Title: The True Story of My Parliamentary Struggle

Author: Charles Bradlaugh

Release date: September 10, 2011 [EBook #37374]

Language: English

Credits: Produced by Brownfox and the Online Distributed Proofreading Team at http://www.pgdp.net (This file was produced from images generously made available by The Internet Archive)

[Pg 1]

THE TRUE STORY

OF

MY PARLIAMENTARY STRUGGLE.

BY

CHARLES BRADLAUGH.

LONDON:

FREETHOUGHT PUBLISHING COMPANY,

28, STONECUTTER STREET, E.C.

1882.

PRICE SIXPENCE

[Pg 2]

LONDON:

PRINTED BY ANNIE BESANT AND CHARLES BRADLAUGH,

28, STONECUTTER STREET, E.C.

[Pg 3]

So much misapprehension and misrepresentation prevails as to what has really taken place in the House of Commons with reference to my Parliamentary struggle, that I reprint the Report of the Second Select Committee and the Evidence taken before such Committee, together with my

three speeches at the bar and the resolutions of the House: these together giving the actual facts. [Pg 4]

Ordered,—[Tuesday, 25th May 1880]:—That Mr. Bradlaugh, the Member for Northampton, having claimed at the Table of this House to make an Affirmation or Declaration instead of the Oath prescribed by Law, founding his claim upon the terms of the Act 29 & 30 Vict. c. 19, and the Evidence Amendment Acts of 1869 and 1870, and stating that he had been permitted to affirm in Courts of Justice by virtue of the said Evidence Amendment Acts: And it having been referred to a Select Committee to consider and report their opinion whether persons entitled, under the provisions of the Evidence Amendment Act, 1869, and the Evidence Amendment Act, 1870, to make a solemn Declaration instead of an Oath in Courts of Justice, may be admitted to make an Affirmation or Declaration instead of an Oath in this House, in pursuance of the Acts 29 & 30 Vict. c. 19, and 31 & 32 Vict. c. 72; And the said Committee having reported that in their opinion such persons cannot be admitted to make an Affirmation or Declaration, instead of an Oath in pursuance of the said Acts:

And Mr. Bradlaugh having since come to the Table of the House for the purpose of taking the Oath prescribed by the 29 & 30 Vict. c. 19, and the 31 & 32 Vict. c. 72, and objection having been made to his taking the said Oath, it be referred to a Select Committee to inquire into and consider the facts and circumstances under which Mr. Bradlaugh claims to have the Oath prescribed by the 29 & 30 Vict. c. 19, and 31 & 32 Vict. c. 72, administered to him in this House, and also as to the Law applicable to such claim under such circumstances, and as to the right and jurisdiction of this House to refuse to allow the said form of the Oath to be administered to him, and to report thereon to the House, together with their opinion thereon. [Pg 5]

Ordered,—[Friday, 28th May 1880]:—That the Committee do consist of twenty-three Members.

Committee nominated of—

Mr. Whitbread.
Sir John Holker.
Mr. John Bright.
Lord Henry Lennox.
Mr. Massey.
Mr. Staveley Hill.
Sir Henry Jackson.
Mr. Attorney General.
Mr. Solicitor General.
Sir Gabriel Goldney.
Mr. Grantham.
Mr. Pemberton.
Mr. Watkin Williams.
Mr. Walpole.
Mr. Hopwood.
Mr. Beresford Hope.
Major Nolan.
Mr. Chaplin.
Mr. Serjeant Simon.
Mr. Secretary Childers.
Mr. Trevelyan.
Sir Richard Cross.
Mr. Gibson.

That the Committee have power to send for Persons, Papers, and Records.

That Five be the Quorum of the Committee. [Pg 6]

REPORT.

THE SELECT COMMITTEE appointed to inquire into and consider the facts and circumstances under which Mr. Bradlaugh claims to have the Oath prescribed by the 29 & 30 Vict., c. 19, and 31 and 32 Vict., c. 72, administered to him in this House; and also as to the Law applicable to such claim under such circumstances; and as to the right and jurisdiction of this House to refuse to allow the said form of the Oath to be administered to him; and to Report thereon to the House, together with their Opinion thereon:—Have agreed to the following REPORT:—

In pursuance of the terms of the reference to your Committee, they have inquired into and considered (1) the facts and circumstances under which Mr. Bradlaugh claims to have the oath prescribed by the Parliamentary Oaths Act, 1866, and the Promissory Oaths Act, 1868, administered to him in the House, (2) the Law applicable to such claim under such circumstances, and (3) the right and jurisdiction of the House to refuse to allow the form of the said Oath to be administered to him.

In order to carry out such inquiry and consideration, your Committee thought it right to examine Sir T. Erskine May as a witness before them. Mr. Bradlaugh applied to be permitted to make a statement to your Committee, and the application was granted. After such statement had been made by Mr. Bradlaugh, he submitted himself for examination, and was examined by any Members of your Committee who desired to put questions to him. Under the circumstances appearing in the Evidence and in the Appendix to this Report, your Committee admitted in evidence a letter written by Mr. Bradlaugh to certain newspapers, dated 20th May, 1880. All the evidence taken by your Committee appears in the Appendix to this Report. [Pg 7]

Facts of the Case.

The facts and circumstances under which Mr. Bradlaugh claimed to take and subscribe the Oath are as follow: On Monday, the 3rd of May, Mr. Bradlaugh came to the Table of the House and claimed to be allowed to affirm, as a person for the time being by law permitted to make a solemn affirmation instead of taking an oath; and on being asked by the Clerk upon what grounds he claimed to make an affirmation, he said that he did so by virtue of the Evidence Amendment Acts, 1869 and 1870. Whereupon Mr. Speaker informed Mr. Bradlaugh, "that if he desired to address the House in explanation of his claim, he might be permitted to do so." In accordance with Mr. Speaker's intimation, Mr. Bradlaugh stated shortly that he relied on the Evidence Further Amendment Act, 1869, and the Evidence Amendment Act, 1870, adding, "I have repeatedly, for nine years past, made an affirmation in the highest courts of jurisdiction in this realm; I am ready to make such a declaration or affirmation." Thereupon Mr. Speaker acquainted the House that Mr. Bradlaugh having made such claim, he did not consider himself justified in determining it; and having grave doubts on the construction of the Acts above stated, he desired to refer the matter to the judgment of the House. Thereupon a Select Committee was appointed to consider and report their opinion whether persons entitled, under the provisions of the Evidence Amendment Acts, 1869 and 1870, to make a solemn declaration instead of an oath in courts of justice, might be admitted to make an affirmation or declaration instead of an oath, in pursuance of the Acts 29 & 30 Vict. c. 19, and 31 & 32 Vict. c. 72; and on the 20th of May the Committee reported that, in their opinion, persons so entitled could not be admitted to make such affirmation or declaration instead of an oath in the House of Commons.

On the day after the receipt of this Report, Mr. Bradlaugh presented himself at the table of the House to take and subscribe the Oath; and was proceeding to do so, when Sir Henry Drummond Wolff, one of the Members for Portsmouth, objected thereto, and Mr. Bradlaugh having been ordered to withdraw, Sir H. D. Wolff moved, "That, in the opinion of the House, Mr. Bradlaugh, the Member for Northampton, ought not to be allowed to take the Oath which he then required to [Pg 8] be administered to him, in consequence of his having previously claimed to make an affirmation or declaration instead of the Oath prescribed by law, founding his claim upon the terms of the Act 29 & 30 Vict. c. 19, and the Evidence Amendment Acts of 1869 and 1870; and on the ground that under the provisions of those Acts the presiding judge at a trial has been satisfied that the taking of an oath would have no binding effects on his conscience." This Motion was superseded by an Amendment appointing your Committee.

The Law Applicable to Mr. Bradlaugh's Claim.

Your Committee have been furnished by Sir T. Erskine May with a list of precedents which illustrate the jurisdiction and proceedings of the House in regard to the taking of Oaths. These precedents, and others which Mr. Bradlaugh placed before your Committee as bearing on the case, will be found in the Appendix to this Report. They may generally be divided into three classes: first, cases of refusal to take the Oath; secondly, claims to make an Affirmation, instead of taking the Oath; and, thirdly, claims to omit a portion of the Oath of Abjuration. Among them there is no precedent of any Member coming to the table to take and subscribe the Oath, who has not been allowed to do so, nor of any Member coming to the table and intimating expressly, or by necessary implication, that an oath would not, as an oath, be binding on his conscience. The present case is, therefore, one of first impression.

Now there is not only a *prima facie* right, but it is the duty of every Member who has been duly elected to take and subscribe the Oath, or to affirm according to the Statute. No instance has been brought to the attention of your Committee in which any inquiry has been made into the moral, religious, or political opinion of the person who was desirous to take any Promissory Oath, or of any objection being made to his taking such Oath. It would be impossible to foresee the evils which might arise if a contrary practice were sanctioned. But the question remains whether, if a Member when about to take the Oath should voluntarily make statements as to the binding effect of the Oath on his conscience, it is not within the power of the House to take such statements [Pg 9] into consideration, and determine whether such member would, if he went through the form of taking the Oath, be duly taking it within the provisions of the Statute. In the present instance, when Mr. Bradlaugh claimed under the Parliamentary Oaths Acts his right to affirm, and also stated that he had on several occasions been permitted in a Court of Justice to affirm, and had affirmed under the Evidence Amendment Acts, 1869 and 1870, he thereby in effect informed the House that on such occasions a judge of such court had been satisfied that an oath would have no binding effect upon his conscience. Your Committee did not think it right to accept this implication as conclusive without permitting Mr. Bradlaugh an opportunity of making a statement to, and giving evidence before, them. Nothing that has come before your Committee has affected or altered their views as to the effect of that which occurred when Mr. Bradlaugh claimed to

affirm, as above stated.

As to the Right and Jurisdiction of the House.

As to the right and jurisdiction of the House to refuse to allow the form of the Oath prescribed to be taken by duly elected Members to be taken by them, your Committee are of opinion that there is and must be an inherent power in the House to require that the law by which the proceedings of the House and of its Members in reference to the taking of the Parliamentary Oath is regulated, be duly observed. But this does not imply that there is any power in the House to interrogate any Member desirous to take the Oath of Allegiance upon any subject in connection with his religious belief, or as to the extent the Oath will bind his conscience; or that there is any power in the House to hear any evidence in relation to such matters.

And your Committee are of opinion that by and in making the claim to affirm, Mr. Bradlaugh voluntarily brought to the notice of the House that on several occasions he had been permitted in a Court of Justice to affirm, under the Evidence Amendment Acts, 1869 and 1870, in order to enable him to do which a Judge of the Court must have been satisfied that an Oath was not binding upon Mr. Bradlaugh's conscience; and, as he stated he had acted upon such decisions by [Pg 10]
repeatedly making the Affirmation in Courts of Justice; and, as above stated, nothing has appeared before your Committee to cause them to think Mr. Bradlaugh dissented from the correctness of such decisions, your Committee are of opinion that, under the circumstances, the compliance by Mr. Bradlaugh with the form used when an oath is taken would not be the taking of an Oath within the true meaning of the Statutes 29 Vict. c. 19. and 31 & 32 Vict. c. 72; and, therefore, that the House can, and in the opinion of your Committee ought, to prevent Mr. Bradlaugh going through this form.

But your Committee desire to point out to your Honorable House the position in which Mr. Bradlaugh will be placed if he is not allowed either to take the Oath or to affirm.

If the House of Commons prevent a duly elected Member from taking the Oath or Affirming, there is no power of reviewing or reversing that decision, however erroneous it may be in point of law.

But it appears to your Committee that if a Member should make and subscribe the Affirmation in place of taking and subscribing the Oath, it would be possible, by means of an action brought in the High Court of Justice, to test his legal right to make such Affirmation.

The Committee appointed to inquire into the law relating to the right of certain persons to affirm in effect recorded that Mr. Bradlaugh was not entitled by law to make the Affirmation.

But, from the fact that this Report was carried by the vote of the Chairman, thus showing a great division of opinion amongst the members of that Committee, the state of the law upon the subject cannot be regarded as satisfactorily determined. Under these circumstances it appears to your Committee that Mr. Bradlaugh should have an opportunity of having his statutory rights determined beyond doubt by being allowed to take the only step by which the legality of his making an Affirmation can be brought for decision before the High Court of Justice.

The House, by an exercise of its powers, can, doubtless, prevent Mr. Bradlaugh from obtaining such judicial decision; but your Committee deprecate that course. [Pg 11]

Your Committee accordingly recommend that should Mr. Bradlaugh again seek to make and subscribe the Affirmation he be not prevented from so doing.

16 June, 1880.

LIST OF WITNESSES.

Wednesday, 2nd June, 1880.

SIR THOMAS ERSKINE MAY, K.C.B.

MR. CHARLES BRADLAUGH, M.P.

Monday, 7th June, 1880.

MR. CHARLES BRADLAUGH, M.P.

MINUTES OF EVIDENCE.

Wednesday, 2nd June, 1880.

MEMBERS PRESENT:

Mr. Attorney General.
Mr. John Bright.
Mr. Childers.
Sir Richard Cross.
Mr. Gibson.
Sir Gabriel Goldney.
Mr. Grantham.
Mr. Staveley Hill.
Sir John Holker.
Mr. Beresford Hope.
Mr. Hopwood.
Sir Henry Jackson.
Lord Henry Lennox.
Mr. Massey.
Major Nolan.
Mr. Pemberton.
Mr. Serjeant Simon.
Mr. Solicitor General.
Mr. Trevelyan.
Mr. Walpole.
Mr. Whitbread.
Mr. Watkin Williams.

The Right Honorable SPENCER HORATIO WALPOLE in the Chair.

[Pg 12]

Sir THOMAS ERSKINE MAY, K.C.B.; Examined.

1. CHAIRMAN: You are the Clerk of the House of Commons?—I am.

2. You, I believe, are perfectly acquainted with what took place when Mr. Bradlaugh came to the table of the House, and proposed to make his affirmation instead of taking the oath?—Yes, I was personally present on that day.

3. Will you have the kindness to state to the Committee exactly what took place on that occasion, in order that we may have the facts upon our proceedings?—I will read what occurred, mainly from the Votes and Proceedings of the House, in which an accurate and authentic record of the proceedings of that day will be found. It appears that on Monday the 3rd of May, 1880, "Mr. Bradlaugh, returned as one of the Members for the borough of Northampton, came to the table and delivered the following statement in writing to the Clerk: 'To the Right Honorable the Speaker of the House of Commons. I, the undersigned Charles Bradlaugh, beg respectfully to claim to be allowed to affirm, as a person for the time being by law permitted to make a solemn affirmation or declaration, instead of taking an oath. (Signed) CHARLES BRADLAUGH.' And being asked by the Clerk upon what grounds he claimed to make an affirmation, he answered: By virtue of the Evidence Amendment Acts, 1869 and 1870. Whereupon the Clerk reported to Mr. Speaker, that Mr. Bradlaugh, Member for the borough of Northampton, claimed to make an affirmation or declaration instead of taking the Oath prescribed by law, in virtue of the provisions of the Evidence Amendment Acts, 1869 and 1870. Mr. Speaker thereupon informed Mr. Bradlaugh that if he desired to address the House in explanation of his claim he might be permitted to do so. Mr. Bradlaugh addressed the House in accordance with Mr. Speaker's intimation, and then he was directed to withdraw." The Committee will observe that there is no entry in the Votes of the words used by Mr. Bradlaugh; it is not customary on such occasions to make an entry of the observations made, which are considered to be part of the debates of the House, which are not recorded in the Votes and Proceedings; and there was no shorthand writer authorised by the [Pg 13] House to take notes, and therefore there could have been no authentic record upon which one could rely.

4. Have you any reason to believe that something was said upon that occasion by Mr. Bradlaugh other than what appeared upon the Votes?—Mr. Bradlaugh's observations were very short. He repeated that he relied upon the Evidence Further Amendment Act, 1869, and the Evidence Amendment Act, 1870, adding, "I have repeatedly, for nine years past, made an affirmation in the highest courts of jurisdiction in this realm; I am ready to make such a declaration or affirmation." Substantially those were the words which he addressed to the Speaker.

5. What took place after that?—Whereupon Mr. Speaker addressed the House as follows: "I have now formally to acquaint the House that Mr. Bradlaugh, Member for the borough of Northampton, claims to make an affirmation or declaration instead of the oath prescribed by law. He founds this claim upon the terms of the 4th clause of the Act 29 and 30 Vict., c. 19, and the Evidence Amendment Acts, 1869 and 1870. I have not considered myself justified in determining this claim myself, having grave doubts on the construction of the Acts above stated, but desire to refer the matter to the judgment of the House."

6. That is substantially all that took place upon that occasion?—I presume the Committee will scarcely desire that I should proceed through all the subsequent Votes of the House in regard to the appointment of the Committees.

7. There is nothing beyond what you have stated which is material for the Committee to consider?—No, nothing besides what happened on that day in reference to this matter.

8. You are, of course, acquainted with the terms of the reference to this Committee.—Yes.

9. What were the proceedings which took place after the Report of the former Committee?—The Report of the Committee was ordered to lie upon the table, and no further proceedings were taken upon it; it lies upon the table at present.

10. Mr. Gibson: On what day was it laid upon the table?—On the 20th of May, the day on which the House assembled for business. [Pg 14]

11. Mr. Attorney General: I think some of the members of the Committee would like to have some account of what took place in the interval between the time when Mr. Bradlaugh claimed to make the affirmation, and the time when he appeared at the table to take the Oath?—Mr. Bradlaugh presented himself at the table to be sworn on the 21st of May, the day after the receipt of the Report from the Committee; and if the Committee would desire it, I can read from the Minutes what took place upon that occasion. “Mr. Bradlaugh, returned as one of the Members for the borough of Northampton, came to the table to take and subscribe the Oath, and the Clerk was proceeding to administer the same to him, when Sir Henry Drummond Wolff, Member for Portsmouth, rose to take objection thereto, and submit a motion to the House; whereupon Mr. Speaker directed Mr. Bradlaugh to withdraw.” And then, as the Committee are aware, several proceedings occurred, which extended over some days: the Committee will scarcely desire them to be read.

12. Chairman: Those proceedings are really stated in the Order of Reference to this Committee?—Yes.

13. Mr. Gibson: At what date did this Parliament meet for the first time?—On Thursday, the 29th of April.

14. And on what day did Mr. Bradlaugh claim to make the affirmation?—On Monday, the 3rd of May.

15. The swearing of Members had been going on in the meantime, had it not?—The swearing of Members began on Friday, the 30th of April.

16. You are acquainted with Mr. Bradlaugh’s appearance; are you yourself aware whether he had been in the House during the swearing of Members on any of the intervening days?—He had been about the House, unquestionably.

17. Mr. Serjeant Simon: Mr. Bradlaugh was present, I believe, and voted when the Speaker was elected?—Yes; none of the members had then been sworn.

18. Chairman: Since this Committee has been appointed have you made a search into the Journals of the House for any precedents which bear upon the question before the Committee?—Yes, I directed the Clerk of the Journals to make a search for every precedent which would tend to illustrate the jurisdiction and proceedings of the House in regard to the taking of oaths. [Pg 15]

19. What is the result of the search?—The result of that search is the paper which is upon the table to-day, and in the hands of all the Members of the Committee.

20. I see that one of those is a precedent of a Member disabled for having sat in the House without taking the Oath; then there is a precedent of a Member being admitted to sit without taking the Oath of Allegiance and Supremacy; then there are precedents of Members being discharged for declining to take the Oath; then there is a precedent of a Member, being a Quaker, refusing to take the Oath; then there is a precedent of a Member expelled for absconding, and not taking the Oath; then there is a precedent of a Member refusing to take the Oath of Supremacy; then there is a precedent of a Member, being a Quaker, claiming to make an affirmation; then there are precedents of Members omitting the words in the Oath of Abjuration, “on the true faith of a Christian;” and lastly, the precedent of a Member stating that he had a conscientious objection to take the Oath. I should like to ask whether there is any precedent amongst those of a member coming to the table and stating that he was ready to take the Oath, and any objection being taken to him in consequence of that statement?—No, there is no precedent to that effect, unless it might be argued that the case of Mr. O’Connell, in 1829, was, to a certain extent, analogous. He claimed, as the Committee are aware, to take the Oath recently provided by the Catholic Relief Act, and which, he contended, was the oath that he was entitled to take; it was a question of law whether that was the oath which he could take.

21. In that case he refused to take the old oath, and he offered to take the new oath under the Catholic Relief Act?—That is so.

22. And the House refused, I believe, to allow him to take that oath?—That was the case. I may state briefly that these precedents may generally be divided into three classes: first, cases of refusal to take the oath; secondly, claims to make an affirmation instead of taking the oath; and thirdly, claims to omit a portion of the Oath of Abjuration. With one or two exceptional cases, those three classes comprehend all the cases which have been laid before the Committee.

23. Mr. Bradlaugh (through the Committee): I should like to ask upon that whether the case of Daniel O’Connell was not a case of absolute refusal by the Member to take the oath required by [Pg 16]

law?—I think the best way will be, perhaps, to read the precedent from this paper, and then any inference can be drawn from it. It is at page 5. “Precedent of Member refusing to take the Oath of Supremacy; Daniel O’Connell, Esq., professing the Roman Catholic religion, returned knight of the shire for the county of Clare, being introduced in the usual manner, for the purpose of taking his seat, produced at the table a certificate of his having been sworn before two of the deputies appointed by the Lord Stewart, whereupon the Clerk tendered to him the Oaths of Allegiance, Supremacy, and Abjuration; upon which Mr. O’Connell stated that he was ready to take the Oaths of Allegiance and Abjuration, but that he could not take the Oath of Supremacy, and claimed the privilege of being allowed to take the oath set forth in the Act passed in the present Session of Parliament ‘for the relief of His Majesty’s Roman Catholic subjects’; whereupon the Clerk having stated the matter to Mr. Speaker, Mr. Speaker informed Mr. O’Connell that, according to his interpretation of the law, it was incumbent upon Mr. O’Connell to take the Oaths of Allegiance, Supremacy and Abjuration, and that the provisions of the new act applied only to Members returned after the commencement of the said Act, except in so far as regarded the repeal of the declaration against transubstantiation; And that Mr. O’Connell must withdraw unless he were prepared to take the Oaths of Allegiance, Supremacy, and Abjuration. Whereupon Mr. O’Connell withdrew. Motion, That Mr. O’Connell be called back and heard at the table. Debate arising, a Member stated that he was requested by Mr. O’Connell to desire that he might be heard. Debate adjourned. Resolved, That Mr. O’Connell, the Member for Clare, be heard at the bar, by himself, his counsel or agents, in respect of his claim to sit and vote in Parliament without taking the Oath of Supremacy. Mr. O’Connell was called in and heard accordingly: and being withdrawn; Resolved, That it is the opinion of this House that Mr. O’Connell, having been returned a Member of this House before the commencement of the Act passed in this Session of Parliament ‘for the relief of His Majesty’s Roman Catholic subjects,’ is not entitled to sit or vote in this House unless he first take the Oath of Supremacy. Ordered, That Mr. O’Connell do attend the House this day, and that Mr. Speaker do then communicate to him the said resolution, and ask him whether he will take the Oath of Supremacy. And the House being informed that Mr. O’Connell attended at the door, he was called to the Bar, and Mr. Speaker communicated to him the resolution of the House of yesterday, and the order thereon, as followeth.” Then the resolution and the order are repeated. “And then Mr. Speaker, pursuant to the said order, asked Mr. O’Connell whether he would take the said Oath of Supremacy? Whereupon Mr. O’Connell requested to see the said Oath, which being shown to him accordingly, Mr. O’Connell stated that the said Oath contained one proposition which he knew to be false, and another proposition which he believed to be untrue; and that he therefore refused to take the said Oath of Supremacy. And then Mr. O’Connell was directed to withdraw, and he withdrew accordingly;” and then a new writ was ordered. [Pg 17]

24. Mr. John Bright: Were those oaths separate oaths?—Yes, they were three separate oaths.

25. And they require three separate acts in taking them?—Yes.

26. Mr. Attorney General: I think the result is that the House first determined that the Oath of Supremacy which ought to be taken by Mr. O’Connell was the old oath, and not the oath under the Catholic Relief Act?—Clearly.

27. And having determined that it was the old oath that required to be taken, Mr. O’Connell refused to take it?—Certainly.

28. Mr. Bradlaugh (through the Committee): Have you searched for any precedent affecting the taking of the oath by a Member alleged to be disqualified or ineligible; has your attention been called to the case of John Horne Tooke, in Volume 35 of Parliamentary History, in the year 1801, commencing at page 956?—Not in respect of any question relating to oaths: it is not amongst these precedents.

29. As a fact, was Mr. John Horne Tooke’s capacity to sit in the House challenged in this case?—Yes, as being in Holy Orders, but not in relation to any question of taking the oath. [Pg 18]

30. The next question that I have to ask is whether your attention has been called to the case of the alleged ineligibility of Francis Bacon, the King’s Attorney General, in 1614, cited in the Commons Journal, Volume I., pp. 459 and 460?—No, my attention has not been directed to any questions of incapacity: it has been confined to questions arising out of the taking of the oaths prescribed by law.

31. There is one other question that I should like to ask, and that is whether your attention has been called to any case in which the House has discussed and dealt with the election of a Member, before that Committee was sworn?—With regard to the Jews, that would apply to Baron Rothschild and to Alderman Salomons.

32. I do not mean a case of a Member refusing to be sworn, but a case in which the House has dealt with the election before the Member had been sworn; has your attention been called to that?—No.

33. There is one case, the case of John Wilkes; the cases of O’Donovan Rossa and Mitchell were cases of legal disability; has your attention been called to any case in which the House has dealt with the election of a Member before he was sworn except for statutory disability?—Sir John Leedes sat in the House without having taken the Oath, and therefore he had clearly vacated his seat, and a new writ was issued.

34. I mean a case in which the Member has not been sworn, and in which there has been a

discussion upon his eligibility outside the precedents which you have handed in; I refer to the case of John Wilkes, which is to be found in 38 Commons Journals, p. 977, and Cavendish's Parliamentary Debates, Volume I., extending over many hundred pages, commencing at 827. May I ask Sir Erskine May whether the practice has not been that when a Member appears to take the Oaths within the limited time, all other business is immediately to cease and not to be resumed until he has sworn and has subscribed the roll?—That was the old practice, but it has been superseded by a recent Standing Order under the Parliamentary Oaths Act of 1866, and the rule is now different; Members can be sworn until the commencement of public business and afterwards; but no debate or business may be interrupted for that purpose. [Pg 19]

35. That is not quite the question that I wish to put; the question that I wish to put is whether it is not now and has not always been the practice of the House that within a limited time, whatever that time may be, if a Member appears to take the oaths all other business is immediately to cease and not to be resumed until he has been sworn and has subscribed the Roll?—That was the old practice, when the oaths were required to be taken before four o'clock, but it has since been altered. This is the present Standing Order under which the oaths are administered, and this order was made in pursuance of the Parliamentary Oaths Act of 1866: "That Members may take and subscribe the Oath required by law at any time during the sitting of the House before the Orders of the Day and Notices of Motions have been entered upon, or after they have been disposed of, but no debate or business shall be interrupted for that purpose."

36. Then I again repeat my question, whether the practice has not been that a Member so appearing under the Standing Order just read to take the oath, all other business is immediately to cease and not to be resumed until he has been sworn and has subscribed the Roll?—I have already stated that such was the old practice, which has been distinctly and specifically superseded by the last Standing Order, which is now in force.

37. Is that the Standing Order which you have just read?—Yes, that is the Standing Order now in force.

38. Of course it will be a matter for argument whether it has altered it or not, but is there any other Order altering this practice except the one which you have just read?—There is no other Standing Order, and that Standing Order was made, as I have already stated, in pursuance of the Parliamentary Oaths Act of 1866, which authorised the House to make regulations with regard to the swearing of Members.

39. But except so far as it may have been altered by the Standing Order which you have just read, was the practice that a Member appearing to take the oath all other business was to cease, and not to be resumed until he had sworn and subscribed the Roll?—Yes, certainly. [Pg 20]

40. Mr. Attorney General: The present Standing Order is dated the 30th April, 1866, is it not?—It is.

41. Mr. Bradlaugh (through the Committee): Are you aware that the House has refused to make any inquiry as to what is consistent, or what is not consistent with the Oath of Allegiance taken by a Member?—I presume that the reference must be to a case which arose in debate. That I do not consider, in any way, in point in the present inquiry, but the question was this: "In one case an attempt was made to obtain from a Member who was about to bring forward a motion, a repudiation of statements made elsewhere, which were alleged to be at variance with the oath he had taken; but the Speaker stated that it was no part of his duty to determine what was consistent with that oath, and that the terms of the motion were not in violation of any rules of the House." That was a point of Order, and had no reference whatever to the taking of the Oath.

42. Mr. Attorney General: What was the motion?—It is in the 210th volume of "Hansard's Debates," 3rd Series, page 252. It is at page 197 of my book, in a note.

43. Mr. John Bright: In what year?—On the 19th March, 1872; there is merely an incidental reference to it.

44. Mr. Bradlaugh (through the Committee): Are you aware of any precedent for the dealing by the House with the election of any Member not disqualified by statute or common law, until after that Member had sat and been sworn?—My attention has not been directed to any precedent bearing upon that precise point, but I apprehend that the fact of whether the Member had been sworn or not would not interfere with any proceedings. For example, under an election petition, if a Member's seat were contested, under the old system, the matter would have proceeded in the usual way, without reference to the question of whether the Member had taken the Oath or not.

45. But in such a case the Member would have been sworn, and would have sat until the question was decided?—Not necessarily; under the terms of the question I assume that he had not taken his seat.

46. Are there not very numerous cases in which with a petition against a Member for alleged statutory disqualification that Member has been sworn and has sat until the decision?—Unquestionably; there can be no doubt about it; it frequently happens. [Pg 21]

47. Then I ask whether there is any precedent whatever for the House dealing with a Member's election or his right to sit, except in cases of absolute statutory disqualification, until that Member has taken his seat and the oaths?—So far as I understand the question, I should say that whether the Member has been sworn, or not, the matter of his disqualification, or of his right to

sit would be open to the decision of the House.

