 113; betrays Earl of Bute, 102 *n.*; is Ambassador in France, 103; is publicly horsewhipped at Lichfield, 103 *n.*, 311, 312; relinquishes conquests in Peace of 1763 (Treaty of Paris) 104 *n.*, 116; insults the King, 104, and cringes to Earl of Bute, 105; his unpopularity in England and Ireland, 106, 107; Hon. H. S. Conway and, 361
Bedford, Gertrude ('the Good') Duchess of, 59 & *n.*, 120, 121 *n.*
Benson (juryman) dares to oppose Lord Mansfield, 183, 260, 264, 372
Bentham, Jeremy (intimate of Lord Shelburne) on Col. Barré, 383
Bentinck, William Henry Cavendish, mentioned by G. Coventry as possible author of Junius, 383
Bill of Rights Society, Supporters of the, Junius' letter to, 312; secessions from, 325; resolutions passed at meeting of, criticized by Junius in private letter to Wilkes, 330, 338; Wilkes' leading part in, 341; Junius' letter discussed by, 350, 358
Bingley (imprisoned two years for Contempt of Court) 44 & *n.*, 180 *n.*, 310
Blackstone, Dr., afterwards Sir William (Solicitor to the Queen), his integrity questioned by Junius, 65, 66 & *n.*; and Lord Shelburne, 65 *n.*; his aspersions on Grenville, 81, 84, 85; *Commentaries* of, 81 *n.*, 82, 84, 99, 275 *n.*, 277; his defence against Junius, 85–89; on Robert Walpole's expulsion, 85, 86; on case of Wilkes, 89; is again attacked by Junius and Philo-Junius, 90–100, 316
Blair, cause of, and Lord Mansfield, 363
Bolingbroke, Lord, and 'South Sea Bubble', 76 *n.*
Boston (America) and 'Tea Duty', 171
Boyd, Hugh M., suggested by Almon (1769), L. D. Campbell (1800) and G. Chalmers (1817) as author of Junius, 377, 383; his authorship denied by Woodfall, 383
Bradshaw (Secretary to Treasury and Secretary to Duke of Grafton), 153 & *n.*, 213, 269, 270, 303, 317
Bridgen, Alderman (candidate for Mayoralty) 327; Wilkes and Junius on, 340, 345
Britton, John, on authorship of Junius' Letters, 377, 384, 385
Bromfield, Dr. Wm., 47 *n.*
Brook, Dr., 303
'Brutus' (a pseudonym of Junius)
Bucarelli (Spanish Governor of Falkland Islands) 187, 189
Bull (Sheriff, with Wilkes, of London) 215, 216
Burgoyne, Col., expenses of, at Preston, 131–134; character of, 133 & *n.*; and Duke of Grafton's favour of a 'patent place', 153, 154, 170, 213 *n.*, 303
Burke, Edmund, denies authorship of the Letters, 37, 383; men-

tion of, 255 ; an opponent of triennial parliaments (favoured by Junius) 383
Burke, William, suggested by J. C. Symons (1859) as author of Junius, 384
Bute, Earl of (Favourite of the King and protagonist of Scotch interests) ; his friendship with Duke of Grafton, 60, 62, 361 ; his sinister influence on successive Administrations, 69 ; and dismissal of Chatham, Grenville and Rockingham, *ib.*, 70 ; his part in placing Duke of Grafton in power, *ib.*, 103–105, 246 ; he repulses Duke of Bedford, 102, 105 ; as tutor to the Prince (afterwards George III) he gains ascendancy over him, 136 *n.* ; he dismisses Legge (Chancellor in 1860) for private reasons, 138 *n.* ; returns to England from abroad, 216 ; Junius on 'base ambition' of, 237 ; his secret understanding with Duke of Grafton, 246, 361 ; and Hon. H. S. Conway, 361
Butler, John (Bishop of Hereford, formerly Secretary to Legge when Chancellor), suggested as author of Junius' Letters, 384

'C' (Junius' signature in letters to Woodfall)
Calcraft (M.P.), 255
Cambridge University, 72 *n.*, 73
Camden, Earl (Lord Chancellor, 1766) as patron of America, 25 ; and election of Luttrell as M.P., 65, 153 ; is dismissed, 148, 151 *n.* ; Junius on his pension, 153 ; Philo-Junius on, 257 ; Junius on Duke of Grafton's desire to detach, 315 ; on Royal Proclamations, 364 ; named by Allibone and by J. Wade as author of Junius, 384
Cavendish, Lord John, 230
Cawdron, P., 358
Charles I, references to (as debating points) by Junius, 15, 17, 65, 144, 157, 158 *n.*, 161, 236, 244
Charles II, 58, 158 *n.*, 243, 244
Chatham, William Pitt, First Earl of, on irregularity of Lord Mansfield's judgment in Woodfall's trial, 10 *n.* ; sponsors Duke of Grafton as Secretary of State and supporter of Rockingham Party, 23 & *n.*, 53, 59 ; is sympathetic to American Colonies, 24 ; Junius' high opinion of, 69, 70, 236, *&c.* ; shameful dismissal of, 69, 153, 228 ; on 'right of election', 226 *n.* ; advocates short parliaments, *ib.*, 232, 293, 335 ; his dictum that authority of British legislature not supreme over Colonies disputed by Junius, 252 ; and press-gangs for navy, 253, 259 ; reference to, by 'Barrister-at-Law', 265 ; '*Life of Lord C.*' by Almon (1791) 379 ; suggested as possible author of Junius, by Anon. (1809) B. Waterhouse (1831) J. Swinden (1833) and W. Dowe (1857) 384
Chesterfield, Lord, notice of, 103 *n.* ; put forward as author of Junius (but was old and infirm and lacked motive) 382, 384
Choiseuil, Duke (head of French Ministry) and Corsica, 26 *n.*
Churchill, poet, and writer for *North Briton*, 382
Clarke, George, killed in Wilkes riot, 47
Clive, Lord, notice of, 40
Cockburn, Sergeant, Lord Barrington's poor opinion of, 15
Coke, Sir Edward (Judge) 15, 207, 274, 276
Colonies of America (*see* American Colonies)
Commentaries of Sir William Blackstone, 81 *n.*, 82, 84, 99
Commons, House of, powers defined of, 4–6 ; charged by

