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By Granville Penn Esq<sup>r</sup>

A

# WARNING VOICE

TO THE

PEOPLE OF ENGLAND,

ON THE TRUE NATURE AND EFFECT OF THE

TWO BILLS

FOR THE PRESERVATION OF

*HIS MAJESTY'S PERSON AND GOVERNMENT;*

AND FOR THE PREVENTION OF

*SEDITIONS MEETINGS.*

---

O! for that WARNING VOICE, which he who saw  
Th' Apocalypse heard cry in Heav'n aloud—  
WOE TO TH' INHABITANTS OF EARTH! that NOW  
While TIME WAS, our first Parents had been WARN'D,  
The coming of their SECRET FOE, and scap'd,  
Haply so scap'd his MORTAL SNARE.

MILTON, P. L. b. IV. l. 1.

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London;

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1795.

AC 911. 1795. W36

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## WARNING VOICE

TO THE

... .. for his defence, is amply  
secured by the statute of the 25th year of the  
reign of Edward III. commonly called the  
statute of Treason ; and by the bill of rights,  
enacted under compact with our ancestors,  
at the period of the glorious revolution of  
1688. By the first of these his person is  
protected from any unjust or tyrannical  
aggression on the part of the crown, under  
pretence of treasonable offence, committed

B

against

against the royal authority ; and by the second, he is invested with full and plenary powers for maintaining the integrity of the constitution, and defending it from every hostile attack which might be directed against it from the crown.

In pursuing the course of our English history from the Conquest, down to the times of Cromwell, we perceive that our ancestors were unremittingly employed in defending their liberties against the power of the crown, as being the only power then in the realm by which they could be endangered ; and in controlling, paring down, and reducing the kingly prerogative, so as to bring it into equilibrium with the power and privileges of the people. And in order to secure the progress of their successes, they obtained, at different intervals, the great Charter of Liberties, the confirmation of that charter, the statute of Treason, and “ a multitude of other corroborating statutes \*,” by which

\* Blackstone, vol. i. p. 128.



the advantages they had gained, were rendered perpetual to their posterity.

In this noble work they were long engaged; but after the death of Charles I. and the beginning of the commonwealth, the crown being then not only controlled but altogether extinguished, the people of England discovered a new and powerful enemy of their liberties, of which before they had no suspicion, springing up in the very heart of the nation, and discovering itself in the many greedy and atrocious tyrants which the fall of the crown and the preponderating power of the multitude had thrown up to the helm of the state. The experience of a very few years was sufficient to convince the nation, that if an omnipotent crown was an evil subversive of their liberties, an omnipotent populace was not only subversive of their liberties, but was at the same time destructive of all their property, of all their means of acquiring wealth or competency, and of every possibility of enjoying peaceable and

orderly society. They discovered that, after all, the change they had been seduced to consent to, was ~~after all~~ only a change of governors, equal at least in criminality, but far superior in numbers. That the property of the rich had only passed from the hands of A, to those of B, from the rightful owners to rapacious and usurping plunderers; that the bulk of the people was in no degree advantaged by this iniquitous seizure; and the vulgar insolence with which these new proprietors lorded it over the body of the nation, completely verified the truth of that coarse, but sensible proverb; “set a beggar on horseback, and he will ride to the Devil.”

But when this monstrous system gave way; when the people grew at length impatient of misery, confusion, and imposture; when they made a vigorous and successful effort to restore laws and religion, and brought back the monarchy; they found, that they had now two powers to guard against instead of one; to raise bounds and  
fences

fences on every side, and to restrain, not only the power of the crown, which had been the object of their ancient jealousy; but also the power of turbulent and seditious spirits, which had been the abhorred causes of their late calamities, and were now become the objects of their future suspicions. Still, however, they directed their vigilance principally against the crown, and in doing this they reserved to themselves the privileges, ascertained in the petition of right, afterwards confirmed by the bill of rights; and among these the privilege of petitioning the crown, or either house of parliament for redress, should they at any time have reason to apprehend, that the constitution itself, or the liberties secured under the constitution, were in danger of being infringed.

From this short retrospect, it is easy to collect what is the true nature and intent of the statute of treason, and of the bill of rights.