48. I am not arguing the point at the moment; I am only trying to get at the fact. If you have not looked for it, of course I cannot have it; but is there, so far as you know, any precedent of such a thing ever having happened?—I know of none; but I have not searched for any such precedent.

49. Mr. Attorney General: It would not appear, would it?—I hardly know how it would appear; unless one's attention were specifically drawn to any case, there would be no means of discovering it.

50. Mr. Bradlaugh (through the Committee): I will ask whether that question was not raised in the case of Wilkes, and whether it was not in the consideration of that case fully discussed, and whether the House did not resolve that any such dealing with a member was subversive of the rights of the whole body of electors of this kingdom?—I do not understand how that case has any bearing upon the present question.

51. There are three cases: one of expulsion, two of election annulled, and then ultimate reversal of the whole of that and expungment by the House?—Yes, but that has no bearing upon the present case. Of course, I am familiar with the case of Wilkes, but not in connection with any matter arising out of the administration of oaths, which is the special matter referred to this Committee.

52. Have you had your attention called to the Journal of the House of Commons, Vol. I., page 460, in which Sir Francis Bacon, the King's Attorney General, having sworn to his qualification, which was challenged, the House said, "Their oath, their own consciences to look into, not we to examine it?"—That case is not one of the precedents that we have collected. [Pg 22]

> Mr. Bradlaugh: They are entered extremely curiously, and one can only take the decision. It begins on page 459, "Eligibility of the Attorney General," and it does not show there that it is Sir Francis Bacon: but I have learnt that by looking up the other records; and there being then a statutory declaration which lasted until a few years ago for all counsel, solicitors, and practising men of the law, it was objected that the King's Attorney General could not sit; it appears that he had to swear to his qualification, and the question of his oath and of his disqualification, being Attorney General, were put, and the House said, "Their oath, their own consciences to look into, not we to examine it," and they left him in the House, resolving that no future Attorney General should sit in it.
>
> Chairman: That was the case which was raised as to whether the law officers of the Crown, who had for certain purposes seats in the House of Lords, had seats in the House of Commons.
>
> Mr. Bradlaugh: Not quite that. There was an obsolete statute of the 46th Edward III., which was only repealed eight or nine years ago, but which does not seem to have been attended to, by which all practising barristers and solicitors were disqualified for sitting for counties.

53. Mr. Beresford Hope: Wilkes's precedent being expunged, is it still legible in the Journal, and could it be produced for historical information?—Certainly.

54. Major Nolan: With regard to the evidence about O'Connell, I think you stated that an Act was passed to enable O'Connell and his co-religionists to sit in Parliament?—Not to enable O'Connell to sit in Parliament, but to enable Roman Catholics to sit in Parliament.

55. O'Connell was not allowed to take advantage of that Act until he was re-elected?—No, because he had been elected prior to the passing of the Act, and the Act was clearly prospective.

56. Was the wording of that particular statute the reason why he was not allowed to take advantage of that Act?—Certainly; distinctly.

57. Would it be possible for the present or any future Parliament to pass an Act which would [Pg 23] enable a man who had been elected previous to the passing of the Act to sit in the House?—It is not for me to say what Act of Parliament might be agreed to by Parliament, but that is quite a distinct case. In that case Mr. O'Connell had actually been elected when the Catholic Relief Act was passed, and there was a clause in the Act which made its operation prospective, and therefore distinctly, and, I believe, intentionally, excluding Mr. O'Connell from the benefits of the Act.

58. Then he was only prevented from taking advantage of that Act owing to the particular wording of that particular clause, and not owing to anything inherent in the House of Commons? —Yes; the decision was founded upon a literal construction of the words of the recent statute.

59. Mr. Whitbread: The case of Mr. O'Connell was this: that he declined to take the oath which was required of Members of Parliament elected at the time that he was elected, and that he requested to be allowed to take another form of oath; he was ordered to withdraw, and the House considered his case; is there anything that you have found in the Journals or in the Debates to indicate that if Mr. O'Connell had been willing to take the oath required of him by the House, the House would have objected to his so taking it?—Certainly not; they put it to him whether he would take the Oath of Supremacy, and upon the face of the Journal, it would seem that if he had taken that oath, he would have been admitted.

60. Mr. Bradlaugh (through the Committee): After John Archdale had claimed to affirm, did not the House absolutely order him to attend in his place for the purpose of being sworn, and tender the oaths to him?—Mr. Archdale was ordered to attend, and the House being informed that Mr. Archdale attended according to order, his letter to Mr. Speaker was read. That letter is printed at full length among the precedents. “And the several statutes qualifying persons to come into and sit and vote in this House were read, viz., of the 30 Car. II., 1 Will. and Mariæ, and 7 & 8 Will. and Mariæ. And then the said Mr. Archdale was called in, and he came into the middle of the House, almost to the table; and Mr. Speaker, by direction of the House, asked him whether he had taken the oaths, or would take the oaths, appointed to qualify himself to be a Member of this [Pg 24] House; to which he answered, That in regard to a principle of his religion he had not taken the oaths, nor could take them; and then he withdrew, and a new writ was ordered.”

61. Mr. Serjeant Simon: With reference to what the Honorable Member for Bedford has put to you just now, Mr. O’Connell refused to take the Oath of Supremacy on the ground that it contained matter which he knew to be untrue, and other matter which he believed to be untrue?—Yes, he so stated.

62. Thereupon he withdrew; but is there any precedent among the Journals to show that a Member stating beforehand that what was contained in the oath was untrue, or a matter of unbelief to him, has been allowed to take the oath under such circumstances?—No, this is the only precedent, so far as I know, of that particular character. The others are cases of absolute refusal to take the oath, or a desire to make an affirmation instead of an oath, or to leave out certain words of the Oath.

63. But is there any precedent where, as in the case of Mr. O’Connell, a Member coming to the table of the House, has made a statement such as Mr. O’Connell made, that the oath contains matter which he knows to be untrue, or believes to be untrue, and has been allowed to take the oath afterwards?—There is no case to be found, so far as I know; certainly there is none in any of these precedents.

64. Mr. Secretary Childers: Is the precedent in Mr. O’Connell’s case this; that on the 15th May Mr. O’Connell said that he could not take the Oath of Supremacy, and that, nevertheless, on the 19th, he was asked whether he would take the Oath of Supremacy, although he had previously informed the House that he was unable to take it?—Yes, because he had been heard, in the interval, upon his claim to take the new oath, under the recent Catholic Relief Act.

65. But was not that a precedent for a Member who had already stated that he could not take a certain oath, nevertheless being afterwards asked by the House whether he would take it?—It so appears on the face of the precedents.

66. I will put that question again more clearly; is it not the case that, as appears on page 5 of the Paper which you have placed before us, Mr. O’Connell on the 15th May said, that he could not [Pg 25] take the Oath of Supremacy?—Yes.

67. And that, nevertheless, on the 19th of May it was ordered that Mr. Speaker do communicate to him the Resolution passed on the same day, and ask him whether he would take the Oath of Supremacy?—It was so.

68. Although the House was aware that Mr. O’Connell had said that he could not take it?—Yes; but as I observed before, in the interval he had been heard upon the question of his right to take the new oath; and that, I think, accounts for the fact that the question was repeated to him as to whether, after the decision of the House had been communicated, he still persisted in refusing to take the Oath of Supremacy.

69. Mr. Watkin Williams: Was not Mr. O’Connell’s objection to taking the Oath of Supremacy an objection to the truth of the matter sworn to?—Yes, certainly; and it was an oath which no Roman Catholic could take.

70. It was the truth of the matter which he was asked to pledge his oath to that he objected to, and he did not express any disbelief in the binding character of the oath itself?—No. Every Roman Catholic objected to take the Oath of Supremacy; in fact, the Oath of Supremacy was expressly designed to exclude them from Parliament.

71. Mr. Attorney General: And in consequence of the objection a new form of oath was put in the Catholic Relief Bill?—Certainly, because the Oath of Supremacy was intended to exclude Roman Catholics, and did exclude them, and was known to exclude them.

72. Mr. Watkin Williams: It was not his inability to take the oath, but his inability to pledge himself to the truth of what he was asked to swear to?—Certainly.

73. Mr. Staveley Hill: I gather from you that the House never asked O’Connell to take the oath after his giving the grounds of recusancy?—Yes, that is so.

74. Mr. Serjeant Simon: It appears that the Speaker first asked him whether he would take the Oath of Supremacy, and then he says, No, and gives those reasons?—Yes.

75. Mr. Pemberton: In addition to Mr. O’Connell’s having been heard after he had at first declined to take the oath, was there not some further discussion in the House in which other Members [Pg 26] took part?—Certainly; those Debates will all be found in Hansard.

76. Sir Gabriel Goldney: His refusal to take the oath in the first instance was accompanied by a claim at the same time to take the new oath?—Clearly.

77. It was a refusal to take the oath accompanied by a claim for a new one; afterwards he was allowed to be heard upon that point, and then it was that the House, having decided that he could not be admitted on the new oath, he was asked if he chose to take the old oath, which he refused to do?—That is a correct statement of the case.

78. Mr. Hopwood: With regard to the point of the Standing Orders as to which Mr. Bradlaugh has asked, as I understand you, under the old practice, as pointed out in Hatsell, and as we know it existed, the occasion of a Member coming to be sworn caused all other business to cease?—Yes.

79. And then as you say, a Standing Order was passed that particular times more appropriate should be allotted for taking those oaths?—Yes.

80. But even though that may be so at the time of taking an oath, no other business can go on?—Clearly not; it is the sole business that is transacted at the moment.

81. No other business can be interposed, and nothing else can be proceeded with but the oath of the Member?—Certainly not; it is the business of the moment, and no other business can interpose.

82. Mr. Gibson: You have been asked by several honorable Members about O'Connell's case; in your opinion, is there the slightest analogy between the facts and circumstances in O'Connell's case and those of the case now before the Committee?—I see none myself, but I would rather leave such questions for the determination of the Committee. I have stated the case in print, and of course the points of difference are matters of argument.

83. So far as you know, is there any precedent for permitting a Member of the House of Commons to take the Oath after he has stated in the House expressly, or by necessary implication, that it will have no binding effect upon his conscience?—There is no such case on record, so far as I have had the means of ascertaining. [Pg 27]

Mr. Charles Bradlaugh, a Member of the House; Examined:

84. Chairman: You were in the room, I think, when Sir Thomas Erskine May gave that part of his evidence as to a matter which was not on the Votes and Proceedings?—Yes, but which took place upon the occasion of my first coming to offer to affirm.

85. Is that accurately and fully stated?—It is accurately and fully stated. I shall have to ask the indulgence of the Committee if in any of the points which I press there seems to be any undueness in the pressing of them, because, as far as I can see, this is the first occasion on which such a matter has arisen. In the reference which the Committee have to deal with, I claim to be sworn and take my seat by virtue of my due return, a return untainted by illegality of any description, and in pursuance of the Statute of the 5th of Richard II., which puts upon me the duty of coming here to be sworn and do my duty under penalty of fine and imprisonment. I do not know whether the Committee wish that I should read the Statute. It is the second Statute of Richard II.; it is on page 228 of the revised Statutes, Vol. I.; it is a Statute of the year 1382. I submit that although a Member may not sit and vote until he has taken the oaths, he is entitled to all the other privileges of a Member, and is otherwise regarded both by the House and the laws as qualified to serve, until some other disqualification has been shown to exist; and I quote in support of that Sir Thomas Erskine May's book, p. 202, that there is nothing in what I did in asking to affirm which in any way disqualified me from taking the Oath. The evidence that that is so is found in the case of Archdale, on page 3 of the Precedents handed in by Sir Thomas Erskine May, where, after John Archdale had claimed to affirm, he was called into the House, and Mr. Speaker, by direction of the House, asked him if he would take the oaths; that I have never at any time refused to take the Oath of Allegiance provided by Statute to be taken by Members; that all I did was, believing as I then did, that I had the right to affirm, to claim to affirm, and I was then absolutely silent as to the oath; that I did not refuse to take it, nor have I then or since expressed any mental reservation, or stated that the appointed Oath of Allegiance would not be binding [Pg 28] upon me; that, on the contrary, I say, and have said, that the essential part of the oath is in the fullest and most complete degree binding upon my honor and conscience, and that the repeating of words of asseveration does not in the slightest degree weaken the binding effect of the Oath of Allegiance upon me. I may say, that if it would be more convenient for any Member of the Committee to ask me any question upon my statement as I go on, it will not interrupt me at all.

86. I think the Committee would rather hear you through.—I submit that according to law the House of Commons has neither the right nor the jurisdiction to refuse to allow the said form of oath to be administered to me, there being no legal disqualification on my part of which the House can or ought to take notice, and there being on my part an express demand to take the Oath, this demand being unaccompanied by, and free from, any reservation or limitation. I submit that there is no case in which the Oath of Allegiance has been refused to any Member respectfully and unreservedly tendering himself to be sworn. I submit that any Member properly presenting himself to be sworn, and not refusing to be sworn, is entitled to be sworn, and to take his seat without interruption, and that the discussion of any disqualification or ineligibility must in such case, according to the practice and precedent of Parliament, take place after the Member has taken his seat; and I quote in support of that John Horne Tooke's case, which came before the House in 1801. It was alleged that John Horne Tooke was ineligible because he was an ordained

clergyman of the Church of England. There he was allowed to take the oaths first, and after he had taken the oaths Earl Temple rose and said (I am quoting from page 956 of the Parliamentary History, Volume 35), that he observed a gentleman who had just retired from the table after having taken the Oaths whom he conceived to be incapable of having a seat in the House in consequence of his having taken priest's orders, and been inducted into a living. Earl Temple agreed he would wait to see if a petition were presented against him, and if not he should move a resolution upon the subject; and ultimately a resolution was moved that John Horne Tooke was ineligible. The House allowed John Horne Tooke to sit, but declared clergymen for the future to be ineligible for sitting. I rely upon that as showing that the proper course to be pursued, supposing that any Member should think that I am ineligible, is to wait until I have been sworn and have taken my seat, and then to challenge it; and that this is clear, because if it were not so it would be possible for the first 41 Members sworn or for a majority of that 41, that is, for 21 Members to hinder the swearing of all Members coming later to the table without any remedy on the part of the Members aggrieved; and I submit, with great respect for the evidence of Sir Thomas Erskine May, that he has misapprehended the force of the Standing Order that he read to you. Hatsell's Precedents, Volume II., page 90, declares distinctly that when a Member appears to take the oaths within a limited time, all other business is immediately to cease, and not to be resumed until he has been sworn and has subscribed the Roll; and with great submission to Sir Thomas Erskine May, there is no word in the Standing Order which he quoted as altering and changing that practice, which does so alter and change it. All that the Standing Order does is to specify the time and the manner in which the Members might come to the table to be sworn, which had not been hitherto specified; but it does not in any way deal with what was to happen when they did come to the table to be sworn. And if the Committee would permit me respectfully to submit, it would be most dangerous to the House if it were not so. The first batch of Members called over by the Clerk of the House are sworn, and they may then, if the contention raised upon the Standing Order quoted by Sir Thomas Erskine May be correct, prevent every other Member being sworn, if there be more than 40. They may fulfil all the duties of a House of Commons, and do what they please, without any remedy, as the matter stands; every election might be declared null and void, and every one sent back to their constituencies one after another. I submit also that the case of the Attorney General, Sir Francis Bacon, Volume I. of the Commons Journal, page 459, is also a precedent in the same direction. I am obliged to tell the Committee that I cannot quote it with the same reliance that I can put upon Horne Tooke's case, for the notes seem to have been taken, I will not say irregularly, but they do not seem to convey the whole of what took place, and therefore I can only deal with the result. Sir H. Hobart is quoted as being "the only attorney that hath been in this House;" and then there arises a discussion, some of which does not seem to me to be material, as to whether the then Attorney General could sit or not, and I find in the returns that the Attorney General at that date was Sir Francis Bacon, who, three days after this discussion, elected to sit for the University of Cambridge, and although I have not the legal evidence, because the returns are incomplete for that year, as he elected to sit for the University of Cambridge, the probability is that he had also been returned for a county. There was then a Statute of the 46th Edward III., which has only recently been repealed, which made a practising man of the law absolutely ineligible; and it also appears that there was some oath of qualification, of which I have not been able to find the words, which was then taken by a Member coming to the table; and it appears here that the Oath was alleged in the course of the discussion, and two things were said which I press upon the attention of the Committee; one, that the precedents to disable a Member ought to be shown on the side of those who seek to disable (it is not written so lengthily as that; the words are, "The precedents to disable him ought to be showed on the other side"), and the other is, "Their oath, their own consciences to look unto, not we to examine it," which meant, as I submit, that the House did not constitute itself into an Inquisition to look behind a man coming to take the Oath, but that, subject to his being dealt with by law if he had taken it improperly, or subject to a legal disqualification being made clear to the House, they assumed his oath to be properly taken. I submit that even Members absolutely petitioned against and alleged to be disqualified or ineligible by law, are always allowed to be sworn when they come to the table to be sworn and to sit pending the decision of the petition. The only cases which I have found of absolute legal disqualification in which the Member's election was annulled before he had entered the House, are the cases of Mitchell and O'Donovan Rossa (both of whom were away), and the case of John Wilkes, who was physically incapacitated from taking the oath from the act that he was in the custody of the law at the time, and those who held him would not have permitted him to come to the table to be sworn. Those are the only cases even with an allegation of an absolute disqualification in the case of O'Donovan Rossa and Mitchell, and of a disqualification alleged, but not admitted, and not legal, not statutory, in the case of Wilkes, that I have been able to find; and in Wilkes's case the House has solemnly decided that it did wrong there, and I submit that it ought not to do it again. But here the return is not questioned. It is not pretended that there has been a single circumstance of illegality connected with the election, the sole point being, Am I qualified to sit? If I am qualified to sit, I have the duty to take the Oath, and the House has neither the right nor the jurisdiction to refuse the Oath to me, nor to interrupt me in the taking of it. If my qualification or eligibility to sit is to be discussed, the precedent for the proper mode of discussing that qualification is in Horne Tooke's case, and rightly so, because then I have the opportunity from my place in the House of defending myself, and of correcting any misstatements that may possibly be urged by Members who may be too anxious that I should not sit, supposing in any other House of Commons it should happen, and it then gives the Member attacked fair play. While I admit entirely that the House has a full and most complete right to expel any sitting Member, and this in its own discretion, and for any reasons in its wisdom sufficient, I submit that it has never done this without first calling upon the Member to be heard in his own defence, and

[Pg 29]

[Pg 30]

[Pg 31]

that that cannot possibly happen until the Member is sworn and is sitting. I submit that while the House has the right to annul the election of a person absolutely disqualified by law, it has never, except in one case, that of John Wilkes, claimed the right to interfere, and in that case it ultimately expunged from its proceedings the whole of its hostile resolutions, as being subversive of the rights of the whole body of electors of this kingdom. I quote on that the Commons Journal, Vol. 38, 3rd of May 1782. I do not think that I should be right in troubling the Committee with the very strong arguments used time after time by Edmund Burke, Thomas Pitt, and others; but I want to point out this, that in addition to the charge on which John Wilkes was expelled from the House (and I am not questioning his original expulsion), there were also charges introduced against John Wilkes for his publications outside the House. That will be found in 1st Cavendish, page 73 and page 129, and they are charges far exceeding anything (if I may judge from the [Pg 32] reports which have even been put in) in relation to any supposed publications of my own. None of those charges were ultimately considered by the House to justify the interference of the House with the choice of the constituency. To use the words of Mr. Thomas Pitt, on page 350 of Cavendish, words endorsed by the House itself, “Nothing but a positive law can enable you to circumscribe the electors in their choice of a representative, however, indiscreet they may be in their choice.” I consider now on what grounds is it claimed that the House of Commons has the right and jurisdiction, following the words of reference, to refuse to allow me to take and subscribe the Oath? Is it for a disqualification or ineligibility existing prior to my election and continuing down to the time of my election—I mean a disqualification or ineligibility created by Statute or existing at common law? No such disqualification is even pretended. Is it for a disqualification or ineligibility of like legal character arising since my election? No such disqualification is pretended. Is it for conduct not amounting to absolute disqualification legally, but conduct for which the House has in its discretion exercised its rights and jurisdictions by expelling a Member? It must be this, or it is nothing. If there is neither legal disqualification prior to my election, nor legal disqualification subsequent to my election, then there must be such conduct not amounting to absolute legal disqualification as would, were I a sitting Member, justify the House in using its discretion to expel a Member. But if that conduct be prior to the election, then I submit that the constituency is the sole and sovereign judge of the fitness of the candidate, such candidate not being legally disqualified, and that where the chosen and duly returned candidate is ready to perform his duties, this House has neither the right nor the jurisdiction to revoke the decision of the constituency; and that in the only case in which the House did so interfere it afterwards solemnly recorded that its conduct was illegal, as being subversive of the rights of the whole body of the electors of this kingdom. If the complaint against me is for conduct arising since my election, then I submit that even if such matters justify my expulsion as a Member, the point could only be raised after I had been heard in my place against the Resolution, and that the matter could not arise until I have taken the Oath and become [Pg 33] entitled to speak, sit, and vote. Manifestly this must be so, as otherwise it would always be in the power of a majority to exclude from coming to take his seat any Member to whom they might have an objection; and although such a thing is, luckily, not probable now, there have been times, even in the history of the House of Commons, when a majority, even of election committees, as I read in the Records of the House, have sought by mere prejudice to exclude Members. It is, therefore, the more necessary that at any rate a Member should have the right to be heard in his own defence. I submit that there is no precedent whatever for preventing a Member from taking his seat and the Oath, on the ground of conduct not amounting to absolute legal disqualification. There is no such precedent to be found at all, and I have searched very carefully indeed. I put the question to Sir Erskine May lest anything should have escaped me, and I say absolutely there is no precedent. Then I submit that it would not be consistent with the dignity of the House to examine any statement made by any Member outside the House, as to any of its procedure, and that in fact the House has firmly refused to allow a Member to be challenged as to whether or not some of his extra-Parliamentary utterances were inconsistent with his Oath of Allegiance; and here I should like the Committee to come to a decision, because it would alter and abridge my argument. If the Committee thought (I will put a suppositious case) that, say there were some document that they thought they had the right to take into consideration here, then while I should object to that, I should like to have the opportunity of addressing the Committee as to that. So far as the evidence has gone, I have not heard of any, except the mere statement in the House, only I judged from a question put by an honorable and learned Member that something was passing in his mind (which, by the way, did not seem to me to be the fact) justifying a question put to Sir Thomas Erskine May as to whether the Oath could be administered to a man who had done something either actually or by implication repudiating the effect of that Oath. I have heard nothing in the evidence, so far as it has gone, giving the slightest color or warranty for such a question. If there are any facts to be dealt with by this Committee other than that, then I should like to know the facts, and to argue upon them; but it would be only wasting the time of [Pg 34] the Committee to address argument to any point which the Committee would not think it right to consider; and I should be glad if, before going further into my statement, the Committee thought it right to intimate to me their view upon that.

The Committee deliberated.

87. Chairman: I think the Committee would like to understand from you the kind of objection that you are anticipating before you proceed with your argument; as I understood you, you took this kind of objection: “I wish to know whether the Committee are going into any proceedings external to the proceedings which took place in the House, or will entertain the consideration of those questions,” and that if they did so you would wish to be heard upon that point; I understood you also to say that beyond that general question as to any proceedings which may have taken

place as part of the transaction in any other place than the House itself, you wish to know whether the Committee would take such matter into their consideration; am I right in supposing that to be the character of your objection?—Not quite. Practically my question is this: Will this Committee take any facts into consideration other than those of which I have heard evidence given, and those which have been stated by myself in the course of my argument? If so, I should like to know, because I understood the permission of the Committee to be that I should address them at the close of the case before their deliberations, and I should submit with all respect that the Committee would not take one matter of fact into their consideration to influence them in their deliberations which I had not the opportunity of addressing them upon. If they have finished, and if there are no facts except those which I have heard to be dealt with, it enables me to turn out and eliminate a portion of the argument which I have prepared.

The Committee deliberated.

88. CHAIRMAN: The Committee have considered the matter which you have submitted to them, and they request me to inform you that members of the Committee do propose, after your statement is concluded, to ask some questions of you; but I have to inform you, at the same time, that you [Pg 35] will be invited, and are invited, to state any objections that you may entertain to any such questions when put, and that you shall have a full opportunity of addressing the Committee after they have heard your answers to the questions so put?—That will enable me to eliminate a portion of my argument. I wish to submit to the Committee one observation on the precedent of Daniel O'Connell, and that is that, as a matter of fact, the evidence of Sir Thomas Erskine May shows that he misapprehended that precedent. It was a refusal by Daniel O'Connell to take the Oaths by law required of a member at the date of his election. Between the date of his election and the date of his refusal the law had changed, but it had not changed (so the House interpreted the Statute, or so the Statute ran, I do not know which) at the date of his election. So that I submit that Daniel O'Connell's case is a case of a Member refusing to take the Oath by law required; and I further submit that the Parliamentary Debates will show that the words which appear as being used by Mr. O'Connell on the 19th of May, sufficiently expressed his reason for refusing to take the Oath of Supremacy some days at least before the House asked him again to take it. Then I have only two other matters which I should wish to submit to the Committee. One is that I have, neither directly nor indirectly, obtruded upon the House, since I have been a Member, any of my utterances or publications upon any subject whatever; that there is no precedent, except in the case of John Wilkes, for any reference on the part of any opposing Member to such publications by any Member prior to the taking of his seat; and that the ultimate decision of the House in John Wilkes's case is directly against the introduction by any Member hostile to me of any such matter as a reason for my not being allowed to take my seat. Finally, I most respectfully submit that I have grave matter of complaint that my privileges as a Member of the House of Commons have been seriously infringed, and that the rights of the electors, my constituents, have been ignored in the attacks made upon me without previous notice to me; attacks to which I had no opportunity of making a dignified reply; attacks which, if the newspaper reports be accurate, were in many instances based upon absolute misapprehension or [Pg 36] misquotation of my publications, and in one instance at any rate, based upon the most extreme misrepresentation of my conduct. I thank the Committee for listening to me, and I regret if my want of knowledge of the forms of the House has involved my saying anything in a manner in which the Committee would prefer that I should not have said it.

89. That is all you wish to state at present?—That is all I wish to state at present upon the evidence as taken by the Committee. If fresh evidence should be taken, I should ask the permission of the Committee to have the right of addressing them upon that.

90. The Committee will now proceed to examine you.—Before any question is put to me, will you, Sir, tell me when is the proper time to object to any question which I may think I have the right to object to?

91. When the question is put, before answering it?—

Mr. ATTORNEY GENERAL: You will understand that I am not in any sense cross-examining you, but merely to clear up what took place in the House.

I am entirely in the hands of the Committee.

92. We know from the Proceedings of the House that you did at the table of the House make a claim, in the first instance, to make affirmation instead of taking the oath?—Yes.

93. And we understand that you did so on the ground that you were a person entitled to make affirmation within the terms of the Evidence Amendment Acts of 1869 and 1870?—That was then my impression of the law, and that was the claim which I made.

94. And I presume, of course, that at the time when you made that claim you founded it upon the belief that you were entitled to make affirmation in the House of Commons?—I made that claim solely upon my belief that the law entitled me to make it.

95. Then as regards your power to give evidence under the Evidence Amendment Acts in courts both civil and criminal, you of course put it before the House of Commons, as a fact, that you were a person entitled in those courts to make affirmation?—Yes.

96. And I presume that you were acquainted with the terms of those Acts, the subject interesting you?—Quite.

97. Were you aware that if you yourself were called as a witness, it would be necessary before you were allowed to make affirmation in a court, either civil or criminal, under the Acts of 1869 and 1870, that two things should be established; first, that you yourself objected to take the oath, or that your right to take it was objected to by some one else; and then, secondly, that the judge would be required to satisfy himself that the taking of an oath by you would have no binding effect upon your conscience?—No, that is not my interpretation of the Statute, nor do I think it has always been (although I think it has sometimes been) the interpretation of the judge or other presiding officer dealing with it. [Pg 37]

98. Would you kindly explain your own view as to the sense in which you read the statute of 1869, which says that the judge must satisfy himself that the oath is not binding upon the conscience of the person wishing to affirm, the words being, “If any person called to give evidence in any court of justice, whether in a civil or criminal proceeding, shall object to take an oath, or shall be objected to as incompetent to take an oath, such person shall, if the presiding judge is satisfied that an oath would have no binding effect on his conscience, make the following promise and declaration”?—My interpretation is that upon certain answers being given by the witness, the judge is bound to take his affirmation, even supposing that the judge himself should not be of opinion that the oath is not binding upon him; and it has been decided so by the Court of Queen’s Bench. In the case of *ex parte* Lennard *v.* Woolrych, a man tendered his affirmation at the Westminster Police Court, and the magistrate asked him (I am repeating from memory, but repeating perfectly accurately the substance of what appears in the affidavits filed in the Court of Queen’s Bench), “Why do you object?” He said, “I am an Atheist.” The magistrate refused to allow him to give evidence upon affirmation, and the court held that upon hearing that answer there was enough under the Act, and that the magistrate was bound to take the man’s evidence, and issued a mandamus to compel him.

99. You will not suppose that I am arguing with you, but as I understand that case the witness who tendered himself having said he was an Atheist, the court held that the magistrate was bound to draw the inference from that assertion that the oath was not binding, and therefore to let him make the affirmation?—That is so. Whether the presiding officer did draw the inference or not, the court held that he was bound to. [Pg 38]

100. Then I do not think that there is much difference between us; but I assume that when you come to the table of the House of Commons, and asked leave to make affirmation instead of taking the Oath, you were a person, as I understand it, who, if you had gone into a court of justice and made the same request, would have been held by the presiding judge to be one upon whom the oath would have no binding effect?—I did think so when I applied to affirm. I do not think so since the Report of your Committee, for your Committee has reported that the two oaths are entirely different.

