

LONDON, FEBRUARY 24.
HOUSE OF COMMONS, FEBRUARY 21.

BREACH OF PRIVILEGE.

Mr. Yorke moved the order of the day, for bringing Mr. John Gale Jones to the bar.

Mr. Jones being brought accordingly, the Speaker addressed him as follows:—"John Gale Jones, a complaint having been made to this House of the publication of a scandalous and libellous hand-bill, reflecting on the proceedings of this honorable House, and the conduct of certain of its Members; and the printer of the said hand-bill having been called to the bar of this House, to answer for the said publication, alleged that you are the author thereof.—What have you to say in your behalf?"

Mr. Jones answered, "I acknowledge, Sir, that I was the author of that paper; and am extremely sorry the printer has experienced any inconvenience on my account."

Mr. Speaker.—"Repeat what you have said."

Mr. Jones complied.

Mr. Speaker.—"Have you any thing more to say in your behalf?"

Mr. Jones.—"I sincerely lament that I should have incurred the displeasure of this honorable House; and I trust they will not consider that, in what I have done, I was actuated by any sense of disrespect to its privileges, or the persons of any of its Members individually; or that I had any other motive in mentioning the names of the two honorable Members alluded to, save that they happened to be connected with a subject of public discussion. I have always considered it the privilege of every Englishman to animadvert on public measures, and the conduct of public men; but on looking over the paper in question again, I find that I have erred; I beg to express my contrition, and I throw myself on the mercy of this honorable House; this House of Commons, which, as an important branch of the Constitution, has always had my unfeigned respect."

The Speaker then addressed the House, and put the question:

"That John Gale Jones, having now acknowledged himself to be the author of the paper in question, was guilty of a gross violation of the privileges of that House."

The question was carried *nem. con.*

Mr. Yorke then rose and said, that after the vote just passed, he thought it impossible the House should not follow it up by some further resolution, which should mark its own sense of the indignity offered to its high authority, by the person now at the bar, and by making a proper example, warn such persons from taking upon them to comment in such a way upon the proceedings of that House, and the Parliamentary conduct of its Members. He therefore moved, that John Gale Jones, for his offence, be committed to His Majesty's gaol of Newgate.

Shortly afterwards, Mr. Yorke appeared prepared to offer Mr. Dean's Petition, and presented it to the House.

The petition having been read,

Mr. Dean, the Printer, was then called to the Bar, and the Speaker having recapitulated to him the nature and circumstances of his offence, told him, that in consideration of his demeanour yesterday, and the peculiar circumstances of his case, it was the pleasure of the House that he should be discharged without fees; and he was discharged accordingly.

[On the 12th March, Sir Francis Burdett, after denying the right the House of Commons had to commit Mr. Jones, moved that he be discharged—but his motion was negatived, by a Majority of 139.]

SIR FRANCIS BURDETT.

The following extraordinary Publication appeared in COBBET'S REGISTER of Saturday last.

SIR FRANCIS BURDETT TO HIS CONSTITUENTS; denying the Power of the HOUSE OF COMMONS to imprison the PEOPLE OF ENGLAND.

GENTLEMEN.—The House of Commons having passed a vote, which amounts to a declaration, that an Order of theirs is to be of more weight than Magna Charta and the Laws of the Land, I think it my duty to lay my sentiments thereon before my Constituents, whose character, as freemen, and even whose personal safety, depend, in so great a degree, upon the decision of this question—a question of no less importance than this: whether our liberty be still to be secured by the laws of our forefathers, or be to lie at the absolute mercy of a part of our fellow-subjects collected together by means which it is not necessary for me to describe.

In order to give to this subject all the attention to which it is entitled, and to avoid the danger to be apprehended from partial views and personal feeling, it will be advisable to argue the question on its own merits, putting the individual (however we may deplore his present sufferings) out of view; though, at the same time, every man ought to consider the case his own; because, should the principle upon which the Gentlemen of the House of Commons have thought proper to act in this instance, be once admitted, it is impossible for any one to conjecture how soon he himself may be summoned from his dwelling, and be hurried, without trial, and without oath made against him, from the bosom of his family into the clutches of a jailor. It is therefore, now the time to resist the doctrine upon which Mr. Jones has been sent to Newgate; or, it is high time to cease all pretensions to those Liberties, which were acquired by our forefathers, after so many struggles, and so many sacrifices.

Either the House of Commons is authorized to dispense with the Laws of the Land, or it is not. If the Constitution be of so delicate a texture, so weak a frame, so fragile a substance, that it is to be only spoken of in terms of admiration, and to be viewed merely as a piece of curious but unprofitable workmanship; if Magna Charta, and all the wholesome Laws of England, be a dead letter; in that case, the affirmative of the proposition may be admitted: but if the Constitution lives, and is applicable to its end, namely, the happiness of the community, the perfect security of the life, liberty, and property, of each member, and all the members of the society, then the affirmative of the proposition can never be admitted; then must we be free men; for we need no better security, no more powerful protection, for our rights and liberties, than the Laws and Constitution.