Junius with gross mismanagement of King's affairs, 24, 51–59, 141 ; right of election to, 'the essence of the Constitution', 55, 56, 82 ; and election of J. Wilkes, 51–59, 94 ; and election of Luttrell, 71, 78, 79, 94 ; and prosecution of S. Vaughan, 134 *n.* ; 'at beck and call' of the Treasury, 146 ; Opposition united (Feb. 1770) and determined to force dissolution, 148 ; £500,000 surrendered by Duke of Grafton to corruption of, 151 ; charged by Junius with flagrant breaches of Constitution, 167–169 ; 'secret system' in Cabinet of, 195 ; Junius on undefined privileges of, 196–204 ; its iniquities summed up by Junius, 256

Comyns, Serjeant, 87

Constitution, the, 'laws grow out of', 3 ; and liberty of the Press, 4 ; De Lolme on, 17 ; unseating of Wilkes a breach of, 51–59, 156–160, 166–169, 251 ; 'freedom of election essence of', 55, 56, 82, 122, 126 ; seating of Luttrell a breach of, 71, 78, 79, 156–160 ; Lord Sommers on, 95 ; the King and, 141 ; and remonstrance from Livery of London, 156–160

Conway, Hon. Henry S., 53, 60, 67 *n.*, 361

Corn Bill, 254, 314 ; Lord Camden and, 314, 315

Cornish, Sir Samuel, 40, 108

Corsica, Junius on, 27 *n.* ; shameful abandonment of, 33 *n.*, 61 ; is invaded by French, 61 *n.*, and surrendered, 64

Cromwell, Oliver, policy of, cited, 194, 229, 242

Crosby, Alderman (candidate for Lord Mayor) 247, 249, 327–330, 339, 340, 343–345, 351

Crown, the, Junius on long parliaments as foundation of undue influence of, 5, 6, 204, 237, 256, 291–293

Cumberland, Duke of, 38, 184 *n.*, 261, 271 *n.*

Cuninghame, Col., 176 *n.*

DAVENANT, Charles, on the King's friends, 173 *n.*

Davis, Miss Polly, 270, 271 *n.*

De Grey, afterwards Lord Walsingham (Attorney-General and Lord Chief Justice), 11, 209, 305, 363

De Lolme, J. L., extract from letter of, on English Constitution, 17 ; suggested as author of the Letters, 384 (first came to England in 1769)

Denbigh, Lord, notices of, 302, 358

Dilke, Sir Charles, destroys much existing 'evidence' as to authorship of Junius (1875), 378–381, particularly as regards Sir Philip Francis, *ib.*

Dingley, unsuccessful candidate at Middlesex Election, 51, 215

Dodd, Lieut. (*see* Gansel)

D'Oyly, his expulsion from War Office by Lord Barrington reported by 'Veteran' (Junius), 378

Draper, Sir William, defends Lord Granby against Junius and denies bad state of army, 29–32 ; and 'Manilla Ransom', 33 *n.*, 36, 39–41, 107–109 ; renews defence of Granby, 37 ; commends Earl Percy, 38 ; on his retirement and Irish annuity, 40–43 ; is requested by Granby to close correspondence with Junius (?) 45 *n.* ; enjoins Junius to declare himself, 108 ; defends Duke of Bedford, 112 ; suspects Burke of being Junius, 383

Dunning, J., afterwards Lord Ashburton (Solicitor-General) is replaced by Wedderburne, 196 *n.* ; suggested in R. Heron's

edition (1801) as author of Junius, 377; his claim to authorship examined, 384
Dyer, Samuel M., his claim to authorship of Junius disproved, 384
Dyson, Jeremiah ('Mungo') 80 *n.*, 91 *n.*, 94, 98, 99, 164, 239

EGLINTOUN, Lord, 102 *n.*
Egmont, Lord, and Falkland Islands negotiations, 186
Egremont, Earl of, notice of, 104 *n.*
Election, freedom of, Junius on, 4, 183, 256, 333
Elizabeth, Queen, reference to, 194; her restriction of liberty of speech, 201
Ellis, Welbore, 163 & *n.*, 164, 209, 210
English people, Junius' Dedication to, 3–6; and freedom of election, 4, 183, 256, 333; and rights of juries, 8, 9, 13, 14, 180–183
Eyre, John, committed for theft and bailed by Lord Mansfield, 268 *n.*, 272, 286, 288, 355, 356, 363

FALKLAND Islands (discovered and claimed by British), seizure of, by Spain, 27 *n.*, 185 *n.*, 186–192, 195; Parliamentary debate on, 308
Ferdinand, Prince, of Brunswick, 37, 125 *n.*
Fitzmaurice, author of *Life of Shelburne*, 14 *n.*, 265
Flood, Henry, named as author of Junius, 384
Foot, Dr. John, and murder of J. Clarke, 47, 48
Foote, Samuel (comedian) his public imitation of Rev. John Horne, 218 *n.*
Foster, Judge, and press-gangs, 263
Fox, Charles J., his Statute (1792) on powers of juries, 14; as yet 'in blossom' as a Lord of the Admiralty, 212
France, and annexation of Corsica, 27 *n.*, 61 *notes*, 64; her loss and recovery of Possessions to British, 103, 104 *n.*; distracted state of (in 1770) 189, 190
Francis, Sir Philip, roundly denies authorship of Junius attributed to him by John Taylor (1816), claiming Lord Barrington as patron and friend, 379, 380; quarrels with Warren Hastings in India, 380, and attacks him on return to England, 381; named as author of Junius by Leslie Stephen (claim refuted by Dilke), *ib.*
Freedom of the Press (*see* Press, *&c.*)
'Fretly, John', one of the names used by Junius for direction of letters from Woodfall, 307