101. It is a question for you: do you draw any distinction between the binding effect upon your conscience of the Assertory Oath, as it is called, and the Promissory Oath?—Most certainly I do. The Testimony Oath is not binding upon my conscience, because there is another form which the law has provided which I may take, which is more consonant with my feelings. The Promissory Oath is and will be binding upon my conscience if I take it, because the law, as interpreted by your Committee, says that it is the form which I am to take, and the Statute requires me to take it.

102. Pray do not answer this question unless you like: am I to understand you that the binding effect upon your conscience of the Oath depends upon whether there is an alternative method of taking that which is to you equivalent to the oath?—No, most certainly not. Any form that I went through, any oath that I took, I should regard as binding upon my conscience in the fullest degree. I would go through no form, I would take no oath, unless I meant it to be so binding.

103. Pray object if you do not wish to answer this question: By virtue of what do you regard that assertion which you make within the Oath as binding?—I have not caught your question, if you will pardon me for saying so.

104. By virtue of what portion of what is contained in the Oath do you feel that your conscience is bound; is it by the mere fact that you repeat the words therein contained, or is it by that which is contained in the form of the Oath?—Those words, “I do swear that I will be faithful and bear true allegiance to her Majesty Queen Victoria, her heirs and successors, according to law,” are to me, binding in the most full and complete and thorough degree on my conscience. [Pg 39]

105. If you read a promise out of any book or paper, and said, “I promise so to do,” is there more binding effect in those words that you have read than in the mere ordinary assertion of a promise?—Yes, because this reading is by law, and by the decision of your Committee intended to be the form in which I pledge my allegiance as a Member.

106. Then if it were a form sanctioned by law, as in the case of an affirmation, is there any more effect upon your mind if you take it in the form of what we call an oath than if you took it simply by words of affirmation or promise?—If the form sanctioned by law ran “I affirm,” or “I declare and affirm,” or “I solemnly and sincerely declare and affirm that I will be faithful and bear true allegiance to her Majesty Queen Victoria, her heirs and successors, according to law,” that would be equally binding upon my conscience.

107. Do you attach any express or particular meaning to the words “I swear”?—The meaning that I attach to them is that they are a pledge upon my conscience to the truth of the declaration

which I am making.

108. But a pledge given, may I ask, to whom?—A pledge given to the properly constituted authorities, whomsoever they may be, who are entitled to receive it from me.

109. Do you attribute any more meaning to those words than a pledge to human beings around you?—I attach no more meaning to those words than I do to a pledge to human beings authorised by law to take such a pledge from me under similar solemn circumstances.

110. But the solemn circumstances, I suppose, are the mere mundane circumstances?—The statutory circumstances. I meant "solemn" simply in the sense of being the statutory circumstances; I meant to distinguish between that and mere conversation.

111. I think we understand from your answers that you do not attribute any more weight to the use of the words "I swear," and to the words "So help me God," than you would to an ordinary promise if it were given under the same circumstances as those under which you gave that [Pg 40] promise in the House of Commons?—I conceive myself entitled by law to distinguish, and I beg therefore to object to so much of the question as deals with the words "So help me God," my objection being founded on the case of Miller *v.* Salomons, in the 17th Jurist, and the case of the Lancaster and Carlisle Railway Company *v.* Heaton in the 4th Jurist, new series.

112. I presume by that answer you mean that "So help me, God" is no part of the oath or promise, but merely the form in which it is taken?—That is so; it is merely a form of asseveration.

113. Will you confine yourself, then, to the words "I swear"?—I will.

114. Do you attribute any greater weight or any meaning to the words "I swear," and to the fact of kissing the book, beyond the words of ordinary promise?—Not beyond the words of ordinary promise made under statutory obligation.

115. Then what greater weight do you attach to a promise made under statutory obligation than to an ordinary promise?—I would prefer not making any promise that I did not intend to keep; but the law has attached a weight to statutory promises, and a penalty and disgrace on the breaking of them.

116. That is a consequence resulting from human action; you do not attribute any other weight to such a promise beyond what results from such penalties?—I object to that question.

117. I will now go to another point. How lately is it that you have claimed a right to affirm in a court of law?—In a superior court or in an inferior court?

118. In any court where you have taken an oath?—Recently in an inferior court, within a few days.

119. How lately prior to your claim in the House of Commons?—Prior to my claim in the House of Commons, about 12 months.

120. You had made a claim on several occasions, I suppose, prior to the period which you have just mentioned?—Yes.

121. What steps, if any, were taken by the judge on such occasions to arrive at the conclusion that the oath would have no binding effect:—On the last occasion, by Mr. Justice Lindley, none. I [Pg 41] presume he thought my claim to affirm well founded, and he simply bowed his head, and the clerk administered the affirmation after looking to him.

122. I suppose you made a claim to affirm?—When the clerk brought the Testament to the witness-box I said, "I desire to affirm," and the clerk looked at Mr. Justice Lindley, who just bowed his head (he happened to be the presiding judge), and I did affirm.

123. Had you reason to think that Mr. Justice Lindley was acquainted with any previous applications by you to affirm?—I should think it possible, because the claim to affirm has been the subject of considerable litigation by myself in the courts.

124. Upon any occasion upon which the judge did make inquiry, what was the nature of the inquiry?—The present Lord Justice Brett, whom I remember distinctly challenging me upon it when he was Mr. Justice Brett, said: "Why do you claim, Mr. Bradlaugh?" and I perfectly remember my answer, but I am just thinking whether I am not entitled to say this: that happened seven years ago; I do not intend to imply that there is any change or anything since, but I think I am entitled to say to this Committee that it is hardly within the limits of their reference to inquire into something that happened in a law court between myself and a judge seven years ago.

125. I should not have asked the question, but you have stated in the House of Commons yourself, in order to support your claim to make affirmation, that you have frequently been permitted to affirm?—That is so.

126. And I think you gave the last nine or ten years?—Yes, and Mr. Justice Brett's question came within that time. I hope you will not consider that I am putting the objection unfairly. What I want to put is this: that the conversation which took place on the occasion of my having affirmed (and I repeat that I have affirmed before different judges) being more or less informal, ought not to be the subject of inquiry by this Committee. The fact is of record. Those were all at *Nisi Prius*.

127. It was before a judge who would have to administer an oath?—Quite so.

128. If you state that you really entertain an objection to the question, I do not wish to press it myself personally?—I have no objection to answering, except that I have purposely tried to keep [Pg 42] out of this discussion any question of my views; otherwise I am quite in the hands of the Committee, and if the Committee are disposed to press the question I will give the answer, having made my objection.

129. I do not wish to go into the views generally entertained by you, except so far as expressed by you that the Testimony Oath had no binding effect upon your conscience?—My answer applied to the Assertory or Testimony Oath.

130. I am asking you what you stated when a Testimony Oath was being administered to you; but if you desire not to answer the question, so far as I, an individual member of the Committee, am concerned, I do not wish to put it to you?—I take the objection.

131. Mr. Gibson: Can you recall whether within any time since your right to affirm was first recognised in courts of justice, you have taken the Oath?—Never; that is to say, the oath as a witness.

132. Have you ever taken any oath since your right to affirm was first admitted in courts of justice?—It only has been my right to affirm as a witness that has been admitted in a court of justice; I have under cover of that Act, but I think illegally, affirmed as foreman of a special jury, but I have considerable doubt whether the Act covered my affirmation as a juryman.

133. With that knowledge now present to your mind, is it the fact that the oath which you seek to take at the table of the House is, if you are permitted to take it, the first oath that you will have taken since you were permitted to affirm in courts of justice?—It is the first occasion upon which there has been any reason for my taking or not taking the Oath of Allegiance since I have been permitted to affirm.

134. Or any other form of oath?—My memory is not quite clear upon that; I am not sure. There was a case in which I took evidence as a Commissioner from America, and I am not at all sure whether the completion of that Commission was before or after the passing of the Affirmation Act.

135. But since the passing of the Act?—I cannot quite pledge my mind as to that; but except in that case in which I was a Commissioner for taking some evidence in relation to an American [Pg 43] process, in which I may have done so, I certainly have not.

136. Then am I to understand that you seek now to take this oath with exactly the same meaning in your mind as you would take the affirmation?—Which affirmation?

137. The affirmation which you originally sought to take at the table of the House, the Promissory Affirmation?—I seek to take the Oath of Allegiance just as I should seek to take the Affirmation of Allegiance.

138. And do you attach in your mind no different meaning to the word “swear” than you would to the word “affirm?”—The law does not.

139. Do you, in your own mind, attach any difference to the sanction?—I object that the question put to me asks me to make a distinguishment which the law does not make.

140. I do not wish to press anything to which you object; do you desire to tell the Committee that, in your own mind, there is no distinction drawn when you use the word “affirm” and when you use the word “swear”?—To me, on the Statute they have the same meaning; that is, they are a pledge that what I put after those words is binding upon me in the most complete degree.

141. I suppose you are aware of all the ordinary definitions of an oath contained in the law books?—I am afraid that would be saying more than I have any right to say. I am fairly well read, but not sufficiently to say that I know them all.

142. You know a great many of them, I suppose?—I have learnt a few.

143. You said to my honorable and learned friend, the Attorney General, that you regarded the word “swear” as a pledge given to a properly constituted authority, and that that was the meaning you attached to the word “swear”; what do you mean by the “properly constituted authority” that you referred to in that answer?—Whatever may be the authority established by Statute for the purpose of taking such an oath.

144. A human authority?—All authorities established by Statute for the taking of oaths are human authorities Any authority outside a Statute is illegal, and any person administering such an oath [Pg 44] is indictable.

145. You are aware of the meaning of the expression “sanction of an oath”; what do you consider would be the sanction of the Oath if you took it?—I am not sure that I apprehend the meaning that is in your mind when you use the words “sanction of an oath.”

146. I will read the definition which is contained in Mr. Baron Martin’s judgment in the case of Miller *v.* Salomon’s, where it refers to the case of Omichund *v.* Barker, as reported in the “Law Journal”: “The doctrine laid down by the Lord Chancellor (Hardwicke) (Omichund *v.* Barker), and all the other judges, was that the essence of an oath was an appeal to a Supreme Being in whose existence the person taking the oath believed, and whom he also believed to be a rewarder of

truth and an avenger of falsehood, and that the form of taking an oath was a mere outward act, and not essential to the oath which might be administered to all persons according to their own peculiar religious opinions, and in such manner as most affected their consciences." You have listened to that statement?—Yes; and I have also read the judgment of the Court of Error in the following year, in which they say that the essential words of the oath are those without the appeal, and that the words "So help me, God" are words of asseveration, the manner of taking the oath; but the words preceding them are, it appears to me, an essential part of the oath; and in the case of the Lancaster and Carlisle Railway Company *v.* Heaton, it was held that the oath was completely taken without the addition of that appeal.

147. I am not at all upon the words "So help me, God," which are the words referred to in the last case to which you referred. I am now upon what contains a promise that an oath is being taken when a man uses the word "swear"; do you object to the definition which I have read?—I object to that definition as overruled by the Court of Error in its final decision in error, confirmed by a subsequent decision of Lord Campbell in the Lancaster and Carlisle Railway Company *v.* Heaton, when it was held that the appeal was not a part of the oath.

148. CHAIRMAN: In both those cases I think the judges in holding that view had reference simply to the words "So help me, God"?—Simply to the words "So help me, God." [Pg 45]

149. I think we are a little misunderstanding each other?—I hope not; I want to be candid with the Committee.

150. Mr. GIBSON: I am not at all on the words which that case went on of "So help me, God," but I am on what must be the essential distinction between an oath and an affirmation; what, I ask you now, do you conceive to be the essential distinction between an oath and an affirmation?—Following the judgment of the Court of Error, repeated in the other judgment which I quoted, I regard the essential words of the oath as beginning with "I swear," and ending with "according to law." I submit that it is no part of my duty to draw any distinction, if distinction exists, between the value of that and the value of an affirmation, because the Statute has declared that they both have the same value.

151. Do you consider that the taking of an oath implies in the person taking it the existence of a belief in God, and that he will reward and punish us according to our deserts?—That depends upon the form of the oath; and since the decision you quoted very many forms of oath have been entirely changed by the Legislature.

152. Do you consider that if you use the word "swear," you appeal to a God?—I consider that I take an oath which is binding upon my honor and conscience.

153. Without any reference to God?—I consider that I take an oath which is binding upon my honor and conscience.

154. And supposing that you break that oath, what what would be the consequences which you consider would result to you?—I am not aware that the Statute has provided that I shall declare my opinion upon those consequences.

155. Am I to understand that you decline to answer?—I am objecting that the question is one which would not be put in a court of law, and therefore, much more, should not be put here.

156. In answer to the Attorney General, and in your statement also, you used the words "essential part of the Oath," and the words of the Oath are, "I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law;" [Pg 46] do you consider that all the words there present to your mind are equally definite and clear meaning?—I consider that the whole of those words are essential; I hold them to be essential, and I submit myself to the construction which the Court has put upon them.

157. Is there any word in the Oath in the Statute which does not convey to your mind any clear and definite meaning?—There is no word in that which does not convey to me a clear and definite meaning.

158. And do you regard the words at the end of it, "So help me, God," as conveying any definite meaning, or merely as a useless addendum to the promise?—I object that this Committee will not ask me my opinion upon those words, because they have been held by the highest court of law in this realm, subject to appeal, to be no necessary part of the Oath.

159. Sir HENRY JACKSON: If your counsel were here I should put to him this question, which do not answer if you object; I will treat you as if you were your own counsel; I understand your view to be that the Act of 1866 or the Act of 1868, gives you two alternative methods of taking your seat, the one of affirmation and the other of oath, and that it is open to you to take whichever of the two you prefer; you prefer the affirmation, but it having been decided not to be competent for you to make the affirmation, you now propose to take the Oath?—That is exactly my construction.

160. Now I will tell you my doubt, and perhaps you will be good enough to tell me what you say upon it. It occurs to me that these two alternatives are what lawyers call true alternatives; that is to say, that each excludes the other, and that the Committee having decided (perhaps you will say erroneously) that you cannot affirm, you have by your claim to affirm excluded yourself from the alternative claim to take the Oath; are not the two mutually exclusive?—No; the House of Commons decided that, fortunately for me, and that saves me the trouble of thinking on it for myself. When John Archdale applied to affirm, the House held that he could not affirm, and they

ordered him to take the Oath.

161. Was that under the Statute which regulates the present procedure?—No, but it was under the claim of a man who thought that he had alternative courses, and who refused to take the Oath. [Pg 47]

162. That is the answer which you give to my doubt?—I am not sure whether I have answered fully.

163. You do not condescend to any argument upon the Statute, but you think that the one alternative is not exclusive of the other?—I thought then, and subject to the Report of the Committee against me, which I presume binds me, I should still think that I have the right to affirm, and if there were any way in which I thought I could legally raise the question, I should try to do so.

164. But on the hypothesis that the decision of the Committee was right, have you anything except the Archdale precedent, from which you would argue that these two Acts of Parliament do not create two mutually exclusive alternatives?—I should simply reply that if that be so, and you told me that I did not come within the one, I must come within the other.

165. Mr. Staveley Hill: I wish to ask you one question with reference to what took place before Lord Justice Brett (then Mr. Justice Brett), and, of course, if you think proper, you will take the objection as you did to what the Attorney General asked you: when Mr. Justice Brett admitted you to affirm, what steps did he take with a view to satisfy himself that an oath would not be binding upon your conscience?—He put to me the question, "Why?" and I gave to him three words as an answer, and these three words apparently satisfied him, and he directed the clerk to allow me to affirm. He put no question to me as to whether the oath was binding upon me or not.

166. Have you any objection to tell the Committee what those three words were?—The question put by Mr. Justice Brett was, "Why?" I object to tell the answer, because it would be an inquiry into a man's religious opinions, and Sir George Grey, in introducing the Parliamentary Oaths Act in 1866, under which I claim, said, "We will make no inquiry into any man's religious opinions; let the constituencies be the judges of that."

167. But those three words, whatever they were, satisfied Mr. Justice Brett that an oath would not be binding upon your conscience?—I cannot say that, but they satisfied him sufficiently that he gave the clerk directions to allow me to affirm. [Pg 48]

168. When did that take place?—About eight years ago, speaking roughly; it may be six or seven years, but I am not certain about the time.

169. Was it reported in the newspapers, and is it generally known?—I am not sure; there have been cases reported.

170. Mr. Pemberton: I wish to ask whether, since you were returned as a Member of this House, and since the Report of the last Committee, you authorised the publication of a letter which appeared in the newspapers of the 21st of May in reference to the proceedings which have taken place on this matter?—I ask that the question may not be put to me, because I say that the House has already decided that they will not put any inquiry to a member as to what happens outside the House to determine what was consistent with the Oath, or not.

171. Of course I do not press the question more than to remind you that it had reference to proceedings which have taken place in this House, and in a Committee of this House?—Many things I have read (I do not know whether they are accurate or inaccurate), speeches made by Members referring to proceedings in this House, and to that Committee in relation to this matter. To put it roughly, I should submit that this Committee should not examine me as to extra-Parliamentary utterances in reply to extra-Parliamentary utterances. For example, one honorable Member, Sir Henry Drummond Wolff, made a speech at Chichester——

172. Lord Henry Lennox: Not at Chichester?—The papers said so; they may be very likely wrong, only it shows still more, I submit, the force of the objection that extra-Parliamentary publications in reply to extra-Parliamentary utterances should not be the subject of questions before this Committee.

173. Mr. Pemberton: I will only again point out that it was not in reply to an extra-Parliamentary utterance, but had reference to proceedings in this House?—That assumes what would be passing in the mind of the writer and what he had in view in assuming it, and I decline to discuss any subject of that kind. [Pg 49]

174. I am to take it that you decline to answer the question?—No, I object to answer it. If the Committee think that I ought to answer it I will answer it. I do not take a legal objection. You quite understand that if the Committee think I ought to answer it, I will answer it at once.

The Committee deliberated.

Chairman: The Committee have come unanimously to the conclusion that the question put by the honorable Member for East Kent ought to be answered; but, in arriving at that conclusion, I am requested to inform you what I will now read: "That the Committee think Mr. Bradlaugh should answer the question put to him by Mr. Pemberton, on the ground that it refers to matters written by him directly in relation to

the question involved in the order of reference to the Committee, and for the purpose of expressing his views on such questions since the claim was made by him to make the affirmation, and before the appointment of the Committee."

175. Mr. PEMBERTON: I wish to ask whether, since you were returned as a Member of this House, and since the Report of the last Committee, you authorised the publication of a letter which appeared in the newspapers of the 21st May, in reference to the proceedings which have taken place on this matter, such letter being signed in your name?—I think one of the members of the Committee has a copy, which I handed to him; I have not seen the print; and as I sent to all the newspapers a lithographed copy, I prefer, for greater accuracy, to ask him to return it to me. I hold in my hand a copy which I have no doubt is the same.

176. CHAIRMAN: Do you object to that letter being put in?—The moment the Committee decided that I ought to answer that question, I had no reserve in saying that I left myself in the hands of the Committee on it. I shall take the liberty of wishing to address a word or two to the Committee presently upon it. (*The letter was handed in.*)

177. Mr. WATKIN WILLIAMS: Do you propose to take the Oath in the form given in the Statute of 1868, which I will read to you: "I., A. B., do swear that I will be faithful and bear true allegiance to her Majesty Queen Victoria, her heirs and successors, according to law. So help me, God?"—I do, that being the form in the Statute. [Pg 50]

178. If you are permitted to take that oath, do you intend the Committee to understand and believe that it will be binding upon your conscience as an oath?—Yes.

179. In taking such oath, do you consider yourself as appealing to some Supreme Being as a witness that you are speaking the truth?—I submit that having said that I regard the oath as binding upon my conscience, this Committee has neither the right nor the duty to further interrogate my conscience.

180. Sir RICHARD CROSS: You know of course that in taking the oath in the form prescribed by the Statute, and according to the custom of taking oaths, you will have to kiss the Testament: do you attach the smallest weight to the kissing of that book?—I attach the weight attached by the law to the whole of the formula.

181. Do you attach the smallest weight to the kissing of the book; do you think that the kissing of that book adds in the slightest degree to the weight upon your conscience of the words which you have already spoken without kissing the book?—The law has said that the whole of that is to be complete; I have not the right, therefore, to form an opinion, or to formulate an opinion as to how much of that I would leave out had I any choice in the matter.

182. Then do you attach any further importance to the word "swear" in the oath itself, and to the fact of the kissing of the book than if the word "swear" were written "affirm," and no kissing of the book were required?—I have already said that I attach to the complete affirmation the most complete binding effect on my conscience. If I were allowed a preference, I would and still prefer the affirmation. The law says that the oath is the form, and I shall regard that form as in all its respects binding upon my conscience.

183. Do you look upon the kissing of that particular book as adding any more sanction than the kissing of any other book?—I decline to do that which the law has not done; the law has not split up the formula into parts, and expressed an opinion upon each part separately, and I deny the right of the Committee to ask me to do that which the law has not done. [Pg 51]

184. I will ask you one other question; do not answer it unless you like?—I will not.

185. Do you think that the fact of the kissing of that book has any relation to an appeal to a Supreme Being, that you will, before Him, perform the oath which you have taken?—The law has not required me, in any case, to express an opinion as to that by itself. As to the whole Oath I have expressed an opinion.

186. As regards the kissing of that book, would you look upon that, so far as your conscience is concerned, as an idle form?—The law has not required me to look upon it by itself, and I dispute the right of the Committee to divide the Oath into parts, and to take one part by itself without the other. I have already answered that the whole of the Oath when taken by me, and if taken by me, will be binding upon my conscience.

187. But still you consider that a certain part of that Oath, which the Statute imposes upon you the necessity to take, is an idle, and empty, and meaningless form?—I have never said so at any time.

188. But do you consider it so?—Most certainly I do not consider the most considerable portion of it an idle and empty form.

189. Some portion of it, I said?—I consider no portion of the essential Oath an idle and empty form.

190. That is to say, that you would take the Oath because the Statute says you must do so in order to take your seat?—That is not so. I take the Oath because the Statute says that I must do so, intending to be bound in my honor and conscience by the oath I take. Every Member takes the Oath because he must do so in order to take his seat, and he could not take it without it.

191. But you do not think that the forms of the Oath, as settled by law, adds anything to the binding of your conscience further than saying "I solemnly affirm"?—Your question presumes a form of thought which I have not enunciated.

192. Mr. JOHN BRIGHT: Do I understand you aright that you have never said that the oath, as you propose to take it, is less binding upon your conscience than it is supposed to be on the consciences of other men?—I have never said so; and in 1868, when I stood for election, there being then no form of affirmation possible for me, I had gravely considered the question. [Pg 52]

193. It is within your knowledge that some men, and not a few men, who do not absolutely refuse to take an oath, still greatly prefer to make an affirmation?—If it would not be impertinent to say it, many Members of the House have told me so since this question has been pending.

194. CHAIRMAN: I think you said, when I informed you that the Committee thought that the letter should be put in, that it was a subject upon which you wished to make an observation?—I wish just to make the slightest observation upon that, and upon one or two points that arose in questions that have been put to me. If the Committee would allow me to think for a moment I believe I can compress it within very slight limits.

195. Sir GABRIEL GOLDNEY: Your statement to Mr. Justice Brett, I understood, you would think over?—No, that my answer did not apply to. If the Committee think that I ought to answer that question in the same way, the question as to the three words, or rather four words, that I answered to Mr. Justice Brett, I am quite in the hands of the Committee, and I should not decline to answer them.

196. Mr. STAVELEY HILL: The reason why I asked you what they were, and where they were to be found if you did not answer the question, was on purpose that one might look for them, because it must be a matter of public notoriety what the words were?—I should think it very possible. I have taken my objection, and if there is even a thought in the Committee that I had better answer the question, I should not object to do so.

197. CHAIRMAN: What are the observations which you wish to offer in consequence of your examination?—As the House will now have before it the statement, I ask the Committee in examining it to take it complete, not to separate one or two words in it and to take those without the countervailing words, and to remember that in this letter I declare that the oath, if I take it, would bind me, and I now repeat that in the most distinct and formal manner; that the Oath of Allegiance, viz.: "I do swear that I will be faithful and bear true allegiance to her Majesty Queen Victoria, her heirs and successors, according to law," will, when I take it, be most fully, completely, and unreservedly binding upon my honor and conscience; and I crave leave to refer [Pg 53] to the unanimous judgment of the full Court of the Exchequer Chamber, in the case of Miller *v.* Salomons, 17th Jurist, page 463, and to the case of the Lancaster and Carlisle Railway Company *v.* Heaton, 4th Jurist, new series, page 708, for the distinguishment between the words of asseveration and the essential words of an oath. But I also desire to add, and I do this most solemnly and unreservedly, that the taking and subscribing, or repeating of those words of asseveration, will in no degree weaken the binding effect of the oath on my conscience. I should like, finally, simply to submit to the Committee, and especially to the honorable and learned gentleman on the left of the Chairman, that there has not been from the beginning to the end of this matter, any declaration, either distinct or implied, that the Oath if taken by me would be less binding upon me than upon him; and I do submit to this Committee that this House has never sought to inquire or to distinguish in any fashion as to the religious views of its Members, except so far as any of them have found themselves obliged by their conscience to refuse to comply with some form that the House has put before them. On the contrary, in the Lords' protest on the discussion of the Promissory Oaths Municipal Bill, Lord Holland and other Lords put it in the most distinct fashion that no sort of inquisition and no sort of inquiry ought to be tolerated involving any examination of a man's theological views. Lord Holland added, in words better than I can command: "That there is no tribunal which he knows competent to make that examination, and that the purely secular and political duties called upon to be performed were not such as to entitle that examination to be made." I thank the Committee for having listened to me, and I submit myself to their decision.

198. CHAIRMAN: You mentioned some precedents which you thought might usefully be added to the list of precedents which we have already had: could you conveniently add those cases?—Yes, I will do so.

[Pg 54]

Monday, 7th June 1880.

MEMBERS PRESENT:

Mr. Attorney General.
Mr. John Bright.
Mr. Secretary Childers.
Mr. Chaplin.
Sir Richard Cross.
Mr. Gibson.
Mr. Grantham.
Mr. Staveley Hill.
Sir John Holker.

Mr. Beresford Hope.
Mr. Hopwood.
Lord Henry Lennox.
Sir Henry Jackson.
Mr. Massey.
Major Nolan.
Mr. Pemberton.
Mr. Serjeant Simon.
Mr. Solicitor General.
Mr. Trevelyan.
Mr. Walpole.

The Right Honorable Spencer Horatio Walpole, in the Chair.

Mr. Charles Bradlaugh, a member of the House; further Examined.

199. Chairman: There was some reference, I think, made to you by Mr. Whitbread, with regard to which you desire to make some observations?—There was a point urged by Mr. Whitbread upon the first Committee. I do not know whether I should be in order in referring to it. I thought it had been sufficiently covered by what I had said, until I reflected upon it, and then I thought it had not. I wish to submit to this Committee that it ought not to consider that I claimed to affirm because I regarded the oath as not binding upon my conscience, under the spirit of the Evidence Further Amendment Act, 1869, for that Statute runs: "If any one shall object to take an oath, or be objected to as incompetent to take an oath;" and that it is quite possible (perhaps wrongly, and undoubtedly wrongly, as the Committee have so decided) that I might claim to affirm, objecting to take the oath, and that the Committee have not on the evidence here either the right or the duty to assume anything more as against me in dealing with it now. That is all I wish to put before the Committee.

[Pg 55]

APPENDIX.

Appendix No. 1.
PRECEDENTS RELATIVE TO PARLIAMENTARY OATHS.

PRECEDENT of a Member disabled for having sat in the House without taking the Oath.

Sir John Leedes hath been in the House and not taken the Oath.

Sir John Leedes not to come into the House till further Order.

Sir E. Coke: That by the law Sir J. Leedes is disabled to serve this Parliament, and therefore ought to be discharged, and a new Writ.

Mr. Pawlett, accordant.

Sir J. Strangways: Can pretend no ignorance, for a Member of the House last Parliament.

Mr. Crew, for Sir J. Leedes: No question but he is incapable. 2. He is to be punished.

Resolved, Sir J. Leedes incapable of being a Member of this House, as if never returned.

Mr. Hackwyll: To have him removed; a Writ for a new choice; and to punish him, by sending him to the Tower.

Sir G. Moore: To have no question made, but where it is questioned.

Mr. Secretary: The fault great, especially because of last Parliament. To order, he shall be discharged now, and to serve no more this Parliament.

Sir J. Leedes, brought to the Bar, confesseth he was of the House last meeting in Parliament; and that he hath sit this Parliament in the House, and hath not taken his Oath.

Mr. T. Fanshaw: That he must be punished as one that hath come into the House, not being chosen.

[Pg 56]

Sir E. Sandes: To pay the Serjeant his fees, and no further punishment; because, but negligence, no presumption, and is willing to take the Oath.

Mr. Chidley: To have an order to disable him for this Parliament.

A Warrant for a new Writ in his room.

PRECEDENT of a MEMBER Admitted to sit without taking the OATHS of ALLEGIANCE and SUPREMACY.

Ordered, That WILLIAM AYRES, Esquire, being legally elected and returned a Member of this House, his election being returned and remitted of Record, shall be admitted to sit in this House, without taking the Oaths of Supremacy and Allegiance.

Ordered, That an Ordinance be brought in by Mr. Lisle, to-morrow morning, for repealing that clause in the Act of * * That no person be admitted to sit as a Member of this House, before he hath taken the Oath of Allegiance and Supremacy.

Ordered, That all and every the Sheriffs of the respective counties in England and Wales do henceforth execute their several places and offices of Sheriffs of their several and respective counties, according to the duty of their said office, without taking the Oaths of Allegiance and Supremacy.