By

By the first it was determined, that actual hostilities against the king, or conspiracy against his life should alone be deemed high treason. That is to say, that in those arbitrary times, in which the authority of the crown was so great, no sentiments of hostility, unless followed up by some overt act declarative of that hostility, should be construed by the judges to be high treason. For the people were at that time so restricted and confined in their means, that they had no medium between cherishing disloyalty in secret, and shewing themselves in battle array against the crown ; and if they took one step in the public demonstration of their disaffection, it was in open and avowed war, so that the statute of Edward III, which considered treasonable offence against the person of the king, under this twofold division, according to the experience of the times, enacted, that the latter only should be deemed high treason.

The

The vigilance and power of the government, and the degree of restraint under which the people lived, rendered every other mode of testifying disloyalty impracticable; and the legislature, not being gifted with a spirit of prophecy capable of anticipating every future variety of treason which time should bring forth, provided a remedy only for the specific evil which their experience had shewn them, did exist. Had they been able to foresee, that at a future period of the constitution, the growing liberty of the people would give rise in its abuse, to a third mode of treasonable offence, equally criminal and fatal in its effects with that which they enacted to be high treason, but exempted from the penalties of high treason by the provisions of that very statute; could they have foreseen that the lenity of that statute would have been so grossly abused, and its principle so audaciously evaded; what Englishman will lay his hand upon his heart and not acknowledge, that they would have provided against such abuse and such evasion, and that

other

other restrictions and provisions than those we now read there, would have been included in the statute of treason ?

Had they been able to foresee, that at a distant period of the monarchy such depravation of principle, such utter desertion of truth and honour, of law and religion, would insinuate itself into any part of the nation, as to render it a desirable object of political skill to devise how it would be possible to strike at the principle and essence of the statute, without being subject to its pains and penalties; that when they would not dare to oppose the king by force of arms, they would assail him with sticks and with stones; that they who would not dare to kill, would at least endeavour to maim; that because they would not dare to arrest the king's person, they would at least overwhelm it with insults, and obstruct the freedom of his progress; that when they were debarred the power of immediately stripping the sovereign of his constitutional rights and dignities, they would  
 proceed

proceed towards that object in a circuitous course, slower indeed in its operation, but equally sure in its issue, by endeavouring to withdraw the subject from his allegiance; and that this atrocious and cowardly system would not only be directly promoted by a band of desperate and obscure men, but would moreover contrive to gather surreptitious strength from the equivocal conduct of men conspicuous to the eyes of the nation, some of them men of great and valuable endowments, and to whom many had confided their dearest rights and liberties. Could that venerable legislature have foreseen these disgraceful consequences resulting from the imperfection of their statute, who can cherish a moment's doubt, that the same spirit which directed them to enact it, would have directed them also, of necessity, to extend its operation to all those cases which our late unhappy experience has brought us to the knowledge of?

If such a doubt can remain in any of our minds, if we need any other proof than that  
 which

which reason and consistency supply us with, we have it in the very words of the statute ; by which it appears, that some anxiety, some foreboding of future abuses disturbed the minds of that parliament, when they added the following clause as a caution to their posterity.

“ And because other like cases of treason  
 “ may happen in time to come, which can-  
 “ not be thought of, nor declared at pre-  
 “ sent, it is accorded, that if ~~in~~ any other  
 “ case supposed to be treason, which is not  
 “ above specified, doth happen before any  
 “ judge, the judge shall *tarry*, without going  
 “ to judgment of the treason, *till* the cause  
 “ be *shewed and declared before the king and*  
 “ *his parliament, whether it ought to be judg-*  
 “ *ed treason, or other felony.*”

Such is the provision of this statute, which they who lately escaped from its inefficiency so gratefully and so feelingly commemorate ; as the man who has escaped from his prison,



will commemorate the weakness of its bars. But let us at the same time see well and observe, that they owe their escape, not to any tenderness which the statute manifests for the principles and conduct they had adopted, but to the progressive freedom of the constitution, which in its present maturity refuses to avail itself of the power reserved by this clause.