G.A. (correspondent to *Public Advertiser*) Philo-Junius replies to, 77–79
Game Laws, 'incompatible with legal liberty,' 267
Gansel, Maj.-Gen., arrest for debt and escape of, 123–130, 302
Garrick, David, admonitory letters of Junius to, 311–315; and the *London Packet* newspaper, 316
Garth, Lieut. (*see* Gansel)
Gazetteer, publishes private letter of Junius to Bill of Rights Society, 358
General Warrants, abolished as illegal, 371
Genoa, and Corsica, 33 *n.*
George III, Junius' veiled attack on, 16; his exclusion of Whig aristocracy from his councils, *ib.*, 143; his debts, 24; pardons MacQuirk (arrested for murder during Wilkes riots) 47–49; is insulted by Duke of Bedford, 104; reference to, by Junius, 135; Junius' Letter to, 135–148; Junius separates him from the treachery of his Ministers, 136, 137; his pre-

dilection for his Scottish subjects owing to early influence of Earl of Bute (his tutor) 138, 143, 144; his anger with Wilkes censured by Junius as unworthy, 139, 147; is urged by Junius to call his whole Council, 147; is reminded that 'Kings have no friends', 148, 173 & *n.*, and warned against revolution, *ib.*; unsatisfactory reply of, to petition from Livery of London, 156–160; extracts from speech of, on Falkland Islands dispute, 188–192; is forcibly reminded that 'a King's honour is that of his people', 191, 192; is taken to task for recalling Duke of Grafton as Lord Privy Seal, 211, 213; is a reader of Junius' Letters, 215

Gibbon, Edward, named as author of Junius, 384

Gisborne, Col., Junius on Duke of Grafton's bargain with, 36, 40, 42, 175 *n.*, 176 *n.*

Glover, Richard (author of *Leonidas*) 322; named as writer of Letters of Junius by R. Duppa, 384

Glyn, Sergeant, and Trial of Woodfall, 322

Glynn, M.P., election of, 49

Good, Dr. Mason, on authorship of Junius (1812) 377, 379, 384, 385

Gower, Earl (President of the Council) 105 *notes*; a tool of Duke of Grafton, 153, 164, 254

Grafton, Duke of (First Lord of the Treasury, 1766–1770), Junius on dissolute character of, 23, 58–62, 321; is appointed Secretary of State, resigns, and becomes First Lord of Treasury and virtual head of the Government, 23 *n.*, 28; disarms Earl of Shelburne by appointing Earl of Hillsborough Secretary of State for Colonies, 25 *n.*, 33 *n.*, 40, 61 *n.*, 62 *n.*; and pardon of MacQuirk, 47–51; first champions and then abandons J. Wilkes, 51, 53 *n.*, *et seq.*, 70; sponsored by Earl of Chatham, he abandons him, 53, 59, 63, 361; and Nancy Parsons, 53 *n.*, 56 *n.*, 58, 63, 65, 66; patronizes Col. Luttrell, 54, 270; is charged with holding that representation in parliament does not depend upon freeholders, 55; and Sir John Moore's pension, 62 *n.*, 64; his betrayal of Marquis of Rockingham, 63; his vacillating policy in America, 64; Philo-Junius on character of, 67, 68; is elected Chancellor of Cambridge University, 72 *notes*; is pressed by Junius to interfere in Gansel affair (*see* Gansel) 129, 130; his reception of S. Vaughan's proposals (*see* 172 *n.*) 130, 131; is made Lord Privy Seal, 134 *n.*; resigns the Treasury (1770) 148 *n.*; is charged with surrendering £500,000 of Revenue to corruption of Parliament, 151; Junius on his retirement, 154, 155; his panegyrics on Col. Luttrell, 175; is again pilloried by Junius, 211–218, and indicted for corruption and vice, 242–244; withholds timber needed by Navy (?), 245, 246; is acquitted of latter charge by 'Philalethes', 247 *n.*; final letter of Junius to, tracing the 'divine justice of retribution,' 269–272; Junius on his desire to detach Lord Camden, 315, and on his secret compact with Duke of Bedford and Earl of Bute, 361

Granby, Lord (Commander-in-Chief), Junius' merciless character sketches of, 26–28, 32–36, 41; is defended by Sir Wm. Draper, 29–32, 37, but requests latter to cease correspondence with Junius, 45 *n.*

Grattan, Henry, denies authorship of Junius when taxed by Almon (1806), 385
Greatrakes, Secretary to Earl of Shelburne, 377; suggested as author of Letters of Junius by Wraxall (1818) and G. Coventry (1885), 385
Grenville, Rt. Hon. George (Leader of House of Commons in Earl of Bute's Administration), favours taxation of Colonies in opposition to Pitt and Camden, 24; his fall owing to the imposition of the Stamp Act, 25, 69; his part in 'Manilla Ransom', 40; his loss of popularity for attacking Wilkes' parliamentary privilege, 53 *n.*, 382; is chastised by Sir William Blackstone, 84, 85; Duke of Bedford's treachery to, 105; Hon. H. S. Conway and, 361; is named as author of Junius by Wade and Allibone (but died before the Letters were finished) 385
Grenville, James, mentioned by Wade and Allibone as possible author of Letters of Junius, 385
Grey, De (*see* De Grey)
Griffiths, Mrs., vindicates Duke of Bedford, 118 & *n.*
Grosvenor, Lord, 150 *n.*, 179

HALIFAX, Earl of, notice of, 104 *n.*
Hallifax, Alderman, and Trial of J. Eyre, 356
Hamilton, W. G. (Chancellor of Irish Exchequer, 1769–1774), named as author of Junius (contradicted by Woodfall), 385
Hampden, John, notice of, 171
Hardwicke, Lord (Attorney-General in 1730), cited *in re* Franklin's Trial, 373
Harley, entrusted by Duke of Grafton with 'government of London', 214 *n.*, 216, 217
Harvey, Adjutant-Gen., notice of, 176
Hastings, Warren, attack of Sir Philip Francis on, 380, 381
Hawke, Sir Edward (First Lord of the Admiralty) 27, 103 *n.*, 153 *n.*
Hawkins, Mr. Justice, quoted, 203 *n.*, 283
Henry VIII, cited as despot, 194
Hereford, Bishop of (*see* Butler, John)
Hertford, Lord, antagonistic to Earl of Chatham, 361
Hillsborough, Earl of, appointed Secretary of State to the Colonies (a new office), thus displacing Earl of Shelburne, he is accused by Junius of creating dissension in America, 25–28, 254
Hinchliffe, Dr., praises Duke of Grafton and is appointed Bishop of Peterborough same year, 72 *n.*
Hine (*see also* Burgoyne, Col.) is sold a 'patent place' by Duke of Grafton, 131, 132, 134 *n.*, 153, 154, 213, 272, 303
Hodges, Sir James (Town Clerk of London), 160
Holdsworth (author of *A History of English Law*) cited *in re* Lord Mansfield's endeavours to change common law, 265 *n.*
Holland, Lord, favoured by Junius, 299
Hollis, James, and Hollis, Thomas; each suggested as author of Junius, 385
Homphrey, Heston, horsewhips Duke of Bedford in public, 103 *n.*, 311
Horne, Rev. John, defeats Duke of Bedford in controversy, 102 *n.*; and petition to King from Livery of London, 155 *n.*, 159 *n.*; his vigorous reply when attacked by Junius in matter of Wilkes, 218–220, 223–233; denies supporting Ministerial appointment of Sheriffs, 219, and dilates upon his personal sacrifices for the public good,

