An history of the late important period : from the beginning of His Majesty's illness, to the settlement of the executive government, in the appointment of a regent. To which are added, observations on the conduct of the two contending parties to the period of His Majesty's re-appearance in the House of Lords / [by Louis Dutens].

Contributors

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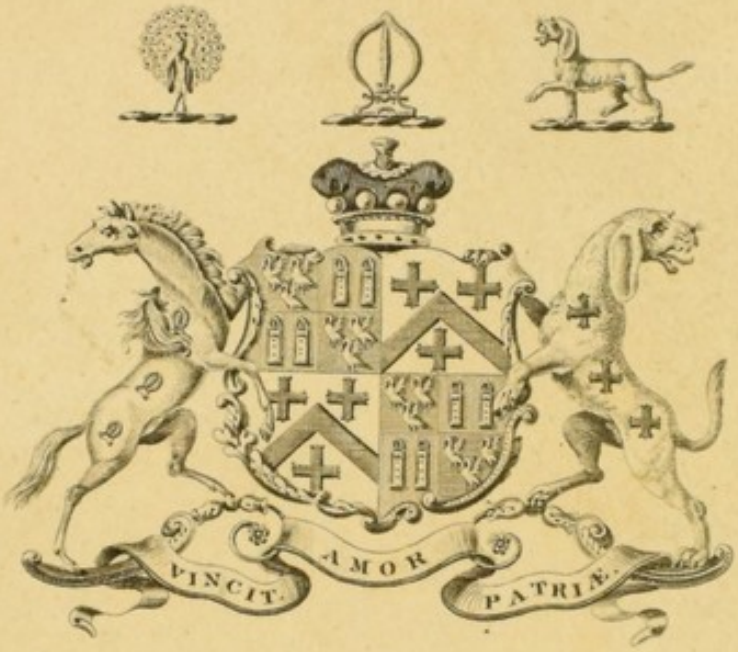
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[GEORGE III -
DUTENS, LOUIS]
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AN HISTORY OF THE LATE IMPORTANT PERIOD;

FROM THE BEGINNING OF

HIS MAJESTY's ILLNESS,

TO THE

SETTLEMENT OF THE EXECUTIVE GOVERNMENT,

IN THE

APPOINTMENT OF A REGENT:

TO WHICH ARE ADDED,

OBSERVATIONS

ON THE

CONDUCT OF THE TWO CONTENDING PARTIES,

TO THE

PERIOD OF HIS MAJESTY's RE-APPEARANCE

IN THE

HOUSE OF LORDS.

LONDON:

PRINTED AT THE Logographic Press,

AND SOLD BY

J. WALTER, No 169, PICCADILLY; C. STALKER, STATIONERS-COURT, LUDGATE-STREET; AND W. RICHARDSON, UNDER THE ROYAL-EXCHANGE.

1789.

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AN

HISTORY

OF THE

IMPORTANT PERIOD, &c.

STATES poſſeſs the ſame imperfect nature as the individuals which compoſe them. Infancy, maturity and decline have marked the courſe of antient empires, and the governments of the preſent æra will furniſh ſimilar examples to ſucceeding ages.——Perfection is not the lot of ſublunary nature;—decay waits upon ſtrength,—wiſdom and virtue are in continual conteſt with vice and folly,—and the moſt proſperous ſtate can never be removed from the vigilance of calamity. We may apply theſe obſervations to ourſelves,—to our race of every age,—and to every kingdom from the beginning of the world. We have only to trace a

few paſt years for the illuſtration of theſe truths in the hiſtory of our own country. From a ſtate of great and national depreſſion, in the war before the laſt, we were ſuddenly raiſed to unexampled greatneſs by the vaſt genius of one man, who ſeemed to poſſeſs the power of commanding victory, and giving ſtability to fortune; but the peace of *Lord Bute* followed the Adminiſtration of *Mr. Pitt*, and to our great, though inadequate proſperity, ſucceeded the *American Rebellion* and all the afflicting concomitants of it. Great Britain, however, with all its loſſes, oppreſſions and diſmemberments, ſtill poſſeſſed the energies of a rich, a brave, and a free people; and they were ſo directed and employed by the preſent miniſter, as to reſtore the country to its former rank among the nations of Europe, to enable it to bear with chearfulneſs its heavy burthens, and to promiſe an alleviation of them. The Britiſh commerce flouriſhed, and was extending itſelf under various new and wiſe arrangements,—wealth flowed into this country from every quarter of the globe,—war kept itſelf at a diſtance from us, and had it approached, we were in a condirion to command it into peace. The affairs of domeſtic government were conducted with wiſdom, and the party in oppoſition, though compoſed of great abilities and perſonal influence, were juſt ſufficient, and no more, to form ſuch a check, as every reflecting man would wiſh that every Adminiſtration ſhould experience. At ſuch a period what reaſon

was

was there to juſtify an apprehenſion of any event that might blaſt the exulting hopes of a contented people. Nevertheleſs, a calamity of the moſt affecting and unuſual nature was at hand to check the current of public felicity. The KING was ſmitten by the hand of Heaven, and by the ſtroke was deprived of the capacity to govern his kingdoms. The alarm on this occaſion cannot be eaſily deſcribed, and it may be ſufficient to obſerve, that it was ſuch as became the feelings of a generous, an humane, and a loyal people.

Superſtition, which had often recurred to the year 1588, when the *Popiſh Confederacy*, as it is called, againſt the country, was defeated; and to the year 1688, which was the æra of our glorious revolution, could not but look forwards with ſome kind of expectation, that the cloſe of another century of years, would unfold ſome event of a very uncommon nature; and that the year 1788, would be diſtinguiſhed by ſome circumſtance of great national moment:—ſuch an expectation, however frivolous in itſelf, has been realized, and a criſis arrived of the moſt immediate importance to this country. To bring all the circumſtances of this extraordinary period into one view, with the Debates in Parliament, which form ſo principal a part of them, is the object of this volume;—and, by publiſhing ſuch an hiſtory of this political epocha, we hope to perform a ſervice grateful to our own times, and to poſterity.

In the early part of the ſummer of the year 1788, the health of the KING had in ſome degree declined, and he was adviſed to apply to the medicinal waters of *Cheltenham*, in *Glouceſterſhire*, for the re-eſtabliſhment of it. His Majeſty, therefore, on the day after he had cloſed the Seſſions of Parliament, by a ſpeech from the the throne, quitted his capital, with the queen and three of the princeſſes, and paſſed ſeveral weeks at that place, unincumbered with ſtate and formality, and happy in receiving the moſt unfeigned marks of affection and pure loyalty, from all ranks of people in the ſurrounding country.

On his Majeſty's return to the neighbourhood of the metropolis, the public had every reaſon to hope that the royal excurſion had been attended with the beſt effects. About the middle of the month of October, however, ſome unpleaſant ſymptoms appeared in his Majeſty's conſtitution, which continued, with ſome little temporary abatement, to increaſe in ſuch a manner, as in the beginning of November, to occaſion very ſerious public alarms concerning his life: indeed, ſuch was the nature of his diſorder, as to require every precaution to keep it from being immediately known; and the evident appearance of ſecreſy with reſpect to the royal malady, gave the public every reaſon to fear that it would deprive them of their ſovereign: on the ninth of that month, which was *Lord Mayor's Day*, the belief was univerſal throughout the metropolis,

that

that his Majeſty was no more, and that the awful event was with-held from publication, till the Mayor of London was ſworn into his office. But after a few days of anxious ſuſpenſe, the public affliction found a new and unexpected object. It appeared that the King's malady did not endanger his life, but had invaded his reaſon, and rendered him incapable of governing his kingdom. In ſuch an affecting ſituation, which this country had never before experienced, the people naturally looked with the moſt anxious expectation to the approaching meeting of Parliament, for the adoption of ſuch meaſures as the wiſdom of the two remaining branches of the legiſlature might ſuggeſt, to ſupply the melancholy deprivation of the executive power.

On *Thurſday* the 20th day of *November*, the Parliament met according to the laſt prorogation, and when the Chancellor of the Exchequer had entered the Houſe, the Speaker roſe at the table, and deſired to know, "as no new commiſſion had been iſſued "for the further prorogation of Parliament, whe-"ther it was the pleaſure of the Houſe that he "ſhould take the chair;" which being made known by a general aſſent of the Houſe, the Speaker took his ſeat. After ſome neceſſary formalities, Mr. *Chancellor Pitt* roſe, and obſerved that a moſt calamitous circumſtance had occurred, which rendered the meeting of that Houſe indiſpenſably neceſſary, without the uſual and previous notice. The circumſtance to which he alluded, was the melancholy

ſtate of the KING'S HEALTH, which had made it impoſſible for his Majeſty's ſervants to receive any commands from him. He added, that the few authorities which exiſted, and which were at all ſimilar in their application to the preſent ſingular ſituation of affairs had been conſulted; but as they did not point out the poſſibility of iſſuing a new commiſſion for the further prorogation of Parliament, nor enable them to open the Seſſion in the uſual form, he truſted that he ſpoke the opinion of every one who heard him, when he ſuggeſted that it would be highly improper for the Houſe to proceed to the diſcuſſion of any public buſineſs whatever, and that it was abſolutely neceſſary for them to adjourn; he therefore propoſed to make an adjournment to that day fortnight; and as at that time if the prayers and wiſhes of the nation ſhould be diſappointed by a continuance of his Majeſty's illneſs, they muſt proceed to conſider what would be neceſſary to be done, and what meaſures ought to be adopted in the important criſis. He ſhould alſo move for a call of the Houſe, on that day fortnight; and that the call might be rendered as effectual as poſſible, he ſhould accompany his laſt motion with another, to direct the Speaker to write circular letters in the moſt ſerious and ſolemn manner, requiring the attendance of every member on that day fortnight.——The Chancellor of the Exchequer therefore moved,

1. That the Houſe at its riſing, do adjourn to that day fortnight.

2. That

2. That the Houſe be called over on Thurſday the 4th of December.

That the Speaker be directed to ſend circular letters, requiring the attendance of every member on that day; all which motions were carried, *nemine contradicente*.

On the 4th day of December, the Houſe met purſuant to their adjournment from the 20th of the former month, and the Speaker having taken the chair, Mr. *Chancellor Pitt* prefaced the buſineſs of the day, by obſerving that the ſame unhappy cauſe which prevented the exerciſe of public buſineſs at their laſt meeting, ſtill exiſted, but that this matter ſhould appear in the fulleſt manner to the Houſe, and that every information reſpecting his Majeſty's preſent ſtate might be given with all becoming authenticity, he ſhould move for the report of the examination of the phyſicians attending his Majeſty to be read.

This report was made by the Privy Council, who had met on the preceding day to examine the royal phyſicians, and which conſiſted of

Lord Camden — Archbiſhop of Canterbury
The Lord Chancellor — Biſhop of London

DUKES OF

Richmond — Portland
Chandos — Montague

MARQUISSES OF

Stafford — Carmarthen
Landſdown

EARLS OF	LORDS
Derby	Stormont
Cholmondeley	North
Dartmouth	Onſlow
Ayleſbury	Loughborough
Ludlow	Sydney
Courtoun	Dover
Howe	Kenyon

Sir George Yonge	Mr. Dundas
Mr. Pitt	Mr. Grenville
Mr. Fox	Mr. Burke, &c. &c.

The ſubſtance of the Report is as follows :

DOCTOR WARREN called in, and examined *upon oath.*

Queſtion. Do you think his Majeſty's preſent diſorder to be ſuch as incapacitates him from meeting his Parliament in the uſual manner, and tranſacting the public buſineſs of the nation?

Anſwer. I think his Majeſty's diſorder denies him the capacity of tranſacting any public buſineſs.

Q. Do you think his Majeſty's diſorder a curable or incurable malady?

A. I think the diſorder is a curable malady.

Q. Upon what do you ground your opinion?

A. Upon experience in ſome inſtances---upon the reports of phyſical men in others. Many perſons in his Majeſty's preſent ſtate having recovered.

Q. Can you take upon you to ſay in what time the malady may be removed?

A. That is impoſſible for me to aſcertain.

Sir GEORGE BAKER examined *upon oath.*

His evidence was pretty nearly the ſame as Dr. Warren's, with the addition that he took upon him to ſay, that the diſorder was curable, from a variety of inſtances, in which perſons labouring under a ſimilar malady were reſtored to their former health, and that it was his opinion, there was a probability of his Majeſty being relieved, and reinſtated in a ſituation of mind and body, equal to what he enjoyed before he was viſited by his preſent illneſs.

Sir LUCAS PEPYS examined *upon oath.*

His opinion in reſpect to the diſeaſe being curable confirmed that of the two Gentlemen whoſe examination preceded him. He ſaid, that the malady not being *Hereditary*, made it the more eaſy to be removed; and that, from what he had known in his own practice, and from perſons attending different hoſpitals, there was every reaſon to believe that his Majeſty's diſorder would be removed; but as to the time, he could not take upon him to aſcertain; it might be weeks or months.

Dr. REYNOLDS examined *upon oath.*

The Doctor coincided in opinion that the diſorder was curable, and that there were variety of inſtances to warrant the juſtice of that opinion. Every Phyſical man, he ſaid, had in his practice met with one or more of thoſe caſes, and they

all

all tended to verify the fact of ſuch a malady being removable.

Dr. ADDINGTON examined *upon oath*.

Queſtion. Do you think that his Majeſty's preſent diſorder incapacitates him for public buſineſs?

Anſwer. I do.

Q. Can you take upon you to ſay the diſorder is of ſuch a nature, that a cure may be perfected?

A. I can affirm that to be my opinion.

Q. On what do you ground that opinion?

A. On ſimilar caſes, which have come within my own knowledge. I have known many perſons labouring under the ſame diſtemper, and in a worſe ſtate, perfectly cured; and I have every reaſon to expect ſuch will in time be his Majeſty's relief?

Q. In what time do you ſuppoſe this malady may be removed?

A. I cannot take upon me preciſely to determine—it may be in a week—or in a month.—Some have not been relieved in leſs than a year. This I can aver, that finding perſons in the neighbourhood of *Reading* much addicted to that unhappy diſorder, I built a houſe there, and at times have had eight or ten under my care, all of whom were perfectly cured within the year. They might indeed have been ill perhaps many months before they were ſent to me, but this I can aver upon oath, I never knew an inſtance during

ring my practice wherein a patient afflicted with that kind of malady under which his Majeſty labours, and whom I deemed curable, that was not reſtored perfectly to his former ſtate of health, and as capable as ever of tranſacting buſineſs; and, on the contrary, thoſe that I deemed *incurable*, never did recover.

To each Gentleman the leading queſtion was, Whether the King was capable of tranſacting buſineſs?—and to which they reſpectively anſwered, —*That he was not.*

On Mr. PITT's moving that the Report ſhould lie on the table, &c.

Mr. VYNER roſe, and obſerved, that the Houſe ſhould not ſo far delegate its authority as to receive any Report made through any other channel than its own. That, therefore, it was his opinion, that his Majeſty's phyſicians ſhould attend in perſon at the Bar of that Houſe, to give their evidence.

Mr. Chancellor PITT declared, that nothing could be farther from his intention, than to preclude any meaſure which the Houſe might, in its wiſdom, think it neceſſary to adopt, for the purpoſe of procuring the moſt ample information. He was of opinion, however, that when gentlemen reflected upon the delicacy of the ſubject, and the dignity of the Great Perſonage to whoſe ſtate of health the Report referred, they would think with him, that the mode purſued by

the

the Privy Council was preciſely that which ought to have been adopted, and which Parliament might, without ſuffering the leaſt infringement of its dignity, purſue. They would pleaſe, likewiſe, to remark, that the examination of the phyſicians, by the Privy Council, had been taken upon oath, which could not be the caſe if they were to be examined at the bar of the Houſe, as the Houſe of Commons had no power to adminiſter an oath to a witneſs.

Mr. Fox obſerved, however willingly he gave his entire and approving acquieſcence of the ſteps that had been taken in this melancholy buſineſs, he ſtill had his doubts, as well as the honourable Member who ſpoke laſt but one, whether gentlemen ought in duty to reſt ſatisfied without the perſonal examination of thoſe phyſicians, on whoſe teſtimony they were to found conſequences of the utmoſt importance. They would, no doubt, all feel it neceſſary to act with every poſſible delicacy in the courſe of their proceedings; but, at the ſame time, if delicacy and their duty ſhould happen to claſh, the one ought to be ſacrificed to the other.

The queſtion was at laſt put, and carried *nemine contradicente*.

MONDAY, December 8th.

As ſoon as Mr. Pitt came down, he informed the Houſe, that he wiſhed, previous to the order of

of the day being read, to ſtate to them a few motions which he intended to ſubmit to their conſideration, which being agreed to by the Houſe, he proceeded by acquainting them that it was his wiſh and moſt earneſt deſire, to collect by every poſſible means ſuch evidence, and procure ſuch information on the preſent melancholy ſituation of our Sovereign, as would enable them to determine upon thoſe meaſures which ſeemed moſt prudent in this critical and very ſolemn buſineſs. He was a friend to every mode that honourable Houſe could ſuggeſt, and adopt in ſo momentous an undertaking as the preſent. He informed them, that for the purpoſe of receiving the moſt ſatisfactory and ſubſtantial opinion reſpecting his Majeſty's preſent indiſpoſition, two more phyſicians of eminence and ability were called in; one of whom was peculiarly ſkilled in the treatment of caſes ſimilar to that under which his Majeſty laboured. He truſted the motions, he was now about to make, would be the means of enabling them to come to a ſpeedy determination on the ſubject, as by the propoſed plan, the ſenſe of the Houſe would ſhortly be known, and the buſineſs no longer procraſtinated. He alſo mentioned, it was his intention to move for a ſeparate Committee to ſearch for precedents, that every advantage ſhould be taken of the time; he therefore ſhould move for this laſt Committee to proceed, and report their enqui-

ries

ries ſo ſoon as the firſt Committee finiſhed their examination of the phyſicians.

Mr. VYNER ſeemed not to underſtand in what manner the ſenſe of the Houſe could be collected.

Mr. PITT in reply informed him, that the Committee of the Houſe to examine the phyſicians, touching his Majeſty's indiſpoſition, would of courſe report the ſame to the Houſe.

Mr. POWIS was of opinion, that if both Houſes would agree to appoint a *joint Committee*, it might be productive of great advantage—but he relinquiſhed the idea as ſoon as

Mr. PITT acquainted him, that ſuch a meaſure would only tend to cauſe a longer delay in the proceedings of the Houſe. He alſo gave it as his opinion, that it might not be very eaſy or expeditious to prevail upon the Houſe of Lords to appoint a Committee of their Houſe; and was even ſuch a meaſure as the Hon. Gentleman hinted at, to take place, there is no knowing (ſaid Mr. Pitt) what obſtructions and delays might occur afterwards. He wiſhed to guard againſt any future event, that might in the ſmalleſt degree operate againſt the rights and privileges of the Houſe he had the honour of being a Member of. He conceived it to be a matter of the higheſt importance to protect and preſerve the ancient prerogatives of that Houſe, and was againſt introducing

troducing any new meaſure, that would claſh in the moſt remote manner with both Houſes.

Mr. FREDERICK MONTAGUE perfectly coincided in opinion with Mr. Pitt, and was of opinion, that ſuch a Committee as he propoſed now to the Houſe, was a ſure mode of gaining every intelligence that might, at this juncture of time, be neceſſary.

Mr. BURKE alſo agreed with Mr. Pitt, and ſeemed highly pleaſed with the proſpect that appeared, in conſequence of that Gentleman's (Mr. Pitt's) motions, in being able to come to a ſpeedy and concluſive determination on the preſent ſolemn occaſion.

Mr. PITT then roſe, and moved, firſt,

" That the Houſe do appoint a Committee, conſiſting of *Twenty-one Members*, to examine the Phyſicians appointed to attend on his Majeſty, touching his preſent melancholy indiſpoſition, and to report the ſame.

" That this Committee do immediately *(at five o'clock)* meet in the Speaker's Chamber, and continue their examination from time to time, notwithſtanding any adjournment of this Houſe: —five members to be a quorum."

" That no member of this Houſe be preſent at the examination of the Phyſicians, unleſs he belongs to the Committee."

" That this Houſe do now adjourn to Wedneſday next."

Each

Each motion being put ſeparately, they were carried *nem. con.*

Mr. PITT then read the names of ſuch Members as he propoſed for the Committee, who were ſeparately called over by the Speaker as follow :

The Chancellor of the Exchequer.
Lord North.
W. W. Grenville, Eſq.
Rt. Hon. Charles Fox.
John Rolle, Eſq.
Fred. Montague, Eſq.
The Attorney General.
Robert Vyner, Eſq.
Rt. Hon. H. Dundas.
Thomas Powys, Eſq.
The Solicitor General.
The Lord Advocate of Scotland.
R. B. Sheridan, Eſq.
William Huſſey, Eſq.
Marquis of Graham.
Lord Belgrave.
Sir Grey Cooper.
W. Wilberforce, Eſq.
Rt. Hon. P. C. Wyndham.
Philip Yorke, Eſq.
Lord Gower.

WEDNESDAY, DECEMBER 10, 1788.

Soon after the Speaker had taken the Chair, Mr. Chancellor PITT came to the Bar with the Report of the Committee, " appointed to exa- " mine the Phyſicians who have attended his " Majeſty, touching the ſtate of his health, and " to report ſuch Examination to the Houſe." Being ordered to bring it up, he laid it on the table accordingly.

REPORT.

REPORT.

The Committee appointed to examine the Phyſicians who have attended His Majeſty during his Illneſs, touching the preſent State of His Majeſty's Health, and to report ſuch Examination forthwith to the Houſe:

HAVE, purſuant to the Order of the Houſe, proceeded to examine the ſaid Phyſicians; which Examination is as follows:

Dr. RICHARD WARREN
called in and examined.

WHETHER, in his opinion, the ſtate of his Majeſty's health is, or is not, ſuch as to render his Majeſty incapable, either of coming to Parliament, or of attending to public buſineſs?

His Majeſty's ſtate of health is ſuch as to render him incapable of coming to Parliament, or attending public buſineſs.

What hopes has Dr. Warren of his Majeſty's recovery?

The hopes of his Majeſty's recovery muſt depend on the probability of cure; and that can only be judged of by what has happened to others in ſimilar caſes; and, as the majority of others have recovered, there is a probability that his Majeſty may recover likewiſe.

Can Dr. Warren form any judgment, or probable conjecture, of the time which his Majeſty's illneſs is likely to laſt?——No.

What degree of experience has Dr. Warren had of the particular ſpecies of diſorder with which his Majeſty is afflicted?

In the courſe of 27 or 28 years practice I have ſeen many perſons diſordered in a manner ſimilar to that of his Majeſty; ſome have ſoon recovered under my ſole care; when that has not happened, I have always called in the perſons who make this branch of medicine their particular ſtudy, and have ſometimes attended in conjunction with them, but have oftener left the patients to their care,

and have afterwards attended in conſultation only, and in many caſes not at all.

Whether, when Dr. Warren ſpeaks of others in ſimilar caſes to that of his Majeſty, he means to include all the different ſpecies of the diſorder, or to confine himſelf to that particular ſpecies with which his Majeſty is afflicted?

I do not mean to confine myſelf to that particular ſpecies with which his Majeſty is afflicted, but to include all the different ſpecies of the diſorder.

Can Dr. Warren ſtate how many particular ſpecies there are of this diſorder?——No.

Can he ſtate any diſtinct ſpecies of the diſorder?

Yes; though the immediate cauſes of this diſorder cannot be aſcertained, yet ſome of the remote ones are well known.—Injuries received from blows or falls—ſudden affections of the mind—the effect of fever.—Beſides there are ſeveral internal cauſes of this diſorder; namely, exoſtoſes, indurations, and ill-conformation of the parts.

Whether this diſorder may not ſometimes exiſt, when it cannot be referred to any of thoſe cauſes which Dr. Warren has ſpecified?——Yes.

Is his Majeſty's diſorder, in your opinion, referable to any of the cauſes enumerated by you, or can you aſſign any known cauſe to which, in your judgment, it is referable?

I cannot aſſign his Majeſty's malady to any cauſe whatever, as I have not data ſufficient to ground an anſwer upon.

In this ſpecies of the diſorder, which are not referable to any aſſignable cauſe, is the probability of cure greater or leſs than the probability eſtimated on all the ſpecies taken together?

I cannot tell.

Can Dr. Warren ſtate what the comparative probability is, in each of the cauſes which he has aſſigned?

The diſorder proceeding from external injuries, ſuch as blows, is frequently cured if medicine be expeditiouſly applied.—When the malady ariſes from ſudden affections of the mind, it is very frequently cured. When from the effect of fever, it is oftener cured than when from any other cauſe.

When the malady proceeds from the internal cauſes mentioned above, no good can be done by medicine.

Can

Can Dr. Warren ſtate what proportion, of the whole number of perſons, afflicted with this malady, have been ſo, owing to each of the cauſes he has enumerated, and what proportion, where it can be referred to no aſſignable cauſe?

I cannot ſtate any preciſe proportion; but, out of a great number, there are very few caſes where it is poſſible to aſcertain that it proceeds from any aſſignable cauſe.

Is there any one of the particular cauſes enumerated, to which Dr. Warren can ſay, that the diſorder with which his Majeſty is afflicted is not to be referred?

I do not think his Majeſty's diſorder appears to proceed from any one of the cauſes enumerated by me.

Can Dr. Warren ſay with certainty, whether his Majeſty's diſorder may, or may not, have proceeded from injury by blows or falls?——I cannot.

Can Dr. Warren ſay with certainty, whether his Majeſty's diſorder may, or may not, have proceeded from ſudden affections of the mind?——I cannot.

Can Dr. Warren ſay with certainty, whether his Majeſty's diſorder may, or may not, have been the effect of fever?

I can ſay with certainty it has not.

Can Dr. Warren ſay with certainty, whether his Majeſty's diſorder may, or may not, have proceeded from any of the internal cauſes he has mentioned?——I cannot.

Whether, in thoſe ſpecies of the diſorder which cannot be referred to any aſſignable cauſe, the probability of cure may not be various in different caſes, according to the ſymptoms of the particular caſe, or the apparent degree of the diſorder?

I think not, unleſs ſigns of convaleſcence are coming on.

Whether the knowledge of the remote cauſe is of aſſiſtance towards promoting the cure?

In many caſes I think it is, but ſometimes not.

Whether, in his Majeſty's diſorder, Dr. Warren ſees any preſent ſigns of convaleſcence?——No.

Whether every cure, in the ſame perſon, of a diſorder which has returned, is included in the calculations of the whole number of cures?

I conſider every caſe that comes as a new caſe, and have included them in that calculation; but I believe that, excluding them, the majority ſtill are cured.

Whether, of thoſe perſons whoſe diſorder cannot be referred to any aſſignable cauſe, the greater numbers have, or have not, been cured?

I cannot anſwer that with accuracy.

Has the greater number of men, that have been afflicted with this diſorder, recovered?——Yes.

Has the greater number of perſons recovered, whoſe diſorder has laſted, without ſigns of convaleſcence, as long as that of his Majeſty has already done?——Yes. [Withdrew.

SIR GEORGE BAKER

called in and examined.

Whether, in your opinion, the ſtate of his Majeſty's health is, or is not, ſuch as to render his Majeſty incapable, either of coming to Parliament, or of attending to public buſineſs?

I think that the ſtate of His Majeſty's health is ſuch as renders him incapable of coming to Parliament, or of doing any other public buſineſs.

What hopes has Sir George Baker of his Majeſty's recovery?

I hope that his Majeſty will recover, becauſe I think it probable. My own experience, and the experience of other phyſicians, lead me to think that his Majeſty's diſorder is curable.

Can Sir George Baker form any judgment, or probable conjecture, of the time which his Majeſty's illneſs is likely to laſt?

I can form no judgment or conjecture as to the probable duration of his Majeſty's diſorder.

What degree of experience has Sir George Baker had of the particular ſpecies of diſorder with which his Majeſty is afflicted?

I was formerly a pupil of Dr. Batty's, who attended an hoſpital, where I had an opportunity of ſeeing many inſtances of this diſorder. I have likewiſe had private patients, from time to time, under that diſorder; but whenever the diſorder has been of ſome continuance, I have deſired the aſſiſtance of phyſicians who particularly attended perſons ſo diſordered.

Whether Sir George Baker founds his opinion, in his anſwer to the ſecond queſtion, upon the particular ſymptoms of his Majeſty's caſe, or upon his experience of the diſorder in general, or upon both?

Upon my experience of the diſorder in general.

Whether

Whether, in his Majeſty's diſorder, Sir George Baker ſees any preſent ſigns of convaleſcence?

I do not ſee any preſent ſigns of convaleſcence.

Whether Sir George Baker learns from experience, that the greater number of perſons, who have been afflicted with this diſorder, have recovered?

Upon general experience, the greater part have recovered.

Whether every caſe, in the ſame perſon, of a diſorder which has returned, is included in the calculation of the whole number of cures?

I will not undertake to anſwer that queſtion.

Has the greater number of men that have been afflicted with this diſorder recovered?——I think ſo.

Has the greater number of perſons recovered, whoſe diſorder has laſted, without ſigns of convaleſcence, as long as that of his Majeſty has already done?

Yes; I can anſwer that in the affirmative.

Was Sir George Baker in attendance upon his Majeſty, as his phyſician, previous to his being afflicted with his preſent diſorder?

Yes.

Whether Sir George Baker can aſſign any known cauſe, to which, in his judgment, his Majeſty's preſent diſorder is referable?

I can aſſign no known cauſe in which his Majeſty's preſent diſorder is referable.

Was the attack of his Majeſty's diſorder ſudden, or gradual?

Sudden.

When did that attack take place?

The firſt ſuſpicions I had of this diſorder, was in the evening of Wedneſday, the 22d of October laſt.

Whether any fever, or other complaint, had preceded that attack?

There had been fever, and other complaints; but on that morning his Majeſty had no fever.

Whether, in caſes where the attack has been ſudden, the recovery has been ſudden alſo?

My obſervations on this diſorder do not enable me to anſwer that queſtion. [Withdrew.

The Rev. Dr. FRANCIS WILLIS

called in and examined.

Whether, in his opinion, the ſtate of his Majeſty's health is, or is not, ſuch as render his Majeſty incapable, either of coming to Parliament, or of attending to public buſineſs?

He certainly is not capable.

What hopes has Dr. Willis of his Majeſty's recovery?

I have great hopes of his Majeſty's recovery. If it were any other perſon but his Majeſty, I ſhould ſcarce entertain a doubt: when his Majeſty reflects upon an illneſs of this kind, it may depreſs his ſpirits, and retard his cure more than a common perſon.

Can Dr. Willis form any judgment, or probable conjecture, of the time which his Majeſty's illneſs is likely to laſt?——I cannot.

What degree of experience has Dr. Willis had of the particular ſpecies of diſorder with which his Majeſty is afflicted?

A great deal, for 28 years; I imagine I have never had leſs than 30 patients every year of the time.

Whether Dr. Willis founds his opinion, in his anſwer to the ſecond queſtion, upon the particular ſymptoms of his Majeſty's caſe, or upon his experience of the diſorder in general, or upon both?

Upon both.

Whether, in his Majeſty's diſorder, Dr. Willis ſees any preſent ſigns of convaleſcence?

I cannot ſay that I do; at the ſame time there is every thing leading towards it, as the irritation has in a great meaſure ſubſided, which muſt precede convaleſcence, or any appearance of it. It muſt come on very gradually.

Whether Dr. Willis learns from experience, that the greater number of perſons, who have been afflicted with this diſorder, have recovered?

A very great majority; I do not think I ſhould ſpeak falſe, if I ſaid nine out of ten, of thoſe that have been put under my care, within three months after they had begun to be afflicted with the diſorder.

Whether every cure in the ſame perſon, of a diſorder which has returned, is included in the calculation of the whole number of cures?

If a perſon has been twice brought under my care, and twice cured, I reckon two cures, as I ſhould of a fever.

Has

Has the greater number of men, that have been afflicted with this diſorder, recovered?

I never calculated that; I did not think there was any difference between the two ſexes as to the facility of cure.

What ſtate of his patients does he conſider as a cure?

Their being able to take upon themſelves the conduct of their own affairs, and do the ſame buſineſs they were uſed to do before they fell ill.

What is the ſhorteſt ſpace of time within which, in his experience, were perſons, affected as his Majeſty is, reſtored to health?

Six weeks or two months, is the ſhorteſt, I believe.

Does Dr. Willis ſee any thing in his Majeſty's caſe, which enables him to pronounce that his Majeſty may not be reſtored to health within that compaſs of time from the commencement of his attendance on his Majeſty?

I do not ſee any thing to enable me to pronounce that he may not.

Does Dr. Willis ſee any thing in his Majeſty's caſe, which enables him to pronounce that his Majeſty will be reſtored to health within that ſpace of time?

I cannot preſume to ſay that he will.

What has been the longeſt ſpace of time in which the diſorder has laſted, in the caſe of ſuch patients as have been brought to him within three months from the beginning of the attack, and as have recovered?

A year and a half, I believe, has been the longeſt of ſuch patients as have been brought to me; and few have been ſo long.

What is the moſt ordinary ſpace of time he has found neceſſary for the cure of ſuch patients?

I ſhould think five or ſix months, as near as I can calculate.

How long has Dr. Willis attended his Majeſty?

Since Friday morning laſt.

Whether, from your own obſervation, or from the particulars which have been communicated to you, you can aſſign any known cauſe to which, in your judgment, his Majeſty's diſorder is referable?

From my own experience with regard to his Majeſty, I cannot ſay any thing; but from a very particular detail of his mode and manner of life for twenty-ſeven years, I do imagine, that weighty buſineſs, ſevere exerciſe, and too great abſtemiouſneſs, and little reſt,

have been too much for his conſtitution. It is very early to give an opinion, and I may be miſtaken; but I am the more inclined to think myſelf right, becauſe the medicine that has been given his Majeſty ever ſince Sunday morning, and was intended to meet and counteract thoſe cauſes, has had as much effect as I could wiſh; and his Majeſty has certainly been gradually better from the firſt ſix hours of his taking it.

Whether you have reaſon to believe, that the circumſtances you have enumerated, are frequently cauſes of this diſorder?

I believe they are very frequently.

When the diſorder has ariſen from ſuch cauſes, have you frequently known it cured?

Very frequently.

Have the greater number of thoſe caſes been cured or not?

Certainly. I believe they are more eaſily to be cured, than where the diſorder proceeds from exceſſive drinking, or other intemperance, or ſome other cauſes. [Withdrew.

DR. THOMAS GISBORNE

called in and examined.

Whether, in his opinion, the ſtate of his Majeſty's health is, or is not, ſuch as to render his Majeſty incapable of coming to Parliament, or of attending to public buſineſs?

I think he is abſolutely incapable.

What hopes has Dr. Giſborne of his Majeſty's recovery?

I think there are hopes.

Can Dr. Giſborne form any judgment, or probable conjecture, of the time which his Majeſty's illneſs is likely to laſt?

I think that is impoſſible.

What degree of experience has Dr. Giſborne had of the particular ſpecies of diſorder with which his Majeſty is afflicted?

Not much particular experience. I have ſeen perſons affected in the ſame way, even to a greater degree, who have recovered.

Whether Dr. Giſborne founds his opinion, in his anſwer to the ſecond queſtion, upon the particular ſymptoms of his Majeſty's caſe, or upon his experience of the diſorder in general, or upon both?——Upon both.

Whether, in his Majeſty's diſorder, Dr. Giſborne ſees any preſent ſigns of convaleſcence?

I think

I think that can hardly be ſaid.

Whether Dr. Giſborne can aſſign any known cauſe to which, in his judgment, his Majeſty's preſent diſorder is referable?

No. [Withdrew.

DR. ANTHONY ADDINGTON

called in and examined.

Whether, in your opinion, the ſtate of his Majeſty's health is, or is not, ſuch as to render his Majeſty incapable, either of coming to Parliament, or of attending to public buſineſs?

I think he is incapable, at leaſt he was when I ſaw his Majeſty laſt: it was about a week ago.

What hopes has Dr. Addington of his Majeſty's recovery?

I think there are very good grounds of hope.

Can Dr. Addington form any judgment, or probable conjecture, of the time which his Majeſty's illneſs is likely to laſt?

It is a very hard matter to form any certain judgment, or conjecture.

What degree of experience has Dr. Addington had of the particular ſpecies of diſorder with which his Majeſty is afflicted?

I had patients in a houſe that I built at Reading, five years antecedent to the year 1754, when I came to London.

Do you found your opinion, in your anſwer to the ſecond queſtion, upon the particular ſymptoms of his Majeſty's caſe, or upon your experience of the diſorder in general, or upon both?