We seek for, and we need seek for, *nothing new*: we ask for no more than what our forefathers insisted upon as their own; we ask for no more than what they bequeathed unto us; we ask for no more than what they, in the Testament which some of them had sealed, and which the rest of them were ready to seal, with their blood, expressly declared to be "the Birth-right of the People of England," namely, "THE LAWS OF ENGLAND." To these Laws we have a right to look, with confidence, for security; to these Laws the individual now imprisoned has, through me, applied for redress in vain. Those who have imprisoned him, have refused to listen to my voice, weakly expressing the strong principles of the Law, the undeniable claims of this Englishman's "Birth-right." Your voice may come with more force, may command greater respect; and, I am not without hope, that it may prove irresistible, if it proclaim to this House of Commons, in the same tone as the tongues of our ancestors proclaimed to the Kings of old, "NOLUMUS LEGES ANGLIÆ MUTARI;" or, in our own more clear and not less forcible language, "THE LAWS OF ENGLAND SHALL NOT BE CHANGED."

The Principle, Fellow-citizens, for which we are now contending, is the same principle for which the People of England have contended from the earliest ages, and their glorious success in which contests are now upon record in the Great Charter of our Rights and Liberties, and in divers other subsequent Statutes of scarcely less importance. It was this same great Principle, which was again attacked by Charles the First, in the measure of Ship money, when again the People of England, and an uncorrupted House of Commons, renewed the contest; a contest which ended in the Imprisonment, the Trial, the Condemnation, and the Execution of that ill-advised King. The self same Principle it was, that was so daringly violated by his son James the Second; for which violation he was compelled to flee from the just indignation of the People, who not only stripped him of his Crown, but who prevented that Crown from descending to his family. In all these contests, the courage, perseverance, and fortitude of our ancestors, conspicuous as they were, were not more so than their wisdom; for, talk as long as we will about Rights, Liberties, Franchises, Privileges and Immunities, of what avail are any, or all of these together, if our persons can, at the sole will and command of any man, or set of men, be seized on, thrown into prison, and there kept during the pleasure of that man, or set of men? If every one of you be liable, at any time, to be sent to jail without trial, and without oath made against you, and there to be detained as long as it pleases the parties sending you there (perhaps to the end of your life) without any Court to appeal to, without any means of redress; if this be the case, shall we still boast of the Laws and of the Liberties of England? Volumes have been written by Foreigners as well as by our own countrymen in praise of that part of our Law, which in so admirable a manner, provides for our personal safety against any attacks of men in power. This has, indeed, been, in all ages, the pride of our country; and it is the maintenance of this principle which enabled us to escape that bondage, in which all the States and Kingdoms in Europe were enthralled by abandoning and yielding it up; and we may be assured, that if we now abandon it, the bright days of England's glory will set in the night of her disgrace.

But, I would fain believe that such is not to be our fate. Our Forefathers made stern grim-visaged PREROGATIVE hide his head: they broke in pieces his sharp and mally sword. And shall we, their Sons, be afraid to enter the lists with undefined PRIVILEGE, assuming the Powers of Prerogative?

I shall be told, perhaps, that there is not much danger of this power being very frequently exercised. The same apology may be made for the exercise of any power whatever. I do not suppose that the Gentlemen of the House of Commons will send any of you to jail, when you do not displease them. Mr. Yorke did not move for the sending of Mr. Jones to jail, until Mr. Jones displeased him; but it is not a very great compliment to pay to any Constitution, to say that it does not permit a man to be imprisoned, unless he has done something to displease persons in power. It would be difficult, I should suppose, to find any man upon earth, however despotic his disposition, who would not be contented with the power of sending to prison, during his pleasure, every one who should dare to do any thing to displease him. Besides, when I am told, that there is little danger that the Gentlemen in the House of Commons will often exercise this power, I cannot help observing, that though the examples may be few, their effect will, naturally be great and general. At this moment, it is true, we see but one man actually in jail for having displeased those Gentlemen; but, the fate of this one man (as is the effect of all punishments) will deter others from expressing their opinions of the conduct of those who have had the power to punish him. And, moreover, it is in the nature of all power, to increase as it advances in age; and, as Magna Charta and the Law of the Land have not been sufficient to protect Mr. Jones; as we have seen him sent to jail for having described the conduct of one of the members, as an outrage upon public feeling, what security have we, unless this power of imprisonment be given up, that we shall not see other men sent to jail for stating their opinion respecting Rotten Boroughs, respecting Placemen, and Pensioners sitting in the House; or, in short, for making any declaration, giving any opinion, stating any fact, betraying any feeling, whether by writing, by word of mouth, or by gesture, which may displease any of the Gentlemen assembled in St. Stephen's Chapel?

Then again as to the kind of punishment; why should they stop at sending persons to jail? If they can send whom they please to jail; if they can keep the persons, so sent, in jail as long as they please: if they can set their prisoners free at the end of the first hour, or keep them confined for seven years; if, in short, their absolute Will is to have the force of Law, what security can you have that they will stop at Imprisonment! If they have the absolute power of imprisoning and releasing, why may they not send their prisoners to York Jail, as well as to a jail in London? Why not confine men in solitary cells, or load them with chains and bolts? They have not gone these lengths yet; but what

is there to restrain them, if they are to be the sole judges of the extent of their own powers, and if they are to exercise those powers without any controul, and without leaving the parties, whom they choose to punish, any mode of appeal, any means of redress.

