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**Junius**

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Letter XII

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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.

SIR,

1. August, 1765.

**I**T 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

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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 *Junius's* state of the question, he should have shown 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 favor 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\*. In the course of the proceedings upon the Aylsbury 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.—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

\* 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.

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 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 birth-right 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.

### L E T T E R   X V I I I .

TO SIR WILLIAM BLACKSTONE, SOLICITOR GENERAL  
TO HER MAJESTY.

S I R ;

29. *July*, 1769.

**I** SHALL make you no apology for considering a certain pamphlet, in which your late conduct is defended, as written by yourself. 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.