I think there is ſome reaſon to found it upon ſymptoms, as well as experience. Though I have ſeen his Majeſty very unquiet, it did not ariſe to that degree of inquietude which denoted a diſeaſe that would be of very long duration. I thought there was ſomething in the very habit of body, as well as in his Majeſty's complexion, and in what had been his way of life, that was very favourable to a cure. Where there is not a very great exertion of body or mind, perſons who have lived in the way his Majeſty has done, are very rarely liable to this illneſs. From the account I had from my brethren, who had the honour to attend his Majeſty, I had very great expectations that it would end happily, from this circumſtance, that it had not for its forerunner that melancholy which uſually precedes a tedious illneſs of this ſort. I never knew

an inſtance of an illneſs, that, under proper care, ran to any great length, which had not been ſo preceded. As for experience, I have viſited a conſiderable number of patients in that diſeaſe, in and round Reading. Finding they could not be taken ſo much care of as they ought to be in their own houſes, and that I might be as little interrupted as poſſible in the practice of the other branches of my profeſſion, I built a houſe contiguous to my own for the reception of ſuch patients. I viſited them there conſtantly every day. I had from eight to ten patients there uſually at a time. During that time two patients were admitted, who were reaſonably deemed to be incurable at the time of their coming, and for years before. During the charge of my patients, for five years together, at that houſe, I never had more than two other patients that were not cured within the year, and continued well, as far as I knew. Some recovered in much ſhorter time; and I had ſeveral that were not quite well within a quarter of a year. If any of thoſe perſons had relapſed, I believe, from the partial opinion of their families, I ſhould have heard of it. Where there is a relapſe, I ſhould not call it a perfect cure.

What ſtate of the patients did Dr. Addington conſider as a cure?

When the patient was able to do every thing that a man in health does.

What were the particular circumſtances of the two patients before mentioned by Dr. Addington, which occaſioned their being deemed incurable?

One of thoſe perſons had been for many years under the care of a very ſkilful phyſician, in an houſe for the reception of patients under this diſorder. It was a caſe that was different from all others with which I have been acquainted, both in the cauſe, and in the circumſtances which preceded and attended it. The other was a patient who, I believe, had been ill very many years; ſhe had been for ſome time under the care of an eminent phyſician, who wiſhed her to be put into a houſe, where ſhe might be taken care of for life; ſhe was atrabilious in the higheſt degree, and died, from the effects of that diſorder, in about a week.

Whether the majority of the patients under your care were men or women?———I think nearly equal.

Whether Dr. Addington profeſſed to take, and did in fact take, all patients that were offered him?

I had

I had not always room. I excluded none on account of the nature of the diſorder.

What has been Dr. Addington's attendance on his Majeſty?

I ſaw his Majeſty for three days ſucceſſively, and for twice each day for a conſiderable time.

Whether, during the time of that attendance, he obſerved any ſigns of convaleſcence in his Majeſty?——No.

Whether, from your own obſervation, or from the particulars which have been communicated to you, you can aſſign any known cauſe to which, in your judgment, his Majeſty's diſorder is referable?

I cannot pretend to ſay what the cauſe was, either from what I ſaw, or what was communicated to me. I do not chuſe to hazard a conjecture. [Withdrew.

SIR LUCAS PEPYS

called in, and examined.

Whether, in your opinion, the ſtate of his Majeſty's health is ſuch as to render his Majeſty incapable, either of coming to Parliament or of attending to public buſineſs?

The ſtate of his Majeſty's health certainly is ſuch as to render him incapable of coming to Parliament, or attending to public buſineſs.

What hopes has Sir Lucas Pepys of his Majeſty's recovery?

I have the ſame hopes of his Majeſty's recovery as I ſhould have if he were labouring under any other diſeaſe, of which I knew the majority labouring under it did recover. That the majority do recover, I am ſatisfied from my own experience, and from the aſſurance of a perſon who has moſt experience in caſes of this ſort.

Can Sir Lucas Pepys form any judgment, or probable conjecture, of the time which his Majeſty's illneſs is likely to laſt?

It is impoſſible to form any conjecture on that ſubject.

What degree of experience has Sir Lucas Pepys had of the particular ſpecies of diſorder with which his Majeſty is afflicted?

I have occaſionally ſeen ſeveral perſons under that diſorder, ſometimes alone, but more frequently with thoſe whoſe practice leads them more particularly to attend to it.

Whether, in his Majeſty's diſorder, Sir Lucas Pepys ſees any preſent ſigns of convaleſcence?

His Majeſty is more quiet than he has been; but there are no preſent ſigns of immediate convaleſcence.

Are

Are there any actual ſymptoms at preſent, which lead Sir Lucas Pepys to entertain more favorable hopes of his Majeſty's recovery, than he has hitherto had during his attendance?

I think there are very material ſymptoms, as his Majeſty's general ſtate of health is certainly much better than it was.

Is the amendment that has taken place, only in his Majeſty's general ſtate of health, or is there any abatement of his particular diſorder?

From his Majeſty's general ſtate of health being better, his ſleep more quiet, his appetite is better, and he is more in his uſual ſtate; all which circumſtances muſt previouſly occur before recovery; but theſe are only leading ſteps towards recovery—the diſorder ſtill remains; it is difficult to ſay whether it is actually abated.

What does Sir Lucas Pepys mean by his Majeſty being more in his uſual ſtate?

More quiet, and in a leſs perturbed ſtate.

Whether is it Sir Lucas Pepys's opinion that there is, or is not, at preſent any abatement of his Majeſty's diſorder?

I have anſwered it, by ſaying it is difficult to ſay whether there is any actual abatement, and I wiſh to explain my meaning in theſe words—The only way of explaining it is by analogy to ſome other complaint. In the caſe of a mortification, where the bark would moſt probably effect a cure, I could not ſay, during ſeveral hours after its being taken, whether there was, or was not, any abatement of the mortification: ſo, in the caſe of his Majeſty, I cannot ſay, whether the return of general health has, or has not, yet produced any actual abatement of the particular diſorder; but ſuch a return of general good health would lead me to be of opinion that an evident abatement might be expected. I can, however, ſay, that no actual evident abatement has yet taken place.

When Sir Lucas Pepys, in his anſwer to the ſecond queſtion, ſtates that the majority of perſons labouring under the ſame diſorder with his Majeſty do recover, does he mean to include all the different ſpecies of the diſorder, or to confine himſelf to that particular ſpecies with which his Majeſty is affected?

I mean in that eſtimate to ſpeak of the diſorder generally, and not ſpecially.

Can you aſſign any known cauſe to which, in your judgment, his Majeſty's preſent diſorder is referable?

I know no evident, or aſſignable cauſe.

Is his Majeſty's a frequent ſpecies of the diſorder?

It is a frequent ſpecies of the diſorder.

In this ſpecies do the majority recover?

Certainly, in this ſpecies the majority do recover.

Dr. HENRY REVEL REYNOLDS

called in and examined.

Whether, in your opinion, the ſtate of his Majeſty's health is, or is not, ſuch as to render his Majeſty incapable either of coming to Parliament, or of attending to public buſineſs?

His Majeſty is certainly incapable of it.

What hopes has Dr. Reynolds of his Majeſty's recovery?

I think there are well-founded hopes of his Majeſty's recovery.

Can Dr. Reynolds form any judgment, or probable conjecture, of the time which his Majeſty's illneſs is likely to laſt?——No.

What degree of experience has Dr. Reynolds had of the particular ſpecies of diſorder with which his Majeſty is afflicted?

I have been almoſt twenty years in buſineſs, and in the courſe of that time I have ſeen a great number under this diſorder, both ſingly and together with others.

Whether you found your opinion, in your anſwer to the ſecond queſtion, upon the particular ſymptoms of his Majeſty's caſe, or upon your experience of the diſorder in general, or upon both?

Rather upon general experience; though I think there is nothing peculiar in his Majeſty's caſe which forbids the preſumption of recovery.

Whether, in his Majeſty's diſorder, you ſee any preſent ſigns of convaleſcence?

I do not ſee any preſent ſigns of convaleſcence; though I think his Majeſty's being quieter, and in a better ſtate of general health, would lead me to hope that it is a ſtep towards it.

Whether Dr. Reynolds learns from experience, that the greater number of perſons afflicted with this diſorder have recovered?

The greater number, I think, have recovered.

Whether Dr. Reynolds apprehends, that in calculations founded on general experience, every cure in the ſame perſon is included?

I apprehend that it is—they conſider every diſtant relapſe as a new diſeaſe.

Whether Dr. Reynolds can aſſign any known cauſe to which, in his judgment, his Majeſty's diſorder is referable?

No; I cannot. [Withdrew.

The Houſe then formed itſelf into a Committee to ſearch for Precedents.

Mr. *Pitt* ſaid, from the report which had been read to the Houſe, they were informed of the melancholy and diſtreſſed ſituation in which his Majeſty was at this moment; he ſhould vote againſt the printing of this report, whatever ſatisfaction it might afford the country at large, were it to be productive of delay; but he conceived this was not the caſe. At the ſame time the report afforded ſome conſolation, and hoped that his Majeſty would yet ſee happier days; but although this was the unanimous wiſh of the nation at large, yet he believed they muſt ſtill feel to what inconvenience the nation had already been ſubjected, from the length of time his Majeſty had been indiſpoſed. It was their duty, he ſaid, though they ought to proceed with the moſt reſpectful and heartfelt regret for the neceſſity that came upon them, to loſe no time in taking thoſe intermediate ſteps that are requiſite for preſerving the inte ſts and ſafety of the kingdom; ſo that hi Majeſty, when the happy moment of his recovery arrived, might have the ſatisfaction of ſeeing that his people, whom he has long loved and protected, had ſuffered as little as poſſible. He ſaid, they would alſo feel this to be a point which touched the intereſts of the Sovereign;

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an enquiry which affected the intereſts of the people, and involved in it whatever was moſt important in the fundamental principles of our free conſtitution: for this reaſon they ought to proceed with all the caution and deliberation that was conſiſtent with the diſpatch of buſineſs; they ſhould be fully ſenſible of the weight and importance of the ſubject, and have the fulleſt knowledge of the practice of their anceſtors, and of the hiſtory of paſt ages on ſimilar occaſions. All this ought to be done before they proceeded to buſineſs. He in the mean time thought it would be proper to ſearch for precedents, and ſee what line Parliament had obſerved on ſimilar occaſions. This was a meaſure ſo natural and fit at the preſent moment, that he ſhould take it for granted, no oppoſition would be made to it. On the one hand, as every enquiry was to be made, which was neceſſary for conducting their proceedings with a proper degree of ſolemnity, and the fulleſt information, ſo on the other, no time was to be loſt in unneceſſary diſcuſſions. He hoped their enquiries might be made before the end of the week. Mr. Pitt concluded with moving "that a Committee ſhould be appointed to ſearch for precedents, and to lay before the Houſe, what proceedings had been had, when the Royal authority had been prevented or interrupted by infancy or ſickneſs."

Mr. *Fox*

Mr. *Fox* roſe next, and ſaid it was their duty to loſe no time: the exigencies of the moment required that they ſhould proceed with the utmoſt diſpatch. They were ſo preſſed in point of time, that he, for one, ſhould have diſpenſed with this motion, though he did not mean to oppoſe it. He conceived there was not a ſingle precedent that could bear in the preſent caſe.

The ſituation of affairs at preſent, was different from what they had been in any inſtance that occurred in the hiſtory of this country. An Heir Apparent of the Crown, arrived at full capacity, unexceptionable in every reſpect, and fit to exerciſe the ſovereign power. He ſaid, ſome perhaps, might ſuſpect and think the account of the Privy Council reſpecting the ſtate of his Majeſty's health was not authentic, and that this was the firſt time when a proper and ſatisfactory account had been given by the phyſicians, touching the preſent ſtate of his Majeſty, and ſhewing that he was incapable of performing the duties of his high ſtation. He was ſure it was material, that as little time ſhould be loſt as poſſible; this was not a matter for the deliberation of the two Houſes. His Royal Highneſs the Prince of Wales *had as* EXPRESS, *as* CLEAR, *and as* PERFECT *a* RIGHT *to exerciſe the ſovereign power of this kingdom for his Majeſty*, during the time Providence was pleaſed to afflict him with this diſorder, *as he would have upon the* DEMISE *of the*

KING. He ſtated this as his opinion, which was founded in every analogy, and in every reaſoning from the hiſtory and ſpirit of our conſtitution. With this opinion in his mind, Gentlemen muſt ſee he muſt think a ſhort ſpace of time was ſufficient to ſearch for precedents. He ſaid the throne of this kingdom was not hereditary, according to the old exploded notions of indefeaſible right and dominion; and the preſent Royal Family, under whom this country had ſo much flouriſhed, were called to the throne of theſe kingdoms, and their authority and government ſupported, ſubject to certain limitations of Parliament. He ſaid, all their proceedings and meaſures ought to carry the idea of ſolemnity, and of deliberation, in ſo far as theſe were conſiſtent with diſpatch. He took it for granted, in ſearching for precedents, they would ſhew the Houſe fully what had been the conduct of Parliament, in caſes that had any ſimilarity to the preſent.

With reſpect to the report of the Phyſicians touching the preſent ſtate of his Majeſty's health, he thought three things might be collected from that report: 1ſt, That his Majeſty was at preſent completely incapable of executing the office of a King. 2dly, That there was a great probability he would recover, and be again fit to govern this country. And that, 3dly, With reſpect to the time of his recovery, his Phyſicians could give them no information whatever. This he

thought was a fair repreſentation of the report: he ſaid he ſhould trouble the Houſe no farther on this buſineſs; he had taken this opportunity of expreſſing his ſentiments upon this ſubject, which were agreeable to the ſentiments of many other gentlemen.

Mr. *Pitt* roſe and obſerved, that the Right Honourable Gentleman did not object to the enquiry into precedents; whatever fault he had found with ſome of the Right Honourable Gentleman's meaſures, he had always entertained the higheſt opinion of his diſcernment and abilities on conſtitutional queſtions, and of his extenſive knowledge of the hiſtory and laws of his country; but what the Right Hon. Gentleman had ſaid on this great conſtitutional point, was TREASON to the conſtitution, and a direct *infringement* of one of the moſt important rights of Parliament.—This buſineſs certainly required the moſt mature deliberation; and from what had now been ſaid, there was an additional reaſon to ſearch for precedents, and to know what the conſtitution was. They could not reaſon ſo well on this point, without ſeeing what had been the conduct and deliberate opinion of Parliament. The Right Honourable Gentleman conceived there was no neceſſity to ſearch for precedents, and that the claim which the Prince of Wales had to the office of Sole Regent, ſuperſeded all deliberation. Mr. Pitt ſaid, the queſtion of right and diſcretion

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were perfectly different, and wiſhed them to be kept ſeparate. He begged leave directly to contradict the doctrine which had been advanced by the Right Honourable Gentleman; he contended, that unleſs the two Houſes were deſirous to veſt the Prince of Wales with the whole, or with any part of the royal authority, during his Majeſty's illneſs, in point of *ſtrict right*, his Royal Highneſs had no other right to it than any other individual, as a truſt both for the Nation and the Sovereign; and the reſult of this Committee would be, to prove the truth of this aſſertion.—This queſtion was not to be diſcuſſed without the fulleſt and moſt ſolemn enquiry into the practice of our anceſtors, and of the hiſtory of paſt ages, compared with the genius of our conſtitution, which would be found wiſe and juſt. Let it not be ſaid this was done with a view to delay—let every man in this Houſe, let every man in the Nation, attend to what has paſſed this day. If any thing can be more important than the intereſt of our Sovereign, it is the intereſts of the nation, the intereſts of the conſtitution, and to prevent an annihilation of the powers and ſacred rights of Parliament.

Mr. *Fox* roſe and explained. He ſaid, he did not believe the Right Honourable Gentleman had miſunderſtood him. He was not an advocate for divine indefeaſible right. It was a right of Parliament undoubtedly, as conſiſting of

King, Lords, and Commons, to make any alteration in the ſtate of the government and laws of this country. He ſaid he was not ſpeaking *treaſon* in advancing this propoſition; it would be treaſon to ſay the contrary; for two Houſes of Parliament could make no law whatever. If he declared that the two Houſes could make a law, his Majeſty's Attorney-General would do his duty in proſecuting him, and he ſhould incur all the penalties of a *premunire*. The two Houſes of Parliament had no right to make a law, and conſequently, had no power to name, appoint, elect, or to limit or regulate the executive government of the country. He ſaid, he would repeat his treaſonable language. It was his opinion, that on the civil death of the King, whether it be for a time, or unlimited, the Heir Apparent had a right, in the name of the King, to adminiſter for him; the Right Honourable Gentleman, ſaid Mr. Fox, ſpeaks of a Parliament—Are we a Parliament at this moment? I have heard of conventions which have been uſeful, which have been glorious, and to whom we owe every thing that is moſt valuable. I know of no Parliament that is not held under a King, or by the commiſſion of a King. We are not a Parliament till the third branch of the legiſlature is reſtored, which at preſent is wanting; till then we can do nothing that has the force of law. The Houſe of Lords and Commons had a right

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to do one thing,—to reſtore the third branch of the legiſlature, and that by appointing the Prince of Wales for the purpoſe. He did not ſay the two Houſes ſhould take advantage of the calamity that had happened. The two Houſes had no right to arrogate to themſelves any ſhare of the executive government of this country.

Mr. *Pitt* replied, and ſaid, when the third branch of the legiſlature was defective by ſickneſs, it only remained with the other two branches of the legiſlature to ſtep in, and to ſupply that defect, in a manner that was moſt for the intereſt of the nation.

Mr. *Burke* ſaid, he agreed with the Right Honourable Gentlemen, that this was a queſtion of importance; but if ever there was a time for moderation, and a government of the paſſions, it was the preſent; they were reduced to the moſt humiliating of all circumſtances, by the indiſpoſition of his Majeſty. In ſuch a caſe, they ought to uſe the capacity Providence had given them with coolneſs and moderation, in guiding their counſels. [Although Mr. Burke recommended coolneſs to others, he was uncommonly warm himſelf.] He repreſented Mr. Pitt as one of the Prince of Wales's competitors, and was called to order, but explained his meaning. He ſaid Mr. Pitt had contended, that the Prince had no better right to the *ſole* Office of Regent than any other man in the kingdom, and to advance the contra-

ry was high treaſon : and therefore Mr. Pitt, or any other man, might become a competitor, according to this view of the matter.

Mr. *Pitt* replied, and ſaid, as far as his recollection went, he had not uſed a ſingle word which he conceived to be improper. He ſaid he was determined to adhere firmly to this opinion, which he had not taken up inconſiderately, but upon the fulleſt and moſt mature deliberation.—He accuſed Mr. Burke of indecency, in making him a competitor with the Prince of Wales. He ſaid, Mr. Somers had long ago ſaid to the Houſe, that no man could exerciſe the Royal Authority, but by the diſcretion of the Lords and Commons of England, and yet no man had accuſed him of being a competitor with William III.

The queſtion was then called for, when a Committee of twenty one perſons were named by the Speaker, for the purpoſe of ſearching for precedents, who were the ſame as thoſe appointed to enquire into the ſtate of the King's health, except Mr. Fox and Lord North, for whom Mr. Burke and Mr. Welbore Ellis were ſubſtituted.

After the Committee was appointed,

Mr. *Pitt* ſaid, he thought the Committee might ſearch for precedents againſt Friday next, to which time he propoſed the Houſe ſhould adjourn ; and that on Tueſday or Friday, they ſhould be able to proceed to buſineſs.

The Houſe adjourned.

FRIDAY,

FRIDAY, DECEMBER 12, 1788.

When the Speaker had taken the chair,

Mr. *Welbore Ellis* appeared at the bar, with the Report of the Committee appointed "to "examine, ſearch for, and report precedents of "ſuch proceedings, as may have been had in caſe "of the perſonal exerciſe of the Royal Autho- "rity being prevented, or interrupted, by infan- "cy, ſickneſs, infirmity, or otherwiſe, with a view "to provide for the ſame." He was ordered to bring up the Report, the title of which being read,

Mr. Chancellor *Pitt* moved, "That the ſaid "Report do lie on the table." This having been agreed to,

It was moved that the Report be printed.

Mr. *Pitt* then obſerved, that moſt probably it would prove requiſite to allow a convenient time for the Houſe to conſider the contents of the Report, and examine and weigh their application and force, before they came to any proceeding upon it; Tueſday, therefore, he hoped, would be a day agreeable to the Houſe for the Committee whom he had named to ſit; and with a view the better to enable gentlemen to make themſelves maſters of the contents of the Report, he took that opportunity of informing the Houſe, that all the precedents contained in the Report

were either taken from the Rolls of Parliament, the Statute Books of the Realm, or their own journals. A ſchedule * of the whole, with references, was annexed to the Report, which, at leaſt, he

* *The following are all the references to the Extracts from the Rolls of Parliament, and other Papers, read at the Committee appointed to examine and report Precedents of ſuch Proceedings as may have been had in the caſe of the Perſonal Exerciſe of the Royal Authority being prevented or interrupted by Infancy, Sickneſs, Infirmity, or otherwiſe, with a view to provide a Remedy for the ſame; on Thurſday the* 11*th of December.*

4, 5, 6, Edw. III.	Vol. ii. p. 52,	Two firſt Paragraphs.
1 R. II.	Vol. iii. p. 5,	Sec. 15 to 27, both incluſive.
1 H. VI.	Vol. iv. p. 169,	Sec. 1, 11, 12, 13, 14, 15, 16, and 24 to 33, both incluſive.
2 H. VI.	Vol. iv. p. 201,	Sec. 15.
3 H. VI.	Vol. v. p. 406,	Sec. 5.
5 H. VI.	Vol. v. p. 407,	Sec. 6.
	409,	Sec. 7.
6 H. VI.	Vol. iv. p. 326,	Sec. 24, 25.
8 H. VI.	Vol. iv. p. 336,	Sec. 13.
10 H. VI.	Vol. v. p. 433,	Sec. 16.
13 H. VI.	Vol. v. p. 438,	Sec. 22.
32 H. VI.	Vol. v. p. 238,	Sec. 22, 23, 24, and 30 to 40, both incluſive.
33 H. VI.	Vol. . p. 284,	Sec. 30 to 39, both incluſive.
34 H. VI.	Vol. v. p. 253,	Sec. 41, 42, 43.
D° - -	Vol. v. p. 289,	Sec. 40, 41.
D° - -	Vol. v. p. 321,	Sec. 50.

Act 25 H. VIII. Chap. 22, Sec. 11.
Act 1 and 2 Philip and Mary, C 10.
Act 24 G. II. C. 24.
Act 5 G. III. C. 27.

he hoped, might be ready for ſeparate delivery ſo early as the next morning, and ſuch gentlemen as had the books in their poſſeſſion, might thereby be enabled to refer to them immediately, and proceed to an enquiry into the doctrines contained in that Report, without waiting for the delivery of the printed copy. Mr. Pitt now moved,

" That this Houſe will, on Tueſday next, re-
" ſolve itſelf into a Committee of the whole
" Houſe, to take into conſideration the ſtate of
" the nation."

The queſtion having been put from the chair,

Mr. *Fox* remarked, that two particular purpoſes were his ſole motives for riſing on the preſent occaſion; and theſe, he felt it incumbent upon him to loſe no time in laying before the Houſe, the more eſpecially as they had reference to what had paſſed upon the ſubject that did then engage, and had for ſome days paſt engaged their moſt ſerious attention. The firſt purpoſe was what he never roſe for before, ſince he had been a Member of that Houſe. No Member was more indifferent to newſpaper paragraphs, reports, and repreſentations, than he was; he never ſcarcely looked into any of their accounts of what he ſaid in that Houſe, without finding ſome part of his ſpeech miſrepreſented, but he had thought it beneath him to take any notice of it himſelf, truſting, that if he had expreſſed himſelf clearly, the

candour of that Houſe, and the recollection of thoſe who heard him, would do him juſtice.—What he roſe then to complain of, was a very different matter. There had, he ſaid, been repreſentations, or miſrepreſentations, not in newſpapers, not in pamphlets, not in coffee-houſes, but there had been miſrepreſentations of what he had ſaid in that Houſe on Wedneſday laſt, publicly made, before a public and auguſt aſſembly, by a grave perſon in high authority, and of dignified rank. He deſired mankind to judge him and his opinions, from the ſenſe of thoſe opinions, and his meaning as explained at the time. The firſt point, from which he muſt exculpate himſelf, was, the ſuppoſition of having ſpoken from the authority of any Perſon whatever, much leſs from the authority of his Royal Highneſs the Prince of Wales. He had ſpoken merely of himſelf, and delivered his opinion, as an individual Member of Parliament. In that private capacity, and without the Prince of Wales's authority, he had freely delivered his opinion, and the opinion he had ſtated, and meant to ſtate, was, that from the moment the two Houſes of Parliament declared the King unable to exerciſe the Royal Sovereignty, from that moment, a right to exerciſe the Royal Authority attached to the Prince of Wales. But he muſt ſtate what that right was, that ſo attached; and he would truſt to the recollection of gentlemen, whether he had not ſo explained it, when he had laſt occaſion to

ſpeak

ſpeak upon the ſubject. A new term had been put into his mouth in another place, which he had not uſed; it had been ſaid, that he had declared, "the Prince of Wales had a right to aſ-"ſume the Royal Authority, upon the interrup-"tion of its perſonal exerciſe, in conſequence of "the King's illneſs and incapacity." What he meant was this: he conceived the exerciſe of the Royal authority to be the right, under ſuch circumſtances, of the Prince of Wales; but he had ſpoken of it as a right, and not the poſſeſſion; before the Prince could exerciſe that right, he muſt appeal to the Court competent to decide, whether it belonged to him or not, or muſt wait till that Court, on the part of itſelf, made ſuch declaration. That Court was compoſed of the two Houſes of Parliament, while they were ſitting; the Prince had the right, but the adjudication of that right belonged to the two Houſes. That Houſe could legiſlate and provide ſuch meaſures as it deemed adviſeable for the public intereſt; when they individually gave their votes for ſuch perſons whom they thought moſt fit to repreſent them in Parliament, they made their election of their repreſentative; but when they ſat in a Committee above ſtairs, to try whether A. or B. was entitled to a ſeat as repreſentative of ſuch or ſuch a borough, they ſat as judges, and their report was an adjudication of the right of A. or B. If gentlemen would recollect his manner of treating this ſubject, on the preceding day, they would,

would, he hoped, in juſtice admit, that the meaning, which he had now explained, was preciſely that which his words, on a former occaſion, had then been calculated to convey; and that he neither talked of the uſurpation of the two Houſes, nor ſuggeſted a ſingle idea to warrant the imputing to him any intention of that ſort, or any thing like it. Let it be recollected where he was ſpeaking, and to whom he was addreſſing himſelf; to the Houſe of Commons; one of the conſtituent parts of the very Court that was to make the adjudication of the Prince's right. Let it be recollected likewiſe, whether the reſt of his argument, both in his ſpeech and his reply, did not go expreſſly to the nature of the Prince's right, as he had now defined it. He had, in terms the moſt explicit and unequivocal, aſſerted it as his opinion, that when that and the other Houſe of Parliament declared his Majeſty incapable of exerciſing the Royal Authority, that was the preciſe period of time when the Prince's right attached, and when that Houſe ought not to delay in reſtoring the Royal Authority. Had he not ſaid, that the ſame principles that made the Crown hereditary, made the executive power, and the government of the country, hereditary likewiſe? Upon that ground it was, that he had argued as he had done; and this he conceived to be the nature of the Prince of Wales's right. Having thus explained his meaning,

ing, he was free to acknowledge, that more differences of opinion prevailed reſpecting the right of the Prince of Wales to exerciſe the Royal Authority, under the circumſtances ſo often ſtated, than he could have expected; but much of that difference of opinion appeared to ariſe from ſome nice, logical, and legal diſtinctions, taken between the terms *right* and *claim*; diſtinctions more equivocal in his mind, than ſolid and ſubſtantial, and which were reſted on arguments and principles, which he confeſſed his underſtanding was too dull to comprehend. One idea which he had learnt was, that it was admitted that the Prince of Wales had an irreſiſtible claim, which the Parliament could not reject or refuſe, whenever it was made, without forfeiting their duty to the Conſtitution. To that idea, he, for one, had no objection, becauſe he knew no difference between an irreſiſtible claim, and an inherent right. In another place, the right of the Prince of Wales had been deeply inveſtigated into, and that by enquirers, every way equal to the diſcuſſion, who all gave their ſanction and authority to his opinion. If the Prince of Wales had aſked his advice how to proceed, he ſhould have told him, as Parliament was ſitting, that he thought his Royal Highneſs might have ſent a meſſage to either Houſe, or to both Houſes of Parliament, ſtating his claim, and calling upon them to decide upon it. But, as he had ſaid on a former day, His

Royal

Royal Highneſs's forbearance was ſuch, that he would ſend his claim to neither Houſe of Parliament; but would wait patiently, and with due deference, being conſcious that the two Houſes ought to find that claim, and reſtore the Royal Authority.

Mr. Fox declared, that he could not help thinking, that the conduct of his Royal Highneſs deſerved the commendation he had beſtowed on it, and was entitled to univerſal applauſe. For his own part, he could aſſert, that he had entertained ſanguine hopes, that, in the adjuſtment of a buſineſs of ſo very delicate and important a nature, men of every deſcription would have concurred in one leading and eſſential circumſtance, and have allowed, that let there exiſt what doubt there might of the Prince of Wales's right to exerciſe the Royal Authority, under the preſent circumſtances of the country, there could be none of the propriety of inveſting him with the ſole adminiſtration of the government, and with the unlimited exerciſe of all the Regal functions, powers, and prerogatives. He had not yet abandoned theſe hopes altogether. An earneſt deſire to reſcue himſelf from the effect of miſrepreſentation, in a particular, reſpecting which, he ſhould have been extremely ſorry to have been miſunderſtood, had induced him to riſe, for the purpoſe of addreſſing the Houſe; and, upon this occaſion, it would prove difficult

to

to deſcribe the fervour of his wiſhes to render, if poſſible, by all the means in his power, the future proceedings of the Houſe leſs difficult than they otherwiſe might become. The Right Honourable Gentleman, he obſerved, had named an early day for the Houſe to reſolve itſelf into a Committee of the whole Houſe, to take into conſideration the State of the Nation; he did not mean by an early day, a day too early. He had before declared, that after the authentication of the King's incapacity, the Houſe ought not to loſe any time in reſtoring the Royal Authority; but, ſurely, it could not prove a matter of indifference whether the Houſe ſhould or ſhould not be enabled to know what ſort of propoſition it was that the Right Honourable Gentleman meant to come forward with on Tueſday next, in order that they might turn it in their minds, and enter prepared to diſcuſs it, with ſome degree of knowledge of its propriety and expediency. He wiſhed the Right Honourable Gentleman not to regard him as hoſtile on the preſent occaſion. He knew it was ſo uſual for the Houſe to ſee the Right Honourable Gentleman and himſelf acting in an hoſtile point of view towards each other, that it was difficult to conſider them in any other light; but what he now ſuggeſted, was devoid of any party conſideration whatever. If the Right Honourable Gentleman did not feel the propoſition that he had made as he did, he could only lament

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that he did not. He ſhould hope, however, that the Right Honourable Gentleman might not think it unfit to give the Houſe ſome general outline of what he meant to ſtate to the Committee on Tueſday next, that gentlemen might not then be puzzled with the novelty of the propoſition, and embarraſſed how to vote. He was inclined to hope, that, as to eſſential points, the difference between the Right Honourable Gentleman and himſelf was extremely minute; an advantage, therefore, would reſult from a communication of the intended propoſition; the opinions of weighty men upon it might be aſcertained, and thence it might be ſeen whether arrangements might not be made to reconcile difference on ſmall points, in order that the queſtion, whatever it might be, might not be carried by a diviſion, or majority of the Houſe, but that it might be carried with perfect unanimity. What ſome conceived a right in the Prince of Wales, others might deem at the diſpoſal of the two Houſes of Parliament; but that was a difference of opinion of no material import to the main conſideration of the act they were to do, and which they muſt proceed to in ſome ſhape or other. When the thing itſelf was decided, it would remain to determine by what mode to notify it. He conceived, there could be but two regular methods; one by a declaration, the other

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by an addreſs, or perhaps both conjointly by the two Houſes.

His opinion was, to declare his Royal Highneſs Regent, for the purpoſes of exerciſing all the Regal powers, in the ſame manner, and to the ſame extent, as they might have been exerciſed by his Majeſty, had his health been ſuch as to render him capable of continuing to exerciſe the Royal Authority. That was his opinion, and the Houſe would ſee it was a plain, ſimple, intelligible propoſition. If the Right Honourable Gentleman's propoſition came near his, ſomething ought to be ſacrificed to unanimity, and he ſhould be ready to give up, on his part, in proportion as the Right Honourable Gentleman would expreſs the ſame willingneſs to accommodate. Though it was abundantly more deſirable to carry a queſtion of ſuch infinite magnitude, by the univerſal and unanimous conſent of the Houſe, than by a majority, yet, if the Right Honourable Gentleman's opinion differed widely from his, ſo widely, that there was no chance of reconciling the one to the other, he ſhould be reduced to the neceſſity of dividing, and thus diſcovering which gained the majority. He declared he ſh uld be willing to ſacrifice much or the purpoſe of giving occaſion to unanimity, becauſe he thought it above all things deſirable. In the great point there could be no difference of opinion. They muſt all agree that it was, in

the firſt inſtance, their buſineſs to ſet up ſomething for the Regal Power; and who would they ſet up but the Prince of Wales, who certainly had the firſt intereſt in the welfare of the kingdom, his Majeſty alone excepted? He urged the right of the Prince as an abſtract point, and as ſuch, the ſtating it was, in his opinion, a powerful argument. But what ſignified differences upon abſtract points, where the ſubſtance was indiſputable. In ſhort, all he wiſhed was, that the Houſe might know what they were to expect in that particular, and not come altogether unprepared to meet it, when the propoſition ſhould be regularly made.