PRECEDENT of a MEMBER Discharged for declining to take the OATHS.

The House being informed, that Sir HENRY MOUNSON attended, according to the Order on Saturday last;

Resolved, That he be called in, and tendered the Oaths and Declaration directed to be taken, made, repeated, and subscribed by the Members of the House.

He was called in accordingly; and came up to the table: And Mr. Speaker acquainted him, That the House had taken notice that he had been about the town a considerable time; but yet did not attend the service of the House: And that he had directions to tender him the Oaths and the Declarations.

Whereupon, Sir Henry Mounson said: That he was sorry that for some reasons he could not comply to qualify himself to sit in the House: But that those reasons would no way incline him to disturb the Government; and that he submitted himself to the House. [Pg 57]

And then withdrew.

Resolved, That Sir Henry Mounson be discharged from being a Member of the House.

New Writ Ordered.

PRECEDENT of a MEMBER Discharged for declining to take the OATHS.

The House being informed, That the Lord FANSHAW attended at the door, according to the order of Saturday last.

Resolved, That he be called in, and tendered the Oaths and Declaration, directed to be taken, made, repeated, and subscribed by the Members of the House.

He was called in accordingly; and came up to the table: And Mr. Speaker acquainted him, That the House had taken notice that he had been about the town a considerable time; but yet did not attend the Service of the House; and that he had direction to tender him the Oaths and Declaration.

Whereupon the Lord Fanshaw said, that it was true, he had been about town a great while indeed; but had been in the country, if his health would have permitted him; but that he had been in a strict course of physick, and was in the same condition still of physick and diet; but, however, that since he was absent there was an Act of Parliament passed for taking the Oaths; and he was not qualified to sit in the House, in regard he was not satisfied to take the Oaths; and therefore he could not appear.

And then withdrew.

Resolved, That the Lord Fanshaw be discharged from being a Member of the House.

And there being a Petition in, touching the Election, the granting a new Writ was respited. [Pg 58]

PRECEDENT of a MEMBER Committed to the TOWER for declining to take the OATHS.

The House being acquainted, that Mr. CHOLMLY attended according to their order of Tuesday last;

He was called in, and came up to the table: And Mr Speaker, by the direction of the House, acquainted him to this effect, viz., That the House had taken notice of his being absent from their service a considerable time, and that now he was come he was to tender him, and accordingly did tender him, the Oaths of Allegiance and Supremacy appointed to be taken by the Members of the

House, according to an Act of this present Parliament.

To which Mr. Cholmly replied, That as to his absence, both when he was in the country and since he came to town, he had been infirm and lame, and had been under the doctor's hands, and could not as yet recover himself. And that he had endeavored to qualify himself to be a sitting Member of the House, by taking the Oaths, as the House expects, but that he could not as yet do it: And therefore humbly submitted himself to the House; and that he did it not out of any wilful humor.

Upon which he was commanded to withdraw.

And being withdrawn accordingly;

Resolved, That Francis Cholmly, Esquire, a Member of this House, for his contempt in refusing to take the Oaths, * *, be committed Prisoner to the Tower of London.

Ordered, That the Serjeant-at-Arms attending this House do take into his custody the said Mr. Cholmly, and convey him to the Tower: And that Mr. Speaker do issue his Warrant for that purpose.

PRECEDENT of a MEMBER, being a QUAKER, refusing to take the OATH.

House called over,

And the name of John Archdale, Esquire, a burgess for the borough of Chipping Wicomb, in the county of Bucks, being called over a second time:

Mr. Speaker acquainted the House that Mr. Archdale had been with him this morning, and delivered him a letter sealed, which Mr. Speaker presented to the House. [Pg 59]

And the same was opened and read, and is as followeth, viz.:—

> "London, the 3rd of the 11th month, called January 1698-9.
>
> "Sir.
>
> "Upon the call of the House it will appear that I am duly chosen and returned to serve in Parliament for the borough of Chipping Wycomb, in the county of Bucks; and, therefore, I request of thee to acquaint the honorable House of Commons the reason I have not as yet appeared, which is, that the burgesses being voluntarily inclined to elect me, I did not oppose their inclinations, believing that my declarations of fidelity, etc., might, in this case, as in others, where the law requires an oath, be accepted, I am, therefore, ready to execute my trust if the House think fit to admit of me thereupon; which I do humbly submit to their wisdom and justice; and shall acquiesce with what they will be pleased to determine therein: This being all at present, I remain,
>
> "Thy real and obliged friend,
>
> "JOHN ARCHDALE."

Day appointed for considering the contents of the said letter.

Mr. Archdale ordered to attend.

The House being informed, that Mr. Archdale attended according to order;

His letter to Mr. Speaker was again read;

And the several statutes qualifying persons to come into and sit and vote in this House were read, viz., of the 30 Car. II., 1 Will. and Mariæ, and 7 and 8 Will. and Mariæ.

And then the said Mr. Archdale was called in,

And he came into the middle of the House, almost to the table;

And Mr. Speaker, by direction of the House, asked him whether he had taken the Oaths or would take the Oaths, appointed to qualify himself to be a member of this House; To which he answered, That in regard to a principle of his religion he had not taken the Oaths, nor could take them.

And then he withdrew.

A new Writ ordered.

[Pg 60]

PRECEDENT of a MEMBER expelled for absconding, and not taking the OATHS.

The House was called over according to order.

And the names of such as made default to appear were taken down.

Ordered, That the names of such as made default be now called over.

And they were called over accordingly.

And several of them appeared, and others were excused upon account of their being ill, some in the country, some in town; and others upon account of their being in the country upon extraordinary occasions; and some as being upon the road.

Upon calling over the names of * * Lewis Price, Esquire, * * they were not excused.

Several Members sent for.

Ordered, That Lewis Price, Esquire, be sent for, in custody of the Serjeant-at-Arms attending this House.

The Serjeant-at-Arms being called upon to give the House an account of what he had done in relation to Lewis Pryse, Esquire, who was, the 8th of August last, ordered to be sent for in custody, for not attending the Service of the House; he acquainted the House, That the messenger he sent to bring up Mr. Pryse, had been at his house at Gargathen, but that he was not there; nor could the messenger have any intelligence where he was.

Ordered, That Lewis Pryse, Esquire, do surrender himself into the custody of the Serjeant-at-Arms attending this House, by this day month at the farthest, upon pain of occurring the farther displeasure of this House, and of being proceeded against with the utmost severity.

The order of the 2nd of February last being read requiring Lewis Pryse, Esquire, to surrender himself into the custody of the Serjeant-at-Arms attending this House by that day month at farthest;

The Serjeant was called upon to know whether he had heard from the said Mr. Pryse, and he acquainted the House, That he had not heard from him.

Mr. Speaker acquainted the House, that he had received a letter from the said Mr. Pryse, and he delivered the same to the Clerk to be read; and the same was read accordingly, and is as follows, viz.: [Pg 61]

> “Sir,
>
> “’Tis with pleasure that I embrace every opportunity of returning you my acknowledgments for the good offices you have done me, as often as the case of my unavoidable absence has come under debate in the House. The repeated experience I have had of your friendship in this point, encourages me to hope for the continuance of them, which I shall not offer to desire longer than the reasonableness of my case shall appear to deserve them.
>
> “I beg leave once more to represent it to you; and through your assistance to the honorable House; whose displeasure as it is a very sensible affliction to me, I should be glad by any means in my power to remove. That as it is impracticable for me to attend by the time appointed, because of a very severe fit of the gout which I am now afflicted with, and thereby give satisfaction to the House in the method they have insisted on; I hope they will accept of such as is in my power, and give me a favorable hearing when I represent to them, that I was chose knight of the shire of Cardigan when I was at 100 miles distant from it, and had been absent thence for ten months before the time of my election; which I was so far from seeking, that I never asked a vote for it, and was chose even against my inclinations.
>
> “I know not how far a man is obliged to stand to the choice a county makes of him. Sure I am that I have reason to complain of a force that has administered the occasion of my disobliging the honorable House, by an absence caused by infirmities, under which I labored at the time of my choice, and which have continued upon me ever since with the greatest severity, and with little or no intermission.
>
> “In these circumstances I would fain hope that the honorable House will rather blame the country’s choice than him who has been unwillingly forced into a post, and lies under the misfortune (for I flatter myself ’twill not be thought a crime) of not being able to attend the business of it; and will therefore lay aside their displeasure, and remit the sentence ordered against me.
>
> “And I am the rather encouraged to hope this, because Mr. Prynne, in his comment on the fourth book of Sir Edward Coke’s Institutes, shows, from various records, that incurable distempers have been constantly allowed by the House for a just excuse of non-attendance; and upon debates in such cases, no other punishment has been inflicted than excusing the service of the Member, and ordering a new writ for electing a person duly qualified, and capable of attending the business of the House. This being the course of Parliamentary proceedings in such cases as mine, which I have now truly represented to you, and can produce hundreds of witnesses to confirm, I hope that the unhappy incapacity I am under of attending the service of the House, will be thought to deserve no severer treatment than has been usual in the like cases; and that my ready submission to the honorable House’s pleasure in this point, will be a means to restore me to their favorable opinion, and engage you to promote the request of [Pg 62]

"Your most obliged and obedient humble servant,

"Le Pryse.

"Aberllefenny, 18th February, 1715.

"I know not how far the House in their last order about me, might be influenced by any report of the messenger who came down to my house; but to prevent misrepresentation I think it proper to assure you, that within three days after a very dangerous fit of the gout suffered me to come downstairs, I came from thence hither to my father-in-law's, eighteen miles in my way to London. But the motion of even so small a journey brought another fit upon me immediately, with which I have been laid up here ever since, and not having been yet so much as able to return to my own house."

Then the journal of the * day of May, 1689, in the case of Mr. Cholmondley was read.

(House interrupted—Conference.)

The House resumed the consideration of the matter relating to Mr. Pryse.

Resolved, That Lewis Pryse, Esquire, a Member of this House, having been sent for in custody of the Serjeant-at-Arms attending this House, the 8th day of August last, for not attending the service of this House, and having never qualified himself as a Member of this House, by taking the oaths at the table, be forthwith brought up in custody. [Pg 63]

The Messenger gives the House an account of what he had done pursuant to the order of the House.

Resolved, That Lewis Pryse, Esquire, a Member of this House, having been sent for in custody of the Serjeant-at-Arms attending this House, the 8th day of August last, for not attending the service of this House, and having never qualified himself as a Member of this House by taking the Oaths at the table; and having been on the 2nd of February last summoned to surrender himself into custody of the Serjeant-at-Arms, upon pain of being proceeded against with the utmost severity, and he having absconded, and peremptorily refused to surrender himself into custody, be, for the same contempt, expelled this House.

PRECEDENT of a Member refusing to take the Oath of Supremacy.

Daniel O'Connell, Esq., professing the Roman Catholic religion, returned Knight of the Shire for the County of Clare, being introduced in the usual manner, for the purpose of taking his seat, produced at the table a certificate of his having been sworn before two of the deputies appointed by the Lord Steward, whereupon the clerk tendered to him the Oaths of Allegiance, Supremacy, and Abjuration; upon which Mr. O'Connell stated, that he was ready to take the Oaths of Allegiance and Abjuration, but that he could not take the Oath of Supremacy, and claimed the privilege of being allowed to take the Oath set forth in the Act passed in the present Session of Parliament "for the Relief of his Majesty's Roman Catholic Subjects;" whereupon the Clerk having stated the matter to Mr. Speaker, Mr. Speaker informed Mr. O'Connell that, according to his interpretation of the law, it was incumbent on Mr. O'Connell to take the Oaths of Allegiance, Supremacy, and Abjuration, and that the provisions of the new Act applied only to Members returned after the commencement of the said Act, except in so far as regarded the repeal of the Declaration against transubstantiation; and that Mr. O'Connell must withdraw unless he were prepared to take the Oaths of Allegiance, Supremacy, and Abjuration.

Whereupon Mr. O'Connell withdrew. [Pg 64]

Motion, That Mr. O'Connell be called back and heard at the table. Debate arising.

A Member stated that he was requested by Mr. O'Connell to desire that he might be heard.

Debate adjourned.

Resolved, That Mr. O'Connell, the Member for Clare, be heard at the Bar, by himself, his counsel or agents, in respect of his claim to sit and vote in Parliament without taking the Oath of Supremacy.

Mr. O'Connell was called in, and heard accordingly: And being withdrawn;

Resolved, That it is the opinion of this House, that Mr. O'Connell having been returned a Member of this House before the commencement of the Act passed in this Session of Parliament "for the Relief of his Majesty's Roman Catholic Subjects," is not entitled to sit or vote in this House unless he first take the Oath of Supremacy.

Ordered, That Mr. O'Connell do attend the House this day, and that Mr. Speaker do then communicate to him the said resolution, and ask him whether he will take the Oath of Supremacy.

And the House being informed that Mr. O'Connell attended at the door, he was called to the Bar, and Mr. Speaker communicated to him the resolution of the House of yesterday, and the order thereupon, as followeth:—

Resolved, That it is the opinion of this House, that Mr. O'Connell having been returned a Member of this House before the commencement of the Act passed in this Session of Parliament, "for the Relief of his Majesty's Roman Catholic Subjects," is not entitled to sit or vote in this House unless he first take the Oath of Supremacy.

Ordered, That Mr. O'Connell do attend the House this day, and that Mr. Speaker do then communicate to him the said resolution, and ask him whether he will take the Oath of Supremacy.

And then Mr. Speaker, pursuant to the said order, asked Mr. O'Connell whether he would take the said Oath of Supremacy? Whereupon Mr. O'Connell requested to see the said Oath, which being shown to him accordingly, Mr. O'Connell stated that the said Oath contained one proposition which he knew to be false, and another proposition which he believed to be untrue; [Pg 65] and that he therefore refused to take the said Oath of Supremacy.

And then Mr. O'Connell was directed to withdraw; and he withdrew accordingly.

Ordered, That Mr. Speaker do issue his warrant to the Clerk of the Crown in Ireland to make out (subject to the provisions of an Act passed in this Session of Parliament, intituled, "An Act to amend certain Acts of the Parliament of Ireland relative to the election of Members to serve in Parliament, and to regulate the qualification of persons to vote at the election of Knights of the Shire of Ireland") a new writ for the electing of a Knight of the Shire to serve in this present Parliament for the County of Clare, in the room of Daniel O'Connell, Esq., who, having been returned a Member of this House before the commencement of an Act passed in this Session of Parliament "for the Relief of his Majesty's Roman Catholic Subjects," has refused to qualify himself to sit and vote as a Member of this House, by taking the Oath of Supremacy.

PRECEDENT of a MEMBER being a QUAKER, claiming to make an AFFIRMATION.

Several Members attended at the table to take the Oaths; and Joseph Pease, Esquire, returned for the Southern Division of the County of Durham, having stated that, being one of the people called Quakers, he claimed the privilege of making an Affirmation, instead of taking the Oaths; whereupon he was desired by Mr. Speaker to retire until the sense of the House could be taken upon his claim; and he retired accordingly.

Ordered, That a Select Committee be appointed to search the Journals of the House, and to report to the House such precedents, and such Acts or parts of Acts of Parliament as relate to the right of the people called Quakers to take their seats in Parliament, and to the privilege conferred upon them to make their solemn Affirmation in Courts of Justice, and other places where by law an Oath is allowed, authorised, or required to be taken.

Report:—

Resolved, That it appears to this House, that Joseph Pease is entitled to take his seat upon making his solemn Affirmation and Declaration to the effect of the Oaths directed to be taken at [Pg 66] the table of this House.

* * * * *

The Counsel and Agents in the case of the Coleraine Election, being returned to the bar, the Clerk appointed to attend the said Committee delivered into the House a reduced List; and the same was called over, and is as follows:—

* * * * *

And the Members of the Committee being as usual, come to the Table to be sworn, and Joseph Pease, Esquire, a Quaker, being one of the said Members, Mr. Speaker submitted to the House whether Mr. Pease was capable of serving on the said Election Committee without having been sworn.

* * * * *

And the House being unanimously of opinion, That Mr. Pease was capable of serving on the said Committee;

The rest of the Committee were sworn, and Mr. Pease made his solemn Affirmation, as follows:

* * * * *

PRECEDENT of a MEMBER omitting the words in the OATH of ABJURATION "On the true Faith of a Christian."

The Baron LIONEL NATHAN DE ROTHSCHILD, returned as one of the members for the City of London, came to the table to be sworn; and being asked by the Clerk what Oath he wished to take, the Protestant or the Roman Catholic Oath, he replied, "I desire to be sworn upon the Old

Testament."

Whereupon the Clerk having stated the matter to Mr. Speaker, Mr. Speaker directed Baron Rothschild to withdraw.

[Debate on Question relative to the matter adjourned.]

Ordered, That Baron Lionel Nathan de Rothschild, one of the Members for the City of London, having demanded to be sworn on the Old Testament, be called to the table, and that Mr. Speaker do ask him why he has demanded to be sworn in that form.

Whereupon Baron Lionel Nathan de Rothschild, having come to the Table, was asked by Mr. Speaker—

"Baron de Rothschild, you have demanded to be sworn on the Old Testament, and I am directed by the House to ask you why you have demanded to be sworn in that form?" [Pg 67]

To which Baron Lionel Nathan de Rothschild replied:

"Because that is the form of swearing that I declare to be most binding on my conscience."

And then Mr. Speaker directed him to withdraw.

Ordered, That Baron Lionel Nathan de Rothschild, one of the Members for the City of London, having presented himself at the table of the House, and having previously to taking the Oaths, requested to be sworn on the Old Testament (being the form which he has declared at the table to be most binding on his conscience), the Clerk be directed to swear him on the Old Testament accordingly.

The Baron Lionel Nathan de Rothschild, having come to the table, Mr. Speaker acquainted him that the House had made the following Order:

"That Baron Lionel Nathan de Rothschild, one of the Members for the City of London, having presented himself at the table of the House, and having previously to taking the Oaths, requested to be sworn on the Old Testament (being the form which he has declared at the table to be most binding on his conscience), the Clerk be directed to swear him on the Old Testament accordingly."

Whereupon the Clerk handed to him the Old Testament, and tendered him the Oaths; and he accordingly took the Oaths of Allegiance and Supremacy, repeating the same after the Clerk; the Clerk then proceeded to administer the Oath of Abjuration, which the Baron de Rothschild repeated after the Clerk so far as the words "upon the true faith of a Christian," but upon the Clerk reading those words, the Baron de Rothschild said, "I omit those words as not binding on my conscience;" he then concluded with the words "So help me, God" (the Clerk not having read those words to him), and kissed the said Testament:—Whereupon he was directed to withdraw.

Question for a new writ negatived.

Resolved, That the Baron Lionel Nathan de Rothschild is not entitled to vote in this House, or to sit in this House during any debate, until he shall take the Oath of Abjuration in the form appointed by law.

Resolved, That this House will, at the earliest opportunity in the next Session of Parliament, take into its serious consideration the form of the Oath of Abjuration, with a view to relieve her Majesty's subjects professing the Jewish religion. [Pg 68]

[The House refuses to hear Petitioners by Counsel in favour of a resolution admitting Baron Lionel de Rothschild.]

[*See* case of David Salomons, Esq., July, 1851, *infra*.]

Bill to provide for the relief of her Majesty's subjects professing the Jewish Religion. Brought from the Lords, 13th July. Royal assent, 23rd July, 1858.

[Oaths Bill Passed: By the Lords with Amendments; Lords' Amendments disagreed to; Lords insist, and assign reasons.]

Resolved, That this House does not consider it necessary to examine the reasons offered by the Lords for insisting upon the exclusion of Jews from Parliament, as by a Bill of the present Session, intituled, "An Act to provide for the relief of her Majesty's subjects professing the Jewish Religion," their Lordships have provided means for the admission of persons professing the Jewish Religion to seats in the Legislature.

Resolved, That this House doth not insist upon its disagreement with the Lords in their Amendments to the said Bill.

Baron Lionel Nathan de Rothschild, returned as one of the Members for the City of London, came to the table to be sworn; and stated that, being a person professing the Jewish religion, he entertained a conscientious objection to take the Oath which, by an Act passed in the present Session, has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration, in the form therein required. Whereupon the Clerk reported the matter to Mr. Speaker, who desired Baron Lionel Nathan de Rothschild to withdraw, and he withdrew accordingly.

Resolved, That it appears to this House that Baron Lionel Nathan de Rothschild, a person professing the Jewish religion, being otherwise entitled to sit and vote in this House, is prevented from so sitting and voting by his conscientious objection to take the oath which, by an Act passed in the present Session of Parliament, has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration, in the form therein required. [Pg 69]

Resolved, That any person professing the Jewish religion may henceforth, in taking the oath prescribed in an Act of the present Session of Parliament to entitle him to sit and vote in this House, omit the words "and I make this declaration upon the true faith of a Christian."

Baron Lionel Nathan de Rothschild having again come to the table, desired to be sworn on the Old Testament, as being binding on his conscience.

Whereupon the Clerk reported the matter to Mr. Speaker, who then desired the Clerk to swear him upon the Old Testament.

Baron Lionel Nathan de Rothschild was sworn accordingly, and subscribed the Oath at the table.

[*See* case of Baron Mayer Amschel de Rothschild, 15th Feb., 1859, *infra*.]

Parliament dissolved, 23rd April, 1859; met, 31st May, 1859.

Baron Lionel Nathan de Rothschild, Member for the City of London, came to the table to be sworn, and stated that being a person professing the Jewish religion, he had a conscientious objection to take the oath in the form required by the Act 22 Vict. c. 48. The Clerk having reported the circumstance to Mr. Speaker, Baron Lionel Nathan de Rothschild was directed to withdraw, and he withdrew accordingly.

Resolved, That it appears to this House that Baron Lionel Nathan de Rothschild, a person professing the Jewish religion, being otherwise entitled to sit and vote in this House, is prevented from so sitting and voting by his conscientious objection to take the oath, which by an Act passed in the 22nd year of her Majesty has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration in the form therein required.

Resolved, That any person professing the Jewish religion may henceforth in taking the oath prescribed in an Act passed in the twenty-second year of her Majesty to entitle him to sit and vote in this House, omit the words "and I make this declaration upon the true faith of a Christian."

Whereupon Baron Lionel Nathan de Rothschild, Alderman David Salomons, and Baron Mayer Amschel de Rothschild, being Members professing the Jewish religion, having come to the table, were sworn upon the Old Testament, and took the oath, omitting the words "and I make this declaration upon the true faith of a Christian," and subscribed the same. [Pg 70]

PRECEDENT of a MEMBER omitting the words in the OATH OF ABJURATION, "on the true faith of a Christian."

DAVID SALOMONS, Esq., returned as one of the Members for the borough of Greenwich, came to the table to be sworn; and being tendered the New Testament by the Clerk, stated that he desired to be sworn on the Old Testament: Whereupon the Clerk reported the matter to Mr. Speaker, and Mr. Speaker asked him why he desired to be sworn on the Old Testament; he answered, because he considered it binding on his conscience; Mr. Speaker then desired the Clerk to swear him upon the Old Testament; the Clerk handed to him the Old Testament, and tendered him the oaths; and he took the Oaths of Allegiance and Supremacy, repeating the same after the Clerk. The Clerk then proceeded to administer the Oath of Abjuration, which Mr. Salomons read as far as the words "upon the true faith of a Christian," which he omitted, concluding with the words "So help me, God". And the Clerk having reported to Mr. Speaker that Mr. Salomons had omitted to repeat the words "upon the true faith of a Christian," Mr. Speaker desired Mr. Salomons to withdraw. He thereupon retired from the table and sat down upon one of the lower benches, upon which Mr. Speaker informed him that, not having taken the Oath of Abjuration in the form prescribed by the Act of Parliament, and in the form in which the House had upon a former occasion expressed its opinion that it ought to be taken, he could not be allowed to remain in the House, but must withdraw. And he withdrew accordingly.

Motion for new writ withdrawn.

The House resumed the further proceedings.

Mr. Alderman Salomons entered the House, and took his seat within the Bar: Whereupon Mr. Speaker said that he saw that a Member had taken his seat without having taken the Oaths required by law; and that he must therefore desire that the honorable Member do withdraw. [Pg 71]

Mr. Alderman Salomons continued in the seat within the Bar.

Ordered (after Debate), That Mr. Alderman Salomons do now withdraw.

Whereupon Mr. Speaker stated that the honorable Member for Greenwich had heard the decision of the House, and hoped that the honorable Member was prepared to obey it.

Mr. Alderman Salomons continuing to sit in his seat, Mr. Speaker directed the Serjeant-at-Arms to remove him below the Bar.

Whereupon Mr. Serjeant-at-Arms having placed his hand on Mr. Alderman Salomons, he was conducted below the Bar.

[The House refuses to hear Petitioners by Counsel at the Bar of the House in defence of their right to elect their own Representative.]

Resolved (after Debate), That David Salomons, Esq., is not entitled to vote in this House, or to sit in this House, during any debate, until he shall take the Oath of Abjuration in the form appointed by law.

PRECEDENT of a MEMBER stating that he had a conscientious objection to take the OATH.

Baron MAYER AMSCHEL DE ROTHSCHILD, returned for the town and port of Hythe, came to the table to be sworn, and stated that, being a person professing the Jewish religion, he entertained a conscientious objection to take the oath, which by an Act passed in the last Session has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration, in the form therein required. Whereupon the Clerk reported the matter to Mr. Speaker, who desired Baron Mayer Amschel de Rothschild to withdraw; and he withdrew accordingly.

Resolved, That it appears to this House that Baron Mayer Amschel de Rothschild, a person professing the Jewish religion, being otherwise entitled to sit and vote in this House, is prevented from so sitting and voting by his conscientious objection to take the oath, which by an Act passed in the last Session of Parliament has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration in the form therein required. [Pg 72]

Resolved, That any person professing the Jewish religion may henceforth, in taking the oath prescribed in an Act of the last Session of Parliament to entitle him to sit and vote in this House, omit the words “and I make this declaration upon the true faith of a Christian.”

Baron Mayer Amschel de Rothschild, being again come to the table, desired to be sworn on the Old Testament as binding on his conscience.

Whereupon the Clerk reported the matter to Mr. Speaker, who then desired the Clerk to swear him upon the Old Testament.

Baron Mayer Amschel de Rothschild was sworn accordingly, and subscribed the oath at the table.

Appendix No. 2.

PAPER handed in by Mr. Bradlaugh, 2nd June, 1880.

PRECEDENTS RELATING TO PARLIAMENTARY OATHS.

CASE of Attorney General Sir FRANCIS BACON, Commons Journals, Vol. 1, page 459, 11th April, 1614, continued from page 456, 8th April.

ELIGIBILITY of the Attorney General to sit in Parliament. By 46 Edward III., 1372, no practising barrister could be Knight of the Shire.

Page 459.—“The precedents to disable him ought to be showed on the other side.”

Page 460.—“Their Oath their own consciences to look unto, not we to examine it.”

At that date each Member had to make Oath that he was duly qualified.

1. Question whether he shall for this Parliament remain of the House or not:—*Resolved*, He shall.

2. Question.—Whether any Attorney General shall after this Parliament serve as a Member of this House:—*Resolved*, No. [Pg 73]

CASE of JOHN WILKES, Esquire, Commons Journal, 38, page 977, 3rd May, 1782.

THE House was moved, that the entry in the Journal of the House, of the 17th day of February, 1769, of the Resolution, “That John Wilkes, Esquire, having been in this Session of Parliament expelled this House, was and is incapable of being elected a Member to serve in this present Parliament,” might be read, and the same being read accordingly;

A motion was made, and the question being put, That the said resolution be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this Kingdom.

The House divided.

The Yeas went forth.

Tellers for the Yeas, Sir Philip Jennings Clarke and Mr. Byng, 115.

Tellers for the Noes, Mr. John St. John and Sir William Augustus Cunynghame, 47,

So it was resolved in the affirmative.

And the same was expunged by the Clerk at the table, accordingly.

Ordered, That all Declarations, Orders, and Resolutions of this House, respecting the election of John Wilkes, Esquire, for the county of Middlesex, as a void election, the true and legal election of Henry Lawes Luttrell, Esquire, into Parliament for the said county, and the incapacity of John Wilkes, Esquire, to be elected a Member to serve in the said Parliament, be expunged from the Journals of this House as being subversive of the rights of the whole body of electors of this Kingdom.

By Cavendish's Parliamentary Debates, Vol. I., page 73, 24th November, 1768, it appears that *inter alia* were used to justify the original and subsequently expunged Resolutions—first, "the copy of the record of the proceedings, on an information in the Court of King's Bench, against John Wilkes, Esquire, for blasphemy"—page 123; "three obscene and impious libels"; "an impious libel with intent to blaspheme the Almighty God." [Pg 74]

CASE of Mr. JOHN HORNE TOOKE, Parliamentary History, Vol. 35, page 956, 16th February, 1801.

Mr. John Horne Tooke took the Oaths and his seat for Old Sarum. He was introduced by Sir Francis Burdett and Mr. Wilson. This being done, Earl Temple rose and said, he had observed a gentleman who had just retired from the table, after having taken the Oaths, whom he conceived to be incapable of a seat in that House, in consequence of his having taken priest's orders and been inducted into a living. He would wait the allotted time of fourteen days to see whether there was any petition presented against his return; if not he should then move that the return for Old Sarum be taken into consideration.

Page 1323, 10th March, 1801.—Earl Temple moved that Mr. Boucher, Deputy Registrar of Salisbury, be called in to prove that Mr. Horne Tooke, being a priest in orders, was not eligible to a seat in that House. After debate, in which Mr. John Horne Tooke spoke—Amendment and Division—Motion agreed to (page 1342),—Select Committee appointed (page 1343). Two reports given, pages 1343 to 1349, were made, giving all the cases of "any of the clergy" returned to Parliament.