220, 227 ; on Wilkes' pension and personal extravagances, 228–230 ; on the 'wretched state of politics', 232 ; is accused by Junius of want of judgment, 233–240 ; and execution of MacQuirk, 236 ; denies charge of corruption, 241, 242 ; and Alderman Townsend, 252 ; is answered by Junius on question of 'long parliaments and rotten boroughs', 291–293 ; his acrimonious correspondence with Wilkes, 310 ; his connection with the Bill of Rights Society, 314
Horton, Mrs., 271 *n.*
House of Commons (*see* Commons, House of)

IRELAND, state of British army in, 38 ; Lord Weymouth and, 104 ; unpopularity of Duke of Bedford in, 106 *n.* ; oppression of, 142 ; appointment of Col. Luttrell to chief command in, 175, 176 *n.* ; Wilkes favourable to, 337
Irnham, Lord, depravity of, 270 *n.*

JACOB, Judge, quoted, 283
James I, reference to, 201 *n.*
James II, references to, 158 *n.*, 369
Jefferies, Judge, as 'instrument of the Crown', 27, 273
Jesuits, Junius on *Commentaries* of, 240, 241
Johnson, Dr. Samuel, pamphlet by, 80 *n.* ; is commissioned by Ministry to reply to Junius' Letter on Falkland Islands negotiations, 192 *n.* ; and Samuel Foote, 218 *n.*
Jones, Sir William, named as author of Junius by G. Coventry (1825), 385
Jonson, Ben, quoted, 168 *n.*, 225
Judges as tools of corrupt Governments, 27, 28, 208, 209 ; are appointed for life on George III's accession, 369
JUNIUS, dedication of his Letters to people of England, 3–6 ; advocates short parliaments, 5, 6, 204, 237, 314, 332–336, 346 ; explains use of Philo-Junius as further pseudonym, 7 ; not a lawyer, *ib.* ; charges Lord Mansfield with illegal doctrine of libels, 9–14 ; on notorious maladministration of public affairs, 13 ; on freedom of the Press (*see* Press) ; his detestation of Scotchmen (but not of Union with Scotland), 14, 15, 161, 177, 178, 196 ; challenges the 'divine right of kings', 15, 229 ; his veiled attack upon the King, and latter's exclusion of Whigs from administration, 16, 143 ; on condition of the people as a criterion of the Government, 21 *et seq.*, 28 ; on dissolute character of Duke of Grafton, 22, *&c.*, 237 ; on incapacity of Lord North, 22, 23 ; praises Grenville and deplores his dismissal, 23–25, 69, 70 ; on the Stamp Act, 25 ; attacks Lord Granby, 26, 27 ; on judges under corrupt Ministries, 27, 28 ; his letters to Sir Wm. Draper, 32–36, 41–45 ; charges Duke of Grafton with violating law in cases of MacQuirk and Wilkes, 47–59, 61, 156–160 ; his personal attack upon Duke of Grafton and entire Ministry, 53–63, 68–73 ; his high opinion of Earl of Chatham, 69, 70, 236 ; cites Robert Walpole's expulsion in matter of Wilkes and Luttrell, 76, 77 ; replies to Sir Wm. Blackstone's pamphlet, 79–84, 90–94 ; opens campaign against Duke of Bedford, 100–107, 115–117, 121 *n.*, 237 ; again replies to Sir Wm. Draper, 109–111, 114–117 ; on Gansel, 123–126, 129, 130 ;

replies to 'Modestus', *ib.*; on irregular uses of national finances in cases of Col. Burgoyne, Hine and Vaughan, 131, 132, 134 *n.*; his address to the King, 135–148, whom he absolves of the treachery of his ministers, 136, 137, warns against Earl of Bute, 138, 143, 144, and censures for unworthy persecution of Wilkes, 139, 140; on oppression of Ireland and threatened Independence of America, 142, 143; charges House of Commons with being at beck and call of Treasury, 147, and hints at danger of revolution, 148; attempts to detach Duke of Grafton (now retired) from the Court party, 148–156; on King's reply to petition of Livery of London, 156–160; on relative importance of King and Subject, 157; his merciless description of Lord North, 162 *n.*; on unmeaning formality of King's Speeches, 164; his poor opinion of Lord Barrington, *ib.*, 317; urges dissolution of Parliament, 167; on the King's friends, 173; his strictures on Col. Luttrell's military appointment in Ireland, 174–176; indicts Lord Mansfield for contracting powers of juries and enlarging strength of Crown at expense of the people, and charges him with illegal and contradictory rulings, 177–185, 254; on Falkland Islands negotiations and King's speech thereon, 185–192; urges 'advantageous' war with Spain, 190, 195; on undefined privileges of House of Commons, 196–204; affirms no precedent for contempt or breach of privilege, 200, considers 'lèse majesté', and charges Ministers with dispensing with laws by Royal Proclamation, 203; he again pillories Duke of Grafton and warns King against him, 214–218, 242–244; his controversy with Horne, 217–222, 235, 237–239, 250; prophesies future fame of his Letters, 240, 241; on timber needed by Navy, 245, 246; on appointment of London Sheriffs, 247–256; on necessity for press-gangs for Navy, 252, 253; his further attack on Lord Mansfield for undermining whole system of jurisprudence, 254, 265; pleads for honest patriots whatever their creed or party, 255; on bailing of J. Eyre by Lord Mansfield, 268, 272–289; his final Letter to Duke of Grafton, 269–282; he calls on Lord Camden to stand forth in defence of laws (but without success), 290, 291; strongly advocates triennial parliaments, in private letter to Wilkes, 291–293; private letters of, to Woodfall, relative to printing and publishing of the Letters, 297–323; allays Woodfall's fears of prosecution, 303–305; on Lord Mansfield's sudden resignation of office (Speaker of House of Lords), 306; reports war in East Indies thought to be inevitable, 307; on Wilkes' final letter to Horne, 311; admonishes David Garrick, 311–313; and Bill of Rights Society, 312, 314; refutes charge (by 'Scævola') of being Lord Camden's enemy, 314, 315; his publication of *Memoirs of Lord Barrington*, 316–321; his private correspondence (through Woodfall) with Wilkes, 324–359:—nominates Sawbridge for Lord Mayor, 325–330, 343–345; criticizes resolutions passed by Bill of Rights Society, 330–338, 347–