Mr. *Chancellor Pitt* riſing next, begged leave to remind the Houſe, that they had juſt received a voluminous report from the Committee, appointed to ſearch for precedents, in order that gentlemen might have every information before them, to guide their proceedings, under the preſent arduous and ſingular ſituation of the country, that the wiſdom of their anceſtors, the ſtatutes of the Realm, and the records of Parliament could afford; and he had moved to refer that report, together with the examination of his Majeſty's Phyſicians, to the Committee of the whole Houſe, who were to take the ſtate of the Nation into their conſideration upon the enſuing Tueſday. In that Committee, the topics touched on by the Right Honourable Gentleman would

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neceſſarily undergo an ample diſcuſſion. In their laſt debate on the ſubject, there appeared to be a point at iſſue between the Right Honourable Gentleman and himſelf; and, from all that the Right Honourable Gentleman had then ſaid, it ſtill appeared to be no leſs at iſſue than before. The Right Honourable Gentleman explained, as he thought proper, the meaning of a very eſſential part of his ſpeech on the preceding Wedneſday. Mr. Pitt ſaid, that he ſhould be ſorry to fix on any gentleman a meaning which he afterwards declared not to have been his meaning.—In whatever way, therefore, he had before underſtood the Right Honourable Gentleman's words relative to the Prince's forbearing to aſſert his claim, he was willing to take the matter from the Right Honourable Gentleman's preſent explanation, and to meet it upon thoſe grounds where he had then, after mature deliberation, thought fit to place it. The Right Honourable Gentleman now aſſerted, that the Prince of Wales had a right to exerciſe the Royal Authority, under the preſent circumſtances of the country, but that it was as a right not in poſſeſſion, until the Prince could exerciſe it, on what the Right Honourable Gen leman called the adjudication of Parliament. He, on his part, denied that the Prince of Wales had any right whatever, and upon that point the Right Honourable Gentleman and he were ſtill at iſſue; an iſſue, that, in

his opinion, muſt be decided before they proceeded one ſtep farther in the great and important conſiderations to be diſcuſſed and determined. Concerning one part of the Right Honourable Gentleman's ſpeech, it was impoſſible for him to remain ſilent, as the Right Honourable Gentleman's ideas on that point had not appeared to him to be quite accurate and diſtinct. He ſeemed to have intended to have renounced all idea of the Prince of Wales's right to aſſume the exerciſe of the Royal authority, under the preſent or ſimilar circumſtances, without the previous adjudication of Parliament, or of the two Houſes; but if he underſtood the Right Honourable Gentleman correctly, he had uſed the words, "during the ſitting of Parliament;" the plain inference from which expreſſion was, that if Parliament were not ſitting, the Prince of Wales could aſſume the exerciſe of the Regal Authority. Mr. Pitt declared, that he thought the Prince of Wales could, in no one caſe, have power to aſſume the right. If there were no Parliament in exiſtence, he granted, that the Heir Apparent, acting in concert with other perſons in great ſituations, might, under ſuch circumſtances as the preſent, have iſſued writs, and convened the two Houſes, for the purpoſe of providing for the exigency. Such a proceeding would be juſtified by the neceſſity of the caſe, and with a view to the ſafety of the Nation, which ſuperſeded all forms; but, that it would be a legal

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and formal ſummons of the Parliament, or that a Parliament could be called together, without legal authority, he muſt abſolutely deny. Such a meeting would be a Convention, like to that aſſembled at the time of the abdication of James the Second, and on other periods of difficulty; but it could not be a legal and formal calling together of a Parliament. With regard to the queſtion of the Prince of Wales's right of aſſuming the power, during the intermiſſion of Parliament, and his right not in poſſeſſion, as it was called, during the ſitting of Parliament, he need not reſt much upon the diſtinction, denying, as he did, that any right to aſſume the Regal Authority, under any circumſtances, independent of the conſent and approbation of Parliament, exiſted in the Prince of Wales. But, ſuppoſing the right of aſſumption of royalty given up altogether, and that the Prince muſt have the right adjudged by Parliament, he denied that they were canvaſſing a right, and acting as judges, as the ſentiments of the Right Honourable Gentleman ſo manifeſtly intimated. It was ſubverſive of the principles of the conſtitution to admit, that the Prince of Wales might ſeat himſelf on the throne during the life-time of his father; and the intimation of the exiſtence of ſuch a right, as he had remarked on a former occaſion, preſented a queſtion of greater magnitude and importance even than the preſent exi-

gency, and the proviſion that it neceſſarily required; a queſtion that involved in it the principles of the Conſtitution, the protection and ſecurity of our liberties, and the ſafety of the State! Whatever, therefore, might be the order of their proceeding, he hoped there would be an unanimous concurrence of opinion, that it was impoſſible to let the queſtion of right, which had been ſtarted, undergo admiſſion, without its being fully diſcuſſed and decided. It was a queſtion that ſhook the foundation of the Conſtitution, and upon the deciſion of which, all that was dear to us, as Britons, depended. In his opinion, therefore, it was their firſt duty to decide, whether there were any right in the Prince of Wales to claim the exerciſe of the Regal power, under any circumſtances of the country, independent of the actual demiſe of the Crown. In the diſcuſſion of the powers with which the Regent was to be inveſted, there might be differences of opinion, whether the whole of the Royal prerogatives ſhould be delegated, on the grounds of expediency: there might be differences of opinion, whether a portion only of the Royal authority ſhould be delegated, and a part reſerved, on the grounds of prudence and diſcretion. Theſe were important topics, which they could not diſcuſs, unleſs they firſt knew, whether they were ſitting as Judges, or as a Houſe of Parliament, poſſeſſing a power of deliberation,

liberation, and capable of exerciſing a conſtitutional diſcretion. They muſt firſt aſcertain, whether that which ſhould be veſted in the hands of the Prince of Wales, was matter of adjudication on their part, of right in his Royal Highneſs, or as a truſt in behalf and in the name of His Majeſty; and therefore, he ſhould think it his duty to bring forward the queſtion of right, as a preliminary queſtion. If that queſtion ſhould be decided in the affirmative, there would be no need of ſpecific meaſures. Should it, however, be determined upon a contrary ground, the way would become cleared, and the Houſe would know how to proceed. He had, indeed, mentioned the alternative, but, Heaven forbid, that the fatal alternative ſhould be decided in favour of the intimated right of the Prince of Wales! Mr. Chancellor Pitt next took notice of the call which Mr. Fox had made upon him, relative to the future propoſitions to be brought forward by him in the Committee which had been moved for, to take into conſideration the State of the Nation. He ſaid, that if the queſtion of right ſhould be decided, as he thought it would, upon conſtitutional principles, he ſhould, in that caſe, certainly proceed to propoſe meaſures for providing for the interruption of the Royal authority, occaſioned by his Majeſty's preſent incapacity to exerciſe it; and as he was always happy when he could concur with the

requiſition of the Right Honourable Gentleman, he would ſtate the outline, without feeling any prejudice to the perſon who had called for it; but, he begged to have it underſtood, that what he was about to ſtate, was not to be a matter of debate at that moment, nor were any arguments then to be raiſed upon it. He proceeded to declare, that however decided he might be in his opinion againſt the whole, or any part, of the Regal power being veſted in the Prince of Wales, as a matter of *right*, in any way which that right had been explained, he was equally ready to ſay, that, as a matter of *diſcretion*, and on the ground of *expediency*, it was, in his opinion, highly deſirable, that whatever part of the Regal power it was neceſſary ſhould be exerciſed at all, during this unhappy interval, ſhould be veſted in a ſingle perſon, and that this perſon ſhould be the Prince of Wales. That he alſo thought it moſt conſiſtent with true conſtitutional principles, and moſt for the publick convenience, that his Royal Highneſs ſhould exerciſe that portion of authority, whatever it might be, unfettered by any permanent Council, and with the free choice of his political ſervants. With regard to the portion of Royal authority which ought to be given, or that which ought to be withholden, it would be premature, in this ſtage, to enter into the particular diſcuſſion of it; but he had no objection, even now, to declare in general, that whatever authority was

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neceſſary for carrying on the publick buſineſs, with vigour and diſpatch, and for providing, during this interval, for the ſafety and intereſts of the country, ought to be given; but on the other hand, any authority, not neceſſary for thoſe purpoſes, and capable of being, by poſſibility, employed in any way which might tend to embarraſs the exerciſe of the King's lawful authority, when he ſhould be enabled to reſume it into his own hands, ought to be withholden; becauſe, from its being given, more inconvenience might ariſe to the future intereſts both of the people and of the Crown, than any which could ariſe, in the mean time, from its temporary ſuſpenſion.

Mr. Pitt added, that he could juſtify the principles of this explicit declaration of his intention, on the ground, that whatever was given to the Regent, or withholden, ought to be given, or withholden, with a view to the moment when his Majeſty ſhould be capable of reſuming his rightful prerogatives; a circumſtance to which it peculiarly became him to look, in the ſituation in which he ſtood, honoured with the confidence of a Sovereign to whom he was bound, and ſtrongly attached, by the ties of gratitude and duty—but of that he would ſay no more. Whatever judgment might be formed of what he had declared, he was conſcious of having given a free and an honeſt opinion, and was ſatisfied with that conſciouſneſs. He conceived, that it could not be thought

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neceſſary for him to go any farther into the ſubject, as the adjuſtment of the whole proceeding muſt reſt with the Committee on the State of the Nation, where it would be neceſſary to come forward with the different propoſitions ſeparately, and to proceed, ſtep by ſtep, to mark and define, by diſtinct reſolutions, what parts of the Royal prerogative ſhould be given to the Regent, and what withholden.

Mr. *Fox* anſwered, that he was ready to admit that the Right Hon. Gentleman had nearly ſtated every point which he had deſired, and indeed full as much as he either did, or had any right to expect from him, and that with an extreme candour. The Right Honourable Gentleman had made a diſtinction between the right of the Prince of Wales, while Parliament was ſitting, and his right while Parliament was not ſitting, and had aſked what would have been the Prince's conduct under the the latter circumſtance? In that caſe, (Mr. Fox ſaid) he ſuppoſed the Prince would have done what the right honourable gentleman had ſtated might have been done; he would have convened the two Houſes of Parliament, and referred to that convention, the conſideration of the State of the Nation, and expected when they declared the incapacity of the King, that they would have alſo declared his right to the Regency. Some words had ſlipped into the right honourable gentleman's ſpeech which ſeemed to infinuate, that he had put the Regency in a point of view very different from that in which

he had placed it. The Right Honourable Gentleman had remarked, the Houſe was to decide whether it was a right or a truſt. When he (Mr. Fox) had ſtated that the Prince of Wales had a right to exerciſe the royal authority, he moſt undoubtedly meant to exerciſe it as a truſt from the people, which Parliament might reſume, alter, and modify juſt as it thought proper. If that truſt were abuſed eſſentially, the people of England might reſume it without the Parliament, as had been done in the caſe of the Revolution. The Regency was a ru ſt, on behalf of the people, for which the Prince was reſponſible, in like manner as his Majeſty, and every Monarch that ever ſat upon the throne, were reſponſible for the due execution of their high office. Sovereignty was a truſt depending on the natural liberties of mankind. But, his notions on Revolution doctrines had been ſo often ſtated, and were, he conceived, ſo well known in that Houſe, that he ſcarcely ſuppoſed it would be imputed to him, that he meant to deny that the Regency was a truſt; far from it; he had upon that ground urged the Prince's right to be hereditary, conceiving an hereditary ſucceſſion the beſt ſecurity to the people, for the due diſcharge and faithful execution of the important truſt veſted by them in their Governors. Mr. Fox took notice of the abſtract queſtion of right, which, he obſerved, the Right Honourable Gentleman had declared he would bring forward in

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the Committee on the State of the Nation; and Mr. Fox added, that until he ſaw the words of the propoſition, it was impoſſible for him to ſpeak to it. It might be a propoſition, which the Committee would affirm; it might be a propoſition which the Committee would neither affirm nor deny, but wave the conſideration of. With regard to the ſteps which the right honourable gentleman had ſaid he would take in the Committee, there might be objections offered to his intended mode of proceeding, and he would ſtate what thoſe objections were, without arguing upon any of them. The right honourable gentleman had ſaid, to whom the powers of the Royal authority ſhould be entruſted; and after having reſolved that, he had declared, that only a portion of thoſe powers ſhould be given. A queſtion might ariſe between thoſe two ſteps; upon a debate whether there ſhould be a portion or the whole of the Royal authority veſted in the Regent. Mr. Fox conſidered this in two different points of view, as a queſtion of right, and as a queſtion of expediency. He doubted whether the plan of proceeding ſtep by ſtep could legally be purſued; and whether, allowing for the moment, that the Prince of Wales had no right, the two Houſes of Parliament could propoſe an act of legiſlation. He doubted alſo, whether they muſt not neceſſarily, in the firſt inſtance, ſet up ſomething for a King, to give his conſent to the propoſed defalcation of Royal authority, whatever it might be. Reſtoring

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the Royal authority, ſeemed to him to be clearly the firſt ſtep that muſt be taken, and he conceived that the two Houſes could not bargain with the Regent beforehand, for the diminution of regal power. He profeſſed that he ſaw no ſort of neceſſity for coming to a diviſion on an abſtract propoſition, when they had meaſures of ſo much ſolidity and ſubſtance to take; where the portion of power that muſt be withheld was ſo little, the ſtating an abſtract propoſition was, in his mind, uſeleſs; he thought it, therefore, much better to wave it, and for both Houſes to convince men by their acts, and not by abſtract reſolutions. The Right Honourable Gentleman's intentions (he obſerved) were plain and manifeſt; and he had, on his part, expreſsly ſtated his opinion on the ſubject, which was to inveſt his Royal Highneſs with the whole, not a portion, of the Royal powers. Both ſides of the Houſe were therefore ſufficiently underſtood, and the queſtion conſequently would be, whether it was expedient to make the Prince of Wales Regent, or a Parliamentary Regent, and thus give a ſituation and create a power, hitherto unknown to our Conſtitution, by placing a perſon in the ſituation of the King without Regal powers.

Mr. *Sheridan* obſerved, that he roſe merely to prevent any concluſion being drawn from his ſilence, that he concurred in the propriety or expediency of putting the abſtract propoſition in the right of the

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Prince of Wales. He, for one, felt it his duty to contend againſt the diſcuſſion of any ſuch propoſition, declaring that it was neither likely to maintain and ſecure the promotion of the good or of the peace of the public. It could not conciliate, but, on the contrary, it might create diſſenſions and animoſities, and therefore, he contended that it would be extremely unwiſe, as it was obviouſly unneceſſary, to agitate it, or preſs the Houſe to come to any vote upon it. He begged leave to remind the Right Honourable Gentleman of the danger of provoking that claim to be aſſerted, [a loud cry of Hear! Hear!] which, he obſerved, had not yet been preferred. [Another cry of Hear! Hear!] He repeated his words, and aſked, would the Right Honourable Gentleman chuſe to have his own propoſition put upon the Journals, to have it recorded as his opinion, That the Prince of Wales had no more right to exerciſe the Royal authority during the incapacity of the King, than any other individual ſubject. If he would not, why would he preſs an abſtract propoſition, that muſt throw the nation into anarchy and confuſion? Mr. Sheridan obſerved, that he felt ſo abſolute a conviction, that he was ſure no man, who was not actuated by a ſpirit of diſſenſion, would propoſe it.

Mr. Chancellor *Pitt* declared, that he could not avoid riſing to animadvert upon the manner in which the Honourable Gentleman had thought proper to treat what had fallen from him in compliance

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with the requeſt of the Right Honourable Gentleman (Mr. Fox). The Honourable Gentleman had choſen rather indiſcreetly, and with a degree of warmth altogether uncalled for, to enter into a diſcuſſion of the propriety of bringing forward a propoſition not then before the Houſe, but which would come regularly under diſcuſſion upon a future day. It was evident there were but two opinions on the queſtion that had been hitherto agitated, touching the preſent exigency, in conſequence of His Majeſty's incapacity to exerciſe the Royal authority; the one, that they were to deliberate on one of the moſt intereſting points that ever came before a Houſe of Parliament; the other, that they were to proceed to an adjudication of one of the moſt important rights that ever was claimed. In the diſcuſſion of theſe opinions, the Houſe, he truſted, would do their duty in ſpite of any threat, however high the authority from which it might proceed.

The queſtion was ſoon after put, and agreed to.

It was then moved,

" That the Report from the Committee appointed to examine His Majeſty's phyſicians; alſo,

" The Report of the Members of His Majeſty's moſt honourable Privy Council; and alſo

The Report from the Committee appointed to ſearch for precedents, be referred to the ſaid Committee."

Which were agreed to; and the Houſe adjourned.

TUESDAY, 16*th December.*

Mr. Chancellor *Pitt*, moved, " That the order " of the day for the Houſe to reſolve itſelf into a " Committee, on the Conſideration of the State " of the Nation, be read;" which being done accordingly, together with the order for referring the Report of the Committee appointed to take and report the examinations of the King's phyſicians, and the Report of the Committee appointed to ſearch for, examine, and report precedents, to the ſaid Committee; he next moved, " That the Speaker do now leave the chair;" which having been agreed to, Mr. *Brook Watſon* took his ſeat at the table.

Mr. Chancellor *Pitt* now roſe, and, having premiſed, that the Houſe were then in a Committee to take into conſideration the State of the Nation, under circumſtances the moſt calamitous which had befallen the country at any period, remarked, that it was then a century ago ſince any point of equal importance had engaged the attention of that Houſe. The circumſtance that had then occurred, was the Revolution; between which, however, and the preſent circumſtance, there was a great and eſſential difference. At that time, the two Houſes had to provide for the filling up of a throne, that was vacant by the abdication of James the Second; at preſent, they had to provide for the exerciſe of the Royal authority,

thority, when his Majeſty's political capacity was whole and entire, and the throne conſequently full, although in fact all the various functions of the Executive Government were ſuſpended, but which ſuſpenſion they had every reaſon to expect would be but temporary. There could not, he ſaid, be but one ſentiment upon that head, which was, that the moſt ſanguine of his Majeſty's phyſicians could not effect a cure more ſpeedily, than it was the anxious wiſh of every man in that Houſe, and every deſcription of His Majeſty's ſubjects, that his cure might be effected, and that he might thence be enabled again to reſume the exerciſe of his own authority. During the temporary continuance, however, of His Majeſty's malady, it was their indiſpenſable duty to provide for the deficiency in the Legiſlature, in order that a due regard might be had to the ſafety of the Crown, and to the intereſts of the people. The firſt Report before the Committee eſtabliſhed the melancholy fact, that had rendered their deliberations neceſſary; the ſecond contained a collection of ſuch precedents, ſelected from the hiſtory of former times, as were in any degree analogous to the preſent unfortunate ſituation of the country; and, although he would not undertake to ſay that ſtill more precedents might not have been found, yet, ſuch as the Report contained, would ſerve to throw a conſiderable degree of

light on the ſubject, and point out to the Houſe the mode of proceeding moſt proper to be adopted. Notwithſtanding the magnitude of the queſtion, what proviſion ought to be made for ſupplying the deficiency, there was a queſtion of a greater and ſtill more important nature, which muſt be diſcuſſed and decided firſt, as a preliminary to their future tranſactions, with a view to the preſent exigency. The queſtion to which he alluded, was, Whether any perſon had a right, either to aſſume or to claim the exerciſe of the Royal authority, during the incapacity and infirmity of the Sovereign; or, whether it was the right of the Lords and Commons of England to provide for the deficiency in the Legiſlature, reſulting from ſuch incapacity? On a former day, he had ſtated, that in conſequence of an aſſertion having been made in that Houſe, that a right attached to his Royal Highneſs the Prince of Wales, as Heir Apparent, to exerciſe Sovereign authority, as ſoon as the two Houſes of Parliament declared His Majeſty, from illneſs and indiſpoſition, incapable of exerciſing his Royal functions, it appeared to him to be abſolutely and indiſpenſably neceſſary, that the queſtion of right ſhould be firſt decided by the Committee, before they took a ſingle ſtep to provide for the deficiency of the third eſtate of the realm. By the aſſertion of the exiſtence of ſuch a right, no matter whether a right that could

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be aſſumed in the firſt inſtance, or a right which attached, after the declaration of both Houſes of Parliament, that his Majeſty was incapable, a doubt had been thrown upon the exiſtence of what he had ever conſidered as the moſt ſacred and important rights of the two Houſes; and it became abſolutely neceſſary for them to decide that doubt, and, by ſuch deciſion, aſcertain whether they had a right to deliberate, or whether their proceedings muſt be exceedingly ſhort, and they ſhould have only to adjudge, that ſuch a right as had been mentioned was legally veſted in his Royal Highneſs the Prince of Wales. The moſt embarraſſing difficulties had, indeed, been thrown upon their proceedings, by the aſſertion, that ſuch a claim exiſted; and although he was free to confeſs, that the aſſertion had not been made from any authority, and that they had ſince heard, though not in that Houſe, that is was not intended that the claim ſhould be made, yet having been once ſtated, by a very reſpectable Member of that Houſe, as his opinion, it was an opinion of too much importance to be paſſed by unnoticed. Mr. Pitt added, that, upon this occaſion, he muſt intreat the Houſe to remember, however, that he had not ſtirred the queſtion of right *originally*. If, therefore, any ſerious danger were actually to be dreaded, by its being diſcuſſed and decided, that danger and its conſequences were ſolely im-

putable to the firſt ſtirrer of the queſtion, and not to him. Had the doubt never been raiſed, an expreſs declaration on the ſubject had not been neceſſary; but, as the matter ſtood, ſuch a declaration muſt be made one way or the other. He begged, however, that it might not be imputed to him, that he was deſirous of waſting time in bringing forward any abſtract, or ſpeculative, or theoretical queſtion. A abſtract queſtion, in his conception of it, was wholly unneceſſary, the diſcuſſion of which could anſwer no end, nor could its deciſion afford any light to guide and aſſiſt them in their proceedings. Of a very different nature was the queſtion of right; it was a queſtion that ſtood in the way of all ſubſequent proceedings, the reſolving of which muſt neceſſarily decide upon the whole of their conduct, with regard to the preſent important buſineſs; they were not free to deliberate and determine, while the doubt of an exiſting right or claim hung over their heads; they could not ſpeak intelligibly, or to any purpoſe, until they knew their proper characters, and whether they were exerciſing their own rights for the ſafety of the Crown, and the intereſts of the people, or whether they were uſurping that which had never belonged to them. On that ground it was that he had declared the queſtion of right not to be an abſtract queſtion, a ſpeculative queſtion, or a theoretical queſtion. The firſt information

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which the papers that had been referred to the Committee afforded, was that which he ſhould make the firſt reſolution. It was a reſolution of fact, as the ground of thoſe that were deſigned by him to follow it; a reſolution, ſtating that which the language of all His Majeſty's phyſicians afforded ſufficient proof of, that His Majeſty was incapable, from illneſs, of coming to his Parliament, or attending to any publick buſineſs; whence aroſe the interruption of the exerciſe of the Royal authority. To that reſolution of fact, he conceived there could not be any objection. His next reſolution would be the reſolution of right, couched in part in the words of the Bill of Rights, and ſtating, "That it was the right and duty of the Lords "Spiritual and Temporal, and of the Houſe "of Commons, as the rightful repreſentatives "of all the eſtates of the people of England, to "provide for the deficiency in the Legiſlature, "by the interruption of the exerciſe of the "Royal authority, in conſequence of his Ma-"jeſty's incapacity, through indiſpoſition." Here, Mr. Chancellor Pitt renewed his arguments in ſupport of the claim of the two Houſes of Parliament; declaring that, under the preſent circumſtances of the country, it was his firm and unalterable opinion, that it was the abſolute and undeniable right of the two Houſes, on the part of the people, to provide for the revival of the

third eſtate. He declared, he would ſtate the point at iſſue between him and the Right Honourable Gentleman oppoſite to him fairly. He wiſhed not to take any advantage of any ſhades of difference between them, but to argue upon the ſolid and ſubſtantial difference of their opinions. If he had conceived the Right Honourable Gentleman properly, he had aſſerted, that, in his opinion, the Prince of Wales, as Heir Apparent, upon the incapacity of the Sovereign, to exerciſe the Sovereign authority being declared, had as clear, as perfect, and as indiſputable a right, to take upon himſelf the full exerciſe of all the authorities and prerogatives of his father, as if his Majeſty had undergone an actual demiſe. If it could be proved to exiſt by any precedents, drawn from hiſtory, or founded in law, or by the analogy of the Conſtitution, he wiſhed to have been told what thoſe precedents were; becauſe, in that caſe, the ground would be narrowed, and the proceedings of the Committee rendered ſhort and ſimple, as they would have no power nor occaſion to deliberate; the only ſtep they could take, would be to recognize the claim of right. That claim of right, however, he flatly denied to have any exiſtence capable of being ſuſtained by ſuch proof as he had mentioned. The right of providing for the deficiency of the Royal authority, he contended, reſted with the two remaining branches of the Legiſla-

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ture. He profeſſed himſelf exceedingly happy to hear that a declaration had been made in another place, from high authority, that the right ſtated by the Right Honourable Gentleman in that Houſe, to have exiſtence, was not meant to be urged by a great perſonage. He came that day, confirmed in every opinion which he had before ſtated; and, particularly, confirmed in the opinion, that no ſuch right or claim reſted in the Prince of Wales, as Heir Apparent, to exerciſe the Royal authority, during the incapacity of the Sovereign, could be proved, either from precedents drawn from hiſtory, or from the law, or from the ſpirit of the Conſtitution. He begged leave to remind the Committee, that when the Right Honourable Gentleman firſt mentioned the right of the Prince of Wales in this particular, the Right Honourable Gentleman had declared he was willing to wave the motion for a Committee to ſearch for precedents, becauſe that he was perſuaded, and the Houſe muſt allow, that no precedent could be found that bore upon the particular caſe of a Prince of Wales, the Heir Apparent to the Crown being of full age, and capable of taking on himſelf the exerciſe of the Royal authority, under ſuch circumſtances as the preſent. There certainly was no caſe preciſely in point; but, though their Committee above ſtairs could not

find a caſe preciſely in point, they had furniſhed the Houſe with many precedents, from from which analogies might be drawn. He called upon the Right Honourable Gentleman oppoſite to him, to point out a ſingle caſe analogous to the infancy, infirmity, or illneſs of a Sovereign, in which the full powers of Sovereignty were exerciſed by any one perſon whatever. If the right attached to his Royal Highneſs, under the preſent circumſtances, in the ſame manner as on the demiſe of his father, an Heir Preſumptive would ſucceed as perfectly as an Heir Apparent; and, in purſuance of that doctrine, thoſe precedents that would attach in the one caſe, would attach in the other. For precedents that were analogous, he would refer the Committee to the Report on the table. The precedents in which, though they might not throw all the light on the ſubject that could be wiſhed, certainly tended to elucidate it conſiderably. He would refer to ſome of the precedents, and convince gentlemen that their reſult formed the moſt undeniable proof, that no ſuch right exiſted as had been pretended. The firſt precedent was taken from the reign of Edward the Third, when no Heir Apparent had claimed the exerciſe of the Royal authority. The Parliament of thoſe days, whether wiſely or not, was no queſtion before the Committee, provided a Council about the King's

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perſon to act for him; a clear proof that they conceived the power exiſted in them to provide for the exerciſe of the Royal authority. The next precedent was in the reign of Richard the Second, when Counſellors were alſo appointed to exerciſe the Regal Power. The third precedent occurred in the infancy of Henry the Sixth. At that time, the Parliament were called together by the young King's ſecond uncle, the firſt being ſtill living, but out of the kingdom; and that act was ratified by Parliament, they not conſidering it ſufficient that it was done by the authority of the Duke. In that inſtance, again, it was clear, that the Regency was carried on by the Parliament. Theſe three inſtances were the principal of thoſe ſtated in the Report of their Committee; ſubſequent precedents would prove, that no one inſtance could be found of any perſon's having exerciſed the Royal Authority, during the infancy of a King, but by the grant of the two Houſes of Parliament, excepting only where a previous proviſion had been made. Having thus far mentioned the power of Parliament, during the infancy of a King, he obſerved, that he would next ſtate their power during the King's abſence; and if, in that caſe, it ſhould be aſſerted, that the Heir Apparent had a right to exerciſe the Royal Authority, let the Committee conſider how the aſſertion would ſtand.

It had been advanced, that, in the majority of ſuch caſes, the power had been given to the Prince of Wales. If ſuch caſes could be adduced, they would (he owned) be caſes in point; but, then, to prove what? To prove, that ſuch Heirs Apparent poſſeſſed no inherent right. If a right exiſted to repreſent the King, it muſt be a perfect, and an entire right,—a right admitting of no modification whatever, becauſe if any thing ſhort of the whole power were given, it would be leſs than of right could be claimed, and conſequently an acknowledgment that no ſuch right exiſted. But, could any ſuch caſes be pointed out? By a reference to the ancient records, it would be found, that the *Cuſtos Regni*, or *Lieutenant for the King*, had never been inveſted with the whole rights of the King himſelf. The powers given to the *Cuſtos Regni* had been different, under different circumſtances; a plain and manifeſt inference thence aroſe that the *Cuſtodes Regni* did not hold their ſituation as a right, but by appointment. The powers of beſtowing benefices, and doing other acts of Sovereignty, which had been occaſionally given to the *Cuſtodes Regni*, ſhewed that their powers had been always ſubject to ſome limitation or other. Mr Pitt remarked, that, in modern times, Lord Juſtices had been frequently appointed to the exerciſe of ſovereign authority, during the reſidence of a Prince of age in the country. Another inſtance that occurred to him was, where

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the exerciſe of royalty had been interrupted by ſevere illneſs, and which appeared to him to be more a caſe in point than any other, to the preſent melancholy moment. The example to which he alluded was the precedent of Henry the Sixth; where the Heir Apparent was not of full age. It would, then, to ſupply the defect of that precedent, be neceſſary to have recourſe to the principles of the Conſtitution, and to the laws of the land; and, upon this ground, it would be diſcovered, that the Parliament of that day provided for the moment; that they were not content with ſuch proviſion, but that they looked forward to the time when the Heir Apparent ſhould attain full age, granting him a reverſionary patent, the ſame preciſely with the Regent's, to take place when he ſhould come of age; thus, though they provided for allowing him at that period more conſiderable powers than they had ſuffered him before to poſſeſs, they had ſtill not granted him the full powers of ſovereignty, but had made ſuch limitations, that provided their moſt poſitive denial of any right exiſting. That inſtance, though a ſingle one, and where the Heir Apparent was not of full age, was ſufficient to ſhew the ſenſe of Parliament in thoſe days, as much as if the Heir Apparent had been of full age. If no precedent contrary to thoſe which he had ſtated to the Committee could be advanced, he ſhould preſume, that the Committee would, of courſe, admit that no right

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exiſted with an Heir Apparent, or an Heir Preſumptive, to aſſume the functions of royalty on the temporary incapacity of the Sovereign; nor any rights but thoſe delegated by the two remaining branches of the Legiſlature. He ſcrupled not, therefore, to declare, that no poſitive law, nor the leaſt analogy from any law, could be adduced to ſupport the doctrine of Right. A record had, indeed, been quoted elſewhere (alluding to the Houſe of Lords) to prove that the King and the Heir Apparent were one and the ſame perſon, and that it followed, of courſe, that, on the incapacity of the King, the Heir Apparent had a legal and clear right immediately to exerciſe the ſame powers that the King had poſſeſſed; but a different opinion was entertained of that record by perſons of great eminence and authority in the law, and by their opinion a far different concluſion was drawn from the ſame record, the metaphorical expreſſion of which was not to be taken literally. Another opinion which had been ſtated was, that if Parliament had not been ſitting, in ſuch a caſe the Prince would have a right to aſſume the Royal Authority, and ſummon Parliament: but this poſition he ſhould expreſsly contradict. Becauſe, thoſe who were, like him, ſtanding up for the rights of Parliament, and, through Parliament, for the rights of the People, were peculiarly fortunate in one particular; they were as fortunate as moſt of thoſe, who had truth and juſtice on their ſide, generally were; becauſe little was left

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for them to do, except to controvert and overcome their antagoniſts, by ſtating to them and comparing their own arguments and aſſertions, made at different times, and as the occaſion ſuited.

It had been pretty ſtrenuouſly contended elſewhere (in the Houſe of Peers) by a learned Magiſtrate (Lord Loughborough), who had choſen to force his own conſtruction on their ſilence, that our anceſtors, if they had entertained any doubt of the Right of an Heir Apparent, would, in their wiſdom, have provided for ſo poſſible a caſe as the preſent; and yet, inſtead of leaving the interpretation of this point to that learned Lord's wiſdom, it muſt be concluded by the Committee, that they would have provided for it in plain, diſtinct, clear, and expreſs words, and would not have left it liable to be differently underſtood. The wiſdom of our anceſtors, however, he conceived, was better proved by their having ſaid nothing upon it, but left ſuch a queſtion to be decided where it ought to be decided, whenever the occaſion required it, by the two Houſes of Parliament. That the Committee might aſſert the ſame, he meant, in the Reſolution he ſhould offer, to quote that doctrine from the Bill of Rights, and aſſert that it reſted with the Lords and Commons, as the rightful Repreſentatives of the People. If the contrary doctrine was ſo evident that it muſt be true; if the Heir Apparent, or Heir Preſumptive, had a clear right to aſſume the Royal Prerogative, on the interruption of thoſe powers, he

deſired to aſk every gentleman in the Committee, whether they would wiſh to adopt ſuch a doctrine as a doctrine applicable to the ſafety of the Crown, which had been long glorioufly worn by his Majeſty, and which it was the ardent, the ſincere wiſh of his people that he might long continue to wear, until it ſhould, in due time, and in a natural manner, deſcend to his legal and his illuſtrious Succeſſor.

The Chancellor of the Exchequer here ſtrongly deprecated the idea of avoiding the diſcuſſion of what limitations might be neceſſary for enſuring the ſafety of the Crown on the head of its preſent Poſſeſſor, on account of the many virtuous qualifications of the Prince, or out of reſpect to any other motive whatſoever. It would not have been wiſdom in our anceſtors, had they ſaid, that the care of the perſon of the Sovereign ought to be veſted in the Heir Apparent. He hoped, in *this* declaration, not to be miſunderſtood; for he was ready to acknowledge the greateſt and beſt qualities in the preſent Heir Apparent; but he would rather what he had ſaid to be miſrepreſented in any manner, and any where, than ſacrifice the duty which he owed to the ſafety of his Sovereign, and to the intereſts of the People. The right honourable gentleman oppoſite to him had ſaid, on a former day, that his Royal Highneſs had as clear a right to the exerciſe of Sovereign Authority, as he would have had, in caſe of the natural demiſe of the Sovereign, and that he

conceived

conceived the preſent to be a *civil death.* Could the Committee conſider his Majeſty's indiſpoſition,—which was not an uncommon caſe, and generally but temporary,—could they conceive that his Majeſty had undergone a *civil death?* He was *ſure* they *would not.* If ſuch a thing exiſted at the preſent moment as a *civil death*, his Royal Highneſs would immediately aſcend the throne, with the full exerciſe of the Royal Prerogative, and not as a Regent; for a *civil death*, like a natural death, was permanent. He ſtated from Mr. Juſtice Blackſtone, that there were but two caſes in which a man could undergo a *civil death;* the firſt was his being baniſhed from the realm by proceſs of common law; the ſecond, his having entered into a monaſtic life, and becoming a monk profeſſed, thereby taking himſelf from all ſecular concerns. The firſt was an act which cut off a criminal from ſociety within the realm, and the other was the voluntary act of retiring from the world. Would any man pretend, that either of thoſe caſes was analogous to the viſitation of Heaven, to a ſtroke inflicted by the hand of Providence, which might, and probably would, prove temporary? Could it be pretended, that they ought to be adduced as acts to prevent his Majeſty in future from exerciſing thoſe powers which he had never forfeited—which he had never renounced?

After having advanced ſo much in contradiction to the claim of right, he believed no one would think of aſſerting it. The only queſtion, then, was,

and to which what had paſſed before was but preliminary, where did the right exiſt? If no proviſion in precedent, in hiſtory, or in law, was to be found for the exerciſe of ſuch authority, on the diſability of the Sovereign, where was it to be found? It was to be found in the voice, in the ſenſe of the People. With them it reſted; and, though in extraordinary caſes, in moſt countries, ſuch an event as the calamity which all deplored, would have gone near to diſſolve the Conſtitution itſelf; yet, in this more happily tempered form of Government, equally participating the advantages, and at the ſame time avoiding the evils, of a Democracy, an Oligarchy, or an Ariſtocracy, it would have no ſuch effect; for, though the third eſtate of the Legiſlature might be deficient, yet the organs of ſpeech of the People remained entire in their Repreſentatives, by the Houſes of Lords and Commons, through which the ſenſe of the people might be taken. The Lords and the Commons repreſented the whole eſtates of the People, and with them it reſted as a right, a conſtitutional and legal right, to provide for the deficiency of the third branch of the Legiſlature, whenever a deficiency aroſe; they were the legal organs of ſpeech for the People; and ſuch he conceived to be the true doctrine of the Conſtitution. He would not merely ſtate theſe as his own opinions, but he would ſtate them to be the opinions of thoſe who had framed the Revolution, who had not, like the Committee, to provide for the interruption

ruption of regal powers, while the throne was full, but to ſupply the deficiency of the third branch of the Legiſlature, which was wholly vacant. Whenever the third branch, however, of the Legiſlature was wholly gone, or but ſuffered a ſuſpenſion, it was equally neceſſary to reſort to the organs of the People's ſpeech. Agreeable to the laws of the land, to the records of Parliament, to precedent, and to the Conſtitution, the political capacity of the King, except in caſes of abſolute forfeiture of the Crown, was always conſidered as legally entire; and during that political capacity, according to the ſpirit of the Conſtitution, if any natural incapacity ſhould cauſe a ſuſpenſion of the Royal Authority, it then reſted with the remaining branches of the Legiſlature to ſupply ſuch defect. In every proceeding of the Parliament, in the reign of Henry the Sixth, they had acted with ſuch a power, and declared in what manner, and by whom, the Royal Authority was to be exerciſed, for, and in the name of the King. In that reign, the Duke of Glouceſter claimed the Regency, and applied to Parliament for the ſame as his right; but the anſwer of Parliament to ſuch claim was, that he neither had by birth, nor by the will of his brother, any right whatever to the exerciſe of the Royal Authority. They, however, appointed him Regent, and entruſted him with the care of the young King. Here was an inſtance of the claim of right having been actually made, and an in-

ſtance likewiſe that it had been fully decided upon by the then Parliament, who declared, that no ſuch right exiſted, either from the law of the land, or from precedent. The rights of Parliament were congenial with the Conſtitution. Mr. Pitt referred the Committee to every analogy that could be drawn from the principles of the Conſtitution, and he contended, that the only right would be found to exiſt in Parliament, deſcribing it as a right capable of ſo effectually providing for the deficiency of the third branch of the Legiſlature, as to enable them to appoint a power to give ſanction to their proceedings, in the ſame manner as if the King was preſent. As the power of filling the throne reſted with the People at the Revolution, ſo, at the preſent moment, on the ſame principles of liberty, on the ſame rights of Parliament, did the providing for the deficiency reſt with the People. He declared, that he felt himſelf inadequate to the great taſk of ſtating the rights and privileges of the Conſtitution, and of Parliament; but he had made it appear, as plainly as he could, that no right exiſted any where to exerciſe the whole, or any part, of the Royal Prerogatives, during the indiſpoſition of the Sovereign. He had alſo proved, that, from the neceſſity of the caſe, it reſted with that and the other Houſe of Parliament, to provide for the deficiency in the Legiſlature. He ſuppoſed that doubts might be ſtated as to the

propriety

propriety of coming to any deciſion on the queſtion, and that he might be charged with having ſtirred notions dangerous to the State; but ſuch queſtions, he begged it to be remembered, he had not ſtirred. When queſtions concerning the rights of the People, the rights of the Parliament, and the intereſts of the Nation, were ſtarted, it was neceſſary, if the Houſe had a right on the ſubject, to exerciſe that right; it was their duty; it was a matter that could by no means be lightly given up. If it was their duty, in the preſent calamitous ſtate of the Nation, to grant power, they ought to know how they granted ſuch power. They muſt decide either in the manner of a choice, or as acting judicially, to recognize a claim of right; and if they recognized ſuch claim, it would be an acknowledgment that they had no power to deliberate on the ſubject. If they did not come to ſome deciſion, they would confound their own proceedings, and it would be highly dangerous to poſterity, in point of precedent. They were not, therefore, to conſult their own convenience. He remarked, that, originally, the claim of right had been aſſerted by the Right Honourable Gentleman, in ſtrong and lofty terms, but that the tone had been ſince ſomewhat lowered. He noticed a declaration that had been made elſewhere, of no intention of aſſerting a right; but it had been made in words, and there were no

parliamentary grounds to go upon, that a right would not be, at ſome future period of our hiſtory, attempted to be either aſſumed or aſſerted. He declared, he could ſee no poſſibility of the Committee proceeding a ſingle ſtep farther, without knowing on what kind of ground they proceeded; and, therefore, it became indiſpenſably neceſſary to have the queſtion of right decided. The danger of the queſtion originated in its having been ſtirred, not in its being decided; the danger of the ſtirring would be done away by the deciſion; but the leaving it undecided, and equivocal, would be highly dangerous. The deciſion of both Houſes would be attended with no diſſenſion; but, if the right of Parliament was not confirmed, the meaſures of both Houſes would be imputed, he feared, rather to motives of perſonal intereſt and convenience, than to a due regard for the intereſt of the country. The meaſures which he meant to propoſe were dictated by no other motive than an anxious deſire, in conformity to his duty, to provide for the ſafety of the King, the rights of Parliament, and the intereſts of the People.