4th May, 1801.—Earl Temple moved (pages 1349 to 1374), "That Mr. Speaker do issue his warrant to the clerk of the Crown in Great Britain, to make out a new writ for the election of a burgess to serve in this present Parliament for the Borough of Old Sarum, in the county of Wilts, in the room of the Rev. John Horne Tooke, who being at the time of his election in priest's orders, was and is incapable of sitting in this House." A debate took place in which Mr. John Horne Tooke spoke (pp. 1350 to 1402), division, and the motion negatived.

Jurist, Vol. 17, Page 463.—Exchequer Chamber; Error from the Court of Exchequer: Coram, Lord Campbell, Chief Justice, and Coleridge, Cresswell, Wightman, Williams, and Crompton, J.

One judgment by Lord Chief Justice Campbell for the whole Court.

Lord Campbell (page 464).—The words "so help me, God," are words of asseveration, and of the manner of taking the oath; but the words preceding them are, it appears to me, an essential part of the oath. [Pg 75]

Fisher's Digest, Vol. 3, page 6179.—By a private Act, no person appointed to act as tithe valuer shall be capable of acting until he shall have taken and subscribed an oath in the words following: "I, A. B., do swear that I will faithfully, etc., execute, etc.; so help me, God." Held, that the oath had nevertheless been properly administered according to the Statute, for the words omitted were no part of the oath, but only an indication of the manner of administering it. Lancaster and Carlisle Railway Company *v.* Heaton, 8 El. & Bl., 952; 4 Jur., N. S., 707; 27 L. J., Q. B., 195.

Appendix No. 3.

PAPER handed in by Mr. BRADLAUGH, 2nd June, 1880.

STATEMENT on the OATH QUESTION by Mr. BRADLAUGH.

20, Circus Road, St. John's Wood, London, N.W., 20th May, 1880.

WHEN elected as one of the Burgesses to represent Northampton in the House of Commons, I believed that I had the legal right to make affirmation of allegiance in lieu of taking the oath, as provided by section 4 of the Parliamentary Oaths Act, 1866. While I considered that I had this legal right, it was then clearly my moral duty to make the affirmation. The oath, although to me including words of idle and meaningless character, was, and is, regarded by a large number of my fellow countrymen as an appeal to Deity to take cognizance of their swearing. It would have been an act of hypocrisy to voluntarily take this form if any other had been open to me, or to take it without protest, as though it meant in my mouth any such appeal. I, therefore, quietly and

privately notified the Clerk of the House of my desire to affirm. His view of the law and practice differing from my own, and no similar case having theretofore arisen, it became necessary that I should tender myself to affirm in a more formal manner, and this I did at a season deemed convenient by those in charge of the business of the House. In tendering my affirmation, I was careful when called on by the Speaker to state my objection, to do nothing more than put in the fewest possible words my contention that the Parliamentary Oaths Act, 1866, gave the right to affirm in Parliament to every person for the time being by law permitted to make an affirmation in lieu of taking an oath, and that I was such a person, and therefore claimed to affirm. The Speaker neither refusing, nor accepting my affirmation, referred the matter to the House, which appointed a Select Committee to report whether persons entitled to affirm under the Evidence Amendment Acts, 1869 and 1870, were, under Section 4 of the Parliamentary Oaths Act, 1866, also entitled to affirm as Members of Parliament. This Committee, by the casting-vote of its Chairman, has decided that I am not entitled to affirm. Two courses are open to me, one of appeal to the House against the decision of the Committee; the other, of present compliance with the ceremony, while doing my best to prevent the further maintenance of a form which many other Members of the House think as objectionable as I do, but which habit, and the fear of exciting prejudice, has induced them to submit to. To appeal to the House against the decision of the Committee would be ungracious, and would certainly involve great delay of public business. I was present at the deliberations of the Committee, and while naturally I cannot be expected to bow submissively to the statements and arguments of my opponents, I am bound to say that they were calmly and fairly urged. I think them unreasonable; but the fact that they included a legal argument from an earnest Liberal deprives them even of a purely party character. If I appealed to the House against the Committee, I, of course, might rely on the fact that the Attorney General, the Solicitor General, Sir Henry Jackson, Q.C., Watkin Williams, Q.C., and Mr. Serjeant Simon are reported in the *Times* to have interpreted the law as I do; and I might add that the Right Honorable John Bright and Mr. Whitbread are in the same journal arrayed in favor of allowing me to affirm. But even then the decision of the House may endorse that of the Committee, and should it be in my favor it could only, judging from what has already taken place, be after a bitter party debate, in which the Government specially and the Liberals generally would be sought to be burdened with my anti-theological views, and with promoting my return to Parliament. As a matter of fact, the Liberals of England have never in any way promoted my return to Parliament. The much-attacked action of Mr. Adam had relation only to the second seat, and in no way related to the one for which I was fighting. In 1868, the only action of Mr. Gladstone and of Mr. Bright was to write letters in favor of my competitors; and since 1868 I do not believe that either of these gentlemen has directly or indirectly interfered in any way in connection with my Parliamentary candidature. The majority of the electors of Northampton had determined to return me before the recent union in that borough, and while pleased to aid their fellow Liberals in winning the two seats, my constituents would have at any rate returned me had no union taken place. My duty to my constituents is to fulfil the mandate they have given me, and if to do this I have to submit to a form less solemn to me than the affirmation I would have reverently made, so much the worse for those who force me to repeat words which I have scores of times declared are to me sounds conveying no clear and definite meaning. I am sorry for the earnest believers who see words sacred to them used as a meaningless addendum to a promise, but I cannot permit their less sincere co-religionists to use an idle form in order to prevent me from doing my duty to those who have chosen me to speak for them in Parliament. I shall, taking the oath, regard myself as bound, not by the letter of its words, but by the spirit which the affirmation would have conveyed had I been permitted to use it. So soon as I am able, I shall take such steps as may be consistent with Parliamentary business to put an end to the present doubtful and unfortunate state of the law and practice on oaths and affirmations. Only four cases have arisen of refusal to take the oath except, of course, those cases purely political in their character; two of those cases are those of the Quakers John Archdale and Joseph Pease. The religion of these men forbade them to swear at all, and they nobly refused. The sect to which they belonged was outlawed, insulted and imprisoned; they were firm, and one of that sect sat on the very committee, a member of her Majesty's Privy Council, and a member of the actual Cabinet. I thank him gratefully that, valuing right so highly, he cast his vote so nobly for one for whom I am afraid he has but scant sympathy. No such religious scruple prevents me from taking the oath as prevented John Archdale and Joseph Pease. In the case of Baron Rothschild and Alderman Salomons the words "upon the true faith of a Christian" were the obstacle. To-day the oath contains no such words. The Committee report that I may not affirm, and protesting against a decision which seems to me alike against the letter of the law and the spirit of modern legislation, I comply with the forms of the House.

[Pg 76]

[Pg 77]

[Pg 78]

CHARLES BRADLAUGH.

MR. BRADLAUGH'S SPEECHES.

MR. BRADLAUGH'S First Speech at the Bar of the House of Commons, delivered June 23rd, 1880.

SIR,—I have to ask the indulgence of every member of this House while, in a position unexampled in the history of this House, I try to give one or two reasons why the resolution which you have read to me should not be enforced. If it were not unbecoming I should appeal to the traditions of the House against the House itself, and I should point out that in none of its records, so far as my

poor reading goes, is there any case in which this House has judged one of its members in his absence, and taken away from that member the constitutional right he has (hear, hear). There have been members against whom absolute legal disqualification has been urged. No such legal disqualification is ventured to be urged by any member of this House against myself. But even those members have been heard in their places; those members have been listened to before the decision was taken against them; and I ask that this House to myself shall not be less just than it has always been to every one of its members (hear, hear). Do you tell me I am unfit to sit amongst you? (hear, hear, and Order, order.) The more reason, then, that this House should show the generosity which judges show to a criminal, and allow every word he has to say to be heard. But I stand here, Sir, as no criminal. I stand here as the chosen of a constituency of this country, [Pg 79] with my duty to that constituency to do. I stand here, Sir—if it will not be considered impertinent to put it so—with the most profound respect for this House, of which I yet hope and mean to form a part, and on whose traditions I should not wish to cast one shadow of reproach. I stand here returned duly; no petition against my return; no impeachment of that return. I stand here returned duly, ready to fulfil every form that this House requires, ready to fulfil every form that the law permits this House to require, ready to do every duty that the law makes incumbent upon me. I will not in this presence argue whether this House has or has not the right to set its decision against the law, because I should imagine that even the rashest of those who spoke against me would hardly be prepared to put in the mouth of one whom they consider too advanced in politics an arguments so dangerous as that might become. I speak within the limits of the law, asking for no favor from this House for myself or for my constituents, but asking the merest justice which has always been accorded to a member of the House (hear, hear, and Order.) I have to ask indulgence lest the memory of some hard words which have been spoken in my absence should seem to give to what I say a tone of defiance, which it is far from my wish should be there at all; and I am the more eased because although there were words spoken which I had always been taught English gentlemen never said in the absence of an antagonist without notice to him, yet there were also generous and brave words said for one who is at present, I am afraid, a source of trouble and discomfort and hindrance to business. I measure the generous words against the others, and I will only make one appeal through you, Sir, which is, that if the reports be correct that the introduction of other names came with mine in the heat of passion and the warmth of debate, the gentleman who used those words, if such there were, will remember that he was wanting in chivalry, because, while I can answer for myself, and am able to answer for myself, nothing justified the introduction of any other name beside my own to make a prejudice against me (cheers and cries of Question and Order.) I fear lest the strength of this [Pg 80] House, judicially exercised as I understand it to be—with infrequency of judicial exercise—that the strength of this House makes it forget our relative positions. At present I am pleading at its bar for justice. By right it is there I should plead. [The hon. member pointed to the seats.] It is that right I claim in the name of those who sent me here. No legal disqualification before my election, or it might have been made the ground of petition. No legal disqualification since my election—not even pretended. It is said: “You might have taken the oath as other members did.” I could not help when I read that, Sir, trying to put myself in the place of each member who said it. I imagined a member of some form of faith who found in the oath words which seemed to him to clash with his faith, but still words which he thought he might utter, but which he would prefer not to utter if there were any other form which the law provided him, and I asked myself whether each of those members would not then have taken the form which was most consonant with his honor and his conscience. If I have not misread, some hon. members seem to think that I have neither honor nor conscience. Is there not some proof to the contrary in the fact that I did not go through the form, believing that there was another right open to me? (hear, hear, and Order.) Is that not some proof that I have honor and conscience? Of the gentlemen who are now about to measure themselves against the rights of the constituencies of England I ask what justification had they for that measurement? They have said that I thrust my opinions on the House. I hold here, Sir, the evidence of Sir Thomas Erskine May, and I can find no word of any opinion of mine thrust upon the House at all. I have read—it may be that the reports misrepresent—that the cry of “Atheist” has been raised from that side. [The hon. member pointed to the Opposition side.] No word of all mine before the committee put in any terms those theological or anti-theological opinions in evidence before the House. I am no more ashamed of my own opinions, which I did not choose, opinions into which I have grown, than any member of this House is ashamed of his; and much as I value the right to sit here, and much as I believe that the justice of this House will accord it to me before the struggle is finished, I would rather relinquish it for ever than it should [Pg 81] be thought that by any shadow of hypocrisy I had tried to gain a feigned entrance here by pretending to be what I am not (cheers, and cries of Order.) On the report of the committee as it stands, on the evidence before the House, what is the objection to either my affirming or taking the oath? It is said I have no legal right to affirm. I will suppose that to be so. It is the first time that the House has made itself a court of law from which there may be no appeal, and deprived a citizen of his constitutional right of appeal to a court of law to make out what the statute means in dealing with him. There is no case in which this House has overridden everything, and put one of its members where he had no chance of battling for his right at all. Take the oath. It is possible that some of the lawyers, who have disagreed among themselves even upon that (the Opposition) side of the House, may be right, and that I may be wrong in the construction I have put upon the oath, but no such objection can come. There is no precedent—there is, I submit respectfully, no right—in this House to stand between me and the oath which the law provides for me to take, which the statute, under penalty even upon members of this House themselves if they put me out from my just return, gives me the right to take. What kind of a conflict is provoked here if this resolution be enforced? Not a grave conflict in a court of law, where the judges exclude passion, where they only deal with facts and evidence. I do not mean that these gentlemen do not deal

with facts; but, if I am any judge of my own life's story, there have been many things which I can hardly reckon in the category of facts put against myself. I don't mean that they are not right, for hon. members may know more of myself than I do myself; but, judging myself as I know myself, some of the members who have attacked me so glibly during the last few days must have been extraordinarily misinformed, or must have exceedingly misapprehended the matters they alleged. It has been said that I have paraded and flaunted some obnoxious opinions. I appeal to your justice, sir, and to that of the members of this House, to say whether my manner has not been as respectful as that of man could be—whether in each case I have not withdrawn when you told me. If I now come here with even the appearance of self-assertion, it is because I would not be a [Pg 82] recreant and a coward to the constituency that sent me to represent them; and I mean to be as members have been in the best history of this assembly. I ask the House, in dealing with my rights, to remember how they are acting. It is perfectly true that by a majority they may decide against me now. What are you to do then? Are you going to declare the seat vacant? First, I tell you that you have not the right. The moment I am there—[the hon. member pointed inside the House]—I admit the right of the House, of its own good will and pleasure, to expel me. As yet I am not under your jurisdiction. As yet I am under the protection of the law. A return sent me to this House, and I ask you, sir, as the guardian of the liberties of this House, to give effect to that return. The law says you should, and that this House should. And naturally so; because, if it were not so, any time a majority of members might exclude anyone they pleased. What has been alleged against me? Politics? Are views on politics urged as a reason why a member should not sit here? Pamphlets have been read—I won't say with accuracy, because I will not libel any of the hon. members who read them; but, surely, if they are grounds for disqualification they are grounds for indictment to be proved against me in a proper fashion. There is no case in all the records of this House in which you have ransacked what a man has written and said in his past life and then challenged him with it here. My theology? It would be impertinent in me, after the utterances of men so widely disagreeing from me that have been made on the side of religious liberty during the past two nights—it would be impertinent in me to add one word save this. It is said that you may deal with me because I am isolated. I could not help hearing the ring of that word in the lobby as I sat outside last night. But is that a reason, that, because I stand alone the House are to do against me what they would not do if I had 100,000 men at my back? (cries of Oh). That is a bad argument which provokes a reply inconsistent with the dignity of this House and which I should be sorry to give. I have not yet used—I hope no passion may tempt me to be using—any words that would seem to savor of even a desire to enter into conflict with this House. [Pg 83] I have always taught, preached, and believed the supremacy of Parliament, and it is not because for a moment the judgment of one Chamber of Parliament should be hostile to me that I am going to deny the ideas I have always held; but I submit that one Chamber of Parliament—even its grandest Chamber, as I have always held this to be—had no right to override the law. The law gives me the right to sign that roll, to take and subscribe the oath, and to take my seat there [pointing to the benches]. I admit that the moment I am in the House, without any reason but your own good will, you can send me away. That is your right. You have full control over your members, but you cannot send me away until I have been heard in my place, not a suppliant as I am now, but with the rightful audience that each member has always had. There is one phase of my appeal which I am loth indeed to make. I presume you will declare the seat vacant. What do you send me back to Northampton to say? I said before, and I trust I may say again, that this assembly was one in which any man might well be proud to sit—prouder I that I have not some of your traditions and am not of your families, but am of the people, the people that sent me here to speak for them. Do you mean that I am to go back to Northampton as to a court, to appeal against you? that I am to ask the constituency to array themselves against this House? I hope not. If it is to be, it must be. If this House arrays itself against an isolated man—its huge power against one citizen—if it must be, then the battle must be too. But it is not with the constituency of Northampton alone—hon. members need not mistake—that you will come into conflict if this appeal is to go forward, if the House of Commons is to override the statute law to get rid of even the vilest of members. Had you alleged against me even more than against one man whose name was mentioned in this House last night, I should still have held that the House cannot supersede the rights of the people. But not as much is alleged against me as was alleged against that man, in whose case the House itself said that its conduct had been subversive of the rights of the people. I beg you, for your own sakes, don't put yourselves in that position. I have no desire to wrestle with you for justice. I admit that I have used hard words in my short life, giving men the [Pg 84] right in return to say hard things of me; but is it not better that I should have the right to say them to your faces? If they are within the law, let the law deal with me fairly and properly; but if they are without the law, not unfairly, as I submit you are doing now. You have the power to send me back, but in appealing to Northampton I must appeal to a tribunal higher than yours—not to courts of law, for I hope the days of conflict between the assembly which makes the law and the tribunals which administer it are passed. It must be a bad day for England and for Great Britain, if we are to be brought again to the time when the judges and those who make the law for the judges are in rash strife as to what they mean. But there is a court to which I shall appeal—the court of public opinion, which will have to express itself. You say it is against me. Possibly; but if it be so, is it against me rightly or wrongly? I am ready to admit, if you please, for the sake of argument, that every opinion I hold is wrong and deserves punishment. Let the law punish it. If you say the law cannot, then you admit that you have no right, and I appeal to public opinion against the iniquity of a decision which overrides the law and denies me justice. I beg your pardon, Sir, and that of the House too, if in this warmth there seems to lack respect for its dignity; and as I shall have, if your decision be against me, to come to that table when your decision is given, I beg you, before the step is taken in which we may both lose our dignity—mine is not much, but yours is that of the Commons of England—I beg you, before the gauntlet is

fatally thrown—I beg you, not in any sort of menace, not in any sort of boast, but as one man against six hundred, to give me that justice which on the other side of this hall the judges would give me were I pleading there before them (loud cheers and cries of Order, amid which Mr. Bradlaugh again bowed and retired).

MR. BRADLAUGH'S Second Speech at the Bar of the House of Commons, delivered April 28th, 1881.

Mr. SPEAKER,—I have again to ask the indulgence of the House while I submit to it a few words in favor of my claim to do that which the law requires me to do. Perhaps the House will pardon me if I supply an omission, I feel unintentionally made, on the part of the hon. member for Chatham [Pg 85] in some words which have just fallen from him. I understood him to say that he would use a formal statement made by me to the Committee against what the Chancellor of the Duchy had said I had said. I am sure the hon. and learned member for Chatham, who has evidently read the proceedings of the Committee with care, would, if he had thought it fair, have stated to the House that the statement only came from me after an objection made by me—a positive objection on the ground that it related to matters outside this House, and that the House in the course of its history had never inquired into such matters; but I can hardly understand what the member for Chatham meant when he said that he contrasted what I did say with what the Chancellor of the Duchy said I said, for it is not a matter of memory, it is on the proceedings of this House, that being examined formally before the Committee, I stated: "That the essential part of the oath is in the fullest and most complete degree binding upon my honor and conscience, and that the repeating of the words of asseveration does not in the slightest degree weaken the binding of the allegiance on me." I say now I would not go through any form—much as I value the right to sit in this House, much as I desire and believe that this House will accord me that right—that I did not mean to be binding upon me without mental reservation, without equivocation. I would go through no form unless it were fully and completely and thoroughly binding upon me as to what it expressed or promised. Mine has been no easy position for the last twelve months. I have been elected by the free votes of a free constituency. My return is untainted. There is no charge of bribery (cheers), no charge of corruption, nor of inducing men to come drunken to the polling booth. I come here with a pure untainted return—not won by accident. For thirteen long years have I fought for this right—through five contested elections, including this. It is now proposed to prevent me from fulfilling the duty my constituents have placed upon me. You have force—on my side is the law. The hon. and learned member for Plymouth spoke the truth when he said he did not ask the House to treat the matter as a question of law, but the constituencies ask me to treat it as a question of law. I, for them, ask you to treat it as a question of law. I could understand the [Pg 86] feeling that seems to have been manifested were I some great and powerful personage. I could understand it had I a huge influence behind me. I am only one of the people, and you propose to teach them that on a mere technical question you will put a barrier in the way of my doing my duty which you have never put in the way of anyone else. The question is, has my return on the 9th of April, 1881, anything whatever to impeach it? There is no legal disqualification involved. If there were it could be raised by petition. The hon. member for Plymouth says the dignity of this House is in question. Do you mean that I can injure the dignity of this House? This House which has stood unrivalled for centuries? This House supreme among the assemblies of the world? This House, which represents the traditions of liberty? I should not have so libelled you. How is the dignity of this House to be hurt? If what happened before the 9th of April is less than a legal disqualification, it is a matter for the judgment of the constituency and not for you. The constituency has judged me; it has elected me. I stand here with no legal disqualification upon me. The right of the constituency to return me is an unimpeachable right. I know some gentlemen make light of constituencies; yet without the constituencies you are nothing. It is from them you derive your whole and sole authority. The hon. and learned member for Plymouth treats lightly the legal question. It is dangerous to make light of the law—dangerous because if you are only going to rely on your strength of force to override the law, you give a bad lesson to men whose morality you impeach as to what should be their duty if emergence ever came (hear, hear). Always outside the House I have advocated strenuous obedience to the law, and it is under that law that I claim my right. It is said by the right hon. baronet who interposes between me and my duty that this House has passed some resolution. First, I submit that that resolution does not affect the return of the 9th April. The conditions are entirely different, there is nothing since the date of that return. I submit next that if it did affect it the resolution was illegal from the beginning. In the words of George Grenville, spoken in this House in 1769, I say if your resolution goes in the teeth of the law—if against the statute—your resolution is null and void. No word [Pg 87] have I uttered outside these walls which has been lacking in respect to the House. I believe the House will do me justice, and I ask it to look at what it is I claim. I claim to do that which the law says I must. Frankly, I would rather have affirmed. When I came to the table of the House I deemed that I had a legal right to do it. The courts have decided against me, and I am bound by their decision. I have the legal right to do what I propose to do. No resolution of yours can take away that legal right. You may act illegally and hinder me, and unfortunately I have no appeal against you. "Unfortunately" perhaps I should not say. Perhaps it is better that the Chamber which makes the law should never be in conflict with the courts which administer the laws that the Chamber makes. I think the word "unfortunately" was not the word I ought to have used in this argument. But the force that you invoke against the law to-day may to-morrow be used against you, and the use will be justified by your example. It is a fact that I have no remedy if you rely on your force. I can only be driven into a contest, wearying even to a strong man well

supported, ruinous and killing to one man standing by himself—a contest in which if I succeed it will be injurious to you as well as to me. Injurious to me because I can only win by lessening your repute which I desire to maintain. The only court I have the power of appealing to is the court of public opinion, which I have no doubt in the end will do me justice. The hon. member for Plymouth said I had the manliness on a former occasion to make an avowal of opinions to this House. I did nothing of the kind. I have never, directly or indirectly, said one word about my opinions, and this House has no right to inquire what opinions I may hold outside its walls, the only right is that which the statute gives you; my opinions there is no right to inquire into. I shelter myself under the laws of my country. This is a political assembly, met to decide on the policy of the nation, and not on the religious opinions of the citizens (cheers). While I had the honor of occupying a seat in the House when questions were raised which touched upon religious matters, I abstained from uttering one word. I did not desire to say one word which might hurt the feelings of even the most tender (hear). But it is said, why not have taken the oath quietly? I [Pg 88] did not take it then because I thought I had the right to do something else, and I have paid the penalty. I have been plunged in litigation fostered by men who had not the courage to put themselves forward (loud cheers below the gangway). I, a penniless man, should have been ruined if it had not been that the men in workshop, pit, and factory had enabled me to fight this battle (interruption). I am sorry that hon. members cannot have patience with one pleading as I plead here. It is no light stake, even if you put it on the lowest personal grounds, to risk the ambition of a life on such an issue. It is a right ambition to desire to take part in the councils of the nation, if you bring no store of wisdom with you, and can only learn from the great intellects that we have (hear, hear). What will you inquire into? The right hon. baronet would inquire into my opinions. Will you inquire into my conduct, or is it only my opinions you will try here? The hon. member for Plymouth frankly puts it opinions. If opinions, why not conduct? Why not examine into members' conduct when they come to the table, and see if there be no members in whose way you can put a barrier? (Hear, hear.) Are members, whose conduct may be obnoxious, to vote my exclusion because to them my opinions are obnoxious? As to any obnoxious views supposed to be held by me, there is no duty imposed upon me to say a word. The right hon. baronet has said there has been no word of recantation. You have no right to ask me for any recantation. Since the 9th April you have no right to ask me for anything. If you have a legal disqualification, petition, lay it before the Judges. When you ask me to make a statement, you are guilty of impertinence to me, of treason to the traditions of this House, and of impeachment of the liberties of the people. My difficulty is that those who have made the most bitter attacks upon me only made them when I was not here to deal with them. One hon. and gallant member recently told his constituents that this would be made a party question, but that the Conservative members had not the courage to speak out against me. I should have thought, from reading "Hansard," not that they wanted courage, but that they had cultivated a reticence that was more just. I wish to say a word or two on the attempt which has been made to put on the Government [Pg 89] of the day complicity in my views. The Liberal party has never aided me in any way to this House. (Oh, from the Opposition.) Never. I have fought by myself. I have fought by my own hand. I have been hindered in every way that it was possible to hinder me, and it is only by the help of the people, by the pence of toilers in mine and factory, that I am here to-day, after these five struggles right through thirteen years. I have won my way with them, for I have won their hearts, and now I come to you. Will you send me back from here? Then how? You have the right, but it is the right of force, and not of law. When I am once seated on these benches, then I am under your jurisdiction. At present I am under the protection of the writ from those who sent me here. I do not want to quote what has happened before, but if there be one lesson which the House has recorded more solemnly than another, it is that there should be no interference with the judgment of a constituency in sending a man to this House against whom there is no statutory disqualification. Let me appeal to the generosity of the House as well as to its strength. It has traditions of liberty on both sides. I do not complain that members on that (the Conservative) side try to keep me out. They act according to their lights, and think my poor services may be injurious to them. (Cries of No.) Then why not let me in? (Cheers.) It must be either a political or a religious question. I must apologise to the House for trespassing upon its patience. I apologise because I know how generous in its listening it has been from the time of my first speech in it till now. But I ask you now, do not plunge with me into a struggle I would shun. The law gives me no remedy if the House decides against me. Do not mock at the constituencies. If you place yourselves above the law, you leave me no course save lawless agitation instead of reasonable pleading. It is easy to begin such a strife, but none knows how it would end. I have no court, no tribunal to appeal to; you have the strength of your votes at the moment. You think I am an obnoxious man, and that I have no one on my side. If that be so, then the more reason that this House, grand in the strength of its centuries of liberty, should have now that generosity in dealing with one who to-morrow may be forced into a struggle for public opinion against it (cheers). [Pg 90]

Mr. Bradlaugh's Third Speech at the Bar of the House of Commons, delivered February 7th, 1882.

