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## FRAGMENTS AND NOTES

OF

SPEECHES.

During the period of Mr. Burke's Parliamentary labors, some alterations in the Acts of Uniformity, and the repeal of the Test and Corporation Acts, were agitated at various times in the House of Commons. It appears from the state of his manuscript papers, that he had designed to publish some of the Speeches which he delivered in those discussions, and with that view had preserved the following Fragments and detached Notes, which are now given to the public with as much order and connection as their imperfect condition renders them capable of receiving. The Speeches on the Middlesex Election, on shortening the Duration of Parliaments, on the Reform of the Representation in Parliament, on the Bill for explaining the Power of Juries in Prosecutions for libels, and on the Repeal of the Marriage Act, were found in the same imperfect state.



# **SPEECH**

## **ON**

### **THE ACTS OF UNIFORMITY**

**FEBRUARY 6, 1772.**

#### **NOTE.**

The following Speech was occasioned by a petition to the House of Commons from certain clergymen of the Church of England, and certain of the two professions of Civil Law and Physic, and others, praying to be relieved from subscription to the Thirty-Nine Articles, as required by the Acts of Uniformity. The persona associated for this purpose were distinguished at the time by the name of "The Feathers Tavern Association," from the place where their meetings were usually held. Their petition was presented on the 6th of February, 1772; and on a motion that it should be brought up, the same was negatived on a division, in which Mr. Burke voted in the majority, by 217 against 71.



## SPEECH.

Mr. Speaker,—I should not trouble the House upon this question, if I could at all acquiesce in many of the arguments, or justify the vote I shall give upon several of the reasons which have been urged in favor of it. I should, indeed, be very much concerned, if I were thought to be influenced to that vote by those arguments.

In particular, I do most exceedingly condemn all such arguments as involve any kind of reflection on the personal character of the gentlemen who have brought in a petition so decent in the style of it, and so constitutional in the mode. Besides the unimpeachable integrity and piety of many of the promoters of this petition, which render those aspersions as idle as they are unjust, such a way of treating the subject can have no other effect than to turn the attention of the House from the merits of the petition, the only thing properly before us, and which we are sufficiently competent to decide upon, to the motives of the petitioners, which belong exclusively to the Great Searcher of Hearts.

We all know that those who loll at their ease in high dignities, whether of the Church or of the State, are commonly averse to all reformation. It is hard to persuade them that there can be anything amiss in establishments which by feeling experience they find to be so very comfortable. It is as true, that, from the same selfish motives, those who are struggling upwards are apt to find everything wrong and out of order. These are truths upon one side and on the other; and neither on the one side or the other in argument are they worth a single farthing. I wish, therefore, so much had not been said upon these ill-chosen, and worse than ill-chosen, these very invidious topics.

I wish still more that the dissensions and animosities which had slept for a century had not been just now most unseasonably revived. But if we must be driven, whether we will or not, to recollect these unhappy transactions, let our memory be complete and equitable, let us recollect the whole of them together. If the Dissenters, as an honorable gentleman has described them, have formerly risen from a "whining, canting, snivelling generation," to be a body dreadful and ruinous to all our establishments, let him call to mind

the follies, the violences, the outrages, and persecutions, that con-  
jured up, very blamably, but very naturally, that same spirit of retal-  
iation. Let him recollect, along with the injuries, the services which  
Dissenters have done to our Church and to our State. If they have  
once destroyed, more than once they have saved them. This is but  
common justice, which they and all mankind have a right to.

There are, Mr. Speaker, besides these prejudices and animosities,  
which I would have wholly removed from the debate, things more  
regularly and argumentatively urged against the petition, which,  
however, do not at all appear to me conclusive.