Mr. Chancellor Pitt, previous to the concluſion of his ſpeech, adverted to what he deſcribed as the opinions ſtated by a noble Lord (Rawdon) in another place (the Houſe of Peers), in contradiction to his aſſertion, that the Prince of Wales had no more right to aſſume the Regency

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than any other individual ſubject. He ſaid, that he underſtood, that, in arguing that matter, ſome very extraordinary modes of reaſoning had been reſorted to. Among other conceived proofs, that the rights of the Prince of Wales were different from thoſe of other ſubjects, it had been contended, that the Prince of Wales was, in an old record, quoted by Lord Coke, pronounced one and the ſame with the King. The fact certainly was ſo; but to draw from ſuch a circumſtance an argument, that the Prince had a right to exerciſe the Sovereign Authority, under the preſent circumſtances of his Majeſty's unfortunate incapacity, was an inference ſo monſtrous, that he ſhould think he deſerved cenſure for ſporting with the gravity of the Houſe, if he ſuffered himſelf to treat it with the leaſt ſeriouſneſs whatſoever. In truth, a very different concluſion might be drawn from the whole of that record, the metaphorical language of which was not to be taken in a literal ſenſe, in that or any other point of ſo much importance. Another poſition, laid down at the ſame time, and in the ſame place, was, that the Prince of Wales, as Heir Apparent, and being of full age, could aſſume the exerciſe of the Sovereign Authority, if his Majeſty's infirmity had occurred when when Parliament was not ſitting; but that doctrine had been ſo expreſsly contradicted in that Houſe, by the Right Honourable Gentleman

oppoſite to him, when the ſubject was laſt agitated, that it was needleſs for him to ſay a ſyllable more relative to its nature. A third argument, urged in ſupport of the Prince's right, was, that a Prince of Wales, when he came to the Crown, could ſue out an execution, as King, in a cauſe in which he had obtained a judgment as Prince of Wales. But, what was there decidedly concluſive in this poſition? The reaſon why the Prince of Wales had this advantage over other ſubjects was obvious. If the ſon of a Peer, who had maintained a ſuit in the Courts in Weſtminſter Hall, and obtained a judgment, ſucceeded to his father's honours before he had ſued out an execution, he could not ſue out an execution without previouſly identifying himſelf, and ſatisfying the Court that he was the ſame perſon who had proſecuted the ſuit, and obtained the judgment. And why was not the Prince of Wales obliged to do the ſame? For this plain reaſon, the Courts of Weſtminſter Hall are holden in the name of the King, and therefore, in his own Courts, it muſt be a matter of notoriety, that, on the demiſe of the Crown, the Prince of Wales had ſucceeded to it, and become King: But were theſe arguments multiplied ten times over, what did they prove? Merely, that the Prince had rights, of ſome ſort or other, peculiar to himſelf; but did they prove that he had a right to exerciſe the Sovereign Authority,

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on his father's incapacity, without the conſent and declared approbation of the two remaining branches of the Legiſlature? No more a proof, than a man having an eſtate in Middleſex, was a proof that he had another in Cornwall, and a third in Yorkſhire. In fact, all theſe arguments put together, regarded and conſidered with a reference to the point in diſpute, whether the Prince of Wales, as Heir Apparent, had a right to exerciſe the Sovereign Authority, during the incapacity of his Majeſty, were ſo irrelevant, ſo foreign to the queſtion, and ſo perfectly abſurd, that they were not to be relied on as law, even if they came from the mouth of a Judge. With reſpect to the ſtrong and lofty aſſertion that had been at firſt made of the right of the Prince of Wales, as Heir Apparent, to aſſume the exerciſe of the Sovereignty, it was ſufficient to obſerve, that this doctrine was retracted. Upon this occaſion, he ſhould beg leave to recall the word, and ſay, not retracted, but diſavowed. This reminded him of the precedent in the reign of Henry the Sixth, during which the Duke of Glouceſter quarrelled with the Biſhop of Winchеſter, which diſagreement roſe ſo high, and was carried ſo far, that at length the Duke brought a criminal charge againſt the Biſhop, accuſing him of having, in a former reign, adviſed the Prince of Wales, afterwards Henry the Fifth, to aſſume the Sovereign Authority in the

life-time of his father Henry the Fourth. Tho' this charge, if proved, would have been high treaſon, the Biſhop deſired that it might be referred to the Judges, and that its validity might be determined by the ſtricteſt inveſtigation. The quarrel, however, was compromiſed, on grounds of perſonal convenience, and the charge never came to a legal deciſion. When, at the cloſe of his ſpeech, Mr. Pitt had endeavoured, by many arguments, to eſtabliſh the right of the two Houſes of Parliament to provide the means of ſupplying the defect in the caſe of the King's incapacity to exerciſe the Sovereign Authority, Mr. Chancellor Pitt expreſſed his hopes that he ſhould impreſs the Houſe with a conviction, that if they had a right, they had alſo a duty; a duty which neither their allegiance nor their affection to their Sovereign would allow them to diſpenſe with. It was their duty, at this time, not only unequivocally to declare their right, ſo that it might remain aſcertained, beyond the poſſibility of all queſtion hereafter, and become ſecured to poſterity, but to proceed, without delay, to exerciſe their right, and provide the means of ſupplying the defect of the perſonal exerciſe of the Royal Authority, ariſing from his Majeſty's indiſpoſition. Upon no account did it appear probable, that their deciſion could either occaſion a diſſenſion between the two Houſes of Parliament, or produce miſchievous conſequen-

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ces of any kind whatſoever. On the contrary, if the right were not declared, as well as decided, it would appear that the two Houſes had made a compromiſe, unbecoming themſelves, and acted upon perſonal motives, rather than a due regard to the true intereſts of their country.

Mr. Chancellor Pitt now read his two Reſolutions, as follow; and afterwards moved the firſt, which was carried unanimouſly.

I. "That it is the opinion of this Committee, "That His Majeſty is prevented, by his preſent "indiſpoſition, from coming to his Parliament, "and from attending to public buſineſs, and that "the perſonal exerciſe of the Royal Authority is "thereby, for the preſent, interrupted."

II. "That it is the opinion of this Committee, "That it is the right and duty of the Lords Spi-"ritual and Temporal and Commons of Great "Britain, now aſſembled, and lawfully, fully, "and freely repreſenting all the eſtates of the "people of this Realm, to provide the means of "ſupplying the defect of the perſonal exerciſe "of the Royal authority, ariſing from His Ma-"jeſty's ſaid indiſpoſition, in ſuch manner as "the exigency of the caſe may appear to re-"quire."

Reſolved, "That for this purpoſe, and for "maintaining entire the conſtitutional authority "of the King, it is neceſſary, that the ſaid Lords "Spiritual and Temporal and Commons of Great Britain,

" Britain, ſhould determine on the means whereby " the Royal aſſent may be given in Parliament " to ſuch bill as may be paſſed by the two " Houſes of Parliament, reſpecting the exerciſe " of the powers and authorities of the Crown, " in the name, and on the behalf, of the King, " during the continuance of His Majeſty's pre- " ſent indiſpoſition."

The *Maſter of the Rolls* declared, that, till within the laſt ten days, he never had heard of there exiſting any right in his Royal Highneſs the Prince of Wales, whether aſſumed or attached, upon the declaration of the two Houſes of Parliament of the temporary incapacity of the Sovereign, to exerciſe the Royal authority during ſuch incapacity. Having quoted a great variety of legal authorities, to prove the reverſe to be the fact, the Maſter of the Rolls added, that he begged leave to call upon the learned gentlemen of his own profeſſion, to point out the ſtatute that contained any recognition or declaration of ſuch a right's exiſtence, or any law-book whatever; and he contended, that he could, with eaſe, refer to ſeveral ſtatutes and law-books, likely to have noticed it, if any ſuch right had exiſted, but they were all of them completely ſilent on the ſubject. As to what had fallen from a noble and learned Lord (Loughborough) in another place, (the Houſe of Peers) on the preceding Thurſday, reſpecting the Prince of Wales and his Majeſty being deemed one and the ſame per-

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ſon, in a particular record, he ſhould think it ſufficient to anſwer, that he had read the record, and that its ſenſe was metaphorical. Sir Richard conſidered the precedent in the reign of Henry the Sixth, and alluded to what he deſcribed as its pointed analogous reference to the preſent caſe. He declared, that he had no doubt whatever, but that it was the conſtitutional right of both Houſes to provide for the interruption of the Royal authority, during the continuance of His Majeſty's illneſs; and, ſurely, he remarked, the beſt way to teſtify a proper reſpect for his Royal Highneſs, would be by deciding in favour of the rights of Parliament, on the preſervation of which the welfare of the Crown, and the intereſts of the people ſo eſſentially depended.

Mr. *Loveden* expreſſed his ardent wiſhes, that the Houſe would meet the motion of the Right Honourable Gentleman with their fulleſt concurrence; and thought it a moſt deſirable object to be attained in the conduct of the preſent truly important proceedings. He, notwithſtanding, muſt deſire leave to aſk the Right Honourable Mr. Chancellor Pitt two queſtions; and the one was, whether by theſe reſolutions that had been juſt read, he meant to preclude his Royal Highneſs the Prince of Wales from being Regent, and ſole Regent; the other, whether by the words towards the end of the Right Honourable Gentleman's ſpeech, relative to motives of private intereſt or convenience, the Committee were to

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underſtand, that ſuch gentlemen as would not ſubmit to vote for the Reſolution, would have their votes imputed to private intereſt and private convenience.

Mr. Chancellor *Pitt* anſwered, that it would afford him the utmoſt pleaſure to give any gentleman the fulleſt ſatisfaction, if he appeared to have miſunderſtood any part of his obſervations. With regard to the firſt of the two queſtions, whether he meant by the Reſolutions to preclude his Royal Highneſs the Prince of Wales from being Regent, and ſole Regent; he believed, gentlemen knew, that he had on the preceding Friday very fully intimated his individual ſentiments on the ſubject, and had declared, in expreſs terms, that it was, in his opinion, highly deſirable, that whatever part of the legal power it was neceſſary ſhould be exerciſed at all, during this unhappy interval, ſhould be veſted in a ſingle perſon, and that perſon his Royal Highneſs the Prince of Wales. The preſent Reſolution was only calculated to declare the right of the Houſe in concurrence with the Houſe of Lords to appoint a Regent, and leave it open for them to determine, in a ſubſequent ſtage, who the Regent ſhould be. With reſpect to the Honourable Gentleman's conceiving that he had ſaid, that thoſe who would not ſubmit to vote for he Reſolutions, would have their votes imputed o motives of private intereſt and convenience, he ſhould be heartily aſhamed if he could have

been indecent enough to have been guilty of ſo much rudeneſs to that Committee, or any individual member whatſoever. In mentioning the conſtruction which the world might poſſibly put upon their conduct at that moment, and under the peculiar circumſtances of the caſe, he had remarked, that if when the eſſential conſtitutional rights of the two Houſes were queſtioned and doubted, they refuſed to vote reſolutions that would decide upon them and inſure them to their poſterity, they would render themſelves liable to have their conduct imputed rather to motives of perſonal intereſt and perſonal convenience, than to a due regard to their duty, and that attention to the honour and ſafety of the Crown, as well as to the preſervation of their own clear and invaluable conſtitutional rights, which they owed to the country and to themſelves.

Mr. *Baſtard* ſaid, he had no view in riſing, but merely the public good. He was equally affected towards the Right Honourable Gentlemen (Mr. Pitt and Mr. Fox) though the people were not ſo. Before the Houſe came to a determination on this queſtion, he beſought them to conſider its conſequences. He ſaid, he wiſhed for unanimity: for, ſuppoſe a different deciſion ſhould take place in the two Houſes of Parliament, how could this difference be adjuſted? He ſaid, he looked on it with horror! If it was determined, he ſhould do his duty; but he ſhould be glad to know, what good it would anſwer? He

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ſaid, it had been declared in another place, that his Royal Highneſs had abandoned all claim of right, and had ſubmitted every thing to the authority and determination of Parliament. The Right Honourable Gentleman would do well to weigh the conſequences with which the determination of this queſtion might be attended. He did not ſay, they muſt neceſſarily ariſe; but if there was any danger, he ought carefully to guard againſt it. He aſked what poſſible advantage could be gained by the determination of this queſtion?

Lord *North* roſe next, and ſaid, he did not riſe to anſwer the queſtion of his Honourable Friend who had juſt ſat down, for he knew no poſſible anſwer that could be given to it. He made an apology for delivering his opinion at that time, as moſt likely he ſhould not be able at a later hour. He ſaid he had many objections to both reſolutions, though they might be reduced to one. The Right Honourable Gentleman was afraid, if this queſtion was not diſcuſſed, they might be accuſed of acting from perſonal motives; but by determining it, they would appear to be actuated by publick conſiderations. His Lordſhip was ſtrongly of opinion that the queſtion ought to be laid aſide, and for the Houſe to proceed immediately to the buſineſs that was before them. He ſaid their much beloved Sovereign was at preſent in a melancholy ſtate of health, and they all hoped, by the bleſſing of God, that

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he would recover; but that as he was incapable, at preſent, of diſcharging the duties of his high ſtation, they ought to loſe no time in filling up the legiſlature. Every ſtep they had hitherto taken had been juſtified by the neceſſity of the caſe; but if they had gone one inch farther, they would have exceeded the limits of their authothority. The two Houſes of Parliament, without the third eſtate of the realm, had no power to make laws, or to do any act, except, in ſo far as they were juſtified by the neceſſity of the caſe.— The duty of the two Houſes of Parliament was, at preſent, to fill up the third branch of the Legiſlature. He ſaid, he conſidered every queſtion as ſpeculative, that was not abſolutely neceſſary to be decided by them in their preſent ſituation. When they had met for the expreſs purpoſe of ſupplying the defects of the Legiſlature, he begged leave to ſay, that this queſtion was totally unneceſſary to be determined. The preſent buſineſs before the Houſe was to fill up the defect of the Legiſlature, ariſing from the temporary indiſpoſition of the King. It appeared the queſtion now under conſideration was not only uſeleſs, but it might be extremely pernicious. In the reſolutions, the Lords were mentioned. He wiſhed to know what right the Commons had, to reſolve and determine any meaſure for the other Houſe of Parliament. The Right Hon. Gentleman had thought that it was neceſſary to determine this

queſtion, becauſe his Right Honourable Friend (Mr. Fox) had given it as his opinion, that the Prince of Wales had this right, independent of Parliament. But did it follow that the Prince actually had, or claimed that right, becauſe that happened to be the opinion of an individual Member of Parliament? He had a very great reſpect for the opinion of his Right Honourable Friend, but it was paying him too high a compliment, to ſuppoſe that any political proceedings were to be grounded on his opinion, unſupported by any other. The conſequence of entering into this queſtion was altercation and diſſenſion, at a time when unanimity ought to prevail among them. God forbid he ſhould maintain there was any indefeaſible right to ſucceed to the ſovereign power; yet if the two Houſes were to decide that the Prince has no right to ſucceed, it would be unjuſt and dangerous; it would lead to many errors; for people without doors would think the Prince had aſſumed this power; whereas it was univerſally known and acknowledged, that he had not. The Heir Apparent, the Right Honourable Gentleman ſaid, might ſucceed either to the whole, or to a part of the Royal authority. He ſaid he did not remember that any of the precedents curtailed the Regent in any of the important privileges of the Royal prerogative. It was of great importance to maintain the great ſenſe of the conſtitution. But

if any reſtrictions, limitations, or modifications were to be made, they ought to be made by the Houſes of Parliament, aſſembled as they were at preſent. What was the ground of their meeting here? There was a great point to be ſettled —They were to do ſomething which no other perſons could do—they were to ſupply the defect in the Legiſlature.—They were juſtified, from the neceſſity of the thing, in going ſo far; but if they went an inch farther, they uſurped an authority which did not belong to them, and ſubverſive of the principles of the conſtitution. The two Houſes could not paſs a turnpike bill; and ſhall they proceed to make laws, limit the Regency, and new caſt-the Britiſh conſtitution? In the minority of Henry VI. the Duke of Glouceſter was Protector; but it was important to conſider, that the Parliament was called together by a Lieutenant appointed by the Crown to hold Parliaments. It was plain that no Bill could paſs into a law without the Royal aſſent. The regular and conſtitutional way of doing buſineſs, was firſt to appoint a Regent, and then proceed to modify and limit it, which could be done equally well without infringing on the conſtitution. But to attempt to find out a mode of giving the Royal aſſent, before the third branch of the Legiſlature was ſupplied, was the greateſt uſurpation to be found in the hiſtory of this country. They were under the neceſſity of ap-

pointing a Regent from the preſent diſtreſſed ſituation of our much beloved Sovereign, and they had nothing to do but to go directly to work. In this caſe, they would uſurp no power, which did not belong to them: they would only do what neceſſity compelled them to do, and what neceſſity alone would juſtify.

The coming to a determination on this queſtion would be attended with many bad conſequences. In the firſt place, the determination of this queſtion was perfectly uſeleſs and nugatory; it was productive of contention and various errors. He deſired the Houſe to beware of the breaking through the principles of the conſtitution, by doing acts in their preſent capacity, which only belong to the three branches of the Legiſlature.

He ſaid, he ſhould not trouble the Houſe with any more obſervations at preſent, and concluded with moving, "That Mr. Alderman Watſon leave the chair, and report progreſs." He ſaid, he hoped the next time they met, they would lay aſide ſuch uſeleſs and nugatory queſtions, and proceed to the important buſineſs that was before them.

Mr. *Powys* ſaid he roſe to ſecond the motion that had been made by the noble Lord who had juſt ſat down. He could ſee no poſſible uſe in determining this queſtion; to ſay the beſt, it was unimportant; and might very probably be attended with a number of very ſerious conſequences.

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Theſe had been excellently pointed out by the noble Lord who had gone before him. He ſaid, that every man in that Houſe who wiſhed well to the country, and who was diſpoſed to perform his duty as a good Member of Parliament, would ſtudy unanimity on the preſent occaſion.

Mr. *Rolle*, declared, that he thought the queſtion of right indiſpenſably neceſſary to be diſcuſſed and decided, after what had paſſed in that Houſe and elſewhere. He had told his conſtituents to their faces, that ſo long as the Right Honourable Gentleman at the head of the Treaſury appeared to him to be actuted by loyal and conſtitutional principles, he ſhould have his ſupport, and no longer. The Right Hononrable Gentleman's conduct had been ſuch as, in his opinion, well entitled him to the confidence and applauſe of the country: he had reſtored our commerce, and exalted the national character; and, on the preſent occaſion, ſeemed to be influenced by the moſt ardent and anxious zeal to preſerve the rights of the Crown ſafe and entire, in a moment of ſingular public misfortune.

The *Attorney General* ſaid, that he had exerted no common induſtry in looking for information on the ſubject of the preſent debate; and though he was diſpoſed to pay every due reſpect to the ability and experience of the noble Lord, he could not but obſerve, that the acuteneſs of his Lordſhip's diſcernment had never come ſo ſhort of its object as on the preſent occaſion. He con-

tended that no loſs of time could be incurred, by determining that it was the right and duty of the Lords and Commons to provide for the preſent exigency. On the contrary, ſuch a reſolution was a neceſſary foundation of all their future proceedings, as well as to vindicate the rights of the nation at large. He denied that the diſtinction between the politic or official capacity of the Crown, and the natural and human capacity of the perſon of the King, might ever be kept ſeparate; as upon that diſtinction the whole rectitude of their proceedings depended. The political capacity was invulnerable, the natural capacity was otherwiſe; the former required no ſupply, the latter unfortunately did. The mode in which the latter was, in antient times ſupplied, lay in ſome obſcurity. Whether in tender infancy, the expreſſion of the King's will, by his Great Seal, was directed by his Privy Council, his great Council of Peers, or, his ſtill greater Council of Parliament, was a matter of ſome obſcurity, but that it was ſo manifeſted is certain, and that manifeſtation by the Great Seal, is proved by the Rolls of Parliament uniformly to have been deemed neceſſary. He begged leave to advert to the ſituation in which both Houſes of Parliament now aſſembled, were particularly placed; they were the only poſſible Counſellors to aſcertain the King's politic capacity, and as to the mode in which the exerciſe of the natural capacity might be ſup-

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plied, in the preſent poſture of affairs. The Attorney General dwelt very much upon the diſtinction between the natural and the political capacity of the King, which conſtituted the difference between an abſolute vacancy of the throne, as it exiſted at the Revolution, and a temporary ſupply of ſome of its natural functions. In order to enforce the point that a Regent was unknown to the common law of the land, and a mere creature of Parliament, he adverted to the rolls of Parliament, which proved, that when the Duke of York was made Regent by King, Lords, and Commons in the Reign of Henry VI. a patent was directed to be ſealed in favour of the Prince of Wales, when he ſhould come of age, which demonſtrated, that, without a patent, the Prince of Wales, when of age, could not claim as of right, much leſs aſſume, the Regency of the realm. With reſpect to the diſquietude of the minds of the nation, he inſiſted that this great queſtion having been introduced by a Right Honourable Gentleman, it muſt now be ſettled for all poſterity. He conjured the Houſe not to ſkulk from the real and ſubſtantial queſtion of their rights, under the ſhelter of a previous queſtion, but manfully to recollect that they were acting for the whole people. The dead ſilence of the whole law upon this common law right of a Regent, was a ſtrong proof that it was unknown. If there were ſuch a common law

officer, he aſked, wherefore our anceſtors, on framing the coronation oath, had not directed that it ſhould be adminiſtered to Regents as well as to Kings; whereas, according to the doctrine of the day, a Regent was to ſtep into the throne without ſuch a pledge being given to the people, for the enjoyment of their civil and religious rights. This ſilence, as to common law right was, however, interrupted by the powerful language of Parliament, when it granted a reverſionary patent to the Prince of Wales, then a minor, when he ſhould come of age. It ſeemed, therefore, as if this had been done to preclude any claim of right for ever; and he truſted that on the preſent occaſion he ſhould reap a very ſaving benefit from ſuch inſtruction.

Mr. *Fox* obſerved, that being in a manner called upon, it was neceſſary that he ſhould trouble the Committee; though, from the indifferent ſtate of health in which he was, he feared that he ſhould be unable to do any thing like juſtice to the ſubject.

He imagined, from the weakneſs of the arguments which had been advanced by the oppoſite ſide, they wiſhed to invite him to an examination of the ſubject of the right of his Royal Highneſs the Prince of Wales, in the diſcharge of the executive power, in the preſent condition of the Sovereign. They thought, perhaps, that the futility and weakneſs of all that they had been

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able to adduce, would have been a temptation which *fleſh and blood could not withſtand.* It certainly was curious to hear them talk of ſtigmatizing a Parliament of Henry VI. and to produce examples and precedents from that reign, as applicable to the preſent ſettlement of the conſtitution; and from a Parliament, in which the Houſe of Lords had committed to priſon the Speaker of the Houſe of Commons!

If the precedents from this reign were thus abſurdly applied, there was ſomething peculiarly unlucky in their calling to recollection that of Edward III. in which a Prince of Wales was more than once declared Regent of the kingdom, in the abſence of his father, and that *even in the time of his minority.* The "caſe in point," cited from the reign of Henry IV. is no leſs irrelevant in its application. But what a difference in the two ſituations of Henry IV. and his preſent Majeſty. Henry was reduced to great infirmity by age and illneſs; but was his illneſs of that nature to *incapacitate*, like that under which our Sovereign labours? It was widely different; and though Henry might be ſo ſorely afflicted, as *not to be able to come down to Parliament*, he was not, as his preſent Majeſty is allowed to be, *incapable of all public buſineſs.*

There had been, Mr. Fox obſerved, the aſſertion of a poſitive right by law on both ſides; on the one, the right of the Prince to be Regent;

the right of the Two Houſes to elect him, on the other. He aſked them, ſince the Right Hon. Gentleman ſeemed determined to make it a perſonal queſtion between them, why he did not propoſe his own opinion to be adopted, as the Reſolutions of the Houſe: That the Prince of Wales *had no greater right to the Regency than any individual among them?*—Since he was determined to have recourſe to his majority, why did he not make uſe of it to carry his own queſtion? The reaſon was, that he dared not propoſe it to the Houſe. He knew, that as ſoon as it had been uttered, it had met with the moſt pointed reprobation; and wherever it had been circulated, public execration had attended it. It was, however, Mr. Fox maintained, the ſupreme Legiſlature alone that had power to do wrong. The three branches, conſiſting of King, Lords, and Commons, might ſet aſide the ſucceſſion, and deprive the Prince of Wales of his right; but it was not in the power of the two Houſes, any more than it was in that of the Miniſter himſelf. He had allowed, that in caſe of the demiſe of the King, nothing ſhort of an Act of Excluſion, could ſet aſide the right of the Prince of Wales to the inheritance of the Crown; while in reality, nothing leſs than ſuch an act could exclude him from the Regency. The Government of the Princes of the Houſe of Brunſwick had been ſuch, ſince their acceſſion to the Crown of theſe kingdoms, as to render it impoſſible to

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ſuppoſe that any act of theirs could bring any meaſure of that kind even into contemplation. If ever they had differed with the people, it was only on collateral points. None of theſe Princes had attempted any thing that directly invaded the conſtitution of the country; though if they had meditated any ſuch miſchievous deſign, there was a party exiſting, that would be ready to abet them in the blackeſt ſcheme that ever a tyrant deviſed againſt the liberties, or the happineſs of his ſubjects. He was, and always had been, ready to avow his attachment; and when he mentioned his reverence and regard for the Princes of that line, it was not to ſound obliquely his own praiſe, in the confidence which they placed in him; that was a principle he ſhould ever hold in diſdain; but the Right Hon. Gentleman ſeldom introduced any mention of the Royal Family, or the Royal Perſon, *but it terminated in an oſtentatious diſplay of his own merits, in an indirect encomium on himſelf.*

The very Act of Settlement by which the illuſtrious Houſe of Brunſwick was ſeated upon the Throne of theſe realms, would, as Mr. Fox obſerved, be defeated by the doctrine of the Right Honourable Gentleman. For to ſet the Prince of Wales aſide, in the ſucceſſion of the Regency, would be the ſame thing as to ſuperſede him in the ſucceſſion to the Crown. This right was to be determined by the concurrent voice of the

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three branches of the Legiſlature, and not by one or two. The conſtitution ſuppoſed each branch not only independent of the others, but actually hoſtile.

He then proceeded to ſhew, that the principle of electing a Regent by the vote of the two Houſes, would be much the ſame thing as to eſtabliſh an elective monarchy. All the diſadvantages of an election would take root here. In general, there are ſome reſtrictions as to capacity, &c. in perſons to be elected. But there were none ſuch impoſed upon him whom the Parliament chooſe as Regent. They might elect a Foreigner, a Roman Catholic, or any other perſon; for what law defined the particular kind of perſon whom they ſhould elect? An hereditary monarchy was juſtly looked upon as the happieſt kind of monarchical inſtitution. Yet, ſhould a foreigner aſk, have you really an hereditary Sovereign? In the true principles of the conſtitution, we ſhould anſwer—we have; but if we had in view the reſolution now propoſed, we ſhould ſay, aſk the phyſicians. When he is in good health, the monarchy is hereditary; when indiſpoſed, it is elective. But the aſſertion of an elective King is ſo palpably hoſtile to the principles of the conſtitution, that it would not be tolerated for a moment. How then was this difficulty to be got over? An acute lawyer might be found, who would plauſibly advance, that though

we muſt allow the monarchy to be hereditary, the executive power may be elective. The Crown and its functions were thus whimſically ſeparated, as if they were two ſeparate things, though the one is the eſſence, and the other merely the name. If the Crown is to have no functions, why there ſhould be a King, it was beyond his imagination to diſcover.

With regard to the reſolution then under the diſcuſſion of the Houſe, he had two collateral objections to make to it. The firſt was, that mentioned by his noble friend (Lord North); that it brought into their conſideration and determination the duties of the Houſe of Peers. The other was, that the Reſolution itſelf was wholly equivocal. It was inſidiouſly calculated to convey a cenſure upon an opinion which he had delivered, while the Right Hon. Gentleman evaded the diſcuſſion of an opinion of his own. This was a mean ſhift, totally irreconcileable with the confidence which the Right Hon. Gentleman placed in the expectation of a majority. In majorities, Mr. Fox declared, that he had no great truſt; he had in general the mortification to find himſelf in a minority in that Houſe; for more than eighteen years of a political life, he had to ſtem the torrent of power; ſometimes, indeed, he had enjoyed the ſatisfaction of finding himſelf in a majority of the ſame Parliament, of which, in the proſecution of the ſame princi-

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ples, he had been ſupported by only a minority before. Whether he was, therefore, in a majority or a minority, it was the ſame thing to him. He would never take advantage of the one inſidiouſly to carry one meaſure under the colour of another, any more than to abandon or flinch from any queſtion, merely becauſe he thought he ſhould be abandoned by the Houſe.

The other Reſolution, Mr. Fox obſerved, had not the inſidious and equivocal tendency of the former. On the contrary, it was a plain and palpable attack on the conſtitution of the country. By the 13th of Charles II. it was declared that no law could be enacted, but by the joint conſent of the three branches of the legiſlature. This Reſolution would empower to paſs an act by their own authority; or what was worſe, to create a third pretended power, a creature, a ſhadow, a pageant of their own, to ſupply the place of royalty. This Being was to be inſtructed, to receive its orders from them; nay, was created for the purpoſe of giving a colour of law to their illegal proceedings.

If there was to be any monarchy at all, Mr. Fox pronounced it as his doctrine, that the monarchical power ſhould be entire. The authority of a King, who would be obliged to paſs laws contrary to his own opinion, and without his own conſent, was a thing that did not come within his conception. If they judged it proper

to circumſcribe the royal prerogative, they ſhould firſt inveſt the proper perſon with that prerogative, and then contend openly and manfully againſt it. This was the kind of warfare which he had been accuſtomed to, and not that unfair and aſſaſſinating ſort of attack, which is aimed at an adverſary when he has no capability of reſiſtance. To be accuſed of contending againſt the privileges of the Houſe of Commons, was a new ſituation to him; the accuſation, however, was falſe; he had always contended ſtrenuouſly for thoſe privileges; and he alſo fought againſt the prerogative of the Crown; but then he had fought againſt an enemy in the plenitude of his power, which it was the glory of an Engliſhman to do, and not againſt one laid low and extended at his feet. If he had ſtruggled with monarchy, it was with a monarch in all the poſſeſſion of his power; he had endeavoured to limit the prerogative, where he thought it was overgrown, not to diminiſh it below the balance of the conſtitution:—it was the regular property, the eſtates, the freeholds of the Crown, which he had judged neceſſary to entrench upon; the preſent deſigns were making on what it might poſſeſs from ſhipwreck, or ſuicide, on the waifs, eſtrays, deodands, and other accidental property that might accrue to it from misfortune, not from proſperity.

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The queſtion was now—whether we ſhould proceed to election or otherwiſe? He then took an opportunity of affirming, that he knew nothing of the Right Honourable Gentleman's *ambition*, knew nothing of his motives; but ſuppoſing that there were an ambitious perſon of the deſcription alluded to, he would take the very ſteps which the Right Honourable Gentleman had adopted. If there were an individual who preferred his own lucre and welfare to the good of his country, he would countenance and ſupport the very ſame meaſures—" endeavouring to embarraſs the Go-" vernment of that Prince, whoſe approbation " he was conſcious he did not deſerve."

Mr. Fox drew to a concluſion, by ſaying, that although there were ſeveral ſteps of policy and political foreſight, highly praiſe-worthy in the Adminiſtration of the Right Hon. Gentleman—ſuch as the peace eſtabliſhment with France, and the ſpirit obſervable on that emergency; yet that the greater part of his actions had not been ſo conſtant to true conſtitutional principles. Had the Right Hon. Gentleman acted wiſely; had he acted liberally; had he acted as a friend to the peace and welfare of the kingdom, he would have revolved in his mind, that he had remained ſeveral years in office; that he could not conſider his ſituation, or that of any man, as permanent; that finding there was to be a change of men and meaſures,

meaſures, he ſhould ſcorn to interrupt the exerciſe of the executive Government; and that he ſhould retire with all the honour and dignity becoming the oſtenſibility of his ſituation. But what does the Right Honourable Gentleman? I will, ſays he—for this may be ſuppoſed to be his language—take care that no man ſhall have it in his power to eclipſe my fame; no man ſhall tarniſh my glory by any competition.

Mr. *Pitt* remarked, that an apology was due from him to the Committee, for obtruding a ſecond time on their indulgence; but to the concluding part of Mr. Fox's ſpeech he found it neceſſary to reply. He begged Gentlemen to recollect, that he had avoided all perſonal animoſity and inſidious provocation. The conduct of his opponent, however, had been diametrically oppoſite; he had conveyed upon him, in the courſe of his remarks, imputations, unjuſt, arrogant, and preſumptuous. The ſubject before the Houſe had been uſed as the vehicle of perſonal attack upon him—and by an oſtentatious and open avowal of the authority and favour of the Prince of Wales, he had exultingly inſinuated, that when the Prince ſhould receive the ſanction of both Houſes of Parliament, in the appointment of the Regency, he was no longer to be a member of Adminiſtration; he had alſo been charged with exerciſing an irregular ambition, hoſtile to the welfare of the country. He, however, defied Mr.

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Fox to prove, in any ſingle inſtance, his having ſacrificed the *true* intereſts of the nation for any perſonal views, or to gratify any inordinate ambition.

The protection and favour of the Prince, he was convinced, could only be obtained by a ſtrict attention to his conſtitutional prerogatives, and a faithful and honeſt diſcharge of every public duty. So far as theſe conſiderations operated, he was conſcious of having endeavoured to merit the approbation of the Prince of Wales. A Regent, with temporary powers, he contended, ſtood in need of every conſtitutional advice that the wiſdom of the legiſlature ſhould think proper to adminiſter. The utmoſt precaution ſhould alſo be exerciſed, to prevent the ratification of any act, inconſiſtent with the laſting intereſt of the King, and the ſafety of his loyal and affectionate people; nor would the wiſdom of Parliament give a ſanction to any meaſure tending to embarraſs the perſonal exerciſe of the royal authority. He then very plainly declared, that the language which had been uſed by the Right Hon. Gentleman towards him was at once "unjuſt, arrogant, and unprovoked." It is not the Prince of Wales's right the Right Hon. Gentleman means to defend; but, by twiſting and turning the topic of debate, and by wandering widely from the queſtion, he makes the Prince's right ſubſervient to an unjuſt attack againſt me. Perhaps (ſays Mr. Pitt)

Pitt) the Right Hon. Gentleman meant to deſcribe the form of a new arrangement, and with that ſpecies of vaunting in which he is not deficient, inſinuate, with becoming delicacy and diſintereſtedneſs, that I am no longer to be in Adminiſtration. Mr. Pitt then treated this part of the ſpeech with ſucceſsful irony, and in his obſervations was felicitous. The Right Hon. Gentleman has remarked, that as I have been in power ſeveral years, I ought to retire, and leave him and friends to the quiet enjoyment of their places; and ſhould I not accept his admonition, the wrath of a certain great perſonage is denounced againſt me, whoſe approbation, according to the Right Hon. Gentleman's report, I was conſcious that I did not deſerve. With regard to innovations, the Right Hon. Gentleman could not with juſtice affirm, that he (Mr. Pitt) had placed unneceſſary bulwarks to the conſtitution. He had exerted himſelf for the good of his King and country; and if it were criminal, he confeſſed his criminality. Whether (ſays Mr. Pitt) I have deſerved the favour of the great perſonage alluded to, it would be preſumptive in me to aſſert; but this much I may ſay, I am conſcious that I have performed my duty as became an HONEST MAN. I have endeavoured to deſerve his approbation, by faithfully diſcharging my duty to his Royal Father. If I have failed, I

cannot help it; but no INDICATION of DISPLEASURE from that GREAT PERSONAGE can ever make me repent of one ſtep in my conduct, either in my duty to my King or my country. If the Right Hon. Gentleman ſuppoſes that we ſhall have no longer any ſhare in the Government, and that he and his friends will come into power, I may anſwer, that we know and have experienced his principles; we know how he wiſhes to dictate and govern in the plenitude of his power; and therefore ought to provide againſt any permanent and immutable government, as his Majeſty may recover, and enjoy his former functions. We know their obnoxious principles, and therefore ought to provide againſt the impending danger. The Houſe, when Mr. Fox had talked of his political principles, ſeemed inſtantaneouſly to recognize them; it was not forgot, that in a late ambitious exertion of thoſe principles, he aimed at dictating to the executive officers of the Crown, and attempted to wreſt from their authority thoſe guards, with which that branch of the Legiſlature had been wiſely provided. If then the Hon. Gentleman was ſo ſanguine of his attainment of power in the new government, it became more neceſſary, for the purpoſe of defeating his ambition, to proceed in the ſettlement of the Regency with the utmoſt precaution and circumſpection. He would adviſe him in future, when

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the ſubject ſhould in a more matured ſhape come under conſideration, not to deviate from it, and enter on perſonal topics, foreign from the matter of debate. Such conduct, he ſarcaſtically remarked, would not further ſecure him the favour of the Prince of Wales, of whoſe patronage he had ſo proudly boaſted. His meaning, he obſerved, had been, as uſual, induſtriouſly perverted, when he ſpoke of the Prince of Wales as having no ſtrict legal right to be ſole Regent. The right had been confounded with matters of preference, for the purpoſe of accommodating their arguments, and enforcing their deſigns.