A great and excellent judge, Sir Matthew Hale, who is high in his encomiums on the  
 “ great wisdom and care of parliament, in thus  
 “ keeping judges within the proper bounds  
 “ and limits of this act, by not suffering them  
 “ to run out (upon their own opinions)  
 “ into constructive treasons, though in cases  
 “ that seem to them to have a like parity of  
 “ reason ; but reserving them to the decision  
 “ of parliament ; observes, that as the decision  
 “ of these cases is reserved to the king and  
 “ parliament, the *most regular way* to do it  
 “ is, by a **NEW DECLARATIVE ACT.**\*

Ac-

\* Blackstone, vol. i. p. 85.

Accordingly, to supply the deficiency, in the “ *most regular way,*” and to amend that statute, in the instances in which it avows itself to be imperfect, parliament has prepared a bill, entitled, “ A Bill for the better protection of his Majesty’s Person, &c.” Did it extend its operation a jot beyond what it openly declares, beyond giving to the person and government of the chief magistrate of the kingdom, that protection which had escaped the provident concern of the parliament of Edward III.; did it, in short, deal in any degree unfairly with the public, and create or reserve any secret power beyond what it openly professes, the nation doubtless, would do wisely and laudably to observe it with suspicion, and to exclaim against its enactment. But its whole force and energy begins and ends in this simple object, “ the protection of the king’s person from the repetition of the outrages, recently committed against it, to the sincere affliction and indignation of the great majority of the kingdom.” Nor is it easy to imagine how any one can-

con-

conceive a serious aversion against it, who is not equally averse to the statute of treason itself; or consider himself really aggrieved by its enactment, unless he is interested to retain the liberty of insulting the person of the king, without incurring the pains and penalties attached to the overt act of high treason. Such is, in plain and unartful representation, the bill now in parliament for the better protection of the king\*.

\* It is necessary to take notice of an assertion that has been made, namely, that the late outrages offered to the king, proceeded from an inconsiderable number of men; and that therefore the present bill, by founding its expediency upon those outrages, does in effect libel the whole body of inhabitants of the metropolis in the eyes of the distant counties, as if in order to restrain a few, it were necessary to lay *restraint* upon the whole mass. The puerility of the remark is only exceeded by the solemnity of the subject. As well may it be said, that laws against theft and murder are libels upon the mass of society, because the majority are neither thieves nor murderers; and yet it has been found, that a very few such offenders are able to injure society very materially, and to render laws necessary for the protection of life and property. The honest part of society do not esteem their liberty abridged by the laws against stealing; neither do the inhabitants of the metropolis feel themselves abridged of any privilege by a law to prevent assaults upon the person of the chief magistrate. They only can truly be said to have lost a liberty, who would have exercised that liberty.

In

In respect of the bill of rights, that other pledge of our liberties and their sure bulwark against the crown ; under this bill, the people of England are invested with the invaluable power of preserving the constitution entire from any change which the crown might be concerned to produce in it. If we take the true character of the bill of rights from its manifest purpose and the intention of those who procured it, it is, a provision made, or privilege reserved, by our ancestors for their descendants, in order to enable them to preserve in its full force and integrity, and to render permanent to the latest posterity, that noble and glorious fabric the constitution of England ; for the establishment of which so much blood had been shed, so much treasure expended, so much experience consulted, so much virtue displayed, and so great talents exerted.

To preserve inviolate a constitution that had contrived so wonderfully to reconcile the perfect liberty of every citizen with the  
 most

most complete execution of the laws ; to open the channels of commerce and the means of acquiring property to every description of men, and to protect that property against every unjust attack ; this was the purpose of those great men to whom we owe the bill of rights. Its fundamental principle is, to preserve the identity, and to secure the permanency, of the constitution ; and that alone is truly an attack upon the Bill of Rights, which goes, from whatever quarter, to affect the identity, or the permanency of the constitution. When our ancestors at the revolution reviewed the evils which the nation had sustained during a course of so many years ; when they enquired into the causes of these calamities, and found that they consisted in the irregular and alternate preponderance of the crown over the people, and of the people over the crown ; they used their experience in establishing such a counterpoise of the different powers, that the mischievous operation of either should be controlled, and that the mutual interests of  
law

law and liberty should be thenceforth defined and secured. But this they did by different principles; with respect to the crown, they refused to stand at all on confidence, but depended entirely upon the strength of the limits with which they circumscribed the prerogative; but with respect to the people, they contented themselves with some general outlines of defence, and made their chief reliance upon the sense of interest which they conceived the nation would ever retain, in preserving the identity and permanency of a social system, constituted for the happiness of mankind. And when they had done this, they considered it, as well they might, an invaluable bequest to their posterity; and they obtained the bill of rights, in order that if the crown, which they thought could be the only party interested in impairing the constitution, should in any degree attempt to infringe it, the people might have it in their power to make representation and complaint of such attack, or of any other grievance, and to take measures for the as-  
 fersion

fertion of their rights, without incurring the imputation of treason.