First, two honorable gentlemen, one near me, the other, I think,  
on the other side of the House, assert, that, if you alter her symbols,  
you destroy the being of the Church of England. This, for the sake  
of the liberty of that Church, I must absolutely deny. The Church,  
like every body corporate, may alter her laws without changing her  
identity. As an independent church, professing fallibility, she has  
claimed a right of acting without the consent of any other; as a  
church, she claims, and has always exercised, a right of reforming  
whatever appeared amiss in her doctrine, her discipline, or her rites.  
She did so, when she shook off the Papal supremacy in the reign of  
Henry the Eighth, which was an act of the body of the English  
Church, as well as of the State (I don't inquire how obtained). She  
did so, when she twice changed the Liturgy in the reign of King  
Edward, when she then established Articles, which were themselves  
a variation from former professions. She did so, when she cut off  
three articles from her original forty-two, and reduced them to the  
present thirty-nine; and she certainly would not lose her corporate  
identity, nor subvert her fundamental principles, though she were  
to leave ten of the thirty-nine which remain out of any future con-  
fession of her faith. She would limit her corporate powers, on the  
contrary, and she would oppose her fundamental principles, if she  
were to deny herself the prudential exercise of such capacity of  
reformation. This, therefore, can be no objection to your receiving  
the petition.

In the next place, Sir, I am clear, that the Act of Union, reciting  
and ratifying one Scotch and one English act of Parliament, has not

rendered any change whatsoever in our Church impossible, but by a dissolution of the union between the two kingdoms.

The honorable gentleman who has last touched upon that point has not gone quite so far as the gentlemen who first insisted upon it. However, as none of them wholly abandon that post, it will not be safe to leave it behind me unattacked. I believe no one will wish their interpretation of that act to be considered as authentic. What shall we think of the wisdom (to say nothing of the competence) of that legislature which should ordain to itself such a fundamental law, at its outset, as to disable itself from executing its own functions,—which should prevent it from making any further laws, however wanted, and that, too, on the most interesting subject that belongs to human society, and where she most frequently wants its interposition,—which should fix those fundamental laws that are forever to prevent it from adapting itself to its opinions, however clear, or to its own necessities, however urgent? Such an act, Mr. Speaker, would forever put the Church out of its own power; it certainly would put it far above the State, and erect it into that species of independency which it has been the great principle of our policy to prevent.

The act never meant, I am sure, any such unnatural restraint on the joint legislature it was then forming. History shows us what it meant, and all that it could mean with any degree of common sense.

In the reign of Charles the First a violent and ill-considered attempt was made unjustly to establish the platform of the government and the rites of the Church of England in Scotland, contrary to the genius and desires of far the majority of that nation. This usurpation excited a most mutinous spirit in that country. It produced that shocking fanatical Covenant (I mean the Covenant of '36) for forcing their ideas of religion on England, and indeed on all mankind. This became the occasion, at length, of other covenants, and of a Scotch army marching into England to fulfil them; and the Parliament of England (for its own purposes) adopted their scheme, took their last covenant, and destroyed the Church of England. The Parliament, in their ordinance of 1648, expressly assign their desire of conforming to the Church of Scotland as a motive for their alteration.

To prevent such violent enterprises on the one side or on the other, since each Church was going to be disarmed of a legislature wholly and peculiarly affected to it, and lest this new uniformity in the State should be urged as a reason and ground of ecclesiastical uniformity, the Act of Union provided that presbytery should continue the Scotch, as episcopacy the English establishment, and that this separate and mutually independent Church-government was to be considered as a part of the Union, without aiming at putting the regulation within each Church out of its own power, without putting both Churches out of the power of the State. It could not mean to forbid us to set anything ecclesiastical in order, but at the expense of tearing up all foundations, and forfeiting the inestimable benefits (for inestimable they are) which we derive from the happy union of the two kingdoms. To suppose otherwise is to suppose that the act intended we could not meddle at all with the Church, but we must as a preliminary destroy the State.

Well, then, Sir, this is, I hope, satisfactory. The Act of Union does not stand in our way. But, Sir, gentlemen think we are not competent to the reformation desired, chiefly from our want of theological learning. If we were the legal assembly....

If ever there was anything to which, from reason, nature, habit, and principle, I am totally averse, it is persecution for conscientious difference in opinion. If these gentlemen complained justly of any compulsion upon them on that article, I would hardly wait for their petitions; as soon as I knew the evil, I would haste to the cure; I would even run before their complaints.