349, and urges declaration in favour of short (preferably triennial) parliaments, 332–336, 346; on his hopes of impeachment of Lords Weymouth, Barrington and Mansfield, and the granting of funds for public purposes only with full knowledge of parliament, 336; on American representation in House of Commons, 337; on Wilkes's proposed attack on Upper House, 345; on taxation of American Colonies, 355; asks Wilkes for copy of Eyre's commitment as preliminary to impeachment of Lord Mansfield, *ib.*, 377; his private letter to Earl of Chatham on the unfaithfulness of his Ministers, 360–361; urges impeachment of Lord Mansfield by Earl of Chatham and Lord Camden, 362, 363

(For examination of previous claims to the authorship of Junius *see* Appendix V, 377–387)

'Junius-Americanus' (Dr. Lee), contributor to *Public Advertiser*, 313, 355

Juries, powers of, contracted by Lord Mansfield in cases of libel, 8, 9, 13, 14, 180–183, 264, 366, 373; reference to Baron Smythe browbeating a jury, 288,–289 *n.*

KENNEDY, M. and P., trial of, for murder, 174 & *n.*, 212 *n.*

Kent, John, mentioned by Almon and Wade as possible author of Junius, 385

King, the, powers of, 'not arbitrary', 4–6, 17, 19

Kirk, E. (*see* MacQuirk)

Kirkman, Alderman, 214 *n.*, 219

LA FONTAINE, Jean de, 303

Law of Parliament, and the Constitution, 3, 8, 79, 196–204, 207, 208

Lee, Dr. (*see* 'Junius Americanus')

Lee, Maj.-Gen. Charles, named by T. Girdlestone (1807) as probable author of Junius, 377; said to have asserted he was Junius, 385

Legge, Rt. Hon. Bilson (Chancellor, 1860) mentioned by Junius as one of the ablest servants of the Crown when dismissed by Earl of Bute for private reasons, 138 *n.*

Legislature, so-called 'supreme', not possessed of 'arbitrary powers', 4

Leigh, 184

Libel, law of (*see* juries)

Liberty of the Press (*see* Press)

Liddel, Miss (divorcée of Duke of Grafton), 59 *n.*

Ligonier, Lord, displaced by Lord Granby as Commander-in-Chief against his wishes, 35

Lindsey, Earl of, notice of, 4 *n.*

Livery of London, and petition to the King, 155 *et seq.*, 231, 232, 247–249

Lloyd, Charles (Secretary to George Grenville) named as possible author of Junius by Dr. Mason Good, 385

Lloyd, Edward, punished for ridiculing daughter of James I and her husband, is cited by Junius, 201 & *n.*

Locke, legal opinion of, quoted, 364

London and Westminster, cities of, present petitions to King (*see* Livery of London)

London Evening Post, 302, 359

London Museum Magazine, 9 *n.*

London Packet, and David Garrick, 316

London Tavern, the, meetings of Supporters of Bill of Rights Society held at, 330 *&c.*

Lords, House of, powers defined, 4–6; Wilkes proposes attack upon, in letter to Junius, 345

Lottery Tickets, Junius on, 332

Louis XIV, references to, as despot, 136 *n.*, 194
Lowther, Sir James, is made Lord Paramount of Cumberland, 49 ; son-in-law of Earl of Bute, 213 ; wins suit against Duke of Portland through influence, *ib.* ; fall of, 269
Luttrell, Colonel (brother-in-law of the King, 271 *n.*) ; Junius on his illegal election as M.P. on expulsion of Wilkes, 54 & *n.*, 56, 65, 71, 73–79, 83, 98, 151–153, 155 & *n.*, 175 ; Lord Camden dismissed after his speech against election of, 151 *n.* ; Junius' strictures on his appointment to command in Ireland, 175, 176 & *n.*
Lyttleton, Lord, notice of, 234 ; D. T. Coulton's theory that he was Junius disproved by Sir Charles Dilke, 385