Sir,—In addressing the House for the third time from this position, I feel the exceeding difficulty of dealing fairly with myself without dealing unfairly with the House. If I were to follow the hon. member who has just sat down into his errors of law, of history, and of memory, into his reckless misconceptions as to what are the views I hold and write about, I should only be giving pain to numbers of members here, and departing from that mandate with which my constituents have

trusted me. It is—I say it with all respect—not true that I done anything more with reference to the succession than maintain the right of Parliament, meaning by Parliament both Houses, to control it; and any member who pretends that I done anything else, either does it, not having read what I have written, or heard what I have said, or having forgotten entirely what I have written or said, and being extremely careless in representing my views to the House. I regret that the hon. member should have imported into the discussion some fact supposed to have occurred in a police-court since I stood here before. I can only give the House my positive assurance that the hon. member is perfectly inaccurate in his representation of what took place. It is exceedingly painful to bandy words in this way. The hon. member was good enough to say he did not hear—he could not well have heard, for the magistrate did not refuse my affirmation at all. I happened to have been before Sir J. Ingham before, and he knew me, and knew the particular form of affirmation, and when the clerk read it to me no discussion took place on the subject. I hope the House will forgive me for contradicting such a small thing, but small things are sometimes much used. They have been used to work my ruin since I stood here before, and I regret that the shame of reticence did not at least keep it from this House, that the hon. member thought it his duty, by a common informer, to attempt to drive me into the Bankruptcy Court, and outside this House has boasted that the question would be solved in that way. It may be a brave boast, it may be consonant with piety from the hon. member's point of view, but I believe that every other gentleman's sense of piety would revolt against the notion of driving a single man into [Pg 91] bankruptcy, and then canvassing for subscriptions—(hear, hear)—for the "bold and vigorous, and patriotic and noble conduct," as the advertisement said, which consisted in hurrying in a cab to find the common informer to issue a writ against me. I dismiss that, however. I ask the House to pardon me for having wasted its time on this poor thing. I do not hope, I dare not think, that any word I may say here will win one vote; and I would have let this go silently against me, were it not that I owe a duty to the constituency that has twice entrusted me with its suffrages, a duty to every constituency right through the land in time to come—(hear, hear)—whose representative may be challenged as Northampton's has been. (Hear, hear, and No.) Some gentlemen say "No," but where is the challenge to stop? (Hear.) It is not simply theology, it is politics too (hear, hear). It is not simply theology that is brought before the House, but the wild imaginings of some member who, with the nightmare of panic upon him, and a wild imagining of the French Revolution clothed in terrors of which I know nothing, comes here to tell you of mighty Russia successful, and of the unfortunate United States with its Presidents assassinated because of religious and political opinions. Panic of that kind is not evidence as to my opinions. If this House intends to try me for my opinions, let it do it reasonably, and at least have the evidence before it. I would show you how unfair it is to trust to memory of words. The hon. member was good enough to tell the House that I had declared to a Committee of the House that certain words were meaningless. I hold in my hand the report of the Committee and the minutes of evidence, and no such words exist in any declaration of mine. (Hear, hear. Mr. Newdegate shook his head.) The hon. member does not believe me. I cannot make more than facts. I cannot make the comprehension which should distinguish when prejudice has determined that nothing shall be right that is put. The only way in which it can be pretended that anything of the kind in reference to the oath can be brought in is by taking my letter of the 20th of May, written outside the House, which does not contain a specific declaration the hon. member has put into it, which letter I protested ought not to be brought before the Committee at all, which I never volunteered to the [Pg 92] Committee—(Opposition laughter)—which I objected to the Committee having before them. (Oh, and laughter from the Opposition.) The gentlemen who laugh, laugh because the laugh is the only answer that could be given. No reason can be given in reply, no facts can be quoted; and I ask hon. members who laugh to remember that I am pleading as though a quasi-criminal at this bar, and that I have a right to an audience from them, and I appeal to the House at least to give me a silent hearing. Judges do that. If you are unfit to be judges, then do not judge (hear, hear). It shows, at least, the difficulty of dealing with a question like this, when those who are to judge have come to a judgment already, not upon any facts, but upon what they think ought to be the facts. I ask the House to deal legally and fairly with me. Legally you are bound to deal; fairly, as an assembly of English gentlemen, you ought to deal with me, even if you have differences with me, even if you think my opinions so obnoxious, even if you think that the politics with which you identify me in your minds are dangerous to you (oh, oh). If I am not dangerous, why not let me speak there? (pointing to the seat he occupied last Session.) If there is no danger, why strain the law? If there is no danger, why disobey the law? It is put by the hon. gentleman who spoke last that there are certain words of the oath which the courts of law have declared essential, The courts of law have declared the exact opposite. So far as a decision has been given, the very report of the Committee shows that the highest court of judicature in this realm has decided the words are not essential to the oath at all. I ask the House to deal with me with some semblance and show of legality and fairness, and first I say that they ought not to go behind my election of the 9th of April, 1881, and that the House ought to reject the resolution moved by the right hon. gentleman, because it deals with matters which antedate my election, and because the House has nothing to do with me before the 9th of April, 1881. That is the return of which the Clerk at the table has the certificate. That is my only authority for being here. If I did aught before that rendered me unworthy to sit here, why did the House let me sit here from the 2nd of July to the 29th of March? If what I did entitles the House not to receive me, why has not the House had the [Pg 93] courage of its opinions and vacated the seat? Either the seat is mine in law, and in law I claim it from you, or I am unworthy to hold it, and then why not vacate the seat and let the constituency express its opinion again? But my return is unimpeached, it is unimpeachable, and there has been no petition against me. The hon. member who went into back alleys for common informers could not find a petitioner to present a petition against it. If I speak with temper—(Opposition laughter)—the House, I trust, will pardon me. I have read within the last few days words spoken,

not by members of no consequence, but by members occupying high position in this House, which make me wonder if this is the House of Commons to which I aspired so much. I have read that one right hon. member, the member for Whitehaven—(laughter from the Ministerial side)—was prompted to say to his constituents that I was kicked down stairs last Session, and that he hoped I should be again. If it were true that I was kicked downstairs I would ask members of the House of Commons on whom the shame, on whom the disgrace, on whom the stigma? I dare not apply this, but history will when I have mouldered, and you too, and our passions are quite gone. But it is not quite true that I was kicked downstairs, and it is a dangerous thing to say that I was, for it means that hon. members who should rely on law rely on force. It is a dangerous provocation to conflict to throw to the people. If I had been as wicked in my thought as some members are reported to have been in their speech, this quarrel, not of my provoking, would assume a future to make us all ashamed. I beg this House to believe, and I trust, Sir, that you at least will believe me, that I have tried as much as man might to keep the dignity of this House. I submitted last Session, and the Session before, to have had things said against me without one word of reply, because having had your good counsel, I felt it might provoke discussion upon matters which this House would willingly not have speech upon, and that I had far better rest under some slight stigma than occupy the House with my personality. I appeal to the recollection of every member of the House whether from the moment of my entering into it I did not utterly disregard everything that took place prior to my coming into it, and direct myself to the business for which my constituents sent me here. The most extraordinary statements are made as to my [Pg 94] views, statements as inaccurate as those which have fallen, no doubt unconsciously, from the hon. member who has last addressed the House. One noble lord in a great London gathering convoked against me, a gathering which was not as successful as some that have taken place in my favor, denounced me as a Socialist. I do not happen to be one. I happen to think that Socialists are the most unwise and illogical people you can happen to meet. But the noble lord knew that I ought to be something (laughter). I am a red rag to a wild Conservative bull, and it must rush at me and call me Socialist. I ask this House to be more fair and just. If I am to be tried, at least let me be tried for the opinions I hold and the views I express. Why, there are members who have soiled their tongues with words about social relations and marriage for which I have no proper reply in this House, as unfortunately the forms of the House do not permit me to use the only fitting answer, and perhaps it is as well. But I ask the House, Do not let this be the kind of weapon with which a return is met. Deal with me as the law directs, and in no other way. It is said “You have brought this upon yourself” (hear, hear). One baronet who has spoken of me with a kindness more than I deserve, in the very borough which I represent said I had brought it upon myself, because when I originally came to the House I flaunted and most ostentatiously put my opinion upon the House (hear, hear). Well, not one word of that is true. Not a shadow of it is true. I hold in my hand the sworn evidence of Sir Erskine May. I do not ask gentlemen to take my word, for it is clear they will not, but that of their own officer. And when the right hon. baronet said I claimed under the statute, and drew an inference from it, he knows that my claim contained no such words until the clerk at the table of the House challenged me as to the law under which I claimed. I do not quarrel with him, but I submit that the Clerk of the House had no right to put that question to me. I submit that the House had nothing whatever to do with it—that it certainly is no ostentatious flaunting by me. I submit, that at any rate, that it is prior to the 9th of April, 1881, and the House had no right to revive it against me. I ask the House to try and deal with me with some show of fairness. They will find when I was before the Committee, instead of [Pg 95] obtruding my opinions, I said I had never directly or indirectly obtruded upon the House any of my utterances or publications upon any subject whatever, and when pressed by one of the members sitting on that (the Opposition) side of the House as to certain opinions I was supposed to hold, by asking me particular words I was supposed to have used in a judicial proceeding, I said that if the Committee wished I would answer, but that I objected to answer, because I had carefully refrained from saying any word which would bring my opinions before the House. I ask, therefore, the House whether it is not monstrously unfair to say that I have obtruded any opinions here when I have expressly, carefully, and thoroughly kept them from the House? But it is said by the right hon. baronet that it would be a profanation to allow me to take the oath, and that the House would be no party to such a profanation (Opposition cheers). Does the House mean that it is a party to each oath taken? (hear.) There was a time when most clearly it was not so a party. There was a time when the oath was not even taken in the presence of members at all. But does the House mean it is a party now? Was it a party the Session before last? Was it a party when Mr. Hall walked up to that table, cheered by members on the other side who knew his seat was won by deliberate bribery? (loud Opposition cries of Order.) Bribery sought to be concealed by the most corrupt perjury. Did the House join in it? (renewed cries of Order.) If the House did not join in it, why did you cheer so that the words of the oath were drowned? But was the House a party when John Stuart Mill sat in this House? (hear, no.) A member who is, I think, now within the walls of the House—the hon. member for Greenwich—in addressing his constituents, said that Mr. Bradlaugh’s opinions were hardly more objectionable than those of some other members of the House. If the hon. member knew that, then he was a party to the profanation of the oath: but perhaps they were on his own side, and he did not feel the profanation so acutely (hear, hear, and laughter). But it is said, “Our real objection is that you have declared that the oath is not binding upon you” (hear, hear, from Mr. Alderman Fowler). That is exactly the opposite of what I did [Pg 96] declare. The hon. member whose voice I hear now, I unfortunately heard on the 3rd of August; and heard so that I shall never forget it. (Mr. Bradlaugh here looked towards Alderman Fowler and paused.) The hon. member admits that is the point—that I have declared the oath is not binding upon my conscience; but, unfortunately, all the print goes the other way. I am asked by the Committee who sat as to whether the oath is binding, and on page 15 I reply: “Any form that I went through, any oath that I took, I shall regard as binding upon my conscience in the fullest

degree, and I would go through no form and take no oath unless I meant it to be so binding." Again, I am asked as to the word "swear." I say: "I consider when I take an oath it is binding upon my honor and upon my conscience"; and with reference to the words of asseveration to which the hon. member for North Warwickshire referred, he would at least have been more generous towards myself, if generosity be possible with him, if he had said: "I desire to add—and I do this most solemnly and unreservedly—that the taking, and subscribing, and repeating these words of asseveration will in no degree weaken the binding effect of the oath upon my conscience." I say here, Sir, before you, with all the solemnity man can command, that I know the words of the oath the statute requires me to take, that I am ready to take that oath according to law, and that I will not take an oath without intending it to be binding upon me, and that if I do take the oath it will be binding upon my honor and conscience. (Conservative cries of "Oh! oh!") Members of the House who are ignorant of what is honor and conscience——(Loud cries of "Order," "Oh, oh," and "Withdraw," from the Opposition.) If members will allow me to finish my sentence——(Cries of "Withdraw.") Members of this House who are ignorant of what is——(Renewed cries from the Opposition of "Withdraw.") These (Mr. Bradlaugh pointing to the Opposition benches) are my judges. Members of this House who are ignorant of what is the honor and conscience of the man who stands before them—("Oh," and laughter from the Opposition)—have a right to shout "Withdraw;" but they must beware lest a greater voice outside—("Oh, oh," and laughter from the Opposition)—at the ballot-box, where it has a right to express it, may not [Pg 97] only say "withdraw," but make withdraw all those who infringe the constitutional rights of the nation, as they seek to infringe them now. If I knew any kind of word which might convince members whom I desire to convince that I would take no pledge that I did not mean to be binding, I would use that form of words. But I have found myself so harshly judged, so unfairly dealt with, that one feels a difficulty in understanding whether any form of words, however often repeated, would convey any kind of conviction to some minds. I presume that this House will repeat its vote of April 26th. What then? Will it have the courage of its opinions, and vacate my seat? (Hear, hear.) If it does not, this House leaves me in an unfair position before the law. I am bound to come to this table, and will come to this table, as long as the mandate of my constituents sends me here, unless the House vacates the seat. If my seat be vacated, it is my duty to bow to the House, and appeal to my constituents again; and then the verdict rests with them. But to take away part of the right, and deal with it in this fashion, leaving me with the full legal responsibility and no kind of legal authority, I submit is not generous. Well, will this House repeat its vote of 9th May? Will it substitute force for law? At present the law is on my side (No, no, and hear, hear). If not, let me sit and sue me (hear, hear). If not, try by petition. If not, bring an action. But shouting "No" won't decide the law, even with the united wisdom of the members of this House who shout it. I know that no man is a good advocate for a great principle unless he himself be worthy of the principle he advocates, and I have felt acutely the judgment properly passed upon me by many members of this House, who, knowing their superiority to me, say how unworthy I am that this question should be fought in my person. I admit I am unworthy, but it is not my fault that I have this fight to make. I remind you of the words of one of the greatest statesmen who sat in this House more than a hundred years ago, that whenever an infringement of the constitutional right was attempted, it was always attempted in the person of some obnoxious man (hear, hear). I ask the House for a moment to carry its mind to the 3rd of August last. I do that because either I do not understand what took place then, or my memory has failed [Pg 98] me, as the memory of other hon. members sometimes does, or things happened without my consciousness. I thought I had stood aside until Parliament had dealt with the pressing business of the nation. I thought that had been recognised by this House. I thought I only came saying at the very door of the House that I was ready to obey its lawful orders, and I thought I was then seized by force while saying it. My memory may not serve me well on that, but I think it does. There were plenty of witnesses to the scene. I saw one hon. member climb on to a pedestal to see how fourteen men could struggle with one. It was hardly generous, hardly brave, hardly worthy of the great House of Commons, that those sending out to the whole world lessons of freedom, liberty, and law, should so infringe and so stamp them under foot. I had no remedy in any court, or I would have taken it. With all respect to you, Sir, and the officers of this House, if there had been any possibility of trying at law against the mighty privilege of this House, I would have appealed to that possibility. Let me now, before I finish, ask the ear of the House for one moment. It is said it is the oath and not the man; but others, more frank, say it is the man and not the oath. Is it the oath and not the man? I am ready to stand aside, say for four or five weeks, without coming to that table, if the House within that time, or within such time as its great needs might demand, would discuss whether an Affirmation Bill should pass or not. I want to obey the law, and I tell you how I might meet the House still further, if the House will pardon me for seeming to advise it. Hon. members have said that would be a Bradlaugh Relief Bill (hear, hear). Bradlaugh is more proud than you are (hear, hear). Let the Bill pass without applying to elections that have taken place previously, and I will undertake not to claim my seat, and when the Bill has passed I will apply for the Chiltern Hundreds (cheers.) I have no fear. If I am not fit for my constituents, they shall dismiss me, but you never shall. The grave alone shall make me yield (hear, hear, and "Oh").

A CARDINAL'S BROKEN OATH.

A Letter

TO HIS EMINENCE HENRY EDWARD, CARDINAL-ARCHBISHOP OF WESTMINSTER.

BY

CHARLES BRADLAUGH.

[EIGHTH THOUSAND.]

LONDON:

FREETHOUGHT PUBLISHING COMPANY

63, FLEET STREET, E.C.

1882.

PRICE ONE PENNY.

[Pg 2]

LONDON:

PRINTED BY ANNIE BESANT AND CHARLES BRADLAUGH.

63, FLEET STREET, E.C.

[Pg 3]

TO HIS EMINENCE

HENRY EDWARD,

CARDINAL-ARCHBISHOP OF WESTMINSTER.

Three times your Eminence has—through the pages of the *Nineteenth Century*—personally and publicly interfered and used the weight of your ecclesiastical position against me in the Parliamentary struggle in which I am engaged, although you are neither voter in the borough for which I am returned to sit, nor even co-citizen in the state to which I belong. Your personal position is that of a law-breaker, one who has deserted his sworn allegiance and thus forfeited his citizenship, one who is tolerated by English forbearance, but is liable to indictment for misdemeanor as "member of a society of the Church of Rome." More than once, when the question of my admission to the House of Commons has been under discussion in that House, have I seen you busy in the lobby closely attended by the devout and sober Philip Callan, or some other equally appropriate Parliamentary henchman. Misrepresenting what had taken place in the House of Commons when I took my seat on affirmation in July, 1880, your Eminence wrote in the *Nineteenth Century* for August, 1880, that which you were pleased to entitule "An Englishman's Protest" against my being allowed to sit in the Commons' House, to which the vote of a free constituency had duly returned me. In that protest you blundered alike in your law and in your history. You gave the Tudor Parliamentary oath Saxon and Norman antiquity. You spoke of John [Pg 4] Horne Tooke as having had the door of the House shut against him by a by-vote, no such by-vote having been carried, and the statute which disabled clergymen in the future not affecting John Horne Tooke's seat in that Parliament. You declared that in the French Revolution the French voted out the Supreme Being; there is no record of any such vote. In March, 1882, when the House had expelled me for my disobedience of its orders in complying with the law, and taking my seat, you again used the *Nineteenth Century*. This time for a second protest, intended to prevent my re-election. You, in both your articles, reminded the bigots that I might be indicted for blasphemy. Your advice has since been followed. Persecution is a "two-edged sword," and I return the warning you offer to Lord Sherbrooke. When I was in Paris some time since, and was challenged to express an opinion as to the enforcement of the law against the religious orders in

France, I, not to the pleasure of many of my friends, spoke out very freely that in matters of religion I would use the law against none; but your persecuting spirit may provoke intemperate men even farther than you dream. In this country, by the 10th George IV., cap. 7, secs. 28 and 29, 31, 32 and 34, you are criminally indictable, Cardinal-Archbishop of Westminster. You only reside here without police challenge by the merciful forbearance of the community. And yet you parade in political contest your illegal position as "a member of a religious order of the Church of Rome," and have the audacity to invoke outlawry and legal penalty against me. Last month, in solemn state, you, in defiance of the law, in a personal and official visit to the borough of [Pg 5] Northampton itself, sought to weaken the confidence of my constituents; and you were not ashamed, in order to injure me, to pretend friendship with men who have for years constantly and repeatedly used the strongest and foulest abuse of your present Church. An amiable but ignorant Conservative mayor, chief magistrate of the borough, but innocent of statutes, was misled into parading his official robe and office while you openly broke the law in his presence. In the current number of the *Nineteenth Century* you fire your last shot, and are coarse in Latin as well as in the vulgar tongue. Perhaps the frequenting Philip Callan has spoiled your manners. It else seems impossible that one who was once a cultured scholar and a refined gentleman could confuse with legitimate argument the abuse of his opponents as "cattle." But who are you, Henry Edward Manning, that you should throw stones at me, and should so parade your desire to protect the House of Commons from contamination? At least, first take out of it the drunkard and the dissolute of your own Church. You know them well enough. Is it the oath alone which stirs you? Your tenderness on swearing comes very late in life. When you took orders as a deacon of the English Church, in presence of your bishop, you swore "so help me, God," that you did from your "heart abhor, detest and abjure," and, with your hand on the "holy gospels," you declared "that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm." You may now well write of men "whom no oath can bind." The oath you took you have broken; and yet it was because you had, in the very church itself, taken this oath, that you for [Pg 6] many years held more than one profitable preferment in the Established Church of England. You indulge in inuendoes against my character in order to do me mischief, and viciously insinuate as though my life had in it justification for good men's abhorrence. In this you are very cowardly as well as very false. Then, to move the timid, you suggest "the fear of eternal punishment," as associated with a broken oath. Have you any such fear? or have you been personally conveniently absolved from the "eternal" consequences of your perjury? Have you since sworn another oath before another bishop of another church, or made some solemn vow to Rome, in lieu of, and in contradiction to, the one you so took in presence of your bishop, when, "in the name of the Father, Son, and Holy Ghost," that bishop of the church by law established in this country accepted your oath, and gave you authority as a deacon in the Church you have since forsaken. I do not blame you so much that you are forsworn: there are, as you truly say, "some men whom no oath can bind;" and it has often been the habit of the cardinals of your Church to take an oath and break it when profit came with breach; but your remembrance of your own perjury might at least keep you reticent in very shame. Instead of this, you thrust yourself impudently into a purely political contest, and shout as if the oath were to you the most sacred institution possible. You say "there are happily some men who believe in God and fear him." Do you do either? You, who declared, "So help me, God" that no foreign "prelate … ought to have any jurisdiction or authority ecclesiastical or spiritual within this realm." And you—who in spite of your declaration on oath have courted and won, intrigued for and obtained, the archbishop's authority and the [Pg 7] cardinal's hat from the Pope of Rome—you rebuke Lord Sherbrooke for using the words "sin and shame" in connexion with oath-taking; do you hold now that there was no sin and no shame in your broken oath? None either in the rash taking or the wilful breaking? Have you no personal shame that you have broken your oath? Or do the pride and pomp of your ecclesiastical position outbribe your conscience? You talk of the people understanding the words "so help me, God." How do you understand them of your broken oath? Do they mean to you: "May God desert and forsake me as I deserted and forsook the Queen's supremacy, to which I so solemnly swore allegiance"? You speak of men being kept to their allegiance by the oath "which binds them to their sovereign." You say such men may be tempted by ambition or covetousness unless they are bound by "the higher and more sacred responsibility" involved in the "recognition of the lawgiver in the oath." Was the Rector of Lavington and Graffham covetous of an archbishopric that he broke his oath? Was the Archdeacon of Chichester ambitious of the Cardinal's hat that he became so readily forsworn? Lord Archbishop of Westminster, had you, when you were apostate, remained a poor and simple priest in poverty and self-denial, although your oath would have still been broken, yet you might have taunted others more profited by their perjuries. But you, who have derived profit, pride, and pomp from your false swearing—you, who sign yourself "Henry Edward, Cardinal-Archbishop" by favor of the very authority you abjured in the name of God—it is in the highest degree indecent and indecorous for you to parade yourself as a defender of the sanctity of the oath. As a prince-prelate of the Church of Rome you have no right to meddle with [Pg 8] the question of the English Parliamentary oath.

Your Church has been the foe of liberty through the world, and I am honored by your personal assailment. But you presume too much on the indifference of the age when, in this free England, you so recklessly exhibit as weapons in an election contest the outward signs of the authority the Vatican claims, but shall never again exercise, in Britain.

CHARLES BRADLAUGH.

NORTHAMPTON AND THE HOUSE OF COMMONS.

CORRESPONDENCE BETWEEN

CHARLES BRADLAUGH, M.P.,

AND THE RIGHT HON.

SIR STAFFORD NORTHCOTE, M.P.

LONDON

FREETHOUGHT PUBLISHING COMPANY,

63, FLEET STREET E.C.

1884.

PRICE TWOPENCE.

[Pg 2]

LONDON:

PRINTED BY ANNIE BESANT AND CHARLES BRADLAUGH,

63, FLEET STREET, E.C.

[Pg 3]

NORTHAMPTON

AND THE

HOUSE OF COMMONS.

20, Circus Road, St. John's Wood, London, N.W.,

March 1st, 1884.

To the Right Hon. Sir Stafford H. Northcote, M.P., G.C.B.

Sir,—If, on either of the occasions when recently moving against me in the House of Commons, you had accorded or claimed for me opportunity of speech in self-defence, I might have been spared the need for this letter.

Apparently your view is that a member unfortunate enough to have the majority of the House against him need not have even the semblance of fairness shown him—that you, being strong, need not be troubled with scruples, and that the mere fact that the member is, like yourself, the chosen member of a constituency does not entitle him to the smallest courtesy or consideration.

You have taught me, Sir, many lessons during the past four years. Some of these I trust to remember and profit by in the future. You have taught me that a temporary majority of the House may, year after year, exclude any member of Parliament from his seat, although he has strictly obeyed every Standing Order—and this without vacating that seat—that it may so exclude the member although he has been a decent and orderly member of the House, attending regularly for months to all its duties, and one against whom no charge or pretence of Parliamentary misconduct was made whilst he so served in it.

[Pg 4]

You have taught me, Sir, that the leader of a great party may sit silent, and acquiesce in it by his

support, while the law-abiding electors of a great constituency are called “mob,” “dregs,” and “scum”—that such a leader may permit his followers to openly accuse two of the highest judges of our country of having judicially decided unfairly from corrupt party motives—that he may even, without dishonor, keep silence whilst it is suggested that the whole judicial bench is so corrupt that it will be ready to decide unjustly at the bidding of a government—and that the first law officer of the Crown is ready to be fraudulently collusive with myself. Did you believe these things, Sir, when they were stated and loudly cheered by those who sit around you on your side of the House? If yes, I am glad that your experience of humanity has been less fortunate than my own. I have regarded our judges as at least striving to be just and independent. You seem to think it nothing that the highest judges should, in your presence, be charged with judging unjustly from favoritism for the government of the day.

You have encouraged and practised deliberate violation of the law, and, to cover this law-breaking, you have connived at, and been party to, the basest insinuations against those whose duty it is to judicially pronounce on matters of legal dispute. You have, without rebuke, permitted your followers to declare that if the High Court of Judicature declared the law to be in my favor, that then they and you still intended to defy and disobey the law.

The first resolution you moved against me, on the 11th February, was worse than futile, for it [Pg 5] forbade me to do that which I had already done, and which you well knew that I had so done, in order to compel the submission to the judgment of a competent tribunal of the legality of my act.

The ridiculous form of your resolution arose because you—having bargained with me in writing through Mr. Winn that I should come to the table immediately after questions, and not before—intended to interpose ere I could reach the table. This would have been a dishonest trick had you succeeded; it became contemptibly ridiculous when you failed; but it is a lesson to me that I must be careful, indeed, when English gentlemen of name and family make treaties with me.

Your second resolution, on February 11th, was a spiteful, paltry, and cowardly insult to myself and to my constituents, for it was pressed by you despite that my colleague offered for me the express undertaking that you pretended you wished to secure, and was still pressed by you though Mr. Burt offered for me that I would at once personally give such undertaking. These two resolutions, utterly illegal and dangerous to Parliamentary repute, you have renewed on Thursday, the 21st, although you had heard read by Mr. Speaker an undertaking from me to the House that I would not attempt to take my seat until the judicial interpreters of the law had given formal judgment. And they are very cowardly and inexcusable resolutions, spiteful in excess of any ever passed in previous years. They exclude me, not only from the House, but from the reading-room, library, tea-room, dining-rooms, and exterior lobbies, though there is not the faintest suggestion that I have used my right to go to those places to enable me to disturb the [Pg 6] House. If I had not taken the precaution to anticipate your malice, I should actually have been hindered by force from going to the proper officer to obtain the certificate of my return. Yours is a mean and spiteful act, Sir, unworthy an English gentleman. And I admit that you have inconvenienced me, for you have deprived me of access to the library of the House, and you may thus put me to some expense and annoyance in the procurement of law books and Parliamentary records in the litigation in which I am involved in defending the rights of my constituents.

It is too much that, in 1884, a duly-elected and properly-qualified burgess of Parliament should be shut outside by such votes.

To repeat to you words signed, in September, 1656, by your own ancestor, Sir John Northcote, M.P. for the County of Devon: “we who have been duly chosen to be members of the Parliament, have an undoubted right to meet, sit, and vote in Parliament,” and “no part of the representative body are trusted to consent to anything in the nation’s behalf if the whole have not their free liberty of debating and voting in the matters propounded.” To continue the language of your sturdy ancestor, you have “now declared that the people’s choice cannot give a man a right to sit in Parliament, but the right must be derived from *your* gracious will and pleasure.” You reply that you have the force on your side; but Sir John Northcote declared that: “The violent exclusion of any of the people’s deputies from doing their duties and executing their trust freely in Parliament doth change the state of the people from freedom into a mere slavery;” and if you tell me that the majority of the present members of the House are with you in what you do, I recall Sir John [Pg 7] Northcote’s protest: “That all such chosen members for Parliament as shall take upon them to approve of the forcible exclusion of other chosen members, or shall sit, vote, and act by the name of the Parliament of England while, to their knowledge, any of the chosen members are so by force shut out, we say such ought to be reputed betrayers of the liberties of England.”

You cannot now pretend with any hope that sane men will believe you, that you desire “to prevent the profanation of the oath.” In 1880 you prevented the second reading of the Affirmation Bill, introduced by my colleague, Mr. Labouchere, under the pretext that such a measure ought to be introduced by the Government. In 1881, after you yourself had said the matter should be dealt with by legislation, you prevented the Government from introducing it. In 1882 your friends blocked the Affirmation measure again proposed by my colleague, and in 1883 you exerted every influence to defeat, and successfully defeated, the Affirmation Bill brought forward by the Government.

If you had really believed the oath profaned by me, you would have been one of the first to aid in removing the possible profanation by substituting the right of affirmation. In Ulster you took credit for keeping an Atheist out of Parliament, but it was not my Atheism you kept out, for I actually sat with you day by day, speaking, voting, and serving, from the beginning of July, 1880,

until the end of March, 1881. And, during the whole of that time, my care was to be at least as good and loyal a member of that House as any sitting within its walls. I do not plead my conduct there, whilst using all my right, as anything on my behalf, for I at most could do no more than my [Pg 8] duty; but at least I have the right to say that it was never suggested that I was other than a good working member of the House, strict in my attendance at and during every one of its sittings. It cannot be pretended that I used my right of speech to force upon the House one word which did not relate to the business then being dealt with, or that in any fashion I obtruded upon what should be a purely political assembly any views of mine on matters of religion.

You have permitted in public my conduct to be misstated in your presence, and utterances in Parliament to be attributed to me which are none of mine, and you have done this because you hoped that, by exciting religious and social prejudice against me, you might weaken the Government, and crawl back into office. To injure the Liberal party, you have allowed words which you pretend are sacred to be used as party cries, and you have made hundreds of thousands examine into and declare in favor of my opinions and expressions on religious questions who but for you might perhaps have never even known my name. You have allied yourself at Westminster with men whom you denounced in Ireland as “traitors and disloyal,” in order that, with their help, you might insult an English constituency; and you have succeeded in bringing Parliamentary Government into contempt by parading the House of Commons as the chief law-breaking assembly in the world. In four years against me you have done your worst to destroy me; with your own purse you have helped the various projects to ruin me; and you have so failed that clergymen and Nonconformist ministers have been driven to support me from very indignation against the injury you have done to the cause of religion. Your Conservative [Pg 9] associations have flooded the country with leaflets containing garbled and misleading extracts from my speeches and writings, and have thus excited the curiosity of many whom I could have never reached. These, procuring my works, and finding that my words have been distorted and taken out of context, give a favor to me that I should perhaps have never otherwise won.

Few believe that you are moved by religious motives. Mr. Newdegate is regarded as sincere, though his sanity is doubted; but when men recollect the past and even present lives of many of those around you, whose tongues so loudly declare their piety, they come, not unnaturally, to the conclusion that he is the worst infidel who trails the banner of his church in the mire of political warfare, and permits the votes of the drunken, the dissolute, the dishonest, and the disloyal to be canvassed by his whips so that they may be counted on the side which he parades as that of the pure and the holy.

On the 7th February, 1882, I told you and your majority: “If I am not fit for my constituents, they shall dismiss me, but you never shall.” I have gone since voluntarily to my constituents—to those from whom you presented a petition with 10,400 mock signatures upon it. The answer has come at the ballot-box. My constituents bid me resist you, and I will. They trust me to defeat you, and I will. The law is on my side, and you fear its pronouncement. You kept me from the possibility of obtaining a decision as long as you could, but on the 11th February I broke through your barriers. Then you fruitlessly tried to erase all trace of my voting, and when you found that I beat you on this by adding a new vote as you rubbed out the vote before, then, in malicious spite, you [Pg 10] shut me out of the tea-room, dining-room, cloak-room, and library. For shame, Sir Stafford Northcote! This was worthy of “O’Donnell,” but not of the leader of a great party. You wear knightly orders. You should be above a knave’s spitefulness.

My turn is coming. You have won sympathy for me throughout the land; you have made Northampton men stand by me closer than ever; you are now awaking the country to stand by Northampton. Mr. Justice Stephen says that the appeal is to the constituencies, and I appeal. In the name of justice, by the hope of liberty, in memory of English struggles for freedom, I appeal, and I hear the answer growing as you shall hear it, too, on the day when, from my place in the House, I move: “That all the resolutions respecting Charles Bradlaugh, member for Northampton, hindering him from obeying the law, and punishing him for having obeyed the law, be expunged from the Journals of this House as being subversive of the rights of the whole body of electors of this kingdom.”