Mr. *Fox* explained; and declared, he did not mean to inſinuate, that if a change of Adminiſtration took place with a change of power, that he was to be a member of it; but if it were true, he could not conceive that thoſe additional checks on the Regency would be ſo neceſſary as the idle and ill-founded apprehenſion of Mr. Pitt had ſtated.

The Lord Advocate of Scotland declared, that the general queſtion of Right could not be waved, unleſs both Houſes were ready to reſolve, that the Prince of Wales ſhould not only be Regent, but inveſted with all the royal powers, without limitation or diſtinction; for, if a limitation of any kind was to be the ſubject of debate, it did not ſeem poſſible to avoid a previous diſcuſſion

of the Right. As to the queſtion itſelf, he hoped it would be conſidered, that they were not met to deliberate upon a ſettlement of the kingdom of England alone. He thought it neceſſary to enquire into the conſtitution of England and of Scotland ſeparately before the Union, and of Great Britain ſince. He had heard it very confidently affirmed, that, were the ſuppoſed inherent right of the Heir Apparent, to exerciſe the royal powers upon ſuch occaſions as the preſent, to be diſallowed, the conſequence would be, a virtual diſſolution of the Union; the rule being fixed in Scotland in favour of ſuch hereditary and legal claim of Right: but he ſhould venture to aſſert, that the propoſition had no real foundation. As to the appointment of a Regent, whatever his powers might be, the ſame had always been made in Scotland, as in England, under the ſanction and authority of the States of the Kingdom, either previouſly given, or afterwards interpoſed; and ſometimes the next heir of the Crown had been choſen, ſometimes not; ſometimes one Regent, and, at other times, more than one. Many of the Kings of Scotland having fallen in battle, and ſome by the hands of their ſubjects, when the power of the Ariſtocracy was too great, there had been more infant ſucceſſions and more Regencies in Scotland, than in moſt other countries; and the States of the

Kingdom had repeatedly ſhewn, that they did not conſider any individual whatever as having a fixed legal right to that office.

When the Maid of Norway ſucceeded her grandfather, Alexander III. ſix regents were appointed. In the infancy of James II. of Scotland, there was a regency of three. In that of James III. there was a regeney of ſeven. In that of James III. the Duke of Chatelherault, the next preſumptive heir of the Crown, claimed the office upon that ground; but his claim was diſallowed, and firſt the Earl of Murray was appointed, and afterwards, probably, others, none of whom were in ſucceſſion to the Crown.—It was of more conſequence, however, to conſider how that matter had been underſtood by the Legiſlature of Great Britain ſince the Union: and ſurely it was impoſſible to read the proviſional acts of 24th George II. and 5th George III. without ſeeing clearly, that no right of adminiſtration was then ſuppoſed to attach upon any individual; though, in point of fitneſs and propriety, not a perſon in the kingdom would think of any other than the preſent Heir Apparent.

Mr. Milne (Member for York) gave his cordial ſupport to the Miniſter. He lamented the change that was ſoon likely to happen; and declared, that whenever the period arrived that the Right Honourable Gentleman (Mr. Fox)

got into power, they would not find a weak Adminiſtration, and a mild Government,—but a bold Adminiſtration, and an arbitrary Government.

The Solicitor General roſe, and ſaid, no man could vote on the preſent queſtion, without conſidering his allegiance to his Sovereign. We all agree, ſaid Sir John Scott, that his Royal Highneſs ſhould be Regent, but differ in opinion about the right requiſite. He corrobrated Mr. Pitt's argument, by affirming, that, with regard to his Royal Highneſs's right, it was no more than that of any other individual; that it was a gift of expediency granted him by Parliament; that, as we had at preſent a King, although unfortunately incapable of exerciſing the royal authority, the Prince himſelf was only a ſubject; that his Majeſty's indiſpoſition was of a temporary nature, which, perhaps, would not longer preclude him from exerciſing his authority, than a fever might preclude the ſucceſſor, about whoſe rights they were at preſent contending.—*(Here he was called to order.)*—The King, who acceded to his throne in 1761, is ſtill on the throne in the year 1788; therefore a law in any Court, acknowledging his ſupremacy, although Gentlemen might call ſuch a mode of reaſoning metaphyſical, entailed on tranſgreſſors at preſent the effects and penalties of that law.

law. With regard to what had been advanced by the Right Honourable Gentleman, that the phyſicians had declared his Majeſty incapable, he thought the argument abſurd; as, in the eye of the law, we cannot believe the King's phyſicians. It was his opinion, that the Prince of Wales ſhould be fully inveſted with every authority requiſite for managing the public buſineſs with energy and effect; but, recollecting that there was ſtill a King, he thought, that the powers of the Regent ought to be circumſcribed.

Mr. Drake ſaid, he roſe to expreſs his opinion on a ſubject that had long agitated his mind. If, by laying down his life to-night, he could ſerve his country, he was ready to do it. It had been long his glory and his pride to ſupport the meaſures in general of the Right Honourable and magnanimous Gentleman who propoſed the reſolution; and he dreaded no political event ſo much as the change of the preſent Adminiſtration. The topic of debate, he ſaid, might be compreſſed into a nut-ſhell. He was afraid he was now on the aukward ſide of the queſtion, but thought the reſolution proper, as an ultimate deciſion of the claim of Right.

The Committee now divided on the motion, That the Chairman report progress, when there appeared,

Ayes,	204
Noes,	268
Majority	64

The Second and Third Resolutions were then severally put and carried; and the House was resumed, and adjourned.

AN

AN AUTHENTIC LIST OF THE MEMBERS,

Who voted FOR and AGAINST Mr. PITT's MOTION.

London, ALDERMAN WATSON, in the Chair.

	For the queſtion.	*Againſt the queſtion.*
Abingdon,		E. L. Loveden, Eſq.
Agmondeſham,	William Drake, jun. Eſq.	
St. Alban's,	William Grimſton, Eſq.	Wm. Charles Sloper, Eſq.
Alborough, Suffolk,		P. C. Creſpigny, Eſq.
		Samuel Salt, Eſq.
Aldborough, Yorkſhire,	Sir R. Pepper Arden	
	J. Galley Knight, Eſq,	
Andover,	William Fellowes, Eſq.	
	Benjamin Lethieullier, Eſq.	
Angleſea,	Nicholas Bayley, Eſq.	
Appleby,	Hon. J. L. Gower	
Arundel,		Thomas Fitzherbert, Eſq.
		Richard Beckford, Eſq.
Aſhburton,	Robert Mackreth, Eſq.	
Ayleſbury,	Sir Thomas Hallifax	William Wrightſon, Eſq.
Barnſtaple,	William Devaynes, Eſq.	John Cleveland, Eſq.
Bath,	Lord Viſcount Bayham	Abel Moyſey, Eſq.
Beaumaris,	Sir Hugh Williams, Bart.	
Bedfordſhire,		Earl of Upper Oſſory
		Hon. St. Andrew St. John
Bedford,	Samuel Whitbread, Eſq.	William Colhoun, Eſq.
Bedwin,	Marquis of Graham	
	Lieutenant Col. Manners	
Beeralſton,		Lord Viſcount Fielding
		Berkſhire,

	For the Queſtion.	*Againſt the Queſtion.*
Berkſhire,	George Vanſittart, Eſq.	
	Henry James Pye, Eſq.	
Berwick,		Hon. General Vaughan
		Sir Gilbert Elliot, Bart.
Beverley,	Sir J. Pennyman, Bart.	
Bewdley,	Lord Weſtcote	
Biſhop's Caſtle,		William Clive, Eſq.
		Henry Strachey, Eſq.
Blechingly,		John Kenrick, Eſq.
		Sir Robert Clayton, Bart.
Bodmyn,		Sir John Morſhead, Bart.
		Thomas Aunt, Eſq.
Boroughbridge,	Sir Richard Sutton, Bart.	Viſcount Palmerſton
Boſſiney,	Matthew Montagu, Eſq.	
	Hon. Charles Stuart	
Boſton,		Sir Peter Burrell
Brackley,	Colonel Egerton	
	Timothy Caſwall, Eſq.	
Bramber,	Sir H. G. Calthorpe, Bart.	
	Major Hobart	
Breconſhire,		Sir Charles Gould
Brecon,		Charles Gould, Eſq.
Bridgenorth,	J. H. Browne, Eſq.	Thomas Whitmore, Eſq.
Bridgewater,	Sir Alexander Hood, K. B.	
	Robert Thornton, Eſq.	
Bridport,		Thomas Scott, Eſq.
		Charles Sturt, Eſq.
Briſtol,	Matthew Brickdale, Eſq.	
Buckinghamſhire,	Rt. Hon. W. W. Grenville	
Buckingham,	Edmund Nugent, Eſq.	
Callington,	John Call, Eſq.	
Calne,	Joſeph Jekyll, Eſq.	
Cambridgeſhire,	Philip Yorke, Eſq.	
Cambridge Univerſity,	Right Hon. William Pitt	
	Lord Euſton	
Cambridge, Town of	Francis Dickens, Eſq.	
Camelford,		James Macpherſon, Eſq.
		Sir Samuel Hannay, Bart.
Canterbury,	George Gipps, Eſq.	
	Charles Robinſon, Eſq.	

Cardiff

	For the queſtion.	*Againſt the queſtion.*
Cardiff,		Sir H. Mackworth, Bart.
Cardiganſhire,		Earl of Liſburne
Cardigan,		John Campbell, Eſq.
Carliſle,	John Chriſtian, Eſq.	Rowl. Stephenſon, Eſq.
Caermarthen,		John G. Phillips, Eſq.
Caſtle Riſing,	Walter Sneyd, Eſq.	
	Charles Boone, Eſq.	
Cheſhire,	Sir R. S Cotton, Bart.	John Crewe, Eſq.
Cheſter,	Thomas Groſvenor, Eſq.	
	R. W. Bootle, Eſq.	
Chriſtchurch,		Sir John Frederick, Bart.
		Hans Sloane, Eſq.
Chicheſter,	George W. Thomas, Eſq.	
Chippingham,	George Fludyer, Eſq.	James Dawkins, Eſq.
Cirenceſter,	Lord Apſley	
	Richard Maſter, Eſq.	
Clitheroe,		Thomas Liſter, Eſq.
		John Lee, Eſq.
Cockermouth,		J. C. Satterthwaite, Eſq.
		Humphrey Senhouſe, Eſq.
Colcheſter,		Sir Robert Smyth, Bart.
Corff Caſtle,	John Bond, jun. Eſq.	
	Henry Bankes, Eſq.	
Cornwale,	Sir William Lemon. Bart.	Sir W. Moleſworth, Bart.
Coventry,	Sir Sampſon Gideon, Bart.	
	John Wilmot, Eſq.	
Cricklade,	Robert Nicholas, Eſq.	J. Walker Heneage, Eſq.
Cumberland,		Sir Henry Fletcher, Bart.
		William Lowther, Eſq.
Dartmouth,	Richard Hopkins, Eſq.	
Denbighſhire,		Sir W. W. Wynn, Bart.
Denbigh,		Richard Myddleton, Eſq.
Derbyſhire,		Lord George Cavendiſh
		Edward M. Mundy, Eſq.
Derby,		Lord G. A. H Cavendiſh
		Edward Coke, Eſq.
Devonſhire,	John Rolle, Eſq.	John Pol. Baſtard, Eſq.
Dorſetſhire,	Francis J. Browne, Eſq.	
Dorcheſter,		Honourable George Damer
		William Ewer, Eſq.

Dover,

	For the Queſtion.	*Againſt the Queſtion.*
Dover,	Robert Preſton, Eſq.	
Downton,	Robert Shaftoe, Eſq.	Honourable W. S. Conway
Droitwich,		Honourable Andrew Foley
		Edward Winnington, Eſq.
Dunwich,	Barne Barne, Eſq.	Sir. G. W. Vanneck, Bart.
Durham, County of,		Sir John Eden, Bart.
Durham,		John Tempeſt, Eſq.
		Wm. H. Lambton, Eſq.
Eaſt Looe,	Alexander Irvine, Eſq.	
	Lord Viſcount Belgrave	
St. Edmund's Bury,	Lord Charles Fitzroy	Sir Charles Davers, Bart.
Eſſex,	Tho. B. Bramſton, Eſq.	
Eveſham,	Sir John Ruſhout, Bart.	
	Char. W. B. Rouſe, Eſq.	
Exeter,	John Baring, Eſq.	Sir C. W. Bampfylde, Bart.
Eye,	General Phillipſon	
	Major General Bathurſt	
Flintſhire,		Sir Roger Moſtyn, Bart.
Flint,	Major W. Williams	
Fowey,	Philip Raſhleigh, Eſq.	
	Hon. Richard Edgecumbe	
Gatton,	James Fraſer, Eſq.	
St. Germain's,	J. James Hamilton, Eſq.	
	Samuel Smith, Eſq.	
Glamorganſhire,	Charles Edwin, Eſq.	
Glouceſterſhire,	Honourable Capt. Berkeley	
	Thomas Maſter, Eſq.	
Glouceſter,		John Webb, Eſq.
Grampound,	Francis Baring, Eſq.	
Grantham,	George Sutton, Eſq.	
Eaſt Grimſby,		John Harriſon, Eſq.
		Dudley Long, Eſq.
Eaſt Grinſtead,	George Medley, Eſq.	
Guildford,	Hon. Thomas Onſlow	Honourable General Norton
Hampſhire,	Robert Thiſtlethwaite, Eſq.	Jervoiſe C. Jervoiſe, Eſq.
Harwich,	John Robinſon, Eſq.	
Haſlemere,		John B. Garforth
		John Lowther, Eſq.
Haſtings,	John Stanley, Eſq.	
	John Dawes, Eſq.	

Helſton,

	For the queſtion.	*Againſt the queſtion.*
Helſton,	James B. Burgeſs, Eſq.	Roger Wilbraham, Eſq.
Herefordſhire,	Right Hon. Thomas Harley	Sir George Cornwall, Bart.
Hereford,		John Scudamore, Eſq.
		James Walwyn, Eſq.
Hertfordſhire,	Lord Viſcount Grimſton	William Plumer, Eſq.
Hertford,	Baron Dimſdale	
	John Calvert, Eſq.	
Heydon.	Lionel Darell, Eſq.	
Heyteſbury,		W. P. A'Court, Eſq.
Higham Ferrers,		Right Hon. F. Montagu
Highworth,	Sir C. F. Ratcliffe, Bart.	William Evelyn, Eſq.
Hindon,	William Egerton, Eſq.	
Honiton,	Rt. H. Sir G. Yonge, K.B.	Sir George Collier
Horſham,	Jer. Crutchley, Eſq.	
	Phil. Metcalfe, Eſq.	
Huntingdonſhire,	Lord Viſc. Hinchinbroke	Earl Ludlow
Huntingdon,		Sir Walter Rawlinſon
		John Willett Payne, Eſq.
Ilcheſter,	Benj. Bond Hopkins, Eſq.	
	George Sumner, Eſq.	
Ipſwich,	C. Alex. Crickett, Eſq.	William Middleton, Eſq.
St. Ives,	William Praed, Eſq.	
Kent,	Hon. Charles Marſham	Filmer Honeywood, Eſq.
King's Lynn,		Hon. Horatio Walpole
Kingſton upon Hull,	Samuel Thornton, Eſq.	
	W. Spencer Stanhope, Eſq.	
Knareſborough,		Lord Viſcount Duncannon
Lancaſhire,	John Blackburne, Eſq.	Thomas Stanley, Eſq.
Lancaſter,		Sir George Warren, K. B.
		Ab. Rawlinſon, Eſq.
Launceſton,	Lord Arden	Sir John Swinburne, Bart.
Leiceſterſhire,	J. Peach Hungerford, Eſq.	
	William Pochin, Eſq.	
Leiceſter,	Colonel Macnamara	
	Charles Lor. Smith, Eſq.	
Leominſter,	John Hunter, Eſq.	
	Penn A. Curzon, Eſq.	
Leſkeard,	Hon. Edward James Elliot	
	Honourable John Elliot	
Leſtwithiel,	John Thomas Ellis, Eſq.	Sir John Sinclair, Bart.

Lewes,

	For the Queſtion.	*Againſt the Queſtion.*
Lewes,	Thomas Kempe, Eſq.	Honourable Henry Pelham
Lincolnſhire,		Sir John Thotold, Bart.
		C. Anderſon Pelham, Eſq.
Lincoln,	John F. Cawthorne, Eſq.	Hon. R. L. Saville
Litchfield,		George Anſon, Eſq.
Liverpool,	Bamber Gaſcoyne, Eſq.	Lord Penrhyn
London,	Sir Watkin Lewes	Nath. Newnham, Eſq.
		John Sawbridge, Eſq.
Ludlow,		Lord Clive
		Richard P. Knight, Eſq.
Luggerſhall,	George Aug. Selwyn, Eſq.	
	Nath. W. Wraxall, Eſq.	
Lyme Regis,	Honourable Thomas Fane	
	Honourable Henry Fane	
Lymington,	Robert Colt, Eſq.	
	George Roſe, Eſq.	
Maidſtone,	Matthew Bloxham, Eſq.	Clement Taylor, Eſq.
Malden,	John Strutt, Eſq.	Sir Peter Parker, Bart.
Malmeſbury,		Lord Viſcount Melbourne
		Lord Viſcount Maitland
Malton,		Right Hon. Edm. Burke
		William Weddell, Eſq.
Marlborough,	Earl of Courtown	
	Sir Philip Hailes, Bart.	
Marlow,	Sir Thomas Rich, Bart.	William Clayton, Eſq.
St. Mawes,	Hugh Boſcawen, Eſq.	
	William Young, Eſq.	
St. Michael,	Chriſtopher Hawkins, Eſq.	David Howell, Eſq.
Midhurſt,	Henry Drummond, Eſq.	Edward Cotsford, Eſq.
Middleſex,	William Mainwaring, Eſq.	
Milbourn Port,	Lord Muncaſter	Colonel W. Popham
Minehead,	Robert Wood, Eſq.	
Monmouthſhire,	Major General Rooke	John Morgan, Eſq.
Monmouth,	Marquis of Worceſter	
Montgomeryſhire,		Wm. Moſtyn Owen, Eſq.
Montgomery,		Whitſhed Keene, Eſq.
Morpeth,		Peter Delme, Eſq.
		Sir James Erſkine, Bart.
Newark,	Lieut. Colonel John Sutton	
	Lord Mulgrave	

Newcaſtl

	For the Queſtion.	*Againſt the Queſtion.*
Newcaſtle under Lyne,	Sir Archibald Macdonald Richard Vernon, Eſq.	
Newcaſtle upon Tyne,	Charles Brandling, Eſq.	Sir M. W. Ridley, Bart.
Newport, Cornwall,		Sir John Miller, Bart.
Newport, Hants,	Hon. John Townſhend	Edward Ruſhworth, Eſq.
Newton, Lancaſhire,	Thomas Brooke, Eſq.	Thomas P. Leigh, Eſq.
Newton, Hants,	John Barrington, Eſq. Mark Gregory, Eſq.	
Norfolk,	Sir John Wodehouſe, Bart.	Sir Edward Aſtley, Bart.
Northallerton,	Henry Peirſe, Eſq. Edwin Laſcelles, Eſq.	
Northamptonſhire,	Sir James Langham, Bart.	Thomas Powys, Eſq.
Northumberland,		Sir Wm. Middleton, Bart. Charles Grey, Eſq.
Norwich,	Hon. Henry Hobart	Right Hon. W. Windham
Nottinghamſhire,		Lord E. C. Cav. Bentinck C. Medows Pierpoint, Eſq.
Nottingham,	Robert Smith, Eſq.	Dan. P. Coke, Eſq.
Oakhampton,	Humphry Minchin, Eſq.	Lord Viſcount Malden
Orford,		Hon. G. Seymour Conway
Oxfordſhire,		Lord Charles Spencer
Oxford,		Lord Robert Spencer Hon. Peregrine Bertie
Oxford Univerſity,	Sir William Dolben, Bart.	Francis Page, Eſq.
Pembroke,		Hugh Owen, Eſq.
Penrhyn,		Sir John St. Aubyn, Bart.
Peterborough,		Richard Benyon, Eſq. Hon. Lionel Damer
Petersfield,		Lord Viſcount Downe William Jolliffe, Eſq.
Plymouth,	Robert Fanſhaw, Eſq.	John Macbride, Eſq.
Plympton,	John Stephenſon, Eſq. John Pardoe, jun. Eſq.	
Pontefract,	John Smyth, Eſq. William Sotheron, Eſq.	
Poole,	William M. Pitt, Eſq.	Mich. A. Taylor, Eſq.
Portſmouth,	Hon. W. Cornwallis	Sir H. Featherſtone, Bart.
Preſton,	Sir H. Houghton, Bart.	Right Hon. Gen. Burgoyne
Queenborough,	George Bowyer, Eſq. John Aldridge, Eſq.	

Radnorſhire:

	For the Queſtion.	*Againſt the Queſtion.*
Radnorſhire,	Thomas Johnes, Eſq.	
Reading,	Francis Anneſly, Eſq.	
	Richard A. Neville, Eſq.	
Eaſt Retford,	Earl of Lincoln	Wharton Amcotts, Eſq.
Richmond,		Earl of Inchiquin
		Sir Grey Cooper, Bart.
Rippon,		William Lawrence, Eſq.
Rocheſter,	Sir C. Middleton, Bart.	
New Romney,	John Henniker, Eſq.	
	Rich. J Sullivan, Eſq.	
Rutlandſhire,	G B. Brudenell, Eſq.	Ger. Noel Edwards, Eſq.
Rye,	Rt. Hon C. W. Cornewall, *Speaker*	William Dickenſon, Eſq.
Ryegate,	Wm. Bellingham, Eſq.	
	Reginald Pole Carew, Eſq.	
Salop,	John Kynaſton, Eſq.	
Saltaſh,		Major Lemon
Sandwich,	Philip Stephens, Eſq.	
	Charles Brett, Eſq.	
New Sarum,	Hon. W. H. Bouverie	William Huſſey, Eſq.
Old Sarum,	Right Hon. J. C. Villiers	
	George Hardinge, Eſq.	
Scarborough,	Earl of Tyrconnell	
	George Oſbaldeſton, Eſq.	
Seaford,		Sir Godfrey Webſter
Shaſteſbury,	Hans W. Mortimer, Eſq.	
	John Drummond, Eſq.	
Shoreham,	John Peachey, Eſq.	
Shrewſbury,	John Hill, Eſq.	
Somerſetſhire,	Edward Phelips, Eſq.	
Southampton,	John Fleming, Eſq.	
	James Amyatt, Eſq.	
Southwark,	Henry Thornton, Eſq.	
	Paul Le Meſurier, Eſq.	
Staffordſhire,	Lord Gower	
	Sir Edward Littleton, Bart.	
Stafford,		Hon. Edward Monckton
		R. B. Sheridan, Eſq.
Stamford,	Sir George Howard, Bart.	
	Henry Cecil, Eſq.	

Steynin

	For the Queſtion.	*Againſt the Queſtion.*
Steyning,	Hon. Richard Howard	
Stockbridge,	James Gordon, jun. Eſq.	T. Boothby Parkyns, Eſq.
Sudbury,	William Smith, Eſq.	
	John Langſton, Eſq.	
Suffolk,	Sir John Rous, Bart.	
	Joſhua Grigby, Eſq.	
Surry,	Sir Joſeph Mawbey, Bart.	Hon. William Norton
Suſſex,	Lord George Lenox	Hon. Thomas Pelham
Tamworth,	John Calvert, jun. Eſq.	John Courtenay, Eſq.
Taviſtock,		Rt. Hon. R. Fitzpatrick
		Lord John Ruſſell
Taunton,	Alexander Popham, Eſq.	
	Sir Benjamin Hammett	
Thetford,	Sir Charles Kent, Bart.	
	George Jennings, Eſq.	
Thirſke,	Sir G. P. Turner, Bart.	Robert Viner, Eſq.
Tiverton,	Hon. Dudley Ryder	
Totneſs,	Hon. Colonel Phipps	
Tregony,		Robert Kingſmill, Eſq.
		Hon. Hugh Conway
Truro,	Hiley Addington, Eſq.	
	Colonel Boſcawen	
Wallingford,	Sir Francis Sykes, Bart.	
Wareham,	Thomas Farrer, Eſq.	John Calcraft, Eſq.
Warwickſhire,	Sir Robert Lawley, Bart.	
	Sir George A. W. Shuckburgh, Bart.	
Warwick,		Robert Ladbroke, Eſq.
Wells,	Clement Tudway, Eſq.	
Wendover,		Robert Burton, Eſq.
		John Ord, Eſq.
Wenlock,		Sir H. Bridgeman, Bart.
		George Forreſter, Eſq.
Weobly,	Sir John Scott	
	Hon. Thomas Thynne	
Weſtbury,	Samuel Eſtwick, Eſq.	
	John Madocks, Eſq.	
Weſt Looe,	Major John Scott	
	James Adams, Eſq.	

	For the Queſtion.	*Againſt the Queſtion.*
Weſtminſter,		Right Hon. C. J. Fox
		Lord John Townſhend
Weſtmoreland,		Sir M. Le Fleming, Bart.
		John Lowther, Eſq.
Weymouth and Melcomb Regis,		Right Hon. Welbore Ellis
		John Purling, Eſq.
Whitchurch,	William Selwyn, Eſq.	Lord Viſcount Middleton
Wigan,		John Cotes, Eſq.
		Orlando Bridgeman, Eſq.
Wilton,	Lord Herbert	
Winchelſea,		John Neſbitt, Eſq.
Wincheſter,	Rich. Gammon, jun. Eſq.	Henry Penton, Eſq.
Windſor,	Earl of Mornington	
Woodſtock,	Sir H. W. Daſhwood, Bart.	
	Francis Burton, Eſq.	
Worceſterſhire,		Hon. Edward Foley
Worceſter,	Samuel Smith, Eſq.	
Wootton Baſſett,		Hon. Colonel North
		Hon. Robert S. Conway
Chipping Wycombe,	Robert Waller, Eſq.	
Yarmouth, Norfolk,	Sir John Jervis, K. B.	
	Henry Beaufoy, Eſq.	
Yarmouth, Hants,		Philip Francis, Eſq.
		Thomas Jer. Clarke, Eſq.
Yorkſhire,	Henry Duncombe, Eſq.	
	William Wilberforce, Eſq.	
York,	Rich. Slater Milnes, Eſq.	Lord Galway

SCOTLAND.

Aberdeenſhire,		George Skeene, Eſq.
		Sir David Carnegie, Bart.
Aberdeen, &c.		
Argyleſhire,	Lord F. Campbell	
Banffſhire,	Sir James Duff, Bart.	
Berwickſhire,	Pat. Home, Eſq.	
Bute and Caithneſs,		Hon. Col. J. Stuart
Clackmannan,	Burnet Abercrombie, Eſq.	
Craill, Pittenweem, &c.		John Anſtruther, Eſq.

Cupar,

	For the queſtion.	*Againſt the queſtion.*
Cupar, Dundee, &c.		George Dempſter, Eſq.
Dumbarton, Glaſgow, &c.	Ilay Campbell, Eſq.	
Dumfrieſshire,		Sir Robert Laurie, Bart.
Edinburghſhire,	Right Hon. Henry Dundas	
Edinburgh,	Sir Adam Ferguſon, Bart.	
Elginſhire,	Earl of Fife	
Fifeſhire,	Colonel Wemyſs	
Forfarſhire,	Archibald Douglas, Eſq.	
Haddingtonſhire,	John Hamilton, Eſq.	
Inverneſsſhire,	Lord William Gordon	
Inverneſs,	Sir Hector Munro, K. B.	
Irvine, Inverary, &c.	Sir A. Edmonſton, Bart.	
Kincardineſhire,	R. Allardice Barclay, Eſq.	
Kirkcudbright Stewartry,		Alexander Stewart, Eſq.
Kinghorn, &c.	Sir Charles Preſton, Bart.	
Lanarkſhire,	Sir James S. Denham, Bart.	
Lauder, &c.		Colonel Fullarton
Linlithgowſhire,		Sir William A. Cunnyngham, Bart.
Nairnſhire,	Alexander Brodie, Eſq.	
Orkney, &c.		Colonel Dundas
Peebleſhire,	David Murray, Eſq.	
Perthſhire,	Hon. General Murray	
Renfrewſhire,		John Shaw Stewart, Eſq.
Roſsſhire,		F. H. Mackenzie, Eſq.
Roxburghſhire,	Sir George Douglas, Bart.	
Selkirkſhire,	Mark Pringle, Eſq,	
Selkirk, &c.	Major Moore	
Stirlingſhire,		Sir Thomas Dundas, Bart.
Sutherlandſhire,	Lieut. General Grant	
Wigtonſhire,	Andrew M'Dowall, Eſq.	

TELLERS.

For the queſtion:	Thomas Steele, Eſq. Member for Chicheſter.
Againſt the queſtion.	William Adam, Eſq. Member for Banff, &c.

Paired off for the queſtion.

Buckingham,	Right Hon. James Grenville
Calne,	Right Hon. Iſaac Barre
Kirkwall, &c.	Charles Roſs, Eſq.
Shropſhire,	Sir Richard Hill, Bart.

Paired off againſt the queſtion.

Banbury,	Lord North
Dumbartonſhire,	Keith Elphinſtone, Eſq.
Wilton,	Right Hon, W. G. Hamilton
Winchelſea,	William Nedham, Eſq.

The following Gentlemen were abſent on *Tueſday* the 16th, but voted on Mr. DEMPSTER's Motion for an ADDRESS to the PRINCE OF WALES, on *Monday* the 22d.

	Againſt the Motion.	*For the Motion.*
Beverley,	Sir C. Sykes, Bart.	
Briſtol,	Henry Cruger, Eſq.	
Caernarvonſhire,	John Parry, Eſq.	
Dartmouth,	Edmund Baſtard, Eſq.	
Devizes,	Henry Addington, Eſq	
Heidon,	Edward Bearcroft, Eſq.	
Heydon,	William Chaytor, Eſq.	
Haverfordweſt,	Lord Kenſington	
Ipſwich,	William Middleton, Eſq.	
Litchfield,	Thomas Gilbert, Eſq.	
Orford,		Lord Beauchamp
Oxfordſhire,	Lord Wenman	
St. Ives,	Richard Barwell, Eſq.	
Saltaſh,	Charles Ambler, Eſq.	
Steyning,	Sir J. Honeywood, Bart.	
Tiverton,	Sir John Duntz, Bart.	
Worceſterſhire,	William Lygon, Eſq.	
Windſor,	P. P. Powney, Eſq.	

The following Gentlemen have been prevented by Illneſs from attending the Houſe during the preſent Seſſion.

Cambridgeſhire,	Sir H. Peyton, Bart.	*Somerſetſhire,*	Sir J. Trevelyan, Bart.
Callington,	Paul Orchard, Eſq.	*Minehead,*	J. F. Luttrell, Eſq.
Rocheſter,	Nathaniel Smith, Eſq.	*Merionethſhire,*	E. L. Vaughan, Eſq.

THURSDAY,

THURSDAY, *December* 18.

Mr. *Chancellor Pitt* moved, " that the order of the day, for receiving the report of the Committee appointed to take into conſideration the ſtate of the nation, be read."

Colonel *Fitzpatrick* then roſe, and moved, that the conſideration of the report might be deferred till to-morrow, on account of the indiſpoſition of a Right Honourable Gentleman (Mr. Fox). He had every reaſon to ſuppoſe that his Right Hon. Friend would be able to appear in his place on Friday, which would occaſion no delay in the diſpatch of public buſineſs. If the report had been conſidered this evening, it would have been carried into the Houſe of Lords to-morrow, for their concurrence. They, however, would not have gone into the conſideration of it till Monday. If the report was diſcuſſed to-morrow in the Houſe of Commons, the Lords might receive it on Saturday, and go into it on Monday, in the ſame manner they would have done ſuppoſing they had received it on Friday. This, therefore would, in the end, occaſion no delay, and Gentlemen would have one day more to turn this important buſineſs in their minds. He was certain the Right Honourable Gentleman (Mr. Pitt) would have no objection to any perſonal accom-

modation to ſo conſiderable a Member of that Houſe as his Right Honourable Friend.

Mr. *Pitt* roſe and obſerved, that the order of the day was to take into conſideration the report of the Committee on the State of the Nation, that it might be ſent to the other Houſe for their concurrence. He, however, ſhould be extremely happy to accommodate the Right Honourable Gentleman, or any other Gentleman in the Houſe, and to ſhew them every perſonal civility, that was not inconſiſtent with the urgency of public buſineſs. He was the more diſpoſed to do this, as there was a reaſonable ground the Right Honourable Gentleman would be able to attend in his place to-morrow. The only diſadvantage was, the Houſe had the trouble of aſſembling, but this was unavoidable. As the report might be received by the Houſe of Lords on Saturday, inſtead of Friday, and as they might go into it on Monday, this would not at all impede public buſineſs; and therefore he, for one, would acquieſce in the motion. He ſhould be glad of the Right Honourable Gentleman's preſence in every ſtage of this important buſineſs.

The Houſe then adjourned to the next day.

FRIDAY,

FRIDAY, *December* 19.

When Mr. Alderman *Watſon* had appeared at the bar with the report of the Committee on the State of the Nation, the queſtion was put, " that the report be brought up."

Sir *John Sinclair* roſe and declared, that no man more ſincerely lamented the calamitous ſituation of his Majeſty, or more ardently hoped for his ſpeedy recovery. He was certain that the Right Honourable Gentleman (Mr. Pitt) was poſſeſſed of more manlineſs than to entrap the Houſe by any reſolutions which he had propoſed. He ſhould, however, feel himſelf extremely obliged to the Right Honourable Gentleman, if he would have the goodneſs to explain the means which he conceived moſt conſtitutional for the Lords and Commons to uſe in giving the Royal aſſent to a Regency Bill. Sir John expreſſed his apprehenſions that the two Houſes were intended to be called upon to exceed their conſtitutional powers; and this was a time, he ſaid, above all others, when every parliamentary proceeding ſhould be clearly underſtood, and maturely conſidered.

The *Chancellor of the Exchequer* ſaid, the Honourable Gentleman had done him but juſtice, in ſuppoſing he would bring forward nothing to entrap

the Houſe, or to impoſe upon their underſtandings. It was his deſire to explain, as fully as poſſible, the foundation and principles of all his reſolutions, and the means by which the Lords and Commons ought to give the Royal aſſent to a bill, authoriſing the Prince of Wales to exerciſe the whole, or a part of the royal authority, during the preſent indiſpoſition of his Majeſty. He conceived, it would be moſt proper that the two Houſes of Parliament ſhould appoint a Commiſſion under the Great Seal, who ſhould be empowered to give the Royal aſſent to the bill that was to regulate the powers of the Regent.

Sir *John Sinclair* replied, that he had paid great attention to this very important ſubject, and had always conceived, that by an act paſſed in the time of Charles II. the two Houſes of Parliament could exerciſe no legiſlative power whatever. He apprehended that the moſt conſtitutional way of proceeding in this buſineſs, was by addreſſing his Royal Highneſs the Prince of Wales to undertake the management of public affairs, during the preſent emergency.