MACAULEY, Mrs., 339
Mackenzie, Stuart, and Duke of Grafton, 60, 105, 152
Macleane, L., suggestion that he was Junius discounted, 385
MacQuirk, Edward, trial, conviction, and pardon of, 47–51, 212 *n.* ; Horne and, 236
Magistrates and undue influence of the Crown, 9
'Manilla Ransom', dishonourable repudiation of, by Spanish Government, 33 *n.* ; controversy between Junius and Sir Wm. Draper on, 33, 36, 39–41, 107–109
Mansfield, Lord (Lord Chief Justice) is charged by Junius with misdirecting and with contracting powers of juries in cases of libel, 8, 9–13, 180–183, 233 ; Junius' letter to, voicing his detestation of him, charging him with enlarging power of throne at expense of people, misleading juries, attacking liberty of the Press, making new law of libel and undermining whole system of jurisdiction, and lining his own purse by assuming rights of a Minister and accepting emoluments, 177–185 ; his Jacobite sympathies, 178 ; Mr. Justice Yates and, 179 ; is appointed Speaker of House of Lords (Jan., 1771) 184 *n.* ; his views on press-gangs, 253, 259 ; his iniquities re-stated by Junius, 254, 259–262 ; is 'screened' by House of Commons, 256 ; is charged by Philo-Junius with 'changing a court of common law into a court of equity', 257–262, 375 ; is censured by Junius for bailing John Eyre (precedents and Statutes quoted at length) 268, 272–289 ; suddenly resigns office of Speaker to House of Lords, throwing Ministry into confusion, 306 ; Junius' efforts to impeach, in letters to Earl of Chatham and Lord Camden, 362–365 ; 'Zeno' attempts to vindicate, 365–370, and 'Barrister-at-Law' supports, 372–376 ; on 'criminal conversation', 374
Marlborough, Duke of, 116 *n.*, 121
Mawbey, Sir Joseph, and Bill of Rights Society, 341
Maynard, Lady (*see* Parsons, Nancy)
Melcombe, Lord, notice of, 15
Meredith, Sir William, writer of pamphlet *The Question Stated*, 80 *n.*, 90, 98, 99
Middlesex Election, 49, 50 *n.*, 53 *n.*, 55, 75, 387
Miller (editor of *London Evening Post*) is prosecuted by Lord Mansfield, 181, 306, 359
Ministers, and undue influence of Crown, 9 ; and condition of the people, 22, 94, 136 ; arraigned by Junius, 23–28, 94, 136, 164 ; Sir Richard Steele attacks, 100 ; indicted for treachery to the King, 136 *et*

seq.; and King's Speeches, 164; charged with dispensing with laws by Royal Proclamation, 203
'Modestus' (Dalrymple, a Scotch Advocate), quibbling attack of, on Junius, and defence of Duke of Bedford, taken up by Philo-Junius, 118–121; Junius replies to letter of, on Gansel affair, 129, 130
Monson, Col. the Hon., 108
Montesquieu, maxim of, quoted, 46 *n.*
Monthly Magazine, 379
Moore, Sir John, ruined on turf he is allowed pension out of public funds by Duke of Grafton, 62 & *n.*, 64
Morellet, and Lord Shelburne, 190 *n.*
Morning Chronicle, publishes private letter of Junius to Bill of Rights Society without permission, 358
Morris, and J. Wilkes, 317
Munday's Coffee House, secret address for Junius' correspondence, 319
'Mungo' (nickname of J. Dyson, *which see*)
Musgrave, Dr., resists House of Commons successfully, 170 & *n.*

NASH, Alderman, and election of Lord Mayor for 1771–1772, 247 *n.*, 248–250
Navy, the, bad condition of in 1771, 27 *n.*; Junius on timber from Whittlebury Forest for use of, 245, 272; necessity for press-gangs considered, 252, 253, 259, 263, 266, 352, 371, 372
'Nemesis', one of the pseudonyms used by Junius, 378
Newspapers (*see* Press)
North, Lord (Chancellor of the Exchequer on death of Townshend, 1767), is alleged grossly incapable by Junius, 23, 24, 28; is appointed First Lord of Treasury (1770) on resignation of Duke of Grafton, 148 *n.*; Junius' contemptuous description of, 155, 162 *n.*, 164; a 'tool of the Earl of Bute', 176; censured for his part in Falkland Islands negotiations, 189, he welcomes public debate thereon, 308
North Briton (edited by John Wilkes) Junius and, 310, 381, 382
Northington, Earl of (Lord High Chancellor), 153 *n.*, 360, 361
Northumberland, Duke of, and Sir W. B. Proctor, 322
Norton, Sir Fletcher, and Wilkes, 54, 65; is elected Speaker of House of Commons (1770) 168 *notes*; Ben Jonson on, *ib.*
Noye (Attorney-General) on breach of privilege and contempt, 207, 208

'OLD Noll' (contributor to *Public Advertiser*) on Duke of Grafton, 64, 65, 67
Oliver, Alderman (unsuccessful candidate for Sheriff of London), 209, 216 *n.*, 222, 226, 231, 236, 321
Onslow, Col., Junius' poor opinion of, 153, 164, 197, 230, 255

PAINE, Thomas, trivial claim that he was Junius, 386
Palmerston, Lord, and Kennedy Trial, 174 *n.*
Parliament (Septennial at this period) Junius on long parliaments and consequent undue influence of Crown, 5, 6, 204, 237, 256, 291–293; corruption of, by Duke of Grafton, 151; Junius urges dissolution of, 166; Junius on parliamentary privilege, 196–204, 207, 208; Lord Chatham advocates short parliaments, 226 *n.*, 232; Junius on triennial parliaments, 291–293, 332
Parsons, Nancy (afterwards Lady Maynard), mistress of Duke of

Grafton, 53 *n.*, 56 *n.*, 58, 63, 65, 66
Paterson, notice of, 260
Percy, Earl, his preferment in the army, 34, 38, 42, 322
Peterborough, Bishop of (*see* Hinchliffe, Dr.)
'Philalethes', on timber for Navy, 247 *n.*
Philippines (*see* 'Manilla Ransom')
Philo-Junius (supplementary pseudonym of Junius), use of this subordinate signature explained, 7; enters lists against Duke of Grafton and sums up Junius' arguments, 63–68; on unconstitutional election of Luttrell, 65; on Duke of Grafton's character, 67, 68; replies to 'G.A.', 77–79; challenges Sir Wm. Blackstone, 84, 85, 94–100; on Wollaston's expulsion from House of Commons, 97, 98; on the Gansel scandal, 126–129; defends Junius against 'Anti-Junius,' 193–195; shows that 'violence and oppression at home can only be supported by treachery and submission abroad', 194; hints at 'secret system' in Cabinet, 195; on breach of privilege and contempt, 207–210; replies to Scævola on parliamentary procedure, 257, 258; replies to Zeno's vindication of Lord Mansfield, 259–262; on General Warrants, Press Warrants and disbanding army and navy in times of peace, 263, 264
Pitt, John (Surveyor-General of Royal Forests), and timber for Navy, 246, 247 *n.*
Pitt, William (*see* Chatham, Earl of)
Platt (clerk to Lord Mansfield), 363
Plumbe, Alderman, 214 *n.*, 219
Pomfret, Lord, mention of, 268
Pope, Alexander, his *Essay on Man*, 9; on his satires, 111 *n.*
Portland, Duke of (member of Rockingham Administration) 159, 213, 230; named as author of Junius (but his ability questionable) 386
Postage Tax on American Colonies (*see* Stamp Act)
Pownall, Governor Thomas, named as author of Junius, 386
Press, the, liberty of, a necessary check on corrupt Ministries, 4–8, 14, 20, 197 *n.*; alleged licentiousness of, 9; is challenged in Woodfall prosecution, 135 *n.*; Lord Mansfield and, 180, 260, 264, 366, 373
Press-gangs and Press Warrants (*see* Navy)
Price, Dr., notice of, 14
Privilege, Parliamentary, Junius on, 196–204, 207, 208
Proctor, Sir William B., is nominated by Duke of Grafton for Middlesex Election, 49; Duke of Northumberland's interest in, 322
Public Advertiser (current newspaper of the day in which Junius' Letters appeared),