CHARLES BRADLAUGH.

30, St. James’ Place, S.W.

March 4th, 1884.

SIR,—There are some points in the letter you have addressed to me which I am unwilling to pass over in silence lest I should be taken to admit your assertions.

In the first place, it is necessary that I should point out to you that the action of the House of Commons with respect to yourself has not been arbitrary or capricious, but has been founded on [Pg 11] principles deliberately adopted by a large majority of its members of various political opinions, to which principles they have steadily adhered, and which they have always been prepared to justify.

In the second place it should be clearly understood that in all the steps which we have taken with respect to yourself, including some which we took with the greatest reluctance, we were acting

on the defensive, in consequence of your repeated attempts to override or to evade the repeated decisions of the House of Commons.

The brief history of your case is this. You were duly elected member for Northampton at the General Election of 1880. On presenting yourself to take your seat you tendered an affirmation instead of an oath, and supported your claim to affirm by reference to the fact that you had been permitted to do so in a court of law under the Evidence Amendment Acts of 1869 and 1870. That claim at once, and necessarily, brought under the notice of the House that you must either yourself have objected in a court of law to take an oath, or must have been objected to as incompetent to do so, and that the presiding judge must have been satisfied that the taking of an oath would have no binding effect upon your conscience.

That being so, a Committee was appointed by the House to consider whether the Evidence Amendment Acts were applicable to the case of a member of the House of Commons desiring to take his seat and to comply with the necessary conditions.

It was held by the Committee that they were not so applicable, and this finding of the Committee was subsequently confirmed by the judgment of the Court of Appeal.

Upon being refused permission to affirm, you immediately came to the table of the House and offered to take the oath. This proceeding was objected to, and the majority of the House (still, as theretofore, composed of members of different shades of politics) refused to allow you to go through the form of taking an oath, which, by the hypothesis on which your original claim to affirm was founded, as well as by the evidence afforded by a letter of your own, they held you to be incompetent really to take, and which they considered it would be a profanation to allow you to pretend to take. [Pg 12]

That was the ground taken by the House on the 23rd June, 1880, and it is the ground which it has maintained ever since.

You have, since the adoption of that resolution, made various attempts to force the House to admit you to a seat, while still maintaining its objection; and those attempts have, on more than one occasion, led to scenes of a very indecent and disorderly character. In its anxiety to prevent the recurrence of such scenes, the House has felt itself obliged to adopt measures of rigid exclusion, which it would gladly have avoided.

I do not think it necessary to enter into the details of these scenes.

I am, however, obliged to take notice of your allegation that my action on the 11th February involved a breach of an arrangement previously made through Mr. Winn.

The arrangement which I authorised Mr. Winn to make in my name, and which he did make in a letter to Mr. Labouchere, was as follows:

> "If Mr. Bradlaugh will write you a letter to the effect that he will not go up to the table to take the oath, nor make any other move with regard to his seat until Monday, February 11th, and will do so on that day, say immediately after questions, I am quite sure that Sir Stafford will neither move anything himself respecting Mr. Bradlaugh's seat, nor employ anyone else to do so, *previous to that day*." [Pg 13]

The meaning of this is perfectly obvious, and it was in strict conformity with it that I myself abstained, and urged my friends to abstain, from taking any step whatever in relation to Mr. Bradlaugh until the day named. When, upon that day, you came forward in defiance of the Speaker's repeated calls to order, and began to go through the form of taking the oath, I had no option but to support the Chair, and to support also the repeatedly pronounced resolutions of the House in former sessions.

I do not take notice of other passages in your letter reflecting on the course of the majority, and more particularly of myself.

But I will add, in conclusion, what your letter does not show, that your exclusion from the precincts of the House is terminable at any moment when you may be willing to undertake not to disturb the proceedings of the House. The inconveniences of which you complain are inconveniences which you might, if you chose, put an end to to-morrow.

I have the honor to remain,

Your obedient servant,

STAFFORD H. NORTHCOTE.

C. BRADLAUGH, Esq., M.P.

[Pg 14]

23, Circus Road, St. John's Wood, London, N.W.,

March 7th, 1884.

To the Right Hon. SIR STAFFORD NORTHCOTE, Bart, M.P.

Sir,—In reply to your favor of the 4th instant, in which you say that the House held me to be incompetent to take the oath, will you permit me to answer: 1. That the question of competence or incompetence to take the oath is one of law, fit only for the decision of a judicial tribunal, to which tribunal I have always desired and endeavored to refer such question. 2. That if the "principle deliberately adopted" by a large majority of the members of the House of Commons had been that they desired to prevent "a profanation of the oath," then they ought, during the sessions of 1882—1883, to have gladly facilitated the passage of the Affirmation Bill, which would have prevented the necessity for the fulfilling by me of that which you describe as profanation, but which I contend is the duty imposed on me by law.

In your very temperate historic narrative, you omit the fact that when the House passed its resolution of the 23rd June, 1880, it had before it my declaration, made three weeks earlier, in answer to question 102 of the second Select Committee:

> "Any form that I went through, any oath that I took, I should regard as binding upon my conscience in the fullest degree. I would go through no form, I would take no oath, unless I meant it to be so binding."

And as you refer to my letter of the 20th May, printed in the report of that committee, it is also fair to recall my answer thereon on the same day to question 197:

> "I ask the Committee in examining it to take it complete, not to separate one or two words in it and to take those without the countervailing words, and to remember that in this letter I declare that the oath, if I take it, would bind me, and I now repeat that in the most distinct and formal manner; that the Oath of Allegiance, viz.: 'I do swear that I will be faithful and bear true allegiance to her Majesty Queen Victoria, her heirs and successors, according to law,' will, when I take it, be most fully, completely, and unreservedly binding upon my honor and conscience; and I crave leave to refer to the unanimous judgment of the full Court of the Exchequer Chamber, in the case of Miller *v.* Salomons, 17th Jurist, page 463, and to the case of the Lancaster and Carlisle Railway Company *v.* Heaton, 4th Jurist, new series, page 708, for the distinguishment between the words of asseveration and the essential words of an oath. But I also desire to add, and I do this most solemnly and unreservedly, that the taking and subscribing, or repeating of those words of asseveration, will in no degree weaken the binding effect of the oath on my conscience." [Pg 15]

In your reference to my attempts to take the seat to which I am by law entitled, you have omitted to state that on the 27th April, 1881, you personally advised me to wait for legislation, and that when I did so wait, your friends of the majority and yourself prevented such legislation.

In recalling the arrangement made by Mr. Winn on your behalf, you have omitted his most explicit and latest letter:

> "Nostell Priory, Wakefield,
>
> "January 28th, 1884.
>
> "Dear Mr. Labouchere,—On the distinct understanding and agreement that Mr. Bradlaugh does not come to the table to take the oath, or adopt any other course with reference to his seat in the House of Commons, until immediately after questions on Monday, the 11th of February next, and that he will on that day and time come to the table, as he has intimated his intention of doing, I am prepared to say that Sir Stafford Northcote will not previous to Monday the 11th make any motion hostile to Mr. Bradlaugh, nor support any motion coming from any of our independent friends on the subject. [Pg 16]
>
> "I am, yours very truly,
>
> "Row. Winn.
>
> "H. Labouchere, Esq., M.P."

My charge against you is that, despite this agreement, you had gone down to the House with a resolution prepared beforehand, and by its wording showing that it was intended to be moved before I should be able to get near the table to which you had made me specifically agree then to come.

You conclude by saying that I can put an end to any personal inconvenience by undertaking not to disturb the proceedings of the House. I gave such an undertaking last year in express words; it is printed in the journals of the House, and you did not accept it. Immediately before you moved your resolution of 21st February, you heard Mr. Speaker read my undertaking to do nothing until a legal decision was obtained. This you refused, and I have no reason to suppose that any second offer from me would be accepted. If what you really desire is that, if the law decides in my favor, I shall none the less join in your insult to my constituents by refusing to try to serve in the Parliament to which they have lawfully returned me, I can only say that I will never give such an undertaking.

I have the honor to be, Sir,

Your most obedient Servant,

C. Bradlaugh.

[Pg 1]

THE LATEST
CONSTITUTIONAL STRUGGLE:
A REGISTER OF EVENTS

Which have occurred since April 2nd, 1880.

BY

W. MAWER.

"No, not an oath....
Swear priests, and cowards, and men cautelous,
Old feeble carrions and such suffering souls
That welcome wrongs; unto bad causes swear
Such creatures as men doubt; but do not stain
The even virtue of our enterprise,
Nor the insuppressive metal of our spirits,
To think that or our cause or our performance
Did need an oath."—*Julius Cæsar*, Act II., Scene 1.

LONDON:

FREETHOUGHT PUBLISHING COMPANY

63, FLEET STREET, E.C.

1883.

PRICE TWOPENCE.

[Pg 2]

LONDON:

PRINTED BY ANNIE BESANT AND CHARLES BRADLAUGH,

63, FLEET STREET E.C.

[Pg 3]

THE LATEST
CONSTITUTIONAL STRUGGLE.

1880.

April 2nd.—After twelve years' fight and three repulses, Mr. Charles Bradlaugh is elected member of Parliament for Northampton. The polling was as follows:—

Labouchere (L.)	4,158
Bradlaugh (R.)	3,827
Phipps (C.)	3,152
Merewether (C.)	2,826

The *Weekly Dispatch* said: Mr. Bradlaugh's achievement of the position he has been aiming at so long and so zealously is a notable sign of the times. Whatever his critics may think of him, he will enter Parliament as the representative of a vastly larger constituency than the whole electorate or the whole population of Northampton.

The *Birmingham Daily Mail*: Mr. Bradlaugh holds extreme views on some subjects, but he will none the less be a useful man in Parliament, his unflinching courage in the exposure of abuses being unquestionable.

The *Standard*: Mr. Bradlaugh, now that he has got to the House of Commons, is not likely to efface himself in speechless obscurity.

The *Southampton Times*: The most signal and portentous triumph is that which has been achieved by Mr. Bradlaugh. His election shows what the unity of the Liberal party must have been.

The *Christian World*: His contributions to the discussions of the House may not be without value.

During the election Mr. Samuel Morley telegraphed to Mr. Labouchere as follows: I strongly urge necessity of united effort in all sections of Liberal party, and the sinking of minor and personal questions, with many of which I deeply sympathise, in order to prevent the return, in so pronounced a constituency as Northampton, of even one Conservative. [Pg 4]

April 15th.—Mr. S. Morley, speaking at Bristol said, respecting his telegram to Northampton: He made no reference to candidates, nor did the friend who wrote the telegram go into detail, but he advised union. Those who had known him all his life would believe that he viewed with the intensest repugnance the supposed opinions, both social and religious, of one of the candidates. Afterwards, writing to the *Record*, Mr. Morley said he deeply regretted his telegram.

The *Weekly Dispatch*, commenting on Mr. Morley's conduct, said: Let the bigots who have taken him to task for his temporary aberration from the path of pharisaism make what they can of his pitiful excuse. Other people can only regret that a man so useful in many ways, both as a politician and a philanthropist, should show himself so narrow-minded.

The *Edinburgh Evening News*: In their disappointment, the defeated party have eagerly caught at the election of Mr. Bradlaugh as supplying the most pungent taunt that can be thrown at their victorious opponents.

The *Sheffield Telegraph*: Bradlaugh is an M.P. ... the bellowing blasphemer of Northampton.

Mr. Bradlaugh announces that he considers he is legally entitled to avail himself of the Freethinkers' affirmation, and that there is some reason to hope that other members will join him in that course.

April 17th.—*Sheffield Independent's* "London Correspondent" says: Tenets which constitute the religious faith of Mr. Bradlaugh are understood to constitute an insuperable difficulty in the way of his being sworn a member of "the faithful Commons."

April 29th.—Parliament opens.

May 3rd.—At the table of the House Mr. Bradlaugh handed in a written paper to the Clerk of the House; on this were written the words: "To the Right Honorable the Speaker of the House of Commons. I, the undersigned Charles Bradlaugh, beg respectfully to claim to be allowed to affirm, as a person for the time being by law permitted to make a solemn affirmation or declaration, instead of taking an oath. Charles Bradlaugh." Asked if he desired to state anything to the House, Mr. Bradlaugh said: I have to submit that the Parliamentary Oaths Act, 1866, gives the right to affirm to every person for the time being permitted by law to make affirmation. I am such a person; and under the Evidence Amendment Act, 1869, and the Evidence Amendment Act, 1870, I have repeatedly, for nine years past, affirmed in the highest courts of jurisdiction in this realm. I am ready to make the declaration or affirmation of allegiance.

At the request of the Speaker Mr. Bradlaugh then withdrew, in order that the House might consider the claim, and Lord F. Cavendish, urging that it would be manifestly inconvenient that when any hon. member had applied to take his seat in the House, any unnecessary delay should intervene, moved the appointment of a committee of inquiry which should lay before the House the material on which the House itself should found its decision. Sir Stafford Northcote seconded. Several other members spoke, and Mr. Beresford Hope said that the grievance of one man was very little compared with a great principle; at present the House of Commons was only a half-hatched chicken. The committee was then agreed to. [Pg 5]

May 11th.—Appointment of committee carried by 171 votes against 74, after a two hours' debate.

May 20th.—The committee report: "that in the opinion of the committee, persons entitled under the provisions of 'the Evidence Amendment Act, 1869,' and 'the Evidence Amendment Act, 1870,' to make a solemn declaration instead of an oath in courts of justice, can not be admitted to make

an affirmation or declaration instead of an oath in the House of Commons, in persuance of the Acts 29 and 30 Vict., c. 19, and 31 and 32 Vict., c. 72."

The draft report, proposed by the Attorney-General, was to the effect that "persons so admitted," etc., *may be* admitted, etc. This was lost by the casting vote of the chairman (Mr. Walpole), the other members of the committee voting as follows. Ayes: Mr. Whitbread, Mr. John Bright, Mr. Massey, Mr. Sergeant Simon, Sir Henry Jackson, Mr. Attorney General, Mr. Solicitor-General, Mr. Watkin Williams. Noes: Sir John Holker, Lord Henry Lennox, Mr. Staveley Hill, Mr. Grantham, Mr. Pemberton, Mr. Hopwood, Mr. Beresford Hope, Mr. Henry Chaplin.

Mr. Bradlaugh makes a public statement of his position with regard to the oath. He considered he had a legal right to choose between the alternatives of making an affirmation or taking the oath, and he felt it clearly his moral duty, in that case, to make an affirmation. The oath included words which, to him, were meaningless, and it would have been an act of hypocrisy to voluntarily take this form if any other had been open to him. He should, taking the oath, regard himself as bound not by the letter of its words, but by the spirit which the affirmation would have conveyed, had he been allowed to make it, and as soon as he might be able he should take steps to put an end to the present doubtful and unfortunate state of the law and practice on oaths and affirmations.

May 21st.—Amid a tumult of cries from the Conservative benches Mr. Bradlaugh goes to the table for the purpose of being sworn. Sir H. D. Wolff objecting, the Speaker requested Mr. Bradlaugh to withdraw. He (the Speaker) was bound to say he knew of no instance in which a member who had offered to take the oath in the usual form was not allowed by the House to do [Pg 6] so. Sir H. D. Wolff then moved that Mr. Bradlaugh should not be allowed to take the oath, alleging against Mr. Bradlaugh his repute as an Atheist, and his authorship of "The Impeachment of the House of Brunswick." Mr. Alderman Fowler seconded the motion, stating that he held in his hand a petition praying the House not to alter the law and the custom of the realm for the purpose of admitting an Atheist to Parliament. Mr. Gladstone, in the course of replying, said: "it was not in consequence of any regulation enforced by the authority of this House—of a single branch of the legislature, however complete that authority may be over the members of this House, that the hon. member for Northampton presents himself to take the oath at the table. He presents himself in pursuance of a statutory obligation to take the oath in order that he may fulfil the duty with which, as we are given to understand, in a regular and formal manner, his constituents have entrusted him. That statutory obligation implied a statutory right." He moved that it be referred to a select committee to consider and report for the information of the House whether the House has any right to prevent a duly-elected member, who is willing to take the oath, from doing so. A long debate ensued, characterised by the fierceness with which Mr. Bradlaugh's admission to Parliament was opposed. Mr. John Bright, however, asked if the House were entitled thus to obstruct what he called the right of a member to take his seat on account of his religious belief, because it happened that his belief or no belief had been openly professed, what reason was there that any member of the House should not be questioned as to his beliefs, and if the answer were not satisfactory that the House should not be at liberty to object to his taking his seat? After two or three adjournments of the debate the Premier's amendment was virtually withdrawn, and a motion by the Attorney-General was carried to the effect that a committee should be appointed to report whether it was competent to the House to prevent Mr. Bradlaugh, by resolution, from taking the oath.

May 28th.—Committee nominated—twenty-three members.

Mr. Labouchere gives notice to ask leave to bring in a Bill to amend the law of Parliamentary Oaths, to provide that any member may, if he desire, make a solemn affirmation in lieu of taking the oath.

June 2nd.—Mr. Bradlaugh gives evidence before Select Committee, in the course of which he said: "I have never at any time refused to take the oath of allegiance provided by statute to be taken by members; all I did was, believing as I then did that I had the right to affirm, to claim to affirm, and I was then absolutely silent as to the oath; that I did not refuse to take it, nor have I then or since expressed any mental reservation, or stated that the appointed oath of allegiance would not be binding upon me; that, on the contrary, I say, and have said, that the essential part [Pg 7] of the oath is in the fullest and most complete degree binding upon my honor and conscience, and that the repeating of words of asseveration does not in the slightest degree weaken the binding effect of the oath of allegiance upon me." [It had been persistently represented that Mr. Bradlaugh had refused to take the oath.] "Any form that I went through, any oath that I took, I should regard as binding upon my conscience in the fullest degree."

June 16th.—The committee report that the compliance by Mr. Bradlaugh with the form used when an oath is taken would not be the taking of the oath within the true meaning of the statutes; that if a member make and subscribe the affirmation in place of taking the oath it is possible by means of an action in the High Court of Justice, to test his legal right to do so; and that the committee recommend that should Mr. Bradlaugh again seek to make and subscribe the affirmation he be not prevented from so doing. (Majority in favor of his being allowed to affirm—four.)

June 21st.—Mr. Labouchere moved in the House of Commons that Mr. Bradlaugh be admitted to make an affirmation instead of taking the oath, seconded by Mr. M'Laren. Sir H. Giffard moved a resolution seeking to debar Mr. Bradlaugh from both oath and affirmation. Alderman Fowler seconded, a man who did not believe in a God was not likely to be a man of high moral character. The majority of the people were opposed to an Atheist being admitted to Parliament. Many other

members spoke. General Burnaby said the making of the affirmation by Mr. Bradlaugh would pollute the oath. Mr. Palmer said Mr. Bradlaugh had a legal right with which the House had no power to interfere. The Attorney-General said he had come to the conclusion that Mr. Bradlaugh could not take the oath, chiefly on the consideration that he was a person entitled to affirm. Mr. John Bright said it was certainly open to any member to propose to take either oath or affirmation; probably if Mr. Bradlaugh had had any suspicion that the affirmation would have been refused him, he would have taken the oath as other members take it—very much, he was afraid, as a matter of form. Debate adjourned.

June 22nd.—Mr. Gladstone said that the House, by agreeing to the amendment, would probably be entering on the commencement of a long, embarrassing, and a difficult controversy, not perhaps so much within as beyond the limits of the House, perhaps with the result of ultimate defeat of the House. The more he looked at the case the stronger appeared the arguments which went to prove that in the essence of the law and the constitution the House had no jurisdiction. In interfering between a member and what he considered his statutory duty, the House might find [Pg 8] itself in conflict with either the courts of law or the constituency of Northampton. No doubt an action could not be brought against the House, but he was not so clear that an action could not be brought against the servants of the House. He was still less willing to face a conflict with the constituency. The House had commonly been successful in its controversies with the Crown or House of Lords, but very different was the issue of its one lamentable conflict with a constituency.—Sir Henry Tyler, with execrable taste, dragged in the name of a lady with whom Mr. Bradlaugh is associated in business. At last, by a majority of 45—the numbers voting being 275 and 230—another triumph against liberty was scored.

The *Christian World* regretted that some Nonconformists helped to swell the Tory majority.

The *Jewish World* held it as a reproach to Judaism, that members of their community should have gone over to the party which once strove to detain them in bondage.

In 1851, Mr. Newdegate protested against the idea “that they should have sitting in the House, an individual who regarded our redeemer as an impostor,” and yet Baron de Worms voted with Mr. Newdegate for the exclusion of a man with whose tenets he disagreed.

The *Whitehall Review* headed an article “God *v.* Bradlaugh,” and said the majority had “protected God from insult.”

June 23rd.—Mr. Bradlaugh again claimed at the table of the House of Commons to take the oath, and the Speaker having informed him of the resolution passed the previous evening, requested his withdrawal. Mr. Bradlaugh thereupon asked to be heard, and after some debate the demand was complied with.

Mr. Bradlaugh spoke from the bar of the House, asking no favor, but claiming his right, and warning hon. members against a conflict with public opinion.

Mr. Labouchere moved, and Mr. Macdonald seconded, the rescindment of the resolution of the 22nd, which was lost on division.

Mr. Bradlaugh was then recalled and requested to withdraw from the House. Standing by the table, he said: “I respectfully refuse to obey the order of the House, because the order is against the law.” The raging of the bigots and Tories recommenced. Mr. Gladstone declined to help them out of the pit into which they had leapt: “Those who were responsible for the decision might carry it out as they chose.” After a sharp discussion Mr. Bradlaugh was, on the motion of Sir Stafford Northcote, “committed to the Clock Tower.” In the division the numbers were 274 for and 7 against, the Radicals having left the House.

June 24th.—On the motion of Sir Stafford Northcote, Mr. Bradlaugh is released from custody, “not upon apology, or reparation, or promise not to repeat his offence, but with the full [Pg 9] knowledge and clear recollection of his announcement that the offence would be repeated *toties quoties* till his object was effected.”

June 25th.—Mr. Labouchere gives notice of motion to rescind the resolution of the 22nd, and Government agreed to give an early day for the discussion of the same.

June 28th.—Baron de Ferrieres announced his intention to move that the seat for Northampton be declared vacant, and that a Bill be brought in providing for the substitution of an affirmation for the oath at the option of members. Mr. Wyndham (Conservative) asked Mr. Gladstone whether the Government would bring in a Bill to remove all doubts as to the legal right of members to make a solemn affirmation. Mr. Gladstone said the Government did not propose to do so, and gave notice for Thursday (1st July) to move as a standing order that members-elect be allowed, subject to any liability by statute, to affirm at their choice. Mr. Labouchere then said he would not proceed with his motion. On another motion, however, by the same member, leave was given to bring in a Bill for the amendment of the Parliamentary Oaths and Affirmations, which was read a first time.

July 1st.—After a futile attempt made by Mr. Gorst to show that Mr. Gladstone’s resolution was a disorderly one, the Premier, in moving it said, in the course of an extremely fair speech, that the allegation of members that Mr. Bradlaugh had thrust his opinions upon the House was untrue. His (Mr. Bradlaugh’s) reference to the Acts under which he claimed to affirm had only been named in answer to a question from the clerk of the House. Sir Erskine May, in his evidence

before the recent committee, stated that Mr. Bradlaugh simply claimed to affirm.

Sir Stafford Northcote admitted that when Mr. Bradlaugh was called upon to affirm he was not disrespectful, but firm. He opposed the resolution as humiliating to the House. Several members protested against any course for facilitating the admission of Mr. Bradlaugh. General Burnaby stated that in order to obtain "authoritative" opinions on the matter he had obtained letters or telegrams from the Moravian body, the Bishop of London, the Roman Catholic Archbishop of Ossory, the Bishop of Ratho, the Archbishop of Dublin, the Bishop of Galway, and the Bishop of Argyle and the Isles, and the Secretary of the Pope of Rome, all of whom expressed themselves in the strongest terms against the admission of an Atheist into Parliament. Mr. Spurgeon, who was unfortunately from home, had expressed his opinion strongly adverse to it, and the Chief Rabbi—(loud laughter)—although refusing to interfere with political questions, felt very deeply on the subject. (Laughter, and cries of "the Sultan," and "Shah.") [Pg 10]

When the House divided the numbers were 303 for, and 249 against.

July 2nd.—Mr. Bradlaugh takes the affirmation of allegiance, and his seat.

During the struggle several hundreds of indignation meetings were held in London and the provinces, and petitions, letters, telegrams, etc., in immense numbers, poured in upon the Government and the House, in favor of Mr. Bradlaugh's rights.

July 2nd.—Mr. Bradlaugh gives his first vote, and was thereupon served with a writ to recover against him a penalty of £500 for having voted and sat without having made and subscribed the oath, the plaintiff being one Henry Lewis Clarke, who, as subsequently appeared, was merely the tool of the actual common informer, Charles Newdigate Newdegate, M.P. This writ was ready so quickly that, if not issued actually before Mr. Bradlaugh had taken his seat, it must have been prepared beforehand.

July 8th.—Mr. Norwood asks the first Lord of the Treasury whether, considering the Government declined to introduce a bill to amend the Oaths Act, it would instruct the law officers of the Crown to defend the junior member for Northampton against the suit of the common informer. Mr. Callan asked whether the Government would remit the penalty. Mr. Gladstone said no application had been received for remission of the penalties, and that his reply to Mr. Norwood must be in the negative.

July 14th.—Read first time in the House of Commons, a bill "to incapacitate from sitting in Parliament any person who has by deliberate public speaking, or by published writing, systematically avowed his disbelief in the existence of a supreme being." It was prepared and introduced by Sir Eardley Wilmot, Mr. Alderman Fowler and Mr. Hicks. Owing to an informality the Bill could not come on for second reading.

The Rev. Canon Abney, of Derby, speaks of Mr. Bradlaugh as "the apostle of filth, impurity, and blasphemy."

July 16th.—Parliament indemnifies Lord Byron against an action, he having sat and voted without being sworn.

July 20th.—Sir Eardley Wilmot gives notice of moving that it is repugnant to the constitution for an Atheist to become a member of "this Honorable House." He afterwards postponed his motion.

At a meeting of the Dumfries Town Council, a member said: "If the law courts should decide that it was legal for an Atheist to sit in the House of Commons, he should feel it is duty to give notice of petition to Parliament to have the law altered; he would not allow Mr. Bradlaugh to go into a hundred acre field beside cattle, let alone the House of Commons."

The Rev. Chas. Voysey writes, that he feels disgraced by the people of Northampton electing Mr. Bradlaugh, and declares that "most of the speeches in the Bradlaugh case in favor of his exclusion, strike me as singularly good, wholesome and creditable." He repeats the myth of Mr. Bradlaugh forcing his objections to the oath upon the House. [Pg 11]

July 21st.—Sir John Hay, M.P., speaking about Mr. Bradlaugh at New Galloway, made a most infamous, cowardly, and uncalled for attack on Mrs. Besant. The *Scotsman* refused to print the remarks, as "the language was so coarse that it could hardly have dropped from a Yahoo."

Aug. 1st.—The *Nineteenth Century* prints "An Englishman's Protest," written by Cardinal Manning, personally directed against Mr. Bradlaugh.

Aug. 24th.—Mr. Bradlaugh gives notice that early next session he will call attention to perpetual pensions.

Sept. 7th.—Parliament prorogued. Hansard credits Mr. Bradlaugh with about twenty speeches during the Session. (Mr. Newdegate told the Licensed Victuallers that Mr. Bradlaugh "had made one speech, and proved himself a second or third-rate speaker.")

1881.

Jan. 6th.—Parliament reopens. Mr. Bradlaugh renews his notice as to perpetual pensions. Great interest in the question throughout the kingdom.

Jan. 24th.—Mr. Bradlaugh makes a speech in the House of Commons against Coercion in Ireland.

Jan. 31st.—Mr. Newdegate, speaking in the House, described Northampton as an “oasis in the Midland Counties.”

Feb. 4th.—Mr. Bradlaugh makes a speech against the second reading of the Coercion Bill, and concluded by moving that it be read that day six months.

Feb. 15th.—Date of motion for inquiry into perpetual pensions fixed for March 15th. (When the day arrived Mr. Bradlaugh, on an appeal from Mr. Gladstone, allowed the motion to be postponed, in order to allow supply to be taken. 848 petitions had been presented to the House, with 251,332 signatures in favor of the motion.)

Feb. 17th.—Mr. Dawson, M.P. for Carlow, said that Irish members were much indebted to Mr. Bradlaugh for what he had done on the Coercion Bill.

Feb. 25th.—Mr. Bradlaugh made final speech against third reading of the Coercion Bill.

March 7th.—The case of Clarke *v.* Bradlaugh heard by Mr. Justice Mathew. [Pg 12]

March 10th.—Mr. Bradlaugh brought before the House the case of the imprisoned Maoris.

March 11th.—Judgment in the case given, which was for the plaintiff, that he was entitled to recover the penalty, subject to appeal. Mr. Bradlaugh gave notice of appeal.

Mr. Gorst gave notice to move that Mr. Speaker issue his warrant for new writ for the borough of Nottingham [!].

March 14th.—Upon Mr. Bradlaugh rising to present petitions against perpetual pensions, signed by over 7,000 persons, Mr. Gorst rose to order, on the ground that the seat for Northampton was vacant. After discussion the Speaker called upon Mr. Bradlaugh to proceed with the presentation of his petitions.

March 15th.—At request of Mr. Gladstone, Mr. Bradlaugh postponed his motion for enquiry into perpetual pensions.

March 23rd.—Mr. Bradlaugh moved the Court of Appeal to expedite the hearing of his appeal, and also to expedite the trial of the issues in fact. The Court gave the appeal priority over other cases.

March 28th.—Mr. Bradlaugh made his last speech in the House against flogging in the Army.

March 30th.—Appeal heard.