Mr. *Powys* obſerved, that although he believed the ſtating of that on which his anxiety turned, was premature in this ſtage of the buſineſs, he would venture to intimate, that when the report ſhould be brought up, he believed he might undertake to prove that the Right Honourable Gentleman's

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ſyſtem was not founded either in precedent or law.

The report having been brought up, and the firſt reſolution read and agreed to, the ſecond was read; when

Sir *Grey Cooper* ſaid, it was extremely neceſſary for the Houſe ſeriouſly to conſider the ſituation and peculiar circumſtances under which they had now met. They were at that moment aſſembled, but not as a Parliament. Agreeable to his Majeſty's prorogation, they had met on the 20th of November. They were then at a loſs what to do; and after ſome heſitation, they had prudence enough to adjourn for a fortnight. Sir Grey gave an hiſtorical narrative of their meetings from the 20th of November down to this day; he contended that they derived all their power, and all their authority, from neceſſity alone. If they went an inch farther, they exceeded the limit of their power and juriſdiction, which was moſt dangerous. At the glorious æra of the Revolution, Seymour, Finch, and the other leading men of that day did not *reſolve to do*, but they *did* what they conceived to be conſtitutional, and included reſolutions in their actions, and in the performance of their duty. He ſaid, the precedent of the 32d of Henry VIth had been recommended as a precedent in point; but he begged leave to obſerve, that the two Houſes

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of Parliament of that day were in the moſt diſhonourable ſituation, and that every thing they did was under the impreſſion of immediate force and irreſiſtible influence. Sir Grey Cooper entered into a very clear, full, and able narrative of the hiſtory of Henry the VIth, in order to prove his poſition to the Houſe, that Parliament, at that time, were not their own maſters, but the mere creatures of the Protector.

He concluded with obſerving, that the pretenſions of a Prince of Wales to the Regency, were, in the laſt debate, admitted and allowed by the firſt legal authority in the Houſe. The Attorney General had declared, as his opinion, that though the Prince had no right, either by common or ſtatute law, to aſſume or exerciſe the office of Regent, without the appointment of Parliament, yet he owned that his pretenſions to that appointment were ſo ſtrong and ſo unqueſtionable, from his high ſtation and nearneſs to the crown, that thoſe pretenſions could not be denied or rejected, except for ſuch cauſes as would almoſt juſtify a bill of excluſion, or, in other words, for ſuch cauſes as would exclude him from the crown.

Mr. *Martin* ſaid, he had given all the attention he was able to this very important ſubject, on a former day, during a debate of ten hours, and that he was ſo fatigued that he could not then deliver his ſentiments on this ſubject. He, however,

ever conceived it to be a matter of ſuch magnitude and importance, that no man ſhould ſatisfy himſelf with giving a ſilent vote, but ought to expreſs his ſentiments upon it. The Right Honourable Gentleman on the oppoſite ſide of the Houſe, the other evening, put him in mind of a ſcene in Shakeſpeare's Henry IV. where Falſtaff is repreſented as informing all his friends in what manner they are to be provided for when the Prince ſhould come to the crown, an event which was then daily expected. Though he had frequently voted with the Right Honourable Gentleman, yet if he were aſked in which of the two Right Honourable Gentlemen (Mr. Fox or Mr. Pitt) he would place moſt confidence, he would have no difficulty to ſay, that he ſhould repoſe moſt confidence in Mr. Pitt. The Right Honourable Gentleman (Mr. Fox) had too great a mind to be led away by avarice, or any of the lower paſſions; but, at the ſame time, he poſſeſſed rather too large a ſhare of ambition, which led him to temporize, in order to get into power; and unleſs he had been actuated by this diſpoſition at preſent, he would never have contended in that Houſe, that the Prince of Wales had ſuch a power as he had aſſerted. The conduct of the Right Honourable Gentleman near him, in this trying and delicate criſis, had been ſteady, diſintereſted, and noble. In ſhort, ſuch as, in his opinion, entitled him to the praiſe and confi-

dence of the public. The Right Honourable Gentleman was now about to retire, and he wiſhed to ſpeak of him as handſomely as he could. He hoped he never would be the head of a factious Oppoſition, but that he would keep a watchful eye over Adminiſtration.

The *Attorney General* again contended, that the common law knew no ſuch perſon as a Regent. The common law only recognized three deſcriptions of governors of kingdoms, and theſe were, Kings, *Cuſtodes Regni*, and King's Lieutenants. The *Cuſtos Regni* was a *Pro Rex*, endowed with limited powers, which had been occaſionally enlarged, and the power of beſtowing benefices, and other ſpecific exerciſes of authority given; and the Lord Lieutenant of Ireland was a living inſtance of the nature of the office of a King's Lieutenant. With regard to the King's preſerving his political capacity entire, notwithſtanding his illneſs, (he ſaid) he ſhould err with Lord Coke, with Chief Juſtice Hale, Mr. Juſtice Forſter, and every other great legal authority, if he did not maintain that doctrine. He added, that in anſwer to an honourable Baronet (Sir Grey Cooper) he muſt beg leave to put in his plea, and tell him, that if he would give himſelf the trouble once more to look over a book, which the honourable Baronet had often conſulted, Mr. Juſtice Forſter's Treatiſe on the Principles of the Conſtitution, he would find that he was miſtaken

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in one part of his argument. As to the honourable Baronet's account of the tranſactions in the reign of King Henry the Sixth, it ſeemed ſufficient to anſwer, that at that time it was the law of the land that there was no privilege, nor was it till the reign of Elizabeth, when a ſtatute was paſſed expreſsly for that purpoſe. The proceedings, therefore, that the Honourable Baronet had ſo ſtrongly reprobated, with regard to the appeal to the Judges, in the caſe of the detention of the Speaker of the Houſe of Commons, who had found that privilege would lay in the Speaker's caſe, and the reference of the Judges opinion to the Houſe of Lords were not ſo extraordinary; but let them be ever ſo worthy of cenſure, let Richard Duke of York be ever ſo great a tyrant, it ſerved the better to ſupport his reaſoning, and the more to ſtrengthen and confirm the precedent ſelected from that period; becauſe it proves, that in the worſt of times, the tranſaction which the precedent ſtated had been conſtitutionally regular. To argue againſt all precedents, ſelected from troubleſome times, was a ſort of reaſoning that he lamented; and to pronounce that no precedent taken from ſuch times was to be relied on, appeared like proceeding to the length of declaring that the Magna Charta ought not to be conſidered as an act of Parliament.

Mr.

Mr. *Windham* began with ſaying, that according to Shakeſpeare's Macbeth, the greateſt ſecrets were ſometimes brought to light by *magpies*. The Gentlemen upon that ſide of the Houſe, to which he belonged, and to which the Honourable Member (Mr. Martin) referred, notwithſtanding his ſevere and alarming reprehenſion of them, were of as good family, of as high rank, of as great abilities, and of as indubitable integrity, public and private, as any in the kingdom. He ſaid, he ſubſcribed to the opinion of his Right Honourable Friend in its fulleſt extent. He did not do this by precedent, for there was none; but he did it from ſtrong analogy.—Shall the two Houſes of Parliament have the power of diſpoſing of the conſtitution? All the advantages that were propoſed by an hereditary ſucceſſion, applied as diſtinctly and directly to the caſe of a Regency, as to the caſe of a Crown. We had better have a line, a rule that was clear and perfectly aſcertained, though in itſelf not the very beſt, than to have none at all. We now regard our monarchy as hereditary; but if the reaſonings of the Right Honourable Gentleman (Mr. Pitt) are applied to it, from that moment it becomes a Republic; for according to the Miniſter's principles, the two Houſes of Parliament, in a caſe like the preſent, may give away the country. If they aſſume this power, they have all the government that is enjoyed in France,

France, in Turkey, or in the moſt deſpotic government under heaven. According to this doctrine, the two Houſes of Parliament poſſeſs all the powers of the three eſtates. He was convinced from the conduct of the Right Honourable Gentleman (Mr. Pitt), that he had been guided on this occaſion entirely from preſent circumſtances, and without any regard to poſterity. They were told very truly by the Honourable Gentleman on the other ſide of the Houſe, that in this queſtion they ought not to take into their conſideration the Prince at all, but ought to conſider the queſtion generally. He declared, he did not place great reliance on the reaſoning of lawyers on ſuch ſubjects; gentlemen of that profeſſion were not always the beſt writers on conſtitutional queſtions; becauſe, when they were under legal diſcuſſions, they were always flying to legal analogies. He ſaid he did not like maxims which could not be comprehended, nor did he admire precedents drawn from times of ſuch tumult and confuſion, as thoſe which diſtinguiſhed the period from the appointment of the Duke of York to the Regency, in the latter part of Henry the Sixth; the fatal conſequences which followed was a ſufficient condemnation of the precedent.

Mr. *Martin* obſerved, that, as the Honourable Gentleman had accuſed him of not having ſpoken to the queſtion, he appealed to the Houſe as to that point. He only pretended to be a man

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of plain underſtanding; and if he could not reaſon ſo deeply as the Honourable Gentleman, it was not his fault. He was willing to impute the perſonal rude treatment of him rather to the heat of the moment, than to any intentional departure from that good breeding which made ſo eſſential a part of the Honourable Gentleman's character.

Mr. *Chriſtian* profeſſed, that he was ſorry the queſtion was brought forward at all; but, as it had been brought forward, he thought it was the duty of the Houſe to aſſert its rights, and decide upon them for the benefit of poſterity.

Mr. *Hardinge* roſe, and obſerved on the importance of the ſubject. He ſaid, he had always underſtood, that, when the executive power ceaſed to act, it was the right and duty of the two Houſes to ſupply the defect. He was ready to agree with the Honourable Gentlemen on the other ſide of the Houſe, that no declaration of right, with reſpect to political queſtions, ought to be made, except when it was abſolutely neceſſary. He was as averſe to declarations of right as any man. He ſhould take the liberty of ſtating, as clearly, ſhortly, and fairly as poſſible, this queſtion of right. The Right Honourable Gentleman (Mr. Fox) had declared his meaning had been miſrepreſented, and he gave him full credit for that declaration. He had favoured the Houſe with a ſecond ſtatement of his

opinion,

opinion, which he conceived to be this:—That from the moment the two Houſes of Parliament had declared the King incapable of diſcharging the duties of his high ſtation, from that inſtant a right attached in his Royal Highneſs the Prince of Wales to ſucceed to the royal authority during the King's indiſpoſition, and no longer. The Right Honourable Gentleman had declared this as his opinion, in ſo fair and open a manner, as did him the greateſt honour. He had told that Houſe, and it was of great importance to attend to the information, that he had lived for a conſiderable time in habits of intercourſe with the Heir Apparent, whoſe right he had ſo warmly eſpouſed. Another circumſtance, which he wiſhed to impreſs upon the minds of the Houſe was this:—It had been ſaid, that no right had been claimed by the Heir Apparent, and that he had never aſſerted any right.—This was true; but yet the Prince had not ſpecifically diſclaimed it. It had been ſaid, that the Prince ought to be appointed Regent, without limitations. If he was of this opinion, was it not fair and proper that he ſhould be allowed to diſcuſs the queſtion of right, that he might ſee that the Prince had actually a right to ſucceed to the whole of the royal authority? And, on the other hand, if he ſhould be of opinion, that the powers of the Regent ought to be limited, was it not proper and neceſſary to conſider the queſtion, and be con-

vinced, that the Prince had no right to ſucceed without the conſent of the two Houſes of Parliament, and that conſequently they might limit his authority in any way which might ſeem proper. It had been thrown out on a former day, that there was danger of a conflict between the two Houſes; though he ſaw no appearance of it. He ſhould take the liberty of touching on the fences and outlines of opinion of the Right Honourable Gentleman. He ſays, ſuch a right muſt wait till the declaration of incapacity in the King by the two Houſes. He ſaid he was alarmed at this idea; becauſe, perhaps, the converſe of this propoſition would alſo be maintained, that the ſurrender of the right would be the only proof of the royal capacity being reſtored. Another circumſtance that ſtruck him was, how it was poſſible that ſuch a right muſt wait for the adjudication of the two Houſes. The inſtant a right attaches in any man, he has that right of courſe, and exerciſes all the functions of it.

The caſe of an infant of nine months, upon the knee, the ſecond child, the ideot or perpetual child, the caſe of captivity, abſence, or ſickneſs, were all caſes in point. In the debate at the Revolution, all the incapacities ariſing from accident, and that of *delirium* by name, were an argument; and it was in that argument aſſumed, that no Regent exiſted of right, but the nation

had

had the ſole power of appointing him. Without entering into a detail of precedents, he obſerved, firſt, that there is no inſtance of a ſole Regent or Protector, though the next Heir, without fetters of ſome kind upon his power. In the ſecond place, not a ſingle Regent or Protector is to be found ſelf-appointed, or accepted upon the footing of claim. Thirdly, there is but one who dreamed of this claim, as Heir, the Duke of Glouceſter, in the time of Henry VI. and, in as fair a record as the annals of Parliament can boaſt, he is told that his claim is againſt *precedent*, *uſage*, and *law*.

Mr. Hardinge took notice of two late caſes, particularly that in the 24th of the late King, where the Prince of Wales had ſucceeded as Regent—but, according to the doctrine of Mr. Fox, the Duke of Cumberland ought to have ſucceeded, being then the neareſt Heir, and at that time in the plenitude of his popularity.—They had often heard of a Lord Hardwicke, a Lord Mansfield, and of a Mr. York. Thoſe great men had never conceived, that the Prince of Wales had that ſort of right which was contended for by the Right Honourable Gentleman. He was fully convinced, that the Right Honourable Gentleman was the firſt who had ever held ſuch an opinion. Mr. Hardinge ſaid, he conceived the Revolution was a precedent in point. There the political, as well as natural

capacity of the King was at an end, and the people had a right to ſupply the defect. At the Revolution, every one of theſe caſual accidents were ſtated; and it was argued by our anceſtors, that, in the caſe of thoſe caſual incapacities, there was a right in the two Houſes of Parliament for providing in any one caſe. The firſt queſtion then was, whether James had abdicated the throne? but it was the ſame as if the queſtion had been, whether he was in a delirium?—Inſtead of appointing a Regent, as the throne was then vacant, they appointed a King.

He ſaid, he had heard a Noble Lord (Lord North) with great pleaſure on a former day, and was ſorry he did not now ſee him in his place. That Noble Lord's memory ſeemed to be as vigorous as ever, and, as he believed, all his other intellectual powers were. He had then delivered as able, as animated, and as ingenious a ſpeech as ever he had heard come from his Lordſhip. But in ſpeaking of the Revolution, he was materially incorrect in almoſt every circumſtance.—What did our anceſtors do at that remarkable æra, ſaid that Noble Lord. They proceeded directly to work, and proclaimed the Prince of Orange King. The Noble Lord ſaid, the two Houſes of Parliament could not legiſlate; but what did they do before King William was made King?—"The Lords Temporal and Spiritual, and the Commons of England, aſſem-

bled at Weſtminſter, do reſolve, that William and Mary be declared King and Queen, to hold the Crown to them during their lives, and the life of the ſurvivor, the ſole and full exerciſe of the royal power to be exerciſed by the Prince of Orange;" and then, in default of ſuch iſſue, "the Crown ſhould go to the Princeſs Sophia." This proved the two Houſes of Parliament thought themſelves ſtrong enough to do this act, which the Right Honourable Gentleman muſt, according to his opinion, condemn as unconſtitutional. He ſaid, in point of ſtrict law, the Throne was not then vacant; for James was King at that moment, and, in ſtrict law, continued King to the end of his life. The government of Britain was hereditary; but, if the King miſconducted himſelf, it then became elective.

The *mode* of enabling the regal power to be aſſumed, which one of the reſolutions pointed out, had been called an aſſumption of the executive power, though it did not wear even the appearance of any ſuch encroachment, by making proviſion, that a meaſure eſſential to the public ſafety, in the appointment of a temporary ſubſtitute, ſhould have the form of the regal aſſent, while the King's *political* capacity was perfect; an aſſent, he owned, without a diſſenting power—and a *name* of the regal hand or voice, but without the *will*. This had been called *a bungling and coarſe fiction;* but he was not aſhamed

of adopting it, in preference to the form of a legiſlative appointment uſed by the two Houſes alone, though, in *ſubſtance*, he agreed, it was the ſame thing, as to the *right* of making an effectual proviſion for the defect, which right he conſidered as reſiding in thoſe alone with whom the regal power itſelf originated.—In ſhort, the meaſure propoſed, as to the *right* of repairing the defect, as to the neceſſity of declaring it, and as to the *mode* of aſſerting it with effect, had obtained his deliberate and cordial aſſent.

Mr. *Anſtruther* roſe next, and contended, that the Prince of Wales was entitled to ſucceed, during his Majeſty's indiſpoſition, to the whole of the royal authority. His right reſulted from his relative ſituation to the Royal Family, and from the peculiar intereſt the nation had in him, as well as from every principle of our Government. He defied any man to aſſign any other reaſon, why a monarchy ſhould be hereditary but public utility; and did not public utility apply as ſtrongly to a Regent, as in the caſe of ſucceſſion to the Crown? If this was not the caſe, we muſt then come to the Right Honourable Gentleman (Mr. Pitt's) poſition, that the Prince of Wales had no better right to ſucceed to the office of Regent, than any other man in the kingdom. This doctrine would make the Regency perfectly a matter of canvaſſing. By the law of Scotland, an heir had a complete and preſent right

to

to adminiſter the affairs of his father. He confeſſed that a Crown was not a private eſtate, but this had a much ſtronger analogy to it than many of the precedents which had been mentioned had to the caſe under conſideration. A great deal had been ſaid about *Nemo eſt hæres inventis*; but this did not apply at all to the Prince of Wales. When this act for regulating the Regency paſſes, could it be ſaid that it had received the royal aſſent? The report on their table contradicted ſuch an idea.

Mr. Anſtruther made a number of learned and judicious obſervations on the precedents that occurred in the time of Edward III. and Henry VI. —*Magna Charta*, he ſaid, muſt be admired by all; becauſe it ſupports the civil rights of every man in this country; but he did not ſee why, if a Regent could be choſen by Commiſſion under the Great Seal, the government of the country might not be carried on under the Great Seal.

Mr. *Beaufoy* applied the ſpirit of the Revolution with much energy to the ſubject before the Houſe; and concluded his ſpeech with obſerving, that on the principles laid down by Gentlemen on the other ſide, the glorious Revolution muſt be conſidered as a profligate act of deliberate robbery and conſummate injuſtice; for on ſuch principles, the right to the crown was not in King William the Third, but in the Prin-

ceſs of Orange, in whom alone the claim of hereditary right was underſtood to reſide. Parliament, therefore, under this idea, had uſurped a power to which they had no pretence, and gave that to King William which they had no right to beſtow. He declared it to be his honeſt opinion that, on every conſideration of reſpect to the Houſe, of the juſtice which is due to its Members, who ought on this occaſion to be informed of the nature and extent of its authority, as well as on every conſideration of the peace and tranquillity of *future times*, and of the great principles on which is founded that conſtitution which is *our* boaſt, and, if faithfully tranſmitted, will be *their* ſecurity; we are called upon to agree with the Committee, in declaring the rights which the reſolution under conſideration ſo ſtrongly and emphatically aſſerts.

Mr. *Dempſter* roſe to propoſe an amendment to the ſecond reſolution, which, he contended, would reſcue them from the greateſt ſoleciſm he had ever witneſſed. He declared, that he ſtood up as an independent man, connected with neither party; and the amendment which he had to propoſe, was an amendment of his own, without conſultation, and without connivance; but ſuch as it was he would move it, that he might at leaſt endeavour to preſerve the conſtitution from what appeared to him to be dangerous. His firſt amendment was, to leave out the word

" right;"

" right;" becauſe their beſt way of declaring their right was not to expreſs it by a word, but by the exerciſe of it; and, with that view, he ſhould further move to leave out the words, " in ſuch manner as the exigency of the caſe may appear to require," and inſert, " by preſenting an addreſs to the Prince of Wales, Heir Apparent, and of full age, humbly beſeeching him to take upon himſelf the adminiſtration of the civil and military government of the country, during the incapacity of his Majeſty, and no longer." He concluded with moving to leave out the word " right."

Mr. *Courtenay* ſeconded the amendment.

The *Speaker* read the amendment, and put the queſtion upon it.

Mr. *Powys* conceived that the preſent queſtion would turn merely on the word " *right*." If any law exiſted, it ought to be, that the Prince of Wales ſhould take upon himſelf the Regency; but there being no law, it would be more unconſtitutional than the other mode of proceeding.

The queſtion was put and carried, that the word " right" ſtand part of the Reſolution. The queſtion was then alſo put, that the words, " in ſuch manner as the exigency of the caſe may appear to require," ſtand part of the Reſolution.

Mr. *Powys* roſe again, and ſaid, if he had heard this amendment made three days ago, he

ſhould

ſhould have been among the firſt to have riſen to ſecond it. He was not aſhamed to confeſs his inclination to ſupport the power and the rights of the crown, becauſe, in truth, they were the power and the rights of the people, committed to the King, as a truſt for their benefit. But he conceived the act which the Miniſter was now about to bring forth, was in a ſtate of diſguiſe, and would maim and mutilate the conſtitution.

Mr. Chancellor *Pitt*, having read the amendment, ſaid, that the words "as Heir Apparent," ſeemed to juſtify the Prince's claim to right, and ſo, by an equivocal turn, to contradict the Reſolution. Now, as he conceived that every part of the Houſe would agree with him, that ſuch a claim, if aſſerted, ſhould not be aſſerted obliquely, and by a ſide wind, he thought it would be better that the Reſolution ſtood as it did before. With regard to the queſtion, whether the Prince of Wales, as Regent, ſhould have the whole Royal power, or only a part, till that point was aſcertained, it had better not be diſcuſſed; becauſe, at any rate, the Houſe ought not to be taken by ſurprize.

Mr. *Fox* declared, that he was not, by any means, inclined to look with approbation upon the circumſtance of lending the queſtion a new turn, without the Houſe having a proper time to conſider of it. He apprehended, from the words of the third Reſolution, that one of the

points

points was determined; not that he meant to ſay that he approved, he had contended againſt it; but having contended in vain, he ſhould make his ſtand at another poſt. He was prepared to contend, that the third Reſolution, by putting the two Houſes into the capacity to paſs a bill, did, what he had great doubts that the Houſe could not do, antecedent to the declaring a Regent.

Mr. *Dempſter* ſaid, that he was willing to wave the words "Heir Apparent."

Mr. *Burke* remarked, that they did not, in the ſmalleſt degree, tend to overturn the Reſolution; and that a perſon of full age was the fitteſt to be guardian of a perſon in a ſtate of incapacity. The name of the Prince of Wales, when they conſidered who he was, was ſuch, that he was certainly properly deſcribed in the amendment.

Mr. *Fox* thought that the Houſe had decided this point already, at leaſt he was convinced it had been carried againſt him, and to that deciſion he bowed. He aſked whether the Right Honourable Gentleman might not wave the Reſolution; for he ſhould not wiſh, any more than the Right Honourable Gentleman, to apply a ſide wind to a queſtion which had already received an expreſs deciſion.

Mr. Chancellor *Pitt* anſwered, that he muſt ſtill conſider the third Reſolution as connected with the ſecond, and as deſcribing the only conſtitutional

ſtitutional way of proceeding, to take the neceſſary meaſures in this important criſis.

Mr. *Burke* called upon the country gentlemen to be more careful how they voted in future. They might now ſee the conſequences of blindly voting with a Miniſter for—they ſcarcely knew what. He wiſhed to awaken their vigilance, that their honour and integrity might be preſerved from danger, and that they might not be entrapped. One perſon had a ſcheme againſt their ſimplicity, which he had practiſed, ſtep by ſtep, till he had them ſo faſt entangled, that they could not recede. The Right Honourable Gentleman had perſuaded them to vote a firſt Reſolution, and then a ſecond, and now he told them they muſt vote a third.

Mr. Chancellor *Pitt* replied to Mr. Burke. He entreated the Houſe to recollect, whether there was a moment of his political life in which he could be juſtly charged with what had now been attributed to him by the Right Honourable Gentleman. The third Reſolution was, in his opinion, the only conſtitutional mode of carrying the ſecond into effect. If any perſon could ſhew another equally conſtitutional, and better calculated to ſupply the exiſting deficiency, he was moſt ready to adopt it.

Mr. *Marſham* expreſſed his ſincere wiſh that the country gentlemen would not be led away by the ſophiſtry or the ingenuity of the great men on either

either ſide of the Houſe. He begged to ſay, that after what he had heard in that Houſe, and without doors, he thought it neceſſary for Parliament to declare, that it was their right and their duty to provide the means for ſupplying the defect in the exerciſe of the Royal authority. Neither, upon this occaſion, could he avoid doing juſtice to the Right Honourable Gentleman (Mr. Chancellor Pitt), by declaring, that, throughout the whole of the buſineſs, he had not only conducted himſelf unexceptionably, but in a manner highly to his credit. He did not, he ſaid, mean to inſinuate that the Prince had no right. He had but clear common ſenſe, but he could not help thinking, there was a more plain method of coming to the point; he meant the method purſued at the Revolution. The one, the plain way by addreſs, the other, by petition. Why not go up with an addreſs, and reſort to the old word,—a word that anſwered every purpoſe at once,—*pray* his Royal Highneſs to accept the Regency? There being a cry of move! move! Mr. Marſham ſpoke of reſtrictions that had been talked of, and ſaid, he thought that there ought to be none. The Prince's delicate ſituation ought to be conſidered. He felt it as much as them all, and with additional poignancy. It was evident, from the declaration that he had made in another place. For his part, he thought it the intereſt of the Prince of Wales,

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in common with them all, to do every thing for the proſperity of the kingdom.

Mr. *Chriſtian* declared, he ſcarcely knew which way to vote. He did not feel a diſpoſition to ſhrink from his duty; but the poſſibility of voting away the rights of the Crown, under pretence of defending the rights of the people, ſtaggered him.

Mr. *Ruſhworth* reprobated the declaration, that the Prince of Wales had no more right than any other individual ſubject.

Mr. *Harriſon* ſaid, the only objection they could have to placing his Royal Highneſs in that ſituation, muſt ariſe from an idea that he would not part with it when his Majeſty ſhould recover.

Mr. *Edwards* roſe to declare his diſapprobation of the ſecond and third Reſolutions, which he thought unſupported by the conſtitution; the true ſpirit of which did not acknowledge an elective right in the two Houſes of Parliament, except in a caſe of abſolute neceſſity, or allow any analogy to be juſt which ſuggeſted the propriety of almoſt impracticable meaſures, in preference to others which were eaſily attainable.

Sir *Matthew White Ridley* contended, that the reſtrictions, which ſome perſons wiſhed to lay on the Prince of Wales, were unknown to the conſtitution, and tended to create a fourth eſtate.

Mr. *Dempſter* at length withdrew his amendment from the ſecond Reſolution, which was carried as it originally ſtood. He then moved to

leave

leave out all the third Reſolution from the word "determine," and inſert his amendment.

After ſome further converſation between Mr. Marſham, Mr. Fox, and the Chancellor of the Exchequer, it was agreed, on account of the lateneſs of the hour, and the probable length of the diſcuſſion which would be occaſioned by bringing on the third Reſolution, to poſtpone the conſideration thereof until Monday; and the Houſe adjourned accordingly.

Monday, *December* 22.

The *Chancellor of the Exchequer* moved, that the order of the day for reſuming the conſideration of the third Reſolution contained in the report from the Committee on the State of the Nation might be read. It was accordingly read as originally moved, and then the amendment that had been moved by Mr. Dempſter, to leave out all the words after the word "determine," and inſert, in lieu thereof, words to the following effect: "by preſenting an addreſs to his Royal Highneſs the Prince of Wales, humbly to beſeech his Royal Highneſs to take upon himſelf the adminiſtration of the civil and military government of affairs, during the incapacity of his Majeſty to exerciſe the ſovereign authority, and no longer."

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Mr. *Burke* roſe in ſupport of the amendment. He conceived the queſtion before the Houſe to be of the firſt importance. The government of this country was in a ſtate of inactivity, and the buſineſs of the moment was to give it vigour, and reſtore it to all its functions. In doing this, however, there ſeemed to be much danger, and it was with caution that the Houſe ſhould move; for if it travelled out of the right road, if it ſtepped beyond the neceſſity of the caſe, he ſaw conſequent calamity to the ſtate, and almoſt certain deſtruction to the people.

In reſpect of the argument which was urged by a Right Honourable Gentleman on the other ſide the Houſe, and which ſaid, that the third Reſolution was included in the ſecond, he denied the poſition, and for the beſt reaſon in the world, becauſe the analogy did not hold good; not that the one had his concurrence more than the other. They both went to one great point, which he ſhould ever deprecate; a point which he truſted in his God, and in the good ſenſe of the Houſe, would never be put in a condition to remain on the journals as a precedent.

To this point he muſt beg the attention of Gentlemen, and look for the indulgence of the Houſe.

The caſe of the government of this country bore a ſtrong reſemblance to that of a private eſtate.

eſtate. Would any gentleman who now was in his ſenſes wiſh, if he was deprived of thoſe ſenſes, that the management of his property ſhould go to his ſteward and his attorney, in preference to his heir at law? Is it natural to imagine that the relatives, and the heir apparent to the eſtate would ſubmit to an uſurpation of ſuch power, or if it was transferred by any quirk or quibble, that they would not ſeek redreſs, and endeavour, by all poſſible means, to take it out of thoſe rapacious hands into which it had ſo illegally and ſo unconſtitutionally got? This ought to come home to the ſenſibility of every man, and make him feel for the kingdom what he would for himſelf. All that we held dear, as a conſtitution, was now at ſtake; for a blow was aimed at the foundation of our monarchy, which ſhook it to the center. The right of ſovereign power, and the right of ſucceeding to that power, were the ſtrong barriers of all our liberties—the great ramparts againſt *towering ambition.* In the catalogue of national dangers there was not one more to be dreaded than that of *a ſubject looking to ſupreme power.*

The idea thrown out by a Right Honourable Gentleman, that the Prince of Wales had no more right to the Regency than any other ſubject in the realm, aſtoniſhed all mankind. Senſible perſons wondered at this ſudden degradation of the Heir Apparent, and looked naturally for

the argument which was to ſupport ſuch an aſſertion. But they found it not. The hereditary heir to the Crown no more entitled to direct the affairs of his father than the meaneſt ſubject in the King's dominions!! This was new doctrine —but as it was not the moſt popular in the world, it was thought proper to qualify it a little, and this heir, who had no more right than any other ſubject, was afterwards allowed to be the moſt proper perſon to hold the office of Regent; but how was he to hold it? he was to hold it under the moſt degrading of all circumſtances, diſtruſted, without having given cauſe for ſuſpicion, and curtailed of the exerciſe of its power, ſo as to make him ſubſervient to Parliament. He was to ſerve in ſubordination to thoſe, who, with the influence of the Crown, had deſtroyed the property of the Crown. He ſaid, he ſhould aſk Gentlemen what would have been the ſituation of that crown, if the *death* of the body was equal to *that* of the mind? Would not the Heir Apparent ſucceed to all the powers—to all the patronage, without a murmur of diſcontent? Why then refuſe him the ſtewardſhip during the incapacity of his father? Is it to be ſuppoſed that he will injure his own property, or do any act as a Regent that he would be aſhamed to avow as a King? If we have a Regent, it muſt be a man with the inward feelings of a King, and not the *outward garb of Royalty*; he muſt not be an *alien*,

a perſon foreign to the conſtitution in ſuch caſes; he muſt not be *a black man, with great brows and a big wig, ſomething awfully large in his features, and terrific in his looks.* We want not ſuch *creations* of miniſterial creatures to hold the ſceptre, and make a *ſcrew-preſs* of the Crown—*a bit of tin—a piece of wax—a lump of putty*—to mould and faſhion as beſt ſuits their own purpoſes. If the Houſe made ſuch a thing as that Regent, he diſclaimed all allegiance to it—it ſhould have no devotion from him—he would not fall down and worſhip ſuch a molten image of ſovereignty—ſuch a ſceptered *Priapus*—ſuch a ſtate piece of miniſterial mechaniſm. A Regent ſhould be formed of other materials, if other materials were to be had—and that they were, every man muſt confeſs, who has ever heard of, or ſeen the Heir Apparent to the Crown. But the ſtate architect, the miniſterial carpenter thought otherwiſe; and propoſes to erect ſomething of his own planning, a Regent with limitations. The good ſenſe of the Houſe, however, he truſted, would put a ſtop to this new pile, and give no aſſiſtance to a ſcaffolding, where the buſineſs could be compleated without it. He ſeriouſly asked the Miniſter what he meant by *Reſtrictions*, and what theſe reſtrictions were to be? This ſurely was a preliminary ſtep that ought firſt to be made known, before any further proceeding went forward.

The idea of reſtrictions, he ſaid, was erroneous in its principles. It was making the royal authority a creature of the Houſe—it was ſaying to the Prince, Do you promiſe ſo and ſo, and put it out of your power, let their acts be ever ſo bad, to deprive the preſent Miniſtry of their patronage. Pray what was this but making the Miniſter Regent during the King's incapacity, and converting the Prince into a puppet, to be danced about as thoſe ambitious gentlemen thought proper. There was no reaſon to fear that the Prince would refuſe to be bound by any law which Parliament thought proper to impoſe; but it muſt be a Parliament legally called together, and that *legality* could never take place until the Regent was appointed. Let us then, ſaid the Honourable Gentleman, appoint him as we ought to do, addreſs him to accept the direction of the ſceptre, and then, when we are conſtitutionally aſſembled, reſtrict him. King William was reſtricted after he came to the Crown, and other Kings ſince then, have ſubmitted to the will of Parliament—indeed they cannot ſet their face againſt it at any time with ſucceſs; and therefore we have no reaſon to think that the Prince ſhould give a new example on the preſent occaſion.

In reſpect to precedents, that was a matter on which much had been ſaid; but he defied the Houſe to produce one, wherein, when there was

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an Heir Apparent of full age, any other but that Heir was exalted to the Regency.

As to going back as far as the Reſtoration or the Revolution, or the Henrys and Edwards and Richards, he ſaw not the leaſt neceſſity for it.—The matter of *right* was a point on which much had been ſaid; but it was the neceſſity, as he before ſaid, which created the right.

There was one matter, which this Conſtitution held as an univerſal law.—If a King attempted to overturn its principles, or ſet up any doctrine contrary to the known and eſtabliſhed laws, as James the Second did, then his title was forfeited, and all conſpiracies, and every manner of means were held proper which could hurl him from the throne. It was not the idle talk of lawyers, it was not the phyſical nor the metaphyſical opinion of the day, but the neceſſity of the moment, by which the Houſe ſhould be guided; and that neceſſity directed them to put the two Houſes in the only conſtitutional ſtate of activity which was fitting the occaſion, a ſtate to which they could only be called by an agreement to the reſolution, as amended by his Honourable Friend.

He now attacked, with much force of irony, the Doctors of the Red, and the Doctors of the Purple Robe, who had ſo diſagreed in their phyſics and their metaphyſics; the Phyſicians declaring that the King was incapable of acting,

and the Judges declaring that law went on as if he was in perfect health. He turned the tables with great ingenuity on what had been ſaid of the King's coming to his ſenſes, and ſuppoſed his Majeſty would aſk, "Where is my authority?—Is this the way the ſceptre is fettered?—Is it thus you treat the heir to my Crown?—Shew me a proper legal repreſentative, and not *the phantom of royalty, in a black beetle-browed perſon, of ſtern and forbidding countenance, ſitting on my throne.*"

Adverting next to the conſideration of depriving the Prince of the power of beſtowing honours, Mr. Burke remarked, that the fountain of honour had indeed, ſince the year 1784, profuſely flowed!—He did not, however, mean to infer that this was wrong—But, if his Majeſty had been thus bountiful, it could not be deemed extravagant to indulge his ſon a little in the ſame way. All kinds of proſcriptions, he ſaid, in caſes ſimilar to the preſent, were nonſenſical, inſane, and prepoſterous; as they deprived the executive power of an eſſential part of its functions—of the glorious opportunity of rewarding virtue. He juſt hinted at the caſe of Charles the Sixth of France, as analogous with the preſent; and concluded with adviſing the Houſe to reflect upon the probability of convaleſcent ſanity, and to bear in their remembrance the danger and poſſibility of a relapſe.