RAVENSWORTH, Lord, pronounces Lord Mansfield a 'rank Jacobite', 178 *n.*
Rich, Sir Robert, a suggested author of Junius, 386
Rigby (Paymaster-General) stigmatized by Junius as a wire-puller, 67 *n.*, 103, 116, 121, 153, 164, 214, 246
Richmond, Duke of, mention of, 361, 362
Riots, at Middlesex Election, 53, 146 *n.*
Roberts, John, suggested as author of Junius, 387
Robinson, J. (Secretary to the Treasury), his nomination of Sheriffs for London, 214, 216
Rochford, Lord (Secretary of State, 1768), as French Ambassador, 26 & *n.*, 190; signs pardon of

MacQuirk, 47, 48; signs acceptance of Spain's claim to Falkland Islands, 190 *n.*
Rockingham, Marquis of (First Lord of the Treasury, 1765–1766) is dismissed at instance of Earl of Bute and Duke of Grafton, 23 *n.*, 69, 153; and Stamp Act, 60; integrity of, 70; Junius on 'feeble administration' of, 105; and Wilkes' pension, 228–230; and Hon. H. S. Conway, 361
Rosenhagen, Rev. Philip; that he was Junius denied by Woodfall, 386

SACKVILLE, Lord George, is approached by Dr. Swinney as to his identity with Junius, 299; suggested by Mason Good (1812) and G. Coventry (1825) as author of the Letters, 377, 386
St. George's Fields, Wilkes riots in, 53, 146 *n.*, 366
St. James's Evening Post, 84
Sandwich, Earl of, his speech on state of Navy, 27 *n.*; described by Junius as profligate, 67 *n.*, and dissolute, 164; is elected high steward of Cambridge University, 72; and Duke of Bedford, 105 *n.*; and Duke of Grafton, 153
Saville, George, brands Ministers as traitors, 170
Sawbridge, Alderman (afterwards Sheriff and candidate for Lord Mayor) 170 *n.*, 193 *n.*, 222, 224, 231, 236, 247 *n.*, 249–251, 319, 321, 325–330, 339, 340, 349–351, 365 (*see* private letters between Junius and Wilkes, 325–352)
'Scævola', letter of on parliamentary procedure, replied to by Philo Junius, 257, 258; and Lord Camden, 314, 315, 364
Scotland, Junius on the King's bias towards, 138, 143, 144, 161; Junius' strong dislike of Scotchmen, 14, 15, 161, 177, 178, 196
Seamen and press-gangs (*see* Navy)
Septennial Act, (in force at this period) 335
Selden, John, quoted, 284
Shelburne, Earl of (Secretary of State for Southern Department), on Scotchmen, 14 *n.*; on the Stamp Act, 25 *n.*; is dismissed from control of Colonial affairs, 25 *n.*; espouses cause of Corsica but is overruled in Cabinet, 33 *n.*, 40, 61 *n.*, 62 *n.*; on lawyers, 65 *n.*; of Irish descent, 107 *n.*; and 'Manilla Ransom', 108 & *n.*, military career of, 125 *n.*; opposes prosecution of Wilkes and is dismissed from Cabinet, *ib.*, 147 *n.*; petitions dissolution of Parliament (May, 1770) 158 & *n.*; is supplanted by Lord Rochford, 190 *n.*; was probable instrument, when Foreign Minister, whereby Junius' Letters were read abroad, 215; accuses Lord Mansfield of 'inventing law', 265 *n.*; mention of, in Junius' private letter to Earl of Chatham, 361 (*See also* Editor's Introduction, identifying Earl of Shelburne with Junius)
Sheriffs of London, ministerial nominations of, supported by Horne and Robinson and opposed by Junius, 214 *et seq.*
Smith, Benjamin, 214 *n.*
Smythe, Baron, cited as browbeating a jury, 288, 289 *n.*
Somerset Coffee House, secret address used by Junius, 312
Sommers, Lord, on 'Rights of the People', 95
'South Sea Bubble', the, 76 *n.*
Spain, and Falkland Islands dispute, 27 *n.*, 185 *n.*, 186–192; the 'Manilla Ransom' repudiated by, 33 *n.*; Junius on Spanish Court as natural enemy

of England, 138, 194; England's secret arrangement with, as to surrender of Falkland Islands, 186 *n.*, 195
Spencer, Lord, 174 *n.*
Spry, Commodore, 307
Stamp Act, (enacted in 1764 and repealed in 1766) its evil consequences in American Colonies, 25, 60, 254
Starling, S., witness at Trial of MacQuirk, 47 *n.*
Steele, Sir Richard, condemns the Ministry, 100
Stuart, Dr. Gilbert, suggested as author of Junius, in 1799, 386
Suffolk, Earl of, an adherent of Grenville, 255
Supporters of Bill of Rights Society (*see* Bill of Rights Society)
Swinney, Dr. S., approaches Lord George Sackville as to his identity with Junius, 299