That a power such as this should exist in any country it is lamentable to be obliged to believe; but, that it should be suffered to exist, and that its existence should be openly and even boastfully avowed, in a country, whose chief glory has been its free constitution of government, is something too monstrous to be believed, if the proof were not before our eyes. Had the least doubt hung upon my mind of the illegality of the proceedings in the present case, it would have been altogether removed by the answers given to the references made by me to the Great Luminaries of our Law, and to the Laws themselves. The argument, by which I endeavoured to convince the Gentlemen of the House of Commons, that their acts, in the case of Mr. Jones were illegal, I shall now lay before you, in a more full and connected way than it could possibly be done by the Parliamentary Reporters; and, in doing this, I shall do all that now remains in my power towards the correction of this, as I deem it, most enormous abuse of Power, and most dangerous of all encroachments upon the Rights and Liberties of Englishmen.—I remain, Gentlemen,

Your most obedient humble Servant,

FRANCIS BURDETT.

Piccadilly, March 23, 1810.

LONDON, APRIL 19.

Accounts have been received of the landing of Mr. McKenzie, at Morlaix on Saturday last, for the purpose of negotiating an exchange of prisoners of war, between our Government and that of France. He is a Gentleman whose abilities are very highly spoken of, and who has visited all the European, Eastern, and Western Courts. We hope his mission may be attended with some happy event.

Paris papers have arrived to the 11th, and Dutch to the 15th—They continue to entertain the absurd expectation, that peace with England must be the consequence of BONAPARTE'S marriage—LOUIS BONAPARTE has returned to Holland, and his wife has at length been permitted to follow him—BONAPARTE is dismissing all his old Mistresses—PAULETTE BORGHESE (ci-devant LECLERC) will soon be sent back to her husband in Italy.

The Dutch are making active exertions to fulfil that part of the treaty which requires that so many sail of the line shall be at the disposal of France.

BONAPARTE is to carry his bride from Compiègne to Antwerp, to see several sail of the line launched. If he should ask him to shew her the "Ships, Colonies, and Commerce" which he was so sure of acquiring by his victories over her father!!

The accounts from Spain wear a more encouraging aspect than they have done for some time past. We do not see, on the part of the enemy, in their operations against the Isle of Leon, that "pleas'd alacrity" which we were wont to do. Do they find the place too strongly fortified by nature, and too formidably protected by British discipline, and and Spanish patriotism? Or, are the Spaniards assembling a force in their rear in Andalusia, which must not be despised? We hear of the enemy having been cut up in the Sierra de la Ronda; and no doubt their evacuation of Malaga, has been produced by the conviction of their having too widely extended their line. ROMANA, having forced the French to abandon Merida and Zaffra, has advanced to St. Ollala, directly in the rear. Some letters from Cadiz of the 31st mention, that ROMANA'S and BALLESTEROS'S force is followed by a combined British and Portuguese one, and that a general attack is mediated upon the enemy.—Meanwhile we hear of the French being advanced with 25,000 men against Valencia. Valencia, however, is said to have driven them back with signal loss.

Our Plymouth letter says, that a vessel is arrived with dispatches from Lord WELLINGTON, mentioning a general battle to have been fought. But no such advice has been received by Government.

APRIL 22.

Yesterday we received a parcel of French and Dutch Papers to the 16th inst. The contents of the former have for the most part been anticipated by previous arrivals, but the latter have furnished us with a few articles of interest.

Both threats and remonstrances have been used with the Spanish prisoners of war to induce them to enter into the French service. Those who enlist are drafted into regiments stationed in Germany; the refractory are condemned to labour on the public buildings, roads, &c. About 4000 are to be placed at the disposal of the farmers and cultivators throughout France.

Prince Gallitzin, who was appointed by Russia to fix the line of demarcation between that Power and Austria; died at Lemberg in February. In consequence of his death the fulfilment of the commission has been delayed.

The French Minister of War has, in a public order, denounced the traffic which exists between the Spanish prisoners of war and their escort. It appears that a party of the former, amounting to 2500 men, dismissed from the hospitals at Bayonne, were furnished with cloaths and other necessaries; but on their march to Boudeaux they disposed of the whole, and arrived at the latter place nearly in a state of nudity.

A number of Swedish and Finnish officers have, with approbation of their Sovereign, entered into the French service.

An article from Marseilles mentions, on the authority of a letter from Algiers, that the Regency of that kingdom had declared war against the Bay of Tunis, and had forbidden, under pain of death, the subjects or vessels of the latter power entering their ports, &c.

The French Charge d'Affaires, at Constantinople, has issued orders to all the Consuls, Agents, and others, employed in the different ports of the Levant, to return without delay to their respective posts. On the late revolution, many of the individuals had removed to the capital.

A tremendous hail-storm occurred on the 16th ult. in the department of the Lower Alps, which done very con-