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The *Solicitor General* (Sir John Scott) made a moſt able reply to all that had been advanced by Mr. Burke. He ſaid he had long been in the habit of witneſſing the Right Honourable Gentleman's conduct, and he believed that his integrity was equal to his abilities, and his abilities of that kind which could not be ſurpaſſed. It was with concern, therefore, that he was obliged to differ in opinion with him, and to contend againſt ſacrificing ancient maxims, that had the ſanction of time, and the authority of conſtitutional ſpirit to give them validity. We were not now to forget that we had a King on the throne, and that that King was not incapacitated by law, however he might be incapable in fact. The day was yet to come, when ſuch a melancholy matter was to undergo the inveſtigation of Parliament, which the two Houſes, without the third branch of the Legiſlature, could not deem themſelves to be. This, as a ſenator, and this, as a lawyer, he could take upon him to ſay. It would, therefore, be highly illegal in the two Houſes of Parliament to addreſs the Prince of Wales, and give him the full powers of Regent, before they were capacitated to do ſo—nor would he, he ſaid, wiſh to implicate himſelf in the guilt of any reſolution which might ſo affect the Sovereignty; for the King was yet a capable man in his political character, as the opinion of the Twelve Judges teſtified, by their carrying on

the buſineſs of the Courts every day, juſt with the ſame legality as if the King was in his moſt perfect ſtate of capability; and thus much he would ſay, that he ſhould give his vote againſt the amended reſolution on that very principle. Indeed it was fair and ſolid ground to proceed upon, when we ſaw that the Crown and its Monarch were not ſeparated, and the ſceptre was and muſt be annexed to all its authorities under Majeſty, until a Parliament legally took it away; which Parliament, as he ſaid before, muſt conſiſt of three, and not of two branches of legiſlature. He was well aware of the ingenuity with which this argument might be played off on the oppoſite ſide of the queſtion, and how readily it would be aſſerted and advanced, that if the Houſe had power to act in curtailing, or rather in limiting a Regency, it had power to appoint, the creation and limitation requiring ſimilar authorities. To all this he ſhould ſay, that the neceſſity of the caſe warranted the act, and that there was, by far, much leſs danger in the one than the other; for, if the Houſe proceeded at one ſtep to inveſt the Regent with all regal powers, they certainly lay at his mercy immediately afterwards, and he could diſſolve them, prorogue them, or refuſe his aſſent to any bill which went to the purpoſe of limiting him.

In reſpect to what had been ſaid of the Conſtitution, he always conceived that its forms were

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its ſubſtance, and that neither the Henrys, nor the Richards, nor any other precedents, but the neceſſity of the caſe, was what we ought to look up to—which neceſſity, in his opinion, warranted every ſtep which had been taken.

As to the Houſe appointing a Regent with full powers, by addreſſing him at once to take upon him that important office, he muſt again ſay, that ſuch conduct would be againſt all precedent, all law, and all conſtitution. To do this we muſt get rid of the trumpery of juſtice, and ſet up a new ſtandard of rectitude; but if we are not led aſtray by wild chimeras of new ſpringing power, we muſt follow this maxim—*the right which neceſſity creates, neceſſity limits*—If we do not, we may get into confuſion as faſt as poſſible,—overturn the Conſtitution, create new authorities, parcel out the old places, and make Biſhops of Atheiſts.

The preſent queſtion went not to deprive the Crown of its hereditary ſucceſſor, or to curtail any of the privileges of the Heir Apparent. It went merely to the nomination of a proper perſon to act as Regent, and give vigour to the executive part of Government; and whether this was by the Heir Apparent or the Preſumptive Heirs, was not the matter in agitation. But Gentlemen on the oppoſite ſide of the Houſe appeared as if they wiſhed to jumble two queſtions together, which, to all intents and purpoſes,

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were ſeparate. It, however, was the buſineſs of the Houſe to diſcriminate on this occaſion, and only to attend to that which was immediately before them. Thus much, however, he could ſay, that, if the Great Seal had been put to a commiſſion to open the preſent Parliament, no man would have doubted its validity; and then indeed the matter of limitations and appointment might have been decided in the very firſt inſtance legally. This would have been the *ſhort, eaſy, quick way*, and not that which the Right Honourable Gentleman mentioned.

He mentioned, that King William and Queen Mary had firſt ſubſcribed to reſtrictions, before they were appointed; and that, if a King and Queen of England ſubmitted to thoſe terms, he ſaw no reaſon for a Regent refuſing them.

The wiſdom of our anceſtors had laid down rules for our conduct, and our own reaſon pointed out, whenever there was a deficiency, in what manner it was beſt to ſupply it.

He concluded by ſaying, that what he had advanced was untinctured with party prejudice; and that he called God to witneſs the ſincerity and truth of heart, with which, to the beſt of his judgment, he gave his vote againſt the *amended* reſolution.

Sir *John Aubrey* roſe, with great reluctance, to deliver his ſentiments in oppoſition to thoſe with whom he for ſome time acted. He *concurred* with

them

them in rejecting the doctrine of a Regency *de jure* in the Heir to the Crown; but he *did not* concur with them in thinking the Houſe, at that moment, competent to exerciſe any of its parliamentary functions, more eſpecially its legiſlative one, or to do any thing tending to ſuch an exerciſe. He therefore found himſelf obliged to give his vote for the amended queſtion.

Lord North, in reply to the Solicitor General, contended ſtrongly for the amendment, which, he ſaid, would put the matter on its proper foundation, by giving the only validity to the executive part of Government, which, in the preſent circumſtances of the caſe, it could receive. The maxims laid down by the Honourable and Learned Gentleman were moſt excellent; but the concluſions drawn from them were falſe. It was a certain fact, that two Eſtates did not form a Conſtitutional Government; and hence it was palpable, that every thing done by thoſe two Eſtates muſt be illegal. Would not, therefore, any Regent appointed by them be unconſtitutional? And muſt it not, of courſe, be the moſt prudent ſtep to call in the only third perſon in the realm who could give effect to the proceedings of both Houſes. He concluded with declaring, that, if the meaſure propoſed in the Reſolution, as originally moved, was adopted, it would ſhake the fabric of the Conſtitution to the center.

Lord

Lord *Fielding* ſupported the amendment.

Mr. *Fox* roſe to combat the doctrines which had been laid down by the Honourable and Learned Gentleman (Sir John Scott), which appeared to him to be inconſiſtent with the concluſions which had been drawn from them. He did not heſitate to acknowledge, that the forms of the Conſtitution were to be conſidered as the guards and outworks of the main body: but, if a violent infringement ſhould be made on any of the fundamental principles of the ſyſtem, and this attack was framed under the ſpecious diſguiſe of the outward forms of the Conſtitution, which it was intended to undermine, could any one heſitate for a moment which party to take, that of the forms, or that of the ſubſtance? In proceeding to conſider the precedents which had been produced to the Committee, he declared, that the precedent of Henry VI. militated directly againſt the courſe now propoſed. That precedent clearly went to the nomination of the next lineal ſucceſſor to the Crown, and to his inveſtment with all the functions of royalty; whereas the propoſed courſe was to ſet up an intermediate creature of the two Houſes, not poſſeſſed of any diſcretionary power whatever, but, with a miniſterial authority, to affix the Great Seal to whatever they ſhould chuſe to paſs.

The abſurdity of this proceeding was equal to its indecency. This creature of the two Houſes

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was to be bound to give the royal aſſent. Was it ever heard of, or imagined before, that there could be a power of giving aſſent, without a power alſo of diſſenting? The very term demonſtrated the abſurdity. There was a perſon to be ſet up without power, without diſcretion, and yet this pageant was to give the form of a parliamentary act to the proceedings of the two Houſes. By the precedent in the commencement of the reign of Henry VI. the Regent was inveſted with the power of the royal negative, and with the correſponding and eſſential powers of proroguing, or diſſolving, and of convening Parliaments. By this, in the firſt inſtance, the three Eſtates were reſtored to their ſeveral functions, and the Parliament being made complete, they were able, by an act of legiſlation, to juſtify and legalize the meaſure by which they were thus eſtabliſhed. The precedent of Henry VI. then pointed out to the Houſe theſe two important facts—Firſt, That the power was given, in the firſt inſtance, to the next in ſucceſſion to the Crown; and, in this nomination, the full abſolute authority of the Sovereign was entruſted to him. Secondly, That afterwards limitations were made in full Parliament, when the Duke conſtituted the third Eſtate, and when, from each of the bills reſtraining his authority, he might have with-holden his aſſent.—Taking all the precedents together, they ſerved clearly, in

his

his opinion, to elucidate two natural points, as principles of the Conſtitution.—Firſt, That no man ever was to hold the Regency in truſt for the Crown but the next in ſucceſſion; and, ſecondly, That no man was to hold it but with powers incidental to the office, that is, with the powers conſtitutionally belonging to the Crown. Theſe two principles the precedents all contributed to demonſtrate, and ſtrongly inculcate, except in caſes where an adherence to them was impracticable. Was there, in the preſent emergency, any reaſon for departing from this ſafe and conſtitutional courſe?—Nevertheleſs, a commiſſion was to be granted to a perſon, not to the Prince of Wales, nor to any branch of the Royal Family; and, by this commiſſion, this perſon was to be created into the third Eſtate of the realm, without poſſeſſing one of the functions of that Eſtate.—On the ſubject of the Revolution, he declared, that the caſe of neceſſity, at that period, was a neceſſity not proceeding from accident, but from real danger. The vacancy of the Throne did not proceed from the malady of the King, as afflicted by Providence, but from the violent infringements which the King had made on the liberties of the people; ſo that their allegiance was conſtitutionally withdrawn from him. After laying great ſtreſs on this point, Mr. Fox dwelt for ſome time on the diſtinction between the acts of a Legiſlature, and the acts of the two

Houſes.

Houſes. The latter, he ſaid, were always done by vote, reſolution, and addreſs; the former by its bills, which received the royal aſſent, and became acts of parliament. He did not mean to combat the doctrine, that the two Houſes of Parliament were competent, by reſolution or addreſs, to ſupply the preſent deficiency; but he contended ſtrongly, that, if they proceeded further, there was not a court in which their acts would be recognized. He ſaid, it had remained for the metaphyſical lawyers of this day to diſcover, that it was neceſſary to reſort to the coarſe and clumſy fiction that was to be put in practice, to enable them to ſit with legal parliamentary authority. After much reaſoning againſt the original reſolution, and repeatedly contending, that the thing to be ſet up was not a third Eſtate, but the Houſes of Lords and Commons converted into a pretended third Eſtate, he took notice, that although the opinion he had held of the right of the Prince of Wales to the Regency had been flatly denied, and the right of the two Houſes aſſerted and declared in a reſolution, it was very extraordinary, that, when the Regent was to be declared, inſtead of exerciſing their declared right, the Houſe reſorted to the Lord Chancellor to do it for them. He denied, in very ſtrong terms, the neceſſity of any ſuch proceeding; and maintained, that, to reſort to it, was to exceed the neceſſity of the caſe, and to

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eſtabliſh a precedent that, in future times, might be fatal to the intereſt of the people.

Mr. Chancellor *Pitt* declared, that the true point of the queſtion lay within a very narrow compaſs. The precedents before the Houſe, which had been reprobated on a former day as in no degree analogous, were now referred to the Houſe, not as forming, indeed, a fundamental principle of the conſtitution, but as ſhewing the modes which ought to be adopted in the preſent criſis. He contended for their tendency to prove that, upon the ſuſpenſion of the royal authority, the power reſted with the two Houſes of Parliament to provide for ſuch a deficiency. In the caſe of the infancy of Henry VI. his name was uſed, and he was made the inſtrument to give vigour to the meaſures taken by the two Houſes of Parliament; but at the death of Henry V. there was no Parliament. The caſe was now the reverſe; a Parliament exiſted, and had been ſummoned by the King's own writ. The Right Honourable Gentleman, in alluding to the reign of Henry VI. ſaid, that acts of indemnity had been paſſed in the firſt Parliament aſſembled durring his reign, for every trivial meaſure that had been adopted, even for every writ that had been iſſued under the Great Seal; but that no act of indemnity had been paſſed for the great and important office the Duke of Glouceſter had taken upon himſelf; but the Right Honourable Gentleman

tleman would, on re-examining the firſt act of indemnity, diſcover that the act included the Duke of Glouceſter, by granting an indemnity for all other commiſſions. He not only diſagreed with him in the ſtatement and concluſion of the precedents of Henry VI. but alſo in his reaſoning on the period of the Revolution. He contended, that the principle reſulting from the proceedings of Parliament then, was ſuch as ought to govern the proceedings at preſent. He agreed that what had been done from motives of policy, to protect the nation from invaſion by a formidable rival, and to prevent the return of the abdicated monarch, ought to be laid aſide from their preſent conſideration: but the two remaining branches of the legiſlature on that occaſion had not reſtricted themſelves to a ſimple addreſs to the Prince of Orange to accept the Crown; they felt not only that they muſt have a King, but that they muſt have a King on certain terms and conditions. They did what amounted to a legiſlative act; they came to a reſolution to ſettle the Crown, not on the Prince of Orange, and the heirs of his body, nor on the Princeſs Mary, and the heirs of her body, but on the Prince and Princeſs jointly; the authority to be exerciſed only by him. Here it was evident, that whatever the neceſſity of the caſe required at that time, the Lords and Commons poſſeſſed the power to provide for; and that whatever

the neceſſity of the caſe demanded at preſent, the power belonged to the Lords and Commons to ſupply. But, although the application of the principle was denied, the form of the proceedings was recommended as a pattern. The circumſtances of the caſe were widely different. The throne was at that time vacant, but at the preſent moment it was full; and, therefore, the addreſs was not a precedent in point of form. The Right Honourable Gentleman had ſaid, that according to the 13th of Charles II. the two Houſes of Parliament cannot proceed to legiſlate without a King. The conduct of the Revolution had contradicted that aſſertion; they had acted legiſlatively; and, no King being preſent, they conſequently muſt have acted without a King. Was it poſſible that our ſituation could be ſimilar to that of the Revolution, when we had a King on the throne who had never forfeited his right? His political capacity remained as entire and as perfect as ever, but from a natural incapacity he could not act:—the two Houſes of Parliament could not therefore abide by the act of Charles II. at this period, any more than at the Revolution. They were as much prevented in the preſent inſtance by the act of God, as they had been at the Revolution by the abſence of the Sovereign? and that act might have been with equal propriety pleaded as an irreſiſtible bar to the Revolution, as to the meaſures

ſures now intended to be taken. The Right Honourable Gentleman had aſſerted the uſe of the Great Seal to be irregular, if applied to form the two Houſes into a Parliament. The addreſs propoſed would be equally exceptionable; for his arguments went to prove, that to put us ſpeedily in the ſituation which we want, the Prince might be appointed by addreſs, or might act under the Great Seal. It was then aſſerted by the Right Honourable Gentleman, who had juſt before declared the uſe of the Great Seal, without the King's conſent, to be a groſs fiction, that the two Houſes of Parliament, who could not do it directly, might, by an addreſs to a third perſon, appoint the uſe of the Great Seal, which neither he nor they had a right by the former argument to uſe at all. The ſhorteſt and the eaſieſt way to obtain the completion of the legiſlature, as ſtated by a noble Lord (North), was, in his opinion, the mode moſt dangerous to the conſtitution, and that which tended to the moſt violent uſe of the King's name, without his conſent. Was the Regent ſo appointed to act in his own name, or in the name of the King? one or the other he muſt do; if in his own name, he dethroned the King; if in the name of the King, it muſt be without his conſent. The uſing of the King's name, without his conſent, had been aſſerted to be a groſs, a clumſy fiction; but by that fiction the courts of law were now upheld.

That fiction was the ſupport of hereditary monarchy, ſo ſtrenuouſly argued for; the grand principle and foundation on which hereditary monarchy had reſted, was the politieal capacity of the King ever remaining entire, and it could never be ſet aſide while living, and not having forfeited the Crown. That was the grand principle that ſupported hereditary right; what elſe could have protected the infant monarch in a cradle, or the infirm diſeaſed old King on his bed of ſickneſs? If the doctrine now attempted to be advanced, of the right of an Heir Apparent to aſſume the exerciſe of royal authority on the infancy or indiſpoſition of a King, ſhould be once eſtabliſhed, an adieu might be bid to all hereditary ſucceſſion, or even to the enjoyment of kingly power during life. If the Lord Chancellor ſhould put the Great Seal to any act, no power in the country could ſay it was not law. It would be preſumption in the Chancellor, on his own opinion, to put the Great Seal to any act, purporting to give the King's aſſent; but if that aſſent could not be implied without the Great Seal, no man, he preſumed to think, would ſay, that the wiſdom of the whole Council of the nation, to guide the political capacity of the King in a moment of ſuch preſſing exigency, was a coarſe, a clumſy forgery, and an idle fiction. By the ſecond Reſolution of the Committee, and to which the Houſe had agreed, they declared

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it to be their right and duty to provide the means of ſupplying the defect of the perſonal exerciſe of the royal authority; having aſſerted that right, they would be betraying their duty if they abdicated a part of that right, which might eventually put the remainder out of their power to exerciſe. If the Prince was put in poſſeſſion of the Regency, with the full powers and prerogatives of a King, he might immediately diſſolve the Parliament: but it had been ſaid that he *probably* might not; he might, however, with thoſe powers, previous to the diſcuſſion of the Reſtrictions, prevent their taking effect, by pouring in a number of Peers into the Upper Houſe during the agitation of the limitations in the Lower Houſe. Whether the limitations ought or ought not to take place, they ought to be diſcuſſed while they had the power of diſcuſſion. The wiſh of the Gentlemen on the oppoſite ſide of the Houſe was, that they ſhould give the whole power, before they knew whether it was their duty to give more than a part. The true queſtion, he conceived, before the Houſe was, whether the granting the full power at preſent, might not hereafter, when it ſhould pleaſe God to reſtore his Majeſty to the prayers of his people, be the means of diminiſhing the power of the rightful poſſeſſor of the throne. He concluded with declaring, that if they truſted the power of enforcing what limitations might be

deemed neceſſary out of their hands, they might not be able to exerciſe their duty, and would by ſuch neglect ſacrifice the reſpect they owed to their conſtitution, to their King, and to their country.

Mr. *Fox* anſwered, that he had never aſſerted that the name of the King could not be uſed without the will. For a perſon poſſeſſing the exerciſe of diſcretion, and conſequently the power of aſſenting or diſſenting, to uſe it was a laudable fiction; but for a perſon ſet up by Parliament to do a particular act or acts, without the liberty of exerciſing diſcretion, or diſſenting, if he thought proper, to uſe it was an extravagant fiction. In the one caſe, there were three branches of the legiſlature, in the other, there were only two.

On no occaſion had he denied the force of neceſſity; but in caſes of neceſſity they ought to do as little as poſſible; and however paradoxical it might ſeem, he inſiſted, that by giving part of the prerogative, they did more than by giving it entire. He maintained ſtill, that no Parliament could legiſlate, unleſs the King on the throne had the power to diſſolve them, and challenged any lawyer to prove, that a Parliament, not liable to diſſolution, can legiſlate.

Mr. *Sheridan* contended, that the preſent queſtion was directly connected with that of the limitations. The Right Honourable Gentleman's

arguments

arguments went to prove, that, if the Houſe adopted the preſent reſolutions, they would then be enabled, without the poſſibility of diſappointment, to make what reſtrictions might be thought proper; but if they did not, that then the reſtrictions they might wiſh to have made, would not be carried into execution. The Right Honourable Gentleman knew, from his own experience, that the powers of the prerogative might be abuſed, and therefore it became him to be on his guard. If you doubt the fact, he might ſay, look at my conduct. Recollect under what circumſtances I diſſolved a Parliament; how laviſh I have been of the honours of the peerage, and ſay, that the powers of the prerogative may not be abuſed, if you can. The Right Honourable Gentleman obſerves, that the Prince may diſſolve the Parliament, without conſenting to limitations. The firſt act of his Regency ought to be, to conſent to limitations; and was there a man who believed he would not? But in impoſing reſtrictions, ſome delicacy was requiſite; for every reſtriction that was not neceſſary, was not a limitation, but an inſult. Was the Right Honourable Gentleman in ſuch haſte to impoſe reſtrictions, becauſe he feared that he could not carry the limitations which he meant to propoſe, unleſs he were Miniſter? Or was he apprehenſive that Parliament or the Prince would forget to do their duty? From ſome ſuch fear, or un-

worthy ſuſpicion, his haſte muſt proceed. But if the Prince ſhould refuſe the Regency, ſome proviſion, he conceived, ought to be made for ſuch a circumſtance; though he by no means wiſhed to hint that any friend of his Royal Highneſs would venture to propoſe ſuch a meaſure.

At half after twelve the Houſe divided on the Reſolution, when there appeared,

For the Amendment		178
Againſt it	—	251
Majority		73

The original Reſolution was then put and agreed to.

Tuesday, *December* 23.

The Marquis of Worceſter reported, that the Lords had agreed to a conference.

A Committee was then appointed, which conſiſted of the following Honourable and Right Honourable Members, viz.

Marquis of Worceſter	Lord Apſley
Chancellor of the Exchequer	Secretary at War
Marquis of Graham	Sir Joſeph Mawbey
E. J. Elliot, Eſq.	Lord Frederick Campbell
Alderman Watſon	Lord Belgrave
Earl Mornington.	J. Rolle, Eſq.
Earl Courtoun	Maſter of the Rolls.
Lord Advocate of Scotland	

As ſoon as the Committee returned, the Marquis of Worceſter reported, that the Managers had

had met, and that the conference on behalf of the Lords, had been conducted by the Lord Preſident, Lord Privy Seal, Duke of Richmond, Marquis of Caermarthen, Lord Sydney, Lord Hawkeſbury, Lord Morton, &c.

The call of the Houſe was, upon motion, further adjourned until the morrow ſe'nnight.

FRIDAY, *January* 2.

Mr. *Hatſell*, the Clerk of the Houſe of Commons, announced the death of the Right Honourable *Charles Wolfran Cornwall*, their Speaker; which event happened in the morning of this day; and, on the Monday following, the Honourable *William Wyndham Grenville* was appointed to ſucceed him.

TUESDAY, *January* 6.

The motion being made for the order of the day,

Mr. *Loveden*, in a ſhort ſpeech, profeſſed to have no particular bias in what he was about to offer. It was his rule to be—*nullius addictus jurare in verba magiſtri*. In compliance with theſe principles, he could not agree to the Houſe proceeding on the order of the day, till they had more ample information on the ſtate of his Majeſty's

jeſty's health. The examination before the Houſe was by no means full and explanatory, nor were they in the leaſt acquainted with the preſent ſituation of the Sovereign; whether his condition was amended or impaired; and ſome very material alteration muſt undoubtedly have taken place within the month which had elapſed ſince the report from the phyſicians. He therefore moved, "That as a conſiderable time had elapſed ſince the examination of his Majeſty's phyſicians, they be again further examined as to his preſent condition."

The *Speaker* then obſerved, that the moſt orderly way would be to put the original motion for the order of the day, which, if negatived, would make way for the ſecond queſtion.

It being mentioned from the Oppoſition ſide of the Houſe, that the order of the day was not moved,

Mr. Chancellor *Pitt*, who had moved it, now roſe and declared, if any great or neceſſary end was likely to enſue from the further examination propoſed, he ſhould be the laſt to oppoſe it. But he conceived, from the examination already before the Houſe, they had ſufficient ground to proceed. There was ſufficient evidence for every one's conviction, that the actual ſtate of his Majeſty's health incapacitated him for buſineſs; and it was alſo admitted, that it was the duty of the two Houſes forthwith to take meaſures

meaſures for ſupplying the defect ariſing from that incapacity. Therefore, unleſs ſome members were ready to advance, that any material alteration had taken place in his Majeſty's health, which ſhould affect the preſent proceedings of the Houſe, he thought it very unadviſable that the leaſt delay ſhould be interpoſed to the adoption of ſuch meaſures as ſhould reſtore the government, and give it energy and effect. He earneſtly deprecated any further delay in the appointment of ſuch a government. He felt, no doubt, ſtrongly for the diſagreeable and unfortunate ſituation in which he perſonally ſtood; but he felt much more forcibly for the public intereſt, which was ſo deeply and dangerouſly affected by the preſent unhappy ſuſpenſion of the exerciſe of the royal authority. Any delay, therefore, to the remedy which ſhould be propoſed, if ſomething very particular was not advanced, he would deprecate and oppoſe.

Mr. *Fox* expreſſed his ſatisfaction in finding that the ſubject of the preſent ſituation of his Majeſty had been ſo taken up. Rumours of various kinds had gone abroad, and of rumours in general, he, from long political experience, would have been perfectly regardleſs, if ſomething had not tranſpired in another Houſe, which went ſtrongly in confirmation of ſome of theſe reports. It was very well known, and they all might have heard it, that the firſt Miniſter of

his

his Majeſty, in point of fact, and in conſequence, certainly not the laſt (the Lord Chancellor) had declared, that the *King's health was amended.* The aſſertion of an opinion of moſt individuals on ſuch a ſubject, he ſhould not conſider of ſufficient weight to influence the conduct of Parliament, if the caſe was not in itſelf a very peculiar one. He agreed that there was ſufficient proof of his Majeſty's actual incapacity to govern, and that the two Houſes were proper in taking meaſures for ſupplying the deficiency; but if there were thoſe who thought it neceſſary to confer the exerciſe of the royal authority, with limitations, under the pretence that his Majeſty was likely to be ſoon in a condition to reſume it himſelf, theſe limitations muſt of courſe be influenced by the actual condition of his Majeſty, and the probability of the malady either ceaſing or continuing. If his Majeſty's condition rendered it improbable that he ſhould ever be relieved, the idea of reſtrictions, at all times improper, would then be done away; ſo that, on the whole, he thought the motion for further enquiry, extremely proper and neceſſary.

Mr. *Burke* thought it neceſſary that the nation ſhould, on ſuch an important ſubject, be fully informed, and not duped by the impoſitions which were reported to be practiſed. After inveighing, with no ſmall ſeverity, againſt the artful

artful conduct of Adminiſtration, he firſt proceeded to aſſert, and next to prove, that the King's health was worſe, and more unlikely to mend than it was a month ſince, when the phyſicians were examined. To this effect, he read from the printed Journals of the Lords, an extract of the examination of one of the phyſicians, in which he ſaid, "that the probability of recovery was diminiſhed, whenever the violence of the diſorder was abated, without any return of the underſtanding." This he contended to be a proof that his Majeſty was worſe; but if the contrary ſhould be the fact, it was neceſſary that the Houſe and country ſhould be informed of it, and an examination ſhould be inſtituted for that purpoſe.

Mr. *Baſtard* reprobated any proceeding which ſhould delay or interrupt the ſettlement of the executive department of government.

Lord *North* offered a very ſtrong eulogium on Dr. Warren, and deprecated the warmth which animated the oppoſing parties.

Mr. *Pitt* declared, that Dr. *Warren*'s reputation for general knowledge in his profeſſion was ſuch, as demanded very juſtly the concurrence of every one. In that particular diſeaſe, however, with which his Majeſty was afflicted, this Gentleman's experience was, by his own confeſſion, comparatively ſmall—ſo much ſo indeed, that in every circumſtance of his Majeſty's treatment,

ment, he never took any proceedings but by the advice or concurrence of another phyſician (Dr. *Willis*), whoſe line of practice had rendered him more converſant with that particular malady. To the argument of Mr. Burke, in which he endeavoured, by a ſort of calculation, to prove, that his Majeſty muſt be worſe now than at the time of the report; he would anſwer it, by ſaying, that, from the very beſt information, he had reaſon to think, that the DIRECT CONTRARY WAS THE FACT. He was ſufficiently aware of the injurious tendency of delay in arranging the government, and had already deprecated its conſequences; but now, as the matter had been carried ſo far, and ſuch ſtrong aſſertions made, ſo foreign from what was really the fact, he thought it would be very improper to with-hold a further examination of the phyſicians attending his Majeſty, the reſult of which he believed would confirm what he had advanced; for which purpoſe he would beg leave to withdraw his motion for the order of the day.

Mr. *Burke* expreſſed his wiſh, that, when the examination propoſed ſhould take place, that it might be full, and that no queſtions ſhould be framed for the purpoſe of drawing ſuch anſwers as might ſuit particular purpoſes. To prevent any miſinformation, or miſunderſtanding in this way, other phyſicians, beſides thoſe attending on his Majeſty, ſhould be called in, to aſſiſt and

conduct,

conduct, in ſome degree, the courſe of the examination. Why not call in Dr. Munro, who was unqueſtionably the moſt eminent and experienced man in diſorders of this kind?

Mr. *Pulteney* objected to letting Mr. Pitt withdraw his motion, and ſaid he would divide the Houſe on it, as he could foreſee no good effect from any further examination of the phyſicians, and was apprehenſive of bad conſequences from the delay it might occaſion.

Mr. *Fox* was very diffuſe in his panegyric on Dr. *Warren*, of whoſe reputation and talents the beſt proof was to be found in the extent of his practice.

Mr. *Sheridan* argued, from the Miniſter's own declaration, of there being an amendment in the King's health, that the neceſſity of examining the phyſicians muſt reſt with himſelf.

Mr. *Pitt* obſerved in reply, that the alluſion of Mr. Fox, to the preſent condition of his Majeſty's malady, carried the ſtrongeſt proof of the neceſſity of recurring again to the opinion of the King's phyſicians. What he had advanced, of the favourable accounts reſpecting the private information afforded of his Majeſty's health. he would not retract one ſyllable; but that his private ſentiments he would not preſume to offer as a ground for the proceedings of the Houſe, the only foundation for which muſt be the reſult of the combined judgment and opinions of the

King's phyſicians, taken upon oath, before a ſelect Committee; which, if ſummoned by order of the Houſe that night, the deciſion of the buſineſs would not be above a day or two delayed.

Mr. *Pulteney* perſiſted in his determination to divide the Houſe on the ſubject of again introducing the phyſicians, a public examination of whom would be a week's delay of the diſcuſſion of the important buſineſs of the Regency.

Mr. *Pitt* ſaid, he ſtood in this ſingular ſituation, that he ſhould be obliged to vote againſt the Honourable Gentleman who ſpoke laſt, and againſt his own motion, if the Honourable Gentleman perſiſted. He was clearly of opinion, from what had paſſed, that another examination was indiſpenſably neceſſary.

After ſome further debate, Mr. Pulteney waved his objection, and the order of the day was withdrawn.

Mr. Chancellor *Pitt* then moved, "That a Committee be appointed to examine the phyſicians who have attended his Majeſty, touching the ſtate of his Majeſty's health, and that they do report the ſame to the Houſe."

Mr. *Sheridan* moved, by way of amendment, to leave out from the words "examine the phyſicians," to the end of the above motion, in order to inſert, "To enquire into the nature and preſent ſtate of his Majeſty's malady, and into the probability

probability of his ſpeedy recovery; and that they have power to ſend for ſuch perſons and papers as they think may give them ſufficient information concerning the ſame;" when it was carried againſt the amendment by a majority of 80.

Another amendment was moved, to inſert after phyſicians, "and other medical men," which was alſo negatived.

Mr. Chancellor *Pitt* then moved, "That the phyſicians who have attended his Majeſty during his illneſs, be examined before a ſelect Committee, touching the preſent ſtate of his Majeſty's health."—An amendment was propoſed, by leaving out "ſelect Committee," and inſerting "at the bar of the Houſe." This paſſed in the negative; and a Committee of twenty-one perſons being named, the Houſe adjourned.

WEDNESDAY, *January* 7.

The Houſe was not ſufficiently attended for the purpoſe of buſineſs.

On account of the length of time employed in examining the phyſicians as to the ſtate of his Majeſty's health, the Houſe did not go into the Committee on the State of the Nation till January 16.

The ſecond Report of the Phyſicians, concerning the actual ſituation of the Sovereign, being ſo fully known to the whole nation, it would be ſwelling this volume to a ſize of unneceſſary expence, more particularly as the ſpirit and reſult of it is to be found under very able animadverſions in the following debate.

FRIDAY, *January* 16.

STATE OF THE NATION.

Mr. *Pitt* moved, "That the order of the day be read, for the Houſe to reſolve itſelf into a Committee on the State of the Nation," which was accordingly read.

The *Chancellor of the Exchequer* then roſe again, and after lamenting that the particular ſituation of the country called upon them to exerciſe a right, that had devolved upon them in conſequence of the melancholy ſituation of his Majeſty, which rendered him incapable of exerciſing the royal authority, he obſerved, that upon the preſent diſtreſsful occaſion it behoved them to provide the means of ſupplying the deficiency. The buſineſs of the Committee, he obſerved, lay in a very narrow compaſs, notwithſtanding the voluminous reports on the table. In the report laſt delivered there was abundant matter of con-

firmation

firmation of the propriety and prudence of thoſe meaſures, which he was, as the Committee were aware, prepared to have propoſed to them nearly ten days ago. But though there was much material information in that report, there was no difference, in his opinion, in the ground of what he had to offer; but that on the former day, as well as on the preſent, the Committee had more information before them than was ſufficient to bear out all that he ſhould ſubmit to their conſideration: what they had to provide for, therefore, was no more than an interval; and he flattered himſelf it would prove but a ſhort interval. If, however, unfortunately, his Majeſty's illneſs ſhould be protracted, they might leave it to Parliament to do what was at preſent clearly unneceſſary—to conſider of a more permanent plan of government. If they regarded the diſorder not in itſelf incurable, any man muſt think that the proviſions ought not to be permanent. With regard to the difference of opinion between the phyſicians, as to the proſpect of a recovery, it appeared to him to depend on two circumſtances, by which it could be decided on whoſe opinion the greateſt reliance ought to be placed. The firſt circumſtance was, the knowledge of the malady in general; and the ſecond, the knowledge of the particular caſe of the patient. Three of his Majeſty's * phyſicians had been con-

* Drs. Pepys, Giſborne, and Reynolds.

verſant with the malady. Two others (Mr. Pitt added), though not ſo converſant, are well acquainted with his Majeſty's habits. Theſe two (Sir George Baker and Doctor Warren) attend his Majeſty for two hours each day; the three others, from the evening until eleven in the forenoon. Surely it was natural for thoſe who attended his Majeſty moſt to be the beſt judges of his ſituation; and it was remarkable, that Dr. Warren and Sir George Baker were the leaſt confident of a cure, and that the other Doctors poſſeſſed much greater hopes; but Dr. Willis, who attended his Majeſty more than any of the others, was more ſanguine than them all. Sir Lucas Pepys ſtates circumſtances which do not amount to a certainty of a cure, but which prove an abatement of his Majeſty's diſorder. Dr. Willis is of opinion, that all the ſymptoms ſince the time of the laſt examination are more favourable, and that there are conſiderable ſigns of abatement; that the length of the time has made no unfavourable change; and thoſe who underſtand the diſorder beſt, think it more favourable. For his own part, he wiſhed not to go at length into the particulars of the laſt report, on which the Committee might ſafely rely, as there were thoſe on the Committee who were anxious to ſift, with the moſt ſcrupulous accuracy, every point likely to prove his Majeſty's recovery. There had been thoſe who gave no conſiderable degree of credit

to

to Dr. Willis; if, therefore, any obſervations ſhould ariſe from them, he conceived that they would be made in the ſame ſpirit, and with the ſame ability, as when they were urged in the Committee above ſtairs. Upon this occaſion, he felt it but common juſtice to commend the ſkill, integrity, and good ſenſe of Dr. Willis, which were evinced under a ſevere croſs examination, calculated to puzzle ſimplicity, and leave the coolneſs which ſhould of neceſſity accompany the delivery of evidence, too unguarded. In the courſe of the inquiry above ſtairs, a circumſtance had come out, over which he would not draw a veil of delicacy, as he was not aſhamed to bring it forward. If it ſhould be ſtated, to the diſcredit of any phyſician, that he had ſubmitted to be unduly influenced by a great Perſonage, let the Committee know to what phyſician the imputation of having conſented to give an untrue account of the ſtate of his Majeſty's health applied: if an impropriety of action like that was imputed, he would not believe it till it was diſtinctly *ventured* to be ſaid; and when he uſed the term *ventured*, he did not mean to uſe it with regard to the exalted ſtation of the perſon in queſtion, but with regard to the tranſaction itſelf; nor did he (he repeated it) believe that any man would venture to charge blame of any kind on the reſpectable perſonage in queſtion, who had lived, for almoſt thirty

years, in this country without traduction, a pattern of the moſt unexampled affection, domeſtic tenderneſs and virtue, againſt whom the breath of calumny had not dared to ſend even a whiſper, and who ſurely could not be ſuppoſed to merit it at a moment when viſited by a calamity which rarely befalls a private perſon, but which ſurely is not a little aggravated when it becomes the lot of the family of a perſon in ſo exalted a rank as the ſovereign of the country. As to the fact itſelf, it appeared that Dr. Warren allowed that circumſtances of amendment began to appear, and there was, in conſequence, a wiſh on the part of her Majeſty that the report might be ſuch as ſhould give the public the moſt favourable account of his Majeſty's health; but would any man prove that any undue influence had been uſed for that purpoſe? Mr. Pitt explained in what manner the words "a comfortable way" had been introduced into the report, and then ſpoke of Dr. Willis, declaring, that he was known in the country where he lived by his character, and by the happineſs which he had been the means of giving to the numerous families who were bound to bleſs him for the good effects of his ſkill. He mentioned another phyſician whoſe character was likewiſe high, but obſerved, at the ſame time, that, if he wiſhed to draw a true concluſion of his Majeſty's ſtate of health and proſpect of recovery, he would wiſh

to draw it from Dr. Willis rather than from any other phyſician. At length Mr. Pitt adverted to (what he called) the ſituation for which they were to provide; and this ſituation was not leſs than the ceſſation of the perſonal exerciſe of the royal authority, a deficiency for which no previous proviſion had been made. As the cauſe of this deficiency, he had every reaſon to think, would prove but temporary, they muſt deliberately conſider what were the caſes for which they were to apply a remedy. The firſt object for which they had to provide was, to ſecure the eſtabliſhment of a government in the country equal to its ſafety and the diſpatch of public buſineſs. Out of the nature of ſuch a proviſion another duty aroſe, of equal importance to the other, and this was, to take care that the meaſures embraced did not go beyond the neceſſity of the caſe.