But, as the legislature of Edward III. were not able to anticipate that abuse and evasion of their statute which we have lived to see, so neither did our ancestors at the revolution conceive the notion, that the glorious constitution they had established, would ever fall into disrepute amongst Englishmen, much less that the attack which they had apprehended to come from the crown, and against which they had provided, would be first threatened from among the body of the people, who were flourishing under its protection. Had they foreseen a period of such fatal infatuation; had they suspected that the work they had worked for their posterity, the monument of their virtue and their wisdom, and for the eternity of which they had procured the bill of rights, would have been endangered under plea of the very liberties and privileges provided for its defence, where is the Englishman that will

lay his hand upon his heart and not acknowledge, that they would have endeavoured to provide in the bill of rights against every such abuse, and to secure the permanency of the constitution no less from the attack of wicked and ambitious traitors, than from the usurpations of unjust and tyrannical princes. Doubtless, the same esteem for the constitution which directed them to seek its stability in the bill of rights, would, in all consistency, have directed them to provide means for correcting every possible abuse by which that stability might be eventually endangered.

To concur with this fundamental principle of the bill of rights, to co-operate with its illustrious authors, and to render permanent the British Constitution, is the whole and sole object, and effect of the bill, entitled, “ A Bill for preventing Seditious Assemblies, &c.”



If we take pains to consider it, with a little exertion of common sense, which is a far more sure guide to truth than all the brilliant declamation that has been employed against it; it will be evident, that the operation, and the whole operation of it, is confined to the correction of the evils which might, in these inflammable times, arise from an abuse of the liberties secured by the bill of rights; to restrain every attack upon the constitution on the side which was left in a great measure defenceless by that bill, namely, on the side of popular turbulence and sedition; and to prevent that perversion of the mind of the rising generation which "*calls evil good, and good evil,*" teaching them to prefer an uncurbed licentiousness to a well ordered liberty; to esteem the necessary controul of law, a tyrannical invasion of individual freedom; to suspect evil to exist secretly in every part of the government where they cannot discover it to exist at all; and thus to conceive jealousy and mortal hatred for the constitution itself,

merely from the dignity and splendour which it derives from its own inherent excellence.

Such is the true nature and effect of these bills ; which, if we recapitulate, it will appear ; That whereas the Statute of Treason had for its object to protect the *life* of the king from murder, and to maintain the royal *authority* ; these bills, in addition to this, protect his *person* also from assault and maiming : and secure the *allegiance* of the subject, without which the royal authority is a void and senseless term. And that whereas the Bill of Rights had for its object to protect and preserve inviolate the constitution of England, as finally settled at the Revolution, and to reserve to the people the means of maintaining their common interest in that constitution, by the liberty of petitioning the Crown or the two Houses of Parliament whenever they found that common interest affected ; the present bills, while they give additional strength to that constitution, and confirm to the people their antient right of petitioning,

petitioning, according to the terms of the Statute of Charles II., which has ever since regulated that right, and fixed the numbers that may legally either sign, or present, such petitions ; are at the same time calculated to deprive traitors and adventurers in politics of the dangerous power of undermining and subverting the constitution, under pretence of exercising the privileges established for its defence.

That the British Constitution has its enemies in the heart of Britain, some open and avowed, others more guarded and concealed, is a truth of so great notoriety that no one can resist it, since it is illustrated by the melancholy experience of the last few years, and by that of the present day. The tranquillity and comfort of the nation has been a long while suspended amidst the jealousy and alarm which they have excited. Impatient at length of the anxiety, they have called upon the powers of government to relieve the public mind, to exert the due authority of law, & to repress their audacious

adversary. The legislature, on their part, have faithfully corresponded with this just demand, and have prepared a remedy for the existing evil, scrupulously framed upon the model of the wisest statutes.