TALBOT, Lord, 358
Taylor, case of, cited by Junius as analagous with that of Wilkes and Luttrell, 76, 77, 92, 98, 99
Tea Duty, effects of, in American Colonies, 171
Temple, Earl (brother of George Grenville), suggested by I. Newhall (1831) and W. J. Smith (1852) as author of Junius, 378, 381; his association with the *North Briton*, 381; his irascibility (but lack of literary ability) *ib.*; Robert Walpole on character of, *ib.*; is described by George III as a 'totally ignorant' Minister, 382; breaks off his friendship with J. Wilkes in 1769, *ib.*; his break with Grenville over Stamp Act, *ib.*
Thurlow, Lord, notice of, 342
Tooke, John Horne, absurd claim of, to authorship of Junius, 386
Torcy's Memoirs, quoted, 116 *n.*
Touchet, mention of, 216
Townshend, Alderman (M.P. for City of London) 193, 222, 231, 252, 325, 365
Townshend, Charles, Viscount (Lord-Lieutenant of Ireland) 60, 67, 142 *n.*, 176 *n.*
Trecothick, mention of, 170
Trentham, Lord, is cudgelled at Lichfield, in company with Duke of Bedford and Rigby, 103 *n.*
Tresillian, Judge, cited as instrument of the Crown, 273
Turkey, and France, 61

UPPER OSSORY, Lord, notice of, 59

VAUGHAN, Samuel, proposals of (*see* 172 *n.*) to Duke of Grafton, 130, 131, 154; prosecution of, by Duke of Grafton, 134 *n.*, 272; is championed by Junius, 303, 304
'Veridicus' (Mr. Whitworth), 299, 303
'Veteran' (pseudonym used by Junius) informs *Public Advertiser* that Lord Barrington has dismissed Sir Philip Francis and driven D'Oyly out of War Office, 378, 379; proofs that he was misinformed as to Francis, 379–381

WADE, John, on authorship of Junius, 377, 384–386
Walpole, Horatio, Earl of Orford, claimed as author of Junius by Sir Charles Gray, 386
Walpole, Robert, notice of, 75 *n.*; his expulsion cited by Junius as analagous with that of Wilkes and Luttrell, 76, 77, 90, 91 & *n.*, 92–99, 205; on character of Earl Temple, 381, 382; his *Memoirs of the Reign of George II*, 382 *n.*
Walpole, Thomas, and Wilkes' pension, 229, 230
Walsingham, Lord (*see* De Grey)
Wedderburne, Alexander (afterwards Lord Loughborough),

replaces Dunning as Solicitor-General, 195 *n.*, 211, 254; named by Sir Nathaniel Wraxall (1818) as author of Junius, 382, 387; Junius' poor opinion of, 212
Westminster, Electors of (*see* Livery of London)
Weston, Edward, vindicates pardon of MacQuirk, 52
Weymouth, Lord (Secretary of State for Northern Department), estimate of his character, 26–28, 164; and Wilkes riots, 53; and Ireland, 104; deserts the Ministry, 214 *n.*, 240, 242
Wheble, John (editor of *Middlesex Journal*) 311, 318
Whigs, excluded from King's Councils, 16, 143, and from local government in London, 217
Whitehead, W., poet-laureate, 216
Whittlebury Forest (*see* Navy, timber for)
Whitworth (*see* 'Veridicus')
Wilkes, John, and refusal of House of Commons to receive him as member for Middlesex, 3 *n.*, 53 *n.*, 70, 73, 92 *&c.*; prosecution of, 9; is outlawed, *ib.*; the Duke of Grafton's professed support of, 23 *n.*, 35, 53 & *n.*; election of, at Brentford as M.P., 49; Junius on character of, 51, 221, 222, 250, 251; and treachery of Duke of Grafton, 51, 59, 61, 70, 77, 82, 83, 204 *n.*, 212, 221, 222; Sir William Blackstone on his case, 89; he attacks Earl of Bute, 139; Junius pleads with King on his behalf, *ib.*, 147; Dr. Johnson on, 193 *n.*; now an Alderman he contests office of Sheriff of London, and is returned with Bull, 216; is attacked by Rev. John Horne, 221–232; he closes his correspondence with Horne, 310; his correspondence with Junius is conducted through Woodfall, 311–314; 318; his break with Aldermen Sawbridge and Oliver, 321; private correspondence between Junius and, 324–359; he rejects Junius' nomination of Sawbridge as Lord Mayor (1771–1772) and suggests Crosby, 339, 340; his leading part in Bill of Rights Society, 341, 350, 358; he favours formation of constitutional clubs, *ib.*; on annual parliaments, *ib.*; Junius on his (Wilkes') proposed attack on House of Lords, 345; his proposal to absent himself from pageant on King's accession anniversary, 352; *ib.*, Junius on his proposal, 353, 354; furnishes Junius with particulars of Eyre's commitment for theft, 356; his indignant letter to Grenville, 382; hypothesis that he was Junius disposed of by Junius' letters to him, 387
Wilkes, Miss, notice of, 328
William III, cited by Junius for dissolving parliament in interest of nation, 159 *n.*
Wilmot, James, named by an impostor as author of Junius, 382, 387
Wollaston, case of, cited (was expelled from and re-elected to same parliament in 1698), 93, 97, 98
Woodfall, Henry Samson (editor of *Public Advertiser* in which the Letters of Junius appeared) is invested by Junius with all publishing rights and profits, 7; prosecution of, 7, 10 & *n.*, 107 *n.*, 135 *n.*, 233; his private correspondence with Junius (1769–1773) relative to the Letters, 297–323; and Newberry, 298, 300; is complimented by Junius on his literary abilities, 299; Junius warns him to avoid prosecution, 300; acts as go-between for Junius' corre-

spondence with Wilkes, 311–314, 343; his letter to Junius on City Politics, 321–323; on Wilkes' abilities, 322; private letters of Junius to, first printed in 1812, 378; denies knowledge of identity of Junius, 383
Wray, Daniel, trivial claim that he was Junius, 387
Wrottesley [Wriothesley], Miss (niece of Duchess of Bedford), Duke of Grafton marries, 59 *n.*
YATES, Sir Joseph (Judge) and Lord Mansfield, 179 & *n.*
Yorke, Charles, appointed Chancellor by the King, he commits suicide rather than face his friends in the Opposition, 148 *n*, 163 *n.*, 213
'ZENO', Philo Junius replies to letter of (in vindication of Lord Mansfield), 259–263; his letter, 365–370