March 31st.—Judgment given against the defendant. Plaintiff not yet entitled to execution, but seat vacated, Mr. Bradlaugh undertaking not to appeal so far as the affirmation was concerned.

Mr. Bradlaugh again seeks the suffrages of the electors of Northampton.

April 6th.—The Tories serve notice on the Mayor not to accept Mr. Bradlaugh’s nomination, which the Mayor disregarded. Mr. Edward Corbett nominated by Tories.

April 9th.—Mr. Bradlaugh re-elected by 3,437 votes to Corbett 3,305.

April 26th.—Mr. Bradlaugh, accompanied by Mr. Labouchere and Mr. Burt, came to the table of the House, and, “the book” having been handed to him, was about to take the oath when Sir Stafford Northcote interposing, he was requested to withdraw, in order that the House might consider the new conditions under which the oath was proposed to be taken. Mr. Bradlaugh withdrew to the bar of the House, and Sir Stafford Northcote moved that he be not allowed to go through the form of taking the oath. Mr. Davey moved and Mr. Labouchere seconded an amendment to the effect that where a person who had been duly elected presented himself at the table to take the oath he ought not to be prevented from doing so by anything extraneous to the transaction. Other members spoke, and Mr. Bright regretted “the almost violent temper with which some hon. gentlemen came to the consideration of the question.”

Mr. Bradlaugh, speaking at the bar, claimed that his return was untainted, that it had not been brought about by the Liberal party, but by the help of the people, by the pence of toilers in mine and factory. He begged the House not to plunge into a struggle with him, which he would shun. Strife was easy to begin, but none knew where it would end. There was no legal disqualification upon him, and they had no right to impose a disqualification which was less than legal. [Pg 13]

Mr. Gladstone made a lengthy and fine speech in favor of Mr. Bradlaugh, the text of which was Mr. Bradlaugh’s own words given above as to imposition of a new disqualification; on a division, however, the bigots again had it.

Mr. Bradlaugh again stepped to the table, and demanded the administration of the oath, refusing

to obey the Speaker's order to withdraw. Sir Stafford Northcote asked the Prime Minister whether he proposed to offer the House any counsel. Mr. Gladstone said he should leave it to the majority to carry out the effects of their vote. Eventually the Speaker called upon the Sergeant-at-Arms to remove Mr. Bradlaugh, who during the debate had been standing at the table. Mr. Bradlaugh withdrawing with the Sergeant three times to the bar, as often returned to the table. After further passages at arms between Mr. Gladstone and Sir Stafford Northcote, the House adjourned.

April 27th.—Mr. Bradlaugh again found at the table of the House claiming to be allowed to take the oath. At the bidding of the Speaker the Sergeant-at-Arms again caused Mr. Bradlaugh to withdraw to the bar, where he remained during the discussion which followed.

Mr. Labouchere asked the Prime Minister whether he would give him reasonable facilities to introduce his Affirmation Bill, if so Mr. Bradlaugh would not interfere with the resolution passed last night.

Mr. Gladstone said the giving facility for that purpose, meant the postponement of very serious and very urgent business, and he had no assurance as to the disposition of the House. He could not see his way to consent if it was to be an opposed Bill. After further discussion, however, Mr. Gladstone said it might be possible to test the feeling of the House by one or more morning sittings.

April 29th.—Mr. Gladstone announces the intention of the Government of bringing in a bill amending the Parliamentary Oaths Act.

May 2nd.—The Attorney-General moved that the House resolve itself into committee with a view of his asking leave to introduce the Bill. Debate on motion adjourned to the 5th with the view of fixing the time on the 6th, when the discussion should be resumed.

Mr. MacIver gave notice to ask the Prime Minister whether he was prepared to reconsider his decision of last session, and will introduce "a short measure" for the partial disfranchisement of Northampton. (The question was never put.) [Pg 14]

May 6th.—Further obstruction of the Bigots.

May 10th.—After 1.15 a.m. the Government proposed a morning sitting for that day (Tuesday), to discuss the introduction of their Bill. Further obstruction, wrath, and bitterness, and the Government abandoned the intention to hold a morning sitting.

At the afternoon sitting a resolution was arrived at, which authorised the Sergeant-at-Arms to prevent Mr. Bradlaugh from entering the House.

Lord Selborne (Lord Chancellor) in reply to a letter relative to Mr. Bradlaugh and the oath, says equal justice is due to Christian and infidel; he saw no possibility of refusing to afford by legislation to all who scruple to take the oath, the same option in Parliament as they have in courts of law, to make an affirmation.

May 25th.—Mr. Newdegate formally blocked the Bill, of which Mr. Labouchere gave notice, for indemnifying Mr. Bradlaugh against penalties for having sat and voted on affirmation.

June 19th and 20th.—The common informer's action tried at *Nisi prius* before Mr. Justice Grove. Verdict against Mr. Bradlaugh for penalty and costs.—*Rule nisi* for new trial afterwards, granted by Justices Grove and Lindley; this rule was made absolute by Justices Denman and Hawkins, but was set aside by Lords Justices Brett, Cotton and Holker.

Mr. Bradlaugh appeals to the country. The country answers.

Aug. 3rd.—Mr. Bradlaugh, acting on his right to enter the House of Commons, is seized at the door of the House by fourteen men, police and ushers (Inspector Denning said ten), and roughly hustled out into Palace Yard, Mr. Bradlaugh protesting against such treatment as illegal. "In the passage leading out to the yard Mr. Bradlaugh's coat was torn down on the right side; his waistcoat was also pulled open, and otherwise his toilet was much disarranged. The members flocked down the stairs on the heels of the struggling party, but no pause was made until Mr. Bradlaugh was placed outside the precincts and in Palace Yard."—*Times.* Alderman Fowler was heard to call, "Kick him out." This he afterwards denied, but there is evidence that he did so. (Mr. Bradlaugh suffered the rupture of the small muscles of both his arms, and erysipelas ensued).

Many thousands of people went up to the House with petitions, urging the House to do justice to Northampton and Mr. Bradlaugh.

In the House Mr. Labouchere moved a resolution condemning, as an interference with the privilege of members, the action of the authorities in expelling Mr. Bradlaugh from the lobby. This was rejected by 191 votes against 7, and a motion of Sir Henry Holland, declaring the approval of the House of the course taken by the Speaker, was agreed to without controversy. [Pg 15]

At a crowded meeting at the Hall of Science the same evening Mr. Bradlaugh stated that he had told Inspector Denning in Palace Yard that he could come back with force enough to gain admittance, but that he had no right to risk the lives and liberties of his supporters.

Aug. 4th.—The *Times* declares, in an article favorable on the whole to Mr. Bradlaugh's claims, that the House of Commons was yesterday the real sufferer in dignity, authority, and repute. It says: "the question contains within itself the baleful germ of a grave constitutional contest between the House of Commons and any constituency in the land;" and "such a conflict can but have one conclusion, as all history shows."

The *Daily News*, in a similar article, concludes thus: "Sooner or later it will be generally acknowledged that Mr. Bradlaugh's exclusion was one of the most high-handed acts of which any legislative body has ever been guilty."

The following unique paragraph from *The Rock* is worth preserving in its original form: "The question now is whether the Christian people of this realm will quietly allow clamorous groups of infidels, Radicals, and seditionists, by organised clamor, bluster, and menace, to overawe the legislature, and by exhibitions of violence—not at all unlikely, if permitted to develop into outrage and riot—to cause an organic and vital change to be made in our Constitution and laws, in order that brazen-faced Atheism might display itself within the walls of the British Parliament."

Mr. E. D. Girdlestone writes: "If the present Cabinet does not secure your admission to the House in some way or other, I can only wish they may soon be turned out of office. I don't know what more I can do than say, 'Go on! and go in!'"

Aug. 5th.—Mr. Bradlaugh's application at Westminster Police Court for summons against Inspector, for having assaulted him at the House of Commons on the 3rd inst., refused.

Mr. Bradlaugh confined to the House with severe erysipelas in both arms, resulting from the injuries inflicted. Attended by Drs. Ramskill and Palfrey. The latter, on August 12th, ordered his immediate removal from town, to prevent yet more dangerous complications.

Aug. 13th.—Mr. Bradlaugh went to Worthing to recruit his health. Outside the station there, weary and exhausted, both arms in a sling, he was rudely stared at by a clergyman, who, having satisfied himself as to Mr. Bradlaugh's identity, walked away saying loudly: "There's Bradlaugh; I hope they'll make it warm for him yet." [Pg 16]

The *Northern Star* (a Tory paper) suggested that Mr. Bradlaugh was malingering—"simply carrying on the showman business."

Aug. 24th.—Sir Henry Tyler, in the House of Commons, attempts to discredit the South Kensington department for allowing science and art classes at the Hall of Science. Mr. Mundella gives those classes great credit.

Aug. 27th.—Parliament prorogued.

Further appeal to England.

1882.

Jan. 9th.—The Earl of Derby, in a speech at the Liverpool Reform Club, says: "For my part I utterly disbelieve in the value of political oaths.... I should hope that if Mr. Bradlaugh again offers to take the oath, as he did last year, there will be no further attempt to prevent him."

Feb. 7th.—Reopening of Parliament. Mr. Bradlaugh again attended at the table to take the oath, and Sir Erskine May, the clerk of the House, was about to administer the same when Sir Stafford Northcote, interposing, moved that Mr. Bradlaugh be not allowed to go through the form. Sir W. Harcourt, in moving the previous question, said the Government held the view that the House had no right to interpose between a duly-elected member and the oath.

Mr. Bradlaugh, addressing the House from the bar for the third time, begged the House to deal with him with some semblance and show of legality and fairness. He concluded: "I want to obey the law, and I tell you how I might meet the House still further, if the House will pardon me for seeming to advise it. Hon. members had said that an Affirmation Bill would be a Bradlaugh Relief Bill. Bradlaugh is more proud than you are. Let the Bill pass without applying to elections that have taken place previously, and I will undertake not to claim my seat, and when the Bill has passed I will apply for the Chiltern Hundreds. I have no fear. If I am not fit for my constituents they shall dismiss me, but you never shall. The grave alone shall make me yield."

When a division was taken there were for the previous question 228, against 286. Mr. Samuel Morley voted with the majority against the Government. Sir Stafford Northcote's motion was then agreed to without a division.

Feb. 8th.—Mr. Labouchere, in committee of the whole House, proposed for leave to bring in a Bill to amend the law of Parliamentary Oaths and Affirmations. The Bill was afterwards formally blocked by Mr. Molloy. [Pg 17]

Feb. 17th.—Mr. Labouchere asked the Attorney-General whether the resolution of Feb. 7th had

not vacated the seat. Sir Henry James answered that it had not.

Feb. 18th.—Mr. Gladstone writes Mr. Bradlaugh that the Government have no measure to propose with respect to his seat.

Feb. 21st.—Mr. Bradlaugh of himself takes and subscribes the oath, and takes his seat.

Feb. 22nd.—Mr Bradlaugh expelled the House of Commons.

Mar. 2nd—Re-elected for Northampton. For Bradlaugh, 3,796; for Corbett, 3,688.

Mar. 6th.—On the motion of Sir Stafford Northcote, the House reaffirms its motion of the 7th Feb., Mr. Gladstone supporting an amendment moved by Mr. Marjoribanks, by which the House would have declared the desirability of legislation, for the purpose of giving members an option between oath and affirmation.

Mar. 7th.—Lord Redesdale introduces in the House of Lords a Bill, requiring every peer and every member of the House of Commons before taking the oath or making the affirmation, to declare and affirm his belief in Almighty God. The Bill, introduced "from a sense of what was due to Almighty God," was afterwards withdrawn "in deference to Lord Salisbury."

To this date, 317 petitions with 62,168 signatures had been presented against Mr. Bradlaugh being allowed to take his seat; while in favor of the same 1,051, with 250,833 signatures, had been presented.

Mr. Labouchere's Affirmation Bill blocked by Earl Percy.

1883

Jan. 11th.—Mr. Justice Field gave judgment that the privileges of the House of Commons prevented Mr. Bradlaugh from obtaining any redress for the assault upon him on August 3rd, 1881.

Feb. 15th.—Great demonstration in Trafalgar Square; from eighty to one hundred thousand people present. (*Evening Standard* says 30,000; *Daily News*, 50,000 an hour before the meeting.) Mr. Adams, chairman; Rev. W. Sharman, Jos. Arch, and Mr. Bradlaugh, speakers.

Opening of Parliament. (Mr. Gladstone at Cannes.) Government give notice for to-morrow for leave to introduce bill to amend the Oaths Act, 1866. Sir R. Cross gives notice of opposition on second reading of same. Mr. Bradlaugh consents, with the approval of his constituents, expressed on the 13th inst., to await the fate of the measure. [Pg 18]

Feb. 16th.—Sharp succession of frantic speeches in the House of Commons by Mr. Newdegate, Alderman Fowler, Mr. Warton, Mr. Henry Chaplin, Mr. Onslow, Mr. Grantham, Mr. Beresford Hope, Lord H. Lennox, Lord C. Hamilton, Mr. A. Balfour, Mr. Ashmead Bartlett, and Mr. A. O'Connor. Divisions: from two to three to one for Government. The Marquis of Hartington consents to adjourn the motion for Bill until Monday at twelve.

Feb. 18th.—The *Observer* says that when Conservatives ask Liberals whether they really mean to alter the law for the purpose of admitting Mr. Bradlaugh, it is fair for Liberals in turn to ask Conservatives whether they really mean to maintain an admitted abuse and injustice for the mere purpose of excluding Mr. Bradlaugh.

Feb. 19th.—First reading of Bill carried on division by 184 votes to 53; second reading formally fixed for that night week.

Feb. 20th.—*Daily News* says Bill will be carried by large majorities, and will be regarded by the House and the country as the appropriate settlement of an unfortunate controversy.

The *Times* says the leaders of the opposition will not succeed in finally preventing the Bill from becoming law. Its real concern is that Mr. Bradlaugh has been substantially in the right; that he has been unjustly excluded from taking the seat which belongs to him.

The *Morning Advertiser* thinks the Government may yet find it difficult to persuade the House to adopt the Bill.

The *Morning Post* justifies the irregular opposition to the first reading of the Bill, and thinks notice of the measure should have been given in the Queen's Speech. No measure had created more excitement or raised more indignation in the country, which desired to see it rejected by a decisive majority.

March 5th.—Appeal case Bradlaugh *v.* Clarke part heard before the House of Lords.

March 6th.—Case concluded; judgment deferred.

March 9th.—Action for maintenance—Bradlaugh *v.* Newdegate—tried before Lord Coleridge and a special jury. Henry Lewis Clarke, the common informer, swore that he had not the means to pay the costs, and would not have brought the action if he had not been indemnified by Mr. Newdegate. Case adjourned for argument of legal points.

March 17th.—Maintenance action argued; four counsel appearing for Mr. Newdegate. Lord Coleridge reserved judgment.

March 20th.—The Solicitors to the Treasury compelled Mr. Bradlaugh to pay the costs of the House of Commons in the action against the deputy Sergeant-at-Arms.

TRANSCRIBERS' NOTES

Page 32: Comma after "their choice of a representative, however" as in the original

Page 35: ' removed after "submit to the Committee."

Page 45: " added at the end of item 148.

Page 54: . moved from after "Lord" to after "Henry Lennox"

Page 58, 59: Variable spelling of Chipping Wicomb/Wycomb as in the original

Page 62: . added after "brought up in custody"

Page 70: " added after 'concluding with the words "So help me, God'

Page 75: " removed after '27 L. J., Q. B., 195.'

Page 83: aseembly corrected to assembly after "may say again, that this"

Page 88: Extra the removed from "lay it before the the Judges"

Page 96: " added after 'the man who stands before them—('

Page 100 (A Cardinal's Broken Oath Page 2): . added after E.C

Page 104 (A Cardinal's Broken Oath Page 6): inuendoes as in the original

Page 111 (Northampton and the House of Commons Page 5): , corrected to . after "personally give such undertaking"

Page 113 (Northampton and the House of Commons Page 7): . added after "sitting within its walls"

Page 121 (Northampton and the House of Commons Page 15): " corrected to ' after "heirs and successors, according to law,"

Page 127 (Diary of the Northampton Struggle Page 5): . added after '"persons so admitted," etc'

Page 133 (Diary of the Northampton Struggle Page 11): v. italicised for consistency after "The case of Clarke"

Page 140 (Diary of the Northampton Struggle Page 18): v. italicised for consistency after "Appeal case Bradlaugh" and after "Action for maintenance—Bradlaugh"

General: Variable spelling of Serjeant-at-Arms/Sergeant-at-Arms as in the original

General: There are several words, which would normally have been spelt with a "u" in British English, which have been spelt without in the original text e.g. humor, endeavored, savor. These spellings have been preserved.

General: Variable spelling of Lewis Price/Pryse as in the original

research. Project Gutenberg eBooks may be modified and printed and given away—you may do practically ANYTHING in the United States with eBooks not protected by U.S. copyright law. Redistribution is subject to the trademark license, especially commercial redistribution.

Section 1. General Terms of Use and Redistributing Project Gutenberg™ electronic works

1.A. By reading or using any part of this Project Gutenberg™ electronic work, you indicate that you have read, understand, agree to and accept all the terms of this license and intellectual property (trademark/copyright) agreement. If you do not agree to abide by all the terms of this agreement, you must cease using and return or destroy all copies of Project Gutenberg™ electronic works in your possession. If you paid a fee for obtaining a copy of or access to a Project Gutenberg™ electronic work and you do not agree to be bound by the terms of this agreement, you may obtain a refund from the person or entity to whom you paid the fee as set forth in paragraph 1.E.8.

1.B. “Project Gutenberg” is a registered trademark. It may only be used on or associated in any way with an electronic work by people who agree to be bound by the terms of this agreement. There are a few things that you can do with most Project Gutenberg™ electronic works even without complying with the full terms of this agreement. See paragraph 1.C below. There are a lot of things you can do with Project Gutenberg™ electronic works if you follow the terms of this agreement and help preserve free future access to Project Gutenberg™ electronic works. See paragraph 1.E below.

1.C. The Project Gutenberg Literary Archive Foundation (“the Foundation” or PGLAF), owns a compilation copyright in the collection of Project Gutenberg™ electronic works. Nearly all the individual works in the collection are in the public domain in the United States. If an individual work is unprotected by copyright law in the United States and you are located in the United States, we do not claim a right to prevent you from copying, distributing, performing, displaying or creating derivative works based on the work as long as all references to Project Gutenberg are removed. Of course, we hope that you will support the Project Gutenberg™ mission of promoting free access to electronic works by freely sharing Project Gutenberg™ works in compliance with the terms of this agreement for keeping the Project Gutenberg™ name associated with the work. You can easily comply with the terms of this agreement by keeping this work in the same format with its attached full Project Gutenberg™ License when you share it without charge with others.

1.D. The copyright laws of the place where you are located also govern what you can do with this work. Copyright laws in most countries are in a constant state of change. If you are outside the United States, check the laws of your country in addition to the terms of this agreement before downloading, copying, displaying, performing, distributing or creating derivative works based on this work or any other Project Gutenberg™ work. The Foundation makes no representations concerning the copyright status of any work in any country other than the United States.

1.E. Unless you have removed all references to Project Gutenberg:

1.E.1. The following sentence, with active links to, or other immediate access to, the full Project Gutenberg™ License must appear prominently whenever any copy of a Project Gutenberg™ work (any work on which the phrase “Project Gutenberg” appears, or with which the phrase “Project Gutenberg” is associated) is accessed, displayed, performed, viewed, copied or distributed:

> This eBook is for the use of anyone anywhere in the United States and most other parts of the world at no cost and with almost no restrictions whatsoever. You may copy it, give it away or re-use it under the terms of the Project Gutenberg License included with this eBook or online at www.gutenberg.org. If you are not located in the United States, you will have to check the laws of the country where you are located before using this eBook.

1.E.2. If an individual Project Gutenberg™ electronic work is derived from texts not protected by U.S. copyright law (does not contain a notice indicating that it is posted with permission of the copyright holder), the work can be copied and distributed to anyone in the United States without paying any fees or charges. If you are redistributing or providing access to a work with the phrase “Project Gutenberg” associated with or appearing on the work, you must comply either with the requirements of paragraphs 1.E.1 through 1.E.7 or obtain permission for the use of the work and the Project Gutenberg™ trademark as set forth in paragraphs

1.E.8 or 1.E.9.

1.E.3. If an individual Project Gutenberg™ electronic work is posted with the permission of the copyright holder, your use and distribution must comply with both paragraphs 1.E.1 through 1.E.7 and any additional terms imposed by the copyright holder. Additional terms will be linked to the Project Gutenberg™ License for all works posted with the permission of the copyright holder found at the beginning of this work.

1.E.4. Do not unlink or detach or remove the full Project Gutenberg™ License terms from this work, or any files containing a part of this work or any other work associated with Project Gutenberg™.

1.E.5. Do not copy, display, perform, distribute or redistribute this electronic work, or any part of this electronic work, without prominently displaying the sentence set forth in paragraph 1.E.1 with active links or immediate access to the full terms of the Project Gutenberg™ License.

1.E.6. You may convert to and distribute this work in any binary, compressed, marked up, nonproprietary or proprietary form, including any word processing or hypertext form. However, if you provide access to or distribute copies of a Project Gutenberg™ work in a format other than “Plain Vanilla ASCII” or other format used in the official version posted on the official Project Gutenberg™ website (www.gutenberg.org), you must, at no additional cost, fee or expense to the user, provide a copy, a means of exporting a copy, or a means of obtaining a copy upon request, of the work in its original “Plain Vanilla ASCII” or other form. Any alternate format must include the full Project Gutenberg™ License as specified in paragraph 1.E.1.

1.E.7. Do not charge a fee for access to, viewing, displaying, performing, copying or distributing any Project Gutenberg™ works unless you comply with paragraph 1.E.8 or 1.E.9.

1.E.8. You may charge a reasonable fee for copies of or providing access to or distributing Project Gutenberg™ electronic works provided that:

- You pay a royalty fee of 20% of the gross profits you derive from the use of Project Gutenberg™ works calculated using the method you already use to calculate your applicable taxes. The fee is owed to the owner of the Project Gutenberg™ trademark, but he has agreed to donate royalties under this paragraph to the Project Gutenberg Literary Archive Foundation. Royalty payments must be paid within 60 days following each date on which you prepare (or are legally required to prepare) your periodic tax returns. Royalty payments should be clearly marked as such and sent to the Project Gutenberg Literary Archive Foundation at the address specified in Section 4, “Information about donations to the Project Gutenberg Literary Archive Foundation.”

- You provide a full refund of any money paid by a user who notifies you in writing (or by e-mail) within 30 days of receipt that s/he does not agree to the terms of the full Project Gutenberg™ License. You must require such a user to return or destroy all copies of the works possessed in a physical medium and discontinue all use of and all access to other copies of Project Gutenberg™ works.

- You provide, in accordance with paragraph 1.F.3, a full refund of any money paid for a work or a replacement copy, if a defect in the electronic work is discovered and reported to you within 90 days of receipt of the work.

- You comply with all other terms of this agreement for free distribution of Project Gutenberg™ works.

1.E.9. If you wish to charge a fee or distribute a Project Gutenberg™ electronic work or group of works on different terms than are set forth in this agreement, you must obtain permission in writing from the Project Gutenberg Literary Archive Foundation, the manager of the Project Gutenberg™ trademark. Contact the Foundation as set forth in Section 3 below.

1.F.

1.F.1. Project Gutenberg volunteers and employees expend considerable effort to identify, do copyright research on, transcribe and proofread works not protected by U.S. copyright law in creating the Project Gutenberg™ collection. Despite these efforts, Project Gutenberg™ electronic works, and the medium on which they may be stored, may contain “Defects,” such as, but not limited to, incomplete, inaccurate or corrupt data, transcription errors, a copyright or other intellectual property infringement, a defective or damaged disk or other medium, a computer virus, or computer codes that damage or cannot be read by your equipment.

1.F.2. LIMITED WARRANTY, DISCLAIMER OF DAMAGES - Except for the “Right of Replacement or Refund” described in paragraph 1.F.3, the Project Gutenberg Literary Archive Foundation, the owner of the Project Gutenberg™ trademark, and any other party distributing a Project Gutenberg™ electronic work under this agreement, disclaim all liability

to you for damages, costs and expenses, including legal fees. YOU AGREE THAT YOU HAVE NO REMEDIES FOR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTY OR BREACH OF CONTRACT EXCEPT THOSE PROVIDED IN PARAGRAPH 1.F.3. YOU AGREE THAT THE FOUNDATION, THE TRADEMARK OWNER, AND ANY DISTRIBUTOR UNDER THIS AGREEMENT WILL NOT BE LIABLE TO YOU FOR ACTUAL, DIRECT, INDIRECT, CONSEQUENTIAL, PUNITIVE OR INCIDENTAL DAMAGES EVEN IF YOU GIVE NOTICE OF THE POSSIBILITY OF SUCH DAMAGE.

1.F.3. LIMITED RIGHT OF REPLACEMENT OR REFUND - If you discover a defect in this electronic work within 90 days of receiving it, you can receive a refund of the money (if any) you paid for it by sending a written explanation to the person you received the work from. If you received the work on a physical medium, you must return the medium with your written explanation. The person or entity that provided you with the defective work may elect to provide a replacement copy in lieu of a refund. If you received the work electronically, the person or entity providing it to you may choose to give you a second opportunity to receive the work electronically in lieu of a refund. If the second copy is also defective, you may demand a refund in writing without further opportunities to fix the problem.

1.F.4. Except for the limited right of replacement or refund set forth in paragraph 1.F.3, this work is provided to you ‘AS-IS’, WITH NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PURPOSE.

1.F.5. Some states do not allow disclaimers of certain implied warranties or the exclusion or limitation of certain types of damages. If any disclaimer or limitation set forth in this agreement violates the law of the state applicable to this agreement, the agreement shall be interpreted to make the maximum disclaimer or limitation permitted by the applicable state law. The invalidity or unenforceability of any provision of this agreement shall not void the remaining provisions.

1.F.6. INDEMNITY - You agree to indemnify and hold the Foundation, the trademark owner, any agent or employee of the Foundation, anyone providing copies of Project Gutenberg™ electronic works in accordance with this agreement, and any volunteers associated with the production, promotion and distribution of Project Gutenberg™ electronic works, harmless from all liability, costs and expenses, including legal fees, that arise directly or indirectly from any of the following which you do or cause to occur: (a) distribution of this or any Project Gutenberg™ work, (b) alteration, modification, or additions or deletions to any Project Gutenberg™ work, and (c) any Defect you cause.

Section 2. Information about the Mission of Project Gutenberg™

Project Gutenberg™ is synonymous with the free distribution of electronic works in formats readable by the widest variety of computers including obsolete, old, middle-aged and new computers. It exists because of the efforts of hundreds of volunteers and donations from people in all walks of life.

Volunteers and financial support to provide volunteers with the assistance they need are critical to reaching Project Gutenberg™’s goals and ensuring that the Project Gutenberg™ collection will remain freely available for generations to come. In 2001, the Project Gutenberg Literary Archive Foundation was created to provide a secure and permanent future for Project Gutenberg™ and future generations. To learn more about the Project Gutenberg Literary Archive Foundation and how your efforts and donations can help, see Sections 3 and 4 and the Foundation information page at www.gutenberg.org.

Section 3. Information about the Project Gutenberg Literary Archive Foundation

The Project Gutenberg Literary Archive Foundation is a non-profit 501(c)(3) educational corporation organized under the laws of the state of Mississippi and granted tax exempt status by the Internal Revenue Service. The Foundation’s EIN or federal tax identification number is 64-6221541. Contributions to the Project Gutenberg Literary Archive Foundation are tax deductible to the full extent permitted by U.S. federal laws and your state’s laws.

The Foundation’s business office is located at 809 North 1500 West, Salt Lake City, UT 84116, (801) 596-1887. Email contact links and up to date contact information can be found at the Foundation’s website and official page at www.gutenberg.org/contact

Section 4. Information about Donations to the Project Gutenberg Literary Archive Foundation

Project Gutenberg™ depends upon and cannot survive without widespread public support and donations to carry out its mission of increasing the number of public domain and licensed works that can be freely distributed in machine-readable form accessible by the widest array of equipment including outdated equipment. Many small donations ($1 to $5,000) are particularly important to maintaining tax exempt status with the IRS.

The Foundation is committed to complying with the laws regulating charities and charitable donations in all 50 states of the United States. Compliance requirements are not uniform and it takes a considerable effort, much paperwork and many fees to meet and keep up with these requirements. We do not solicit donations in locations where we have not received written confirmation of compliance. To SEND DONATIONS or determine the status of compliance for any particular state visit www.gutenberg.org/donate.

While we cannot and do not solicit contributions from states where we have not met the solicitation requirements, we know of no prohibition against accepting unsolicited donations from donors in such states who approach us with offers to donate.

International donations are gratefully accepted, but we cannot make any statements concerning tax treatment of donations received from outside the United States. U.S. laws alone swamp our small staff.

Please check the Project Gutenberg web pages for current donation methods and addresses. Donations are accepted in a number of other ways including checks, online payments and credit card donations. To donate, please visit: www.gutenberg.org/donate

Section 5. General Information About Project Gutenberg™ electronic works

Professor Michael S. Hart was the originator of the Project Gutenberg™ concept of a library of electronic works that could be freely shared with anyone. For forty years, he produced and distributed Project Gutenberg™ eBooks with only a loose network of volunteer support.

Project Gutenberg™ eBooks are often created from several printed editions, all of which are confirmed as not protected by copyright in the U.S. unless a copyright notice is included. Thus, we do not necessarily keep eBooks in compliance with any particular paper edition.

Most people start at our website which has the main PG search facility: www.gutenberg.org.

This website includes information about Project Gutenberg™, including how to make donations to the Project Gutenberg Literary Archive Foundation, how to help produce our new eBooks, and how to subscribe to our email newsletter to hear about new eBooks.