It is the peculiar excellency of our happy constitution, that it contains within itself a principle of health and vigour, by which it is enabled to combat and throw out of its system every principle of disorder or decay, that from time to time may be introduced within it; thus regaining at every crisis its original integrity, and thereby adding fresh security to our liberties. “ At some times, “ says the excellent Blackstone, we have seen “ these liberties depressed by overbearing “ and tyrannical princes; at others, so lux- “ uriant as even to tend to anarchy, a worse “ state than tyranny itself, as any govern- “ ment is better than none at all. But the “ vigour of our free constitution has always “ delivered the nation from these embarrass- “ ments; and, as soon as the convulsions “ consequent

“ consequent on the struggle have been over,  
 “ the ballance of our rights and liberties has  
 “ settled to its proper level ; and their fun-  
 “ damental articles have been from time to  
 “ time asserted in parliament, as often as  
 “ they were thought to be in danger.”

Such are its internal energies. As to its ex-  
 ternal operation, in which, as individuals, we  
 are principally concerned : it secures to those  
 who live subject to it every blessing that hu-  
 man government is able to impart, and in a  
 degree of perfection unknown to any other  
 country under heaven. The chief of these  
 are, doubtless, security of life, of liberty, and  
 of property.

How far the LIFE of every Englishman  
 is secure, you had a memorable instance in  
 the last year, when you beheld, with a mixed  
 enthusiasm of indignation and gratitude, that  
 the life of the most dangerous of subjects  
 was more jealously guarded by the laws, than  
 that of the sovereign himself.

The

The personal LIBERTY of Englishmen is absolutely inviolable, nor can all the powers in the kingdom in the least restrain it, until it has become forfeited to the nation by a wilful breach of the peace, in defiance of well known laws. And when, in dangerous times, it has been absolutely expedient for the general safety of the state, to abridge the liberty of mischievous and evil disposed persons, it is “ the parliament only, or legislative power, that can authorise the crown, by suspending the *Habeas Corpus* act for a short and limited time, to imprison suspected persons without giving any reason for so doing.\*”

The PROPERTY of Englishmen is so “ sacredly regarded by the law,” says Blackstone, “ that it will not authorise the least violation of it; no, not for the general good of the whole community.”

\* Blackstone, vol i. p. 136.

Such are the general features of our constitution. “Of a constitution,” says the same great writer, “so wisely contrived, so strongly raised, and so highly finished, that it is hard to speak of it with that praise, which is justly and severely its due : the thorough and attentive contemplation of it will furnish its best panegyric\*.” “A constitution, says an able republican writer†, the more likely to procure in general the happiness of the people, in that it has taken mankind as they are ; and has not endeavoured to prevent every thing, but to regulate every thing. Let us not ascribe to the confined views of man, to his imperfect sagacity, the discovery of this important secret. The world might have grown old, generations might have succeeded generations, still seeking it in vain. It has been by a fortunate

\* Vol. iv. p. ult.

† De Lolme, on the Constitution of England, p. 537—9.

“ conjunction of circumstances, I shall add,  
 “ by the assistance of a favourable situation,  
 “ that liberty has at last been able to erect  
 “ herself a temple. Driven to the extre-  
 “ mity of the western world, banished even  
 “ out of the continent, she has taken refuge  
 “ in the ocean. There it is, that, freed from  
 “ the danger of external disturbance, and  
 “ assisted by a happy pre-arrangement of  
 “ things, she has been able fully to display  
 “ the form that suited her; and she has  
 “ found six centuries to have been necessary  
 “ to the completion of her work.” And  
 “ shall the political maniacs of the present  
 time, who, as a late most estimable prelate has  
 observed, “ imagine that all the difficulties of  
 “ past ages are come down to be solved by this  
 “ generation\*,” be allowed to commit sacri-  
 lege upon that work? God forbid it! rather let  
 us proclaim, with the illustrious author of the  
 Commentaries on the Laws of England, that

\* Herne, late bishop of Norwich. Charge, p. 33.