The Committee were to provide powers for the exerciſe of the government, and they muſt take care to place theſe powers in proper hands; but above all things to recollect, that they were not placing a King upon the throne. They were to remember the throne was full; that no right any where exiſted to exerciſe the royal authority but that which was conferred by that Houſe. They were to take care to provide againſt any embarraſſment in the reſumption of the royal authority, whenever God, in his providence,

ſhould permit the rightful holder again to exerciſe it. They were to provide only for the neceſſity of the caſe, and not to exceed it; and, therefore, the meaſures which he ſhould propoſe would be, to inveſt his Royal Highneſs the Prince of Wales with the whole royal authority, to be exerciſed in the name, and on the behalf of his Majeſty, under ſuch limitations and reſtrictions only as ſhould be provided. The principle was not new, although the circumſtances of the caſe happened to be unprecedented. No man would ſay that the ſame power which the principal exerciſed ought to be given to the delegate: and if the Houſe referred to precedents, they would find that no one inſtance could be met with of the whole royal prerogatives having been ſo delegated: on the contrary, every precedent which bore the ſmalleſt analogy to the preſent ſituation, evinced the direct contrary, and that, doubtleſs, with a view to facilitate and enſure the reſignation of the delegate when the principal ſhould be competent to exerciſe, or to reſume his authority. Mr. Pitt, referring them to the act of Queen Anne (the act of ſucceſſion), the Regency act of George the Second, and the Regency act of the preſent King, added, let them look to the caſe of a Sovereign diſabled by infancy.—Was the Regent of the country inveſted with full and unlimited power to exerciſe the royal authority? undoubtedly not. In the three

Regency

Regency Bills in the Statute Books, to which he adverted, were there not limitations? There were in every one. All the powers might be given, but then they were not given to one perſon. What was the principle in the caſe of a minority? It was thought unſafe to veſt all the powers in one perſon. He laid particular ſtreſs on the Regency Bill in the reign of George the Second, and obſerved, that there appeared at that time to have been a wiſh, on both ſides of the Houſe, to doubt what confidence ſhould be placed in the Regent. They were afraid of making a precedent, and therefore they gave the royal powers among many, appointing a Council, without whoſe conſent the Regent could take no important ſtep whatever. The will of the predeceſſor was by one of the bills to be the ſyſtem followed while the Heir Apparent continued a minor; a principle which, he owned, he thought went too far, although it was a plauſible principle, and was apparently moſt applicable to the preſent caſe. After reaſoning upon the three different precedents, and touching upon the ſhort protectorate of Richard the Third, the other protectorates or guardianſhips in the earlier periods of our hiſtory, and endeavouring to demonſtrate, by argument, that as in no preceding inſtance all the powers of royalty were given to one perſon, ſo in the preſent inſtance (which certainly differed moſt eſſentially) they ought not

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to be, nor could they be, truſted in the hands of one perſon, without proving a hazardous, and poſſibly, a prejudicial experiment. He declared he would give his vote for inveſting the Regent with all the powers which are neceſſary, but would not agree to give any which were not requiſite to carry on the government of the country with energy and effect. Mr. Pitt now obſerved, that he need not trouble the Houſe with his firſt Reſolution, as he had already ſtated its ſubſtance and effect. The ſecond Reſolution (which he read) was, to reſtrain the Regent from exerciſing one branch of the prerogative, peculiarly inherent in the Crown, and this was the power of granting peerages, excepting to his Majeſty's ſons being twenty-one years of age. This reſtriction he thought neceſſary, as the Regent ought not to confer any grant which might produce difficulties and embarraſſments when the happy hour of his Majeſty's reſtoration to his health ſhould arrive.

The object of inveſting the Crown with the power of creating peers was, to enable the Sovereign to diſtribute rewards to eminent merit, and to give the Crown the means of chooſing perſons who ſhould add to the number of one of the branches of the legiſlature. The creation of Peers was one of thoſe powers which belonged to the King's prerogative. He enumerated the grounds on which he conceived that the Crown

might

might exercise the privilege of making Peers, and described what he regarded as the inconveniences which might follow from the Regent having the power to make Peers, contending that it was possible that the consequence of the House of Lords might be lost, and the system of the country overturned, and the government end in a pure monarchy, an aristocracy, an oligarchy, or some resource equally distant from our present constitution. He desired, if he failed to enumerate any particulars connected with any part of the subject, to have them pointed out to him. He reasoned upon the sort of effect which (as he supposed) might arise from depriving the Regent of the power of creating Peers, merely for a time, observing, that surely it would not be contended, that for want of such an incentive for a few months, the country was likely to be deprived of the service of men of merit. If his Majesty recovered, as they all hoped, and had reason to expect he would, the power of creating Peers might be exercised by the rightful holder of the prerogative; but, if unfortunately his Majesty should grow worse, and be pronounced not likely to recover for a long time, Parliament would have it in its power to take off the restriction, and vest the Regent with a power, which, he was ready to admit, might in time become necessary to the carrying on of a powerful government. As an abuse of the prerogative

of

of making Peers, he urged the poſſibility of ſuch another confederacy and cabal forming (as had been convicted of a deſign to overthrow the conſtitution a few years ſince), who might give the Regent advice, which the Crown would probably have rejected, and ſuch a number of Peers might be created, as might conſiderably embarraſs the Crown in carrying on the government when his Majeſty ſhould be reſtored to his health. For his own part, he declared, that he ſhould not be found an oppoſer of the juſt and wiſe meaſures of the new government, which would remain to be diſcuſſed hereafter. He urged other arguments in the attempt to prove that the withholding the power of making Peers fo. a time, was what they owed to the real intereſts of the country, and the true Sovereign; that it could not become prejudicial to the Regent's government; and if it ſhould threaten to grow detrimental, they would have the remedy in their own hands; a principle which coupled with that of doing nothing beyond the real neceſſity of the caſe.

He now read the third reſolution, which was a reſtriction preventing the Regent from allowing any grant, patent place, reverſion, or annuity for life, excepting in particularly unavoidable caſes, ſuch as to Judges and others. As this reſolution ran ſo much upon the principle of the preceding one, Mr. Pitt ſaid, that it was unneceſſary

ceſſary for him to go into farther explanation of it. The fourth reſolution reſtrained the Regent from exerciſing any power over the perſonal property of the King. Mr. Pitt, on this occaſion, obſerved, that he ſcarcely thought it neceſſary to paſs this reſolution, as it was not probable that his Royal Highneſs ſhould interfere with his Majeſty's perſonal property in his life-time; but, as they were acting upon parliamentary principles, he thought it his duty to ſubmit it to the Committee. The laſt reſolution would be for entruſting the care of the Royal Perſon, during his Majeſty's illneſs, where, of courſe, all men would be unanimous in agreeing that the Royal Perſon ought to be placed, in the guardianſhip of the Queen; and with this truſt, his intention was, to propoſe to put the whole of his Majeſty's houſehold under the authority of her Majeſty, inveſting her with full powers to diſmiſs and appoint, as ſhe ſhould think proper. Without being inveſted with this controul, he imagined that the Queen could not diſcharge the important truſt committed to her care. He ſpoke of the officers of high rank in the Houſehold, who, though their places might juſtly draw forth the ambition of men of the firſt rank and family in the kingdom, were nevertheleſs only the firſt menial ſervants of his Majeſty, and actually neceſſary to direct and ſuperintend the greater part of his Majeſty's Houſehold. He ſtated, that theſe officers

ficers, ſuch as the Maſter of the Horſe, Lord Chamberlain, Lord Steward, and others, were, by many, thought high officers of ſtate; but the fact was otherwiſe; they were the menial ſervants of the Crown, and eſſential to its dignity and ſplendour. He argued againſt new modelling the Royal Houſehold under the preſent circumſtances, and ſpoke of the anxiety and pain which he conceived that it muſt give his Majeſty, to find all thoſe whom he had choſen to be about his Royal Perſon diſcharged. He owned, that this part of the arrangement was a matter of ſome difficulty; but when he conſidered what his Majeſty would feel, when he waked from his trance to reaſon, and aſked for thoſe attendants, and was told, that his ſubjects had taken advantage of his momentary abſence of mind, and changed them, he flattered himſelf that no gentleman would object to ſuch a mark of attention being paid to his Majeſty. The Regent, indeed, was different from the King; but, at the ſame time, the Regent ought to have a retinue adequate to the importance and the high rank of his ſtation; and he meant to propoſe that he ſhould have ſuch a retinue, which would unqueſtionably be ſome increaſe of expence to the country; but, as it was unavoidably neceſſary to appoint a Regent, it was equally neceſſary to maintain the dignity of the character; and gentlemen would

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not, he conceived, grudge a little expence on ſuch an occaſion.

Mr. Pitt now moved, "That it is the opinion of this Committee, that, for the purpoſe of providing for the exerciſe of the King's Royal Authority, during the continuance of his Majeſty's illneſs, in ſuch manner, and to ſuch extent, as the preſent circumſtances of the urgent concerns of the nation appear to require, it is expedient that his Royal Highneſs the Prince of Wales, being reſident within the realm, ſhall be empowered to exerciſe and adminiſter the Royal Authority, according to the laws and conſtitution of Great Britain, in the name and on the behalf of his Majeſty, under the ſtile and title of "REGENT *of the Kingdom*," and to uſe, execute, and perform, in the name and on the behalf of his Majeſty, all authorities, prerogatives, acts of government, and adminiſtration of the ſame, which belong to the King of this realm, to uſe, execute, and perform, according to the law thereof, ſubject to ſuch limitations and exceptions as ſhall be provided."

The clerk read all the reſolutions; and, when he came to the laſt, which ſtated that her Majeſty was to have a council,

Mr. Chancellor *Pitt* roſe, and ſaid, that he had not entered fully into an explanation of the laſt reſolution, becauſe, although he had conſidered it as his duty to ſtate it to the Committee,

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he meant it to be conſidered as a ſeparate and diſtinct object, and to be, at a fit opportunity, debated and diſcuſſed. He would farther beg leave to remark, that it had occurred to him, that, in caſes of difficulty and embarraſſment, on a ſubject of ſo delicate a nature, it might prove a comfort to her Majeſty's mind to have a council to conſult, but it was intended to make it merely a council of advice.

The Chairman then read the firſt motion.

Mr. *Powys* declared, that he could not avoid conſidering the whole ſyſtem opened by the Right Honourable Gentleman as a monſtrous fabric, tending to mutilate and diſmember the conſtitutional authority of the Crown. They had voted a reſolution, that it was their duty to preſerve the Royal Authority whole and entire. What were they now called upon to perform?—To diſſolve, ſeparate, and parcel out that Royal Authority, which they had ſolemnly reſolved to preſerve whole and entire. What was the conſtitutional authority of the Crown? He took it to be an aſſemblage of all the duties of the Kingly office defined by ſtatute. When and to which of the Three Eſtates was aſſigned the power of beſtowing honours?—To the Crown; and that power of the Crown was derived from the ſame ſource from which that Houſe derived its power. He had heard, in another place, that there was an infirmity in human nature, which naturally

attached itſelf to power; and the perſon who made this obſervation, doubtleſs, felt an entire conviction of its truth :—But was that infirmity confined to Princes? Was there any thing in the conduct of the Heir Apparent which warranted a ſuſpicion of his labouring under ſuch an infirmity? It was not conſiſtent with the liberality of the Right Honourable Gentleman to judge of a man's conduct, in a ſituation in which he had never been placed. The Right Honourable Gentleman had ſaid, that there might be bad adviſers of the Regent. Might there not be bad adviſers of the Queen? In the reſolutions, if there were any point plauſible, and at firſt ſight reaſonable, it was in the third reſolution, containing the reſtrictions againſt granting offices, patent places, and penſions; but all this proceeded on the miſtaken notion that they were private property. That part of the prerogative which was the property of the Crown, he always had conſidered, and ſhould conſider, as a part of the public revenue. Were none of the Royal Houſehold the political ſervants of the Crown? and had not the Right Honourable Gentleman (Mr. Pitt) again and again declared, that the Regent ſhould have the appointment of his political ſervants? Why would they veſt one power in the Regent and not another? Did they ſuppoſe that the Regent would abuſe it? There could be no argument for curtailing the prerogatives of the

Regent, which would not apply to the excluſion of the Heir Apparent from the Regency. If that was the object, let gentlemen go to it explicitly, and in a manly way, and not in the narrow, myſterious, crooked, miſchievous manner which they were purſuing. He conſidered the reſolutions as likely to excite feuds and animoſities, not only in the kingdom, but in the Royal Family, and to arm the mother againſt the ſon. Was that the way to add energy to the Government? He conſidered the preſent ſyſtem to be equally deſtructive to the Conſtitution; and as he did not want to parcel out the prerogatives of the Crown at the will of an individual, he would move an amendment. Mr. Powys declared, that he would eſtabliſh himſelf upon precedent—upon the ſtatutes themſelves. The extent of power to be given now ought to be the ſame as that given in former ſtatutes; and therefore he ſhould beg leave to trouble the Houſe with the words of thoſe ſtatutes. Mr. Powys accordingly referred to them, and moved his amendment in theſe words—To leave out from "illneſs," in order to inſert, "and preſerving the Conſtitution of Great Britain undiſturbed, and the dignity and luſtre of the Crown unimpaired, his Royal Highneſs the Prince of Wales be appointed, during the preſent indiſpoſition of his Majeſty, and no longer, in the name of the King, and in his ſtead, to exerciſe and adminiſter,

ſter, according to the laws and conſtitution of Great Britain, the Regal Power and Government, under the ſtile and title of Regent of the Kingdom, and to uſe, execute, and perform all prerogatives, authorities, and acts of Government which might have been lawfully uſed, executed, and performed by the Regent and Council of Regency, conſtituted and appointed by an act of the 5th of his preſent Majeſty."

Lord *North* began with aſking, if it became them, as Members of the Houſe of Commons, in a moment like that, when the royal negative, which the Conſtitution had inveſted in his Majeſty, was ſuſpended, to avail themſelves of the temporary incapacity of the King, and to attack all the authorities of the Crown, while it remained without a ſhield. The meaſures which they were now called upon to adopt, contradicted that wiſe maxim of the Conſtitution, that the King never dies. The King, in his individual and natural capacity, it was true, ſuffered a demiſe; but the political capacity of the Crown was, both by law and the Conſtitution, always conſidered as whole and entire. And why was this maxim eſtabliſhed, but for a plain and obvious reaſon—to guard againſt and prevent an interregnum of the imperial power. But Miniſters had contrived to produce that evil, which the Conſtitution had ſo wiſely and ſo cautiouſly guarded againſt, and had deviſed the means of

the political death of the Crown. The Right Honourable Gentleman had repeatedly told them, in the courſe of his ſpeech, that they were to expect that his Majeſty's diſorder would prove ſhort, and that they were to conſider themſelves as providing for only a temporary ſuſpenſion of the Royal Authority; but let the Committee recollect, that, notwithſtanding the long and repeated examinations which his Majeſty's Phyſicians had undergone, it had not been in the power of any one conſulted, to give an idea of the probable time when his Majeſty's recovery would take place.

The Right Honourable Gentleman had admitted, that, unleſs his Majeſty's recovery did take place, the reſolutions which he had propoſed would not be proper. But if it were admitted that the reſolutions would not be proper in caſe that his Majeſty's recovery did not take place, he muſt beg leave to deny that they were proper at all, in any poſſible caſe whatever. The Houſe had reſolved, that it was their right and duty to provide the means of ſupplying the defect in the perſonal exerciſe of the Royal Authority. What could that ſignify, more than that they were to provide for the interval of his Majeſty's illneſs, by not ſuffering any advantage to be taken to deſpoil the Crown of its juſt and conſtitutional rights? It was their duty to take care, that, when his Majeſty ſhould be capable of reaſſum-

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ing the royal functions, he ſhould find them in as good a ſtate as he left them in, undiminiſhed in all particulars whatſoever. Would any man venture to contend, that this would prove the caſe, if the reſolutions which the Right Honourable Gentleman had propoſed ſhould be adopted by the Committee? Indiſputably it would not; —becauſe the object of the reſolutions was, to appoint a perſon to the Regal Office, and to ſeparate from that office the Royal Authority. By the firſt of theſe reſolutions, the Regent was to be reſtrained from making Peers. The Right Honourable Gentleman had reſted much on precedents, and their analogy, when he had perſuaded the Houſe, that it was neceſſary to declare it to be their right to provide for ſupplying the deficiency occaſioned by the ſuſpenſion of the Royal Authority. Could the Right Honourable Gentleman produce any precedent, which, by the moſt diſtant analogy, or the moſt forced conſtruction, might be brought to countenance the reſtraining the Regent from making Peers? If the power of making Peers was neceſſary to a King, why was it not neceſſary in a Regent? In Kings, this power had been conſidered as the fountain of honour, and had been exerciſed often to the general ſatisfaction of the people, as the reward of merit, and the incentive to public virtue. Why then deny it to the Regent? The Right Honourable Gentleman had propheſied, that a time might come when it

would probably be neceſſary to reconſider the buſineſs; and then, if his Majeſty's recovery did not take place, they might remove the reſtrictions now impoſed on the Regent, and either leſſen the limitations, or take them away altogether. That Parliament could reviſe, explain, and amend its own acts, was a truth by no means new to the Houſe; but why ſhould the Houſe create a neceſſity for ſuch reviſion, explanation, and amendment, when the creation of it would eſtabliſh a dangerous precedent, and the avoiding it could lead to no ſort of difficulty or inconvenience. In the preſent caſe, it might be ten, it might be fifteen years—(no perſon could determine the length of time)—before the Regency would be replaced by the government of a King. It therefore behoved the Houſe to proceed with the utmoſt circumſpection. Were they ſure, that, when it ſhould be thought neceſſary to take away this reſtriction amongſt others, ſuch a precedent would receive the ready concurrence of the other Houſe? That Houſe could not engage in any act legiſlatively, without the concurrence of the Houſe of Lords; and, when the time ſhould come that the Houſe might find it proper to take off the reſtriction in queſtion, and to declare that they thought it no longer neceſſary, the Houſe of Lords might poſſibly anſwer, "You once thought theſe reſtrictions neceſſary; we think them neceſſary ſtill; we are aware of the value of what we have obtained,

and

and it reſts with us to judge when it will be moſt fit to return it." Let gentlemen, therefore, ſeriouſly conſider of the future difficulty which they might create, by abridging the royal prerogative in ſo eſſential a particular; and, if they were determined to impoſe a reſtriction on the Regent, let them at leaſt limit its duration, and put it out of the power of the other Houſe to continue it in force, after the time when it might appear no longer neceſſary to remain.—As to the third propoſition, for preventing the Regent from granting patent places, and offices for life in reverſion, he muſt oppoſe it in the terms in which the Right Honourable Gentleman had conceived it. This ſort of places, like the honour of peerage, compoſed the proper rewards of merit, and ſuch as the Regent, generally ſpeaking, ought not to be reſtrained from granting.—As to the fourth reſolution, if he underſtood it rightly, it went only to reſtrain the Regent from interfering with acquiſitions of wealth and eſtate, as, from ſavings, or by any other means, his Majeſty might have made perſonally ſince his acceſſion to the throne. With regard to thoſe, undoubtedly the Regent ought not to meddle with them; but the real property of the Crown was, in his conſideration, the property of the public, lodged in the hands of the King, for the public benefit. Moſt undoubtedly the laſt reſolution was well worthy a ſerious and deliberate diſcuſſion; becauſe it went to the diſpoſal of a

number of places in his Majeſty's Houſehold, amounting to a vaſt deal of money out of the Civil Liſt. For the diſpoſal of places of this deſcription to be ſubmitted to the truſt of any other perſon than the King himſelf, or the immediate Repreſentative of the Crown, or for the exerciſe of ſo great a power, deducible out of the Civil Liſt revenues, to be ſeparated from the other regal authorities, appeared to him to be an unconſtitutional, an unprecedented, and a monſtrous propoſition.

For his part, Lord North added, he did not wiſh to deprive his Majeſty of his property, nor of his domeſtics; but could no other way be deviſed by which proper attention might be paid to the King, without this vaſt patronage being placed in any other hands than thoſe of the Regent? The Right Honourable Gentleman had declared that he found it a difficult thing to ſettle the interior of his Majeſty's houſehold without giving the controul of it to the high and reſpectable character to whom the care of the royal perſon was undoubtedly, in his opinion, to be truſted; and yet the Right Honourable Gentleman had found a way for the two Houſes of Parliament to paſs a law without the King, or a third eſtate; and that, he muſt take leave to ſay, was a much more difficult point to carry into effect. The Right Honourable Gentleman had alſo propoſed to make a Regent, and to expect from him the duty and reſponſibility of a King,

while he withheld from him the unreſtrained exerciſe of the royal authority. Was it poſſible then for the Right Honourable Gentleman to feel any embarraſſment in the diſpoſal of the Grooms of the Bedchamber, the Lords of the Bedchamber alſo, as well as the higher Houſehold officers? The political ſervants of the Crown were not appointed for the domeſtic comfort of the Sovereign, but for the public pomp, and annexed to his retinue as a part of the pageantry of the Crown. That the exalted perſonage, in whoſe hands this enormous patronage was to be nominally lodged, would not abuſe it, Lord North declared that he was willing to believe; but when he conſidered that there was to be a council to adviſe her Majeſty, he was not quite ſure that the advice given would always be pure and free from the influence of a ſpirit of factious oppoſition; at all events, it was reprehenſible to withhold ſo great a prerogative of the Crown from the perſon who was the beſt entitled to expect to be entruſted with the exerciſe of the royal authority during the incapacity of the Sovereign. The Right Honourable Gentleman had denied that there exiſted a right in the Heir Apparent to aſſume the exerciſe of the royal authority, but they had all heard that it was admitted to be ſuch an irreſiſtible claim, as could not be rejected without injuſtice and without violence. What was it then to which his Royal Highneſs had ſuch an irreſiſtible claim, that he could

could not be deprived of, but for reaſons ſtrong enough to juſtify a bill of excluſion? It could be no new conſtitution; it was a claim, he ſuppoſed, to ſomething which had exiſted before. It was not a right to ſuſtain a burthen, and to ſubmit to the performance of all the duties, without enjoying all the prerogatives of a King. No reſtrictions ought therefore to be impoſed on the Regent; but if any reſtrictions were to be adopted, they ought to be dated from the ſixteenth of January, and confined to a limited duration. He conjured the Committee to have recourſe to their conſtitutional ideas, and if, during the temporary ſuſpenſion of the King's perſonal capacity to exerciſe the royal authority, it was their duty to provide for that defect in the conſtitution, let them be governed by the neceſſity of the caſe, and not exceed its limits. Let them provide that the people ſhould have a good government; and having proceeded thus far, they would enjoy the conſciouſneſs of executing the whole of what they owed to themſelves, to the people, and to ſo good a Sovereign as his Majeſty; but to venture further, would prove a moſt dangerous experiment. Lord North concluded with the declaration, that he ſhould tremble for his country if the reſolutions were adopted; that if the Houſe thought that any advantage could repay the violation of the conſtitution, and acted upon that principle, that principle would prove their ruin;

that

that he ſhould not himſelf probably live to ſee the fatal effects which might follow, but his poſterity would; and there were Gentlemen who ſat there that might one day repent, in the bitterneſs of affliction, the wreck of public freedom, and curſe the hour in which they had ſuffered the bulwark of the conſtitution to be aſſaulted with ſuch illegal violence.

Mr. *Sheridan*, after endeavouring to prove that the authority of Dr. Willis was not equal to that of the other phyſicians who attended his Majeſty, and that the Queen ought not to poſſeſs the power, with which it was propoſed to inveſt her, over the King's perſon and houſehold, begged leave to aſk the Right Honourable Gentleman a ſingle queſtion—*What were his motives for refuſing to inveſt the Prince with all the powers of the Sovereign? What apology could be made for the inconſiſtency, the meanneſs of his conduct?* He refuſes the Prince to exerciſe that branch of the prerogative which admits his extenſion of the peerage, but he does not reſtrict him in forming negociations, or making peace or war. If his Majeſty ſhould recover from his malady, and if the harmony and the proſperity of the country were deſtroyed; if the kingdom were involved in war with diſtant nations, provided that the Regent has not conferred the reward, due to merit, to any gentleman whoſe loyalty and conſequence entitled him to the honours of the peerage—all would be well.

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In the end of the Right Honourable Gentleman's ſpeech, he remarked the probability there was of the nation falling into the hands of a *dangerous confederacy*; but if it were not apprehended that the Prince would *change* the *preſent Miniſtry*, we ſhould never have heard of ſuch harſh epithets—we ſhould have heard of *no limitations*. The awful ſituation of public affairs, he obſerved, ſhould diſpel all party differences; and though the Right Honourable Gentleman talked of a factious confederacy, and a factious party—ſtill, in the face of his country, he would aſſert, that to *this* party it was obliged, and to its ſtruggles, for that conſtitution which is left for ſome men to abuſe, and others to prate about. The *plan* which had been ſubmitted to the Committee that night was, in all its prominent features, the greateſt *monſter* which he had ever ſeen. It was in no one line either correct or applicable to its purpoſe. It tended to create a government which, in its nature, muſt be weak; a government which, in a moment of ſuch delicacy as the preſent, ought to unite all factions, and meliorate all aſperities, was calculated to ſpread diſunion and jealouſy; to fill our colonies, our friends and allies with juſt apprehenſions, and to inſpire our enemies with well founded hope; to propagate, job, and intrigue at home, to engender and animate machinations abroad; to place the Heir Apparent in a ſituation of great reſponſibility without power, and

to ſuſpend for the time, and keep it as it were in obedience, the third eſtate of the realm. Theſe were the evils which would flow from this ſcheme, and which, if adopted in the ſhape now propoſed, would evidently endanger the preſent well-being, as well as by the dreadful precedent aſcertain the future deſtruction of the empire. The Right Honourable Gentleman, Mr. Sheridan ſaid, had argued, that if the full authority had been delegated to the Regent, that a confederacy might have been formed againſt the King, by which he might have been prevented from re-aſſuming the reins of government on his recovery. This *daring* and *unwarrantable aſſertion*, ſo *inſulting* to the *filial piety* of the PRINCE, called aloud for the reprobation of every Gentleman. If *charges*, ſuch as theſe, thrown out looſely, ſharpened, as they did, the feelings of the Honourable Gentleman who propoſed the amendment, and who ſtood detached from all party, what effect muſt they have on thoſe, who, like himſelf, *avowed* and *gloried* in being a *party man!* If charges were thrown out againſt party, they would be felt and reſiſted with party feelings. The Right Honourable Gentleman, when he had made *fourteen* or *fifteen Peers*, had never heard any charge of a violent confederacy from this Houſe, though in the other he may have heard a juſt murmur to that effect: But this, ſays he, is not the manner he wiſhes to be reminded of his

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inconſiſtencies. The *ambition* of the Right Honourable Gentleman would be highly gratified when he could proclaim abroad, that *he* had the *power* of making *Peers*, and of *making* and *unmaking Kings!* In this caſe, he could have no doubt but the people would flock to the Right Honourable Gentleman's door to have the banners diſplayed on his ramparts. The Horſe Guards, the Corps of Artillery, and the Chamberlain ſhould attend him; the Officers of State ſhould appear in his ſuite, whether to attend him to the Capitol, or to hear the thunder of his eloquence without. Thoſe, ſays he, who dare give the Queen advice to lend her name to the factious government of her ſon, and contrary to the opinion of the Right Honourable Gentleman and his friends, ſhall be eternally proſcribed. If when the KING recovers, and he aſks, *who leads the Beef Eaters*, and *who marſhals the Gentlemen Penſioners—who breaks down the old manſion-houſe, but takes care of the looking-glaſſes in the drawing room?* He will be told it is the Right Honourable Gentleman; and he will alſo be told, as an inſtance of the Gentleman's *gratitude*, that the PRINCE of WALES and DUKE of YORK *are deemed unworthy his confidence*, and remain without any mark of reſpect, and, of courſe, that the Right Honourable Gentleman muſt think them aliens to his Majeſty's affections, and that their intereſts are by no means interwoven with that of their *Royal Parent.*

Parent. The Right Honourable Gentleman, he obſerved, ſeemed particularly concerned in contemplating the loſs his Majeſty muſt ſuſtain, when deprived of thoſe Miniſters who would take ſuch extreme care of his affairs; "but," ſays he, "I hope they are not formed of ſuch "brittle materials as not to be eaſily col-"lected, and as eaſily united, whenever it may "pleaſe the Sovereign to have occaſion for "them. As to the inſults they have heaped on "the royal family, theſe, he obſerved, would "afford the King no pain, provided the Right "Honourable Gentleman's arrangement of the "Court Calendar was properly reſpected." There were, he inſiſted, much *duplicity* and *craft* in the whole proceedings *againſt* the Prince; and that the ground on which the Right Honourable Gentleman acted, tended to *deſtroy* the *fundamental principles of the conſtitution*, and had nothing for their deſign but to uphold a deſperate party, perhaps at the expence of general tranquillity.

Mr. *Grenville* (the Speaker) roſe next, and, after ſome preliminary obſervations, delivered himſelf to the following effect:

In all our deliberations on this ſubject, the firſt ground and foundation to be eſtabliſhed is, the nature of our preſent ſituation, as it reſults from that calamity, from which alone the neceſſity of theſe proceedings has ariſen. It is unneceſſary for that purpoſe to recapitulate the particulars

which have appeared in the courſe of our enquiries. It is ſufficient to ſay, that the reſult of thoſe enquiries appears to have eſtabliſhed three propoſitions. Firſt, the actual inability of his Majeſty to attend to the diſcharge of the ſeveral duties of his exalted ſtation; ſecondly, the probability of his Majeſty's recovery; and, thirdly, the hope that this event is near at hand, and that his Majeſty's diſorder may probably not be of long duration. The two firſt of theſe propoſitions are eſtabliſhed by the direct and concurrent teſtimony given by all the phyſicians, as often as they have been examined. With reſpect to the third, we have, indeed, no ſuch direct evidence, becauſe theſe Gentlemen have felt a natural reluctance to commit their characters by any preciſe opinion on ſuch a point. But they have ſtated to us facts, from which we are enabled to draw the ſame concluſions with reſpect to the third queſtion, which they have themſelves eſtabliſhed, as reſulting from ſimilar premiſes with reſpect to the ſecond. They have told us, that the greater number of perſons afflicted with this malady have recovered; and that they conclude from thence, that the probability is in favour of his Majeſty's recovery. They have alſo told us, that the greater number have recovered within a ſhort period, and that there are no particular ſymptoms in his Majeſty's caſe which indicate a long continuance of his diſ-

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order. Applying, therefore, theſe facts, as ſtated by themſelves, to their own mode of reaſoning upon them, we are certainly warranted in drawing the ſame concluſion, that although the time of the recovery, as well as the recovery itſelf, is in the hands of God alone, yet, that as far as human experience has enabled us to judge, the duration of this calamity will probably not be extended to any diſtant period.

In this ſituation we have thought it neceſſary, in the firſt inſtance, to make an authentic and formal declaration of the circumſtance of his Majeſty's preſent inability to attend to public buſineſs. The next queſtion which would naturally ariſe in the mind of every man, was this: whether any proviſion had been made by the laws of our country for the caſe of ſuch inability; or if not, in whom, by the ſpirit and principles of the conſtitution, the power was veſted of providing for this new and unforeſeen emergency? No argument of mine can add weight to the joint reſolutions of the Lords and Commons of Great Britain on ſuch a queſtion; but I feel myſelf bound to declare, that I ſubſcribe to thoſe reſolutions with the moſt entire and perfect conviction. I conceive it to be among the firſt principles of the Britiſh conſtitution, that no rights can be claimed or exerciſed as againſt the people, except thoſe only which have been given by known and poſitive laws appearing on the

face of our ſtatute book, or proved by immemorial and uninterrupted uſage; and that whatever power or authority has not be ſo conferred, ſtill reſides with the people at large, to be exerciſed by them through the channel of their lawful, full, and free repreſentatives.

There is, nevertheleſs, one queſtion which may ſtill ariſe, and which, however it may appear to be precluded by the reſolutions to which we have already agreed, does yet, in one view of the ſubject, come under our conſideration this day, as a point entire and untouched. It is now declared, that this and the other Houſe are alone to provide for any emergency of this nature, and are to make ſuch proviſion for it as the exigency of the caſe itſelf ſhall appear to us to require. An idea has been ſuggeſted to the public, that although the two Houſes of Parliament conſtitute the only power competent to act on this occaſion, yet that the ſphere of their action is confined within a very narrow limit: that they can lawfully proceed no farther than to call ſome perſon to the exerciſe of the Royal Authority; and that whatever other proviſions the exiſting circumſtances may require, muſt be made hereafter, with the conſent of ſuch perſon then repreſenting the Sovereign, and exerciſing, at his own diſcretion, the legiſlative functions of the Crown.

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In ſupport of this propoſition, the ſtatute of the 13th of Charles II. cap. 1. has been quoted, by which it is enacted, that any perſon who maintains that the two Houſes of Parliament have any legiſlative authority without the King, ſhall incur all the penalties of a *premunire*. This act has been much referred to on the preſent occaſion, both as declaratory of the ancient conſtitution, and as a law ſtill in force, and conſequently binding upon our conduct.

For my own part, I am not at all moved by the authority of this ſtatute, which I conſider as wholly inapplicable to our preſent ſituation. No one can doubt, that in the ordinary courſe of government, the principle of that act is binding upon us, as the very foundation and corner ſtone of the Britiſh conſtitution. When the throne of theſe kingdoms is full, and when the King is perſonally capable of diſcharging the duties of his ſtation, his expreſs concurrence is unqueſtionably neceſſary to every act of legiſlative power. But on ſuch an occaſion as the preſent, it appears to me that the very ſame neceſſity by which we are compelled to act at all, extends itſelf to the manner in which we are to act, ſuperſeding both the letter of this ſtatute, and the principle on which it is founded.

I certainly had the honour to concur entirely, not only with the general principle on which we have aſſerted the right of the two Houſes to pro-

vide for this emergency, but alſo with the grounds on which we reſolved that the proper mode of making ſuch proviſion would be, by determining on the means by which the royal aſſent may be given in Parliament to a bill for eſtabliſhing the Regency. In every ſtep which we take under our preſent circumſtances, it is, in my opinion, extremely material that we ſhould adhere, as far as poſſible, to the eſtabliſhed forms of that conſtitution. And, in this particular inſtance, I conceive that the ſignification of the royal aſſent, by the Great Seal, that organ through which the authority of the Crown ſpeaks in the moſt ſolemn and authentic manner, is not a point of form only, but follows as a neceſſary conſequence from ſome of the moſt important principles of the conſtitution, which could not be neglected without great and manifeſt danger. But looking to the ſubſtance of the duty which we are now called upon to perform, I can have no difficulty to declare explicitly, that in providing for this emergency, I conceive that the two Houſes of Parliament muſt in reality act in a legiſlative capacity, in ſo far, and ſo far only as the neceſſity of the caſe requires.

We have already declared, that we acknowledge no right exiſting in any perſon, however exalted his rank may be, to act in this inſtance on the King's behalf, except under the authority of Parliament. And ſhould it be true, that no act,

act, which is ſubſtantially and really of a legiſlative nature, can be performed, even in ſuch a caſe as the preſent, by the Lords and Commons of Great Britain alone, it is impoſſible that we can cure this defect by appointing ſome perſon, who, deriving his authority from us, ſhall exerciſe the royal functions in the place of the Sovereign. For, whatever form we may adopt, would it not, in truth, be directly and plainly an act of legiſlation, to declare that the force of laws ſhall henceforth be given, and the obedience of the ſubject be duly paid, not to acts of Parliament paſſed by King, Lords, and Commons, but to bills paſſed by the two Houſes, and aſſented to by a Regent, having no authority to give ſuch aſſent, except what he derives from our proceedings? In any caſe, therefore, this ſtatute, if it applies at all to the preſent circumſtances, muſt prevent the poſſibility of any legal proviſion being made for this ſituation.

On this ground alone I ſhould contend, that ſuch a principle of law cannot exiſt as applicable to theſe circumſtances. And I ſhould urge, in ſupport of this poſition, the opinions of thoſe writers whoſe names are the firſt in legal weight and authority, particularly that of Sir William Blackſtone; who tells us expreſsly, in arguing on a point immediately connected with this ſubject, that "the neceſſity of the caſe ſuperſedes all law."

But I muſt alſo beg leave to deſire that this queſtion may be examined upon the example and practice of our anceſtors in two diſtinguiſhed inſtances; the one occurring at the very period of paſſing this ſtatute, which I have before referred to; the other within no very long term of years ſubſequent to it