I will not enter into the abstract merits of our Articles and Liturgy. Perhaps there are some things in them which one would wish had not been there. They are not without the marks and characters of human frailty.

But it is not human frailty and imperfection, and even a considerable degree of them, that becomes a ground for your alteration; for by no alteration will you get rid of those errors, however you may delight yourselves in varying to infinity the fashion of them. But the ground for a legislative alteration of a legal establishment is this, and this only, — that you find the inclinations of the majority of the

people, concurring with your own sense of the intolerable nature of the abuse, are in favor of a change.

If this be the case in the present instance, certainly you ought to make the alteration that is proposed, to satisfy your own consciences, and to give content to your people. But if you have no evidence of this nature, it ill becomes your gravity, on the petition of a few gentlemen, to listen to anything that tends to shake one of the capital pillars of the state, and alarm the body of your people upon that one ground, in which every hope and fear, every interest, passion, prejudice, everything which can affect the human breast, are all involved together. If you make this a season for religious alterations, depend upon it, you will soon find it a season of religious tumults and religious wars.

These gentlemen complain of hardship. No considerable number shows discontent; but, in order to give satisfaction to any number of respectable men, who come in so decent and constitutional a mode before us, let us examine a little what that hardship is. They want to be preferred clergymen in the Church of England as by law established; but their consciences will not suffer them to conform to the doctrines and practices of that Church: that is, they want to be teachers in a church to which they do not belong; and it is an odd sort of hardship. They want to receive the emoluments appropriated for teaching one set of doctrines, whilst they are teaching another. A church, in any legal sense, is only a certain system of religious doctrines and practices fixed and ascertained by some law, — by the difference of which laws different churches (as different commonwealths) are made in various parts of the world; and the establishment is a tax laid by the same sovereign authority for payment of those who so teach and so practise: for no legislature was ever so absurd as to tax its people to support men for teaching and acting as they please, but by some prescribed rule.

The hardship amounts to this, — that the people of England are not taxed two shillings in the pound to pay them for teaching, as divine truths, their own particular fancies. For the state has so taxed the people; and by way of relieving these gentlemen, it would be a cruel hardship on the people to be compelled to pay, from the sweat of their brow, the most heavy of all taxes to men, to condemn as

heretical the doctrines which they repute to be orthodox, and to reprobate as superstitious the practices which they use as pious and holy. If a man leaves by will an establishment for preaching, such as Boyle's Lectures, or for charity sermons, or funeral sermons, shall any one complain of an hardship, because he has an excellent sermon upon matrimony, or on the martyrdom of King Charles, or on the Restoration, which I, the trustee of the establishment, will not pay him for preaching?—S. Jenyns, *Origin of Evil*.—Such is the hardship which they complain of under the present Church establishment, that they have not the power of taxing the people of England for the maintenance of their private opinions.

The laws of toleration provide for every real grievance that these gentlemen can rationally complain of Are they hindered from professing their belief of what they think to be truth? If they do not like the Establishment, there are an hundred different modes of Dissent in which they may teach. But even if they are so unfortunately circumstanced that of all that variety none will please them, they have free liberty to assemble a congregation of their own; and if any persons think their fancies (they may be brilliant imaginations) worth paying for, they are at liberty to maintain them as their clergy: nothing hinders it. But if they cannot get an hundred people together who will pay for their reading a liturgy after their form, with what face can they insist upon the nation's conforming to their ideas, for no other visible purpose than the enabling them to receive with a good conscience the tenth part of the produce of your lands?

Therefore, beforehand, the Constitution has thought proper to take a security that the tax raised on the people shall be applied only to those who profess such doctrines and follow such a mode of worship as the legislature, representing the people, has thought most agreeable to their general sense,—binding, as usual, the minority, not to an assent to the doctrines, but to a payment of the tax.

But how do you ease and relieve? How do you know, that, in making a new door into the Church for these gentlemen, you do not drive ten times their number out of it? Supposing the contents and not-contents strictly equal in numbers and consequence, the possession, to avoid disturbance, ought to carry it. You displease all the clergy of England now actually in office, for the chance of obliging a