“ The



“ The protection of the Liberty of Britain  
 “ is a duty which Englishmen owe to them-  
 “ selves, who enjoy it; to their ancestors  
 “ who transmitted it down; and to their  
 “ posterity, who will claim at their hands  
 “ this, the best birth-right, and noblest inhe-  
 “ ritage, of mankind\*.” And let us ever  
 lay it to heart, and imprint it deeply on the  
 hearts of our children, that British Liberty,  
 and the British Constitution, are but ONE  
 and THE SAME. That, if we will allow  
 no invasion of that Liberty, we must resist  
 every innovation of that Constitution: that,  
 in all times, the danger of innovation is not  
 less to be dreaded from a turbulent and law-  
 less multitude, than from lawless and tyran-  
 nical princes; but that, at the present day,  
 the refinement and industry of sedition has  
 been such, as to have outstripped the utmost  
 providence of the law; and that they who,  
 under these circumstances, endeavour to rivet  
 your eyes exclusively upon the crown, that

\* Vol. iv. p. ult.

they

they may not be free to observe the machinations contriving on the part of sedition, are not, whatever name they may assume, the truest friends of the people.

If now, from the view of such a constitution as we have here surveyed, you carry your minds to the sad experiment which France exhibits to the world ; without law, order, or religion ; without any social security or pleasure ; where, not only all public commerce is annihilated, but every private trade and craft is become absolutely useless to those who have acquired it ; where a groaning and a starving people are so entirely enthralled, that they have not the means of making any effort for their own relief : if you make a comparison between your fortunate condition and that of your miserable neighbours ; what will you think of the miscreants who dare to insult your reason, by telling you, that you have **NO CONSTITUTION !**

TUTION!\* and who hold out the desperate and infernal politics of France as a system worthy to take the place of the free and prosperous constitution of this most favoured land ; a land of Liberties, which like the Garden of Eden contains but one forbidden fruit, namely, the liberty of injuring society and of overturning the Government. What will you think of Englishmen who exclaim, that they have NO LIBERTY! and what is the liberty they are without? Why, truly, that when they have the liberty of filling the nation with combustibles, and the liberty of holding a lighted match in their hand, they are refused the liberty of applying the match to the combustibles, and thus of involving the country in general conflagration and ruin.

What will you think of men, who dream themselves wiser than all the accumulated wisdom of past ages ; whose darling object

\* Pain's " Rights of Man," and its industrious promulgators, the Corresponding Societies ; whether at Copenhagen House, Chalk-Farm, or elsewhere.—

is to reduce every human society to its first elements, and thence to compound and constitute it anew after the visions of their own delirium, and in derision of all social experience? As if it were possible to establish it on happier foundations, or to defend it by stronger bulwarks, than those on which it has stood, and by which it has been guarded since the origin of mankind, namely, justice and religion; or, as if the experience of this century, this enlightened century as it is called, at all favoured the opinion, that the wisdom of man is so much invigorated, and his passions so much enfeebled, as to render the restraints of civil subordination and religion no longer necessary.

It would be adding to the insults they offer to your understanding, to presume to point out to you the atrocity of such a conduct, or the shameless falshood of such a calumny; your heads and your hearts will anxiously unite to detect and reprobate the folly and wickedness of such men. It is sufficient to WARN  
you

you of their deep and desperate designs ; that you may continue ever awake, watchful, and guarded against them ; that you may form, from one end of the kingdom to the other, a connected and determined body of protectors of the constitution thus infamously traduced ; and having done all that honest and inflexible freemen can do for the support of right and order in your individual capacities, that you may assert and maintain the independence and just authority of parliament ; and then, looking up to the Almighty Director of human affairs, to whose manifest providence this country owes its long prosperity, that you may unite in the spirit of piety which so eminently distinguished your forefathers ; and beseech Him “ So  
 “ to direct and prosper all the counsels of  
 “ the Legislature to the advancement of His  
 “ own glory, the good of His church, the  
 “ safety, honour, and welfare of our sove-  
 “ reign and these kingdoms, that all things  
 “ may be so ordered and settled by their en-  
 “ deavours

“ deavours on the best and fureft foundations,  
“ that PEACE and HAPPINESS, TRUTH  
“ and JUSTICE, RELIGION and PIETY,  
“ may be established among US, for ALL  
“ GENERATIONS.”

F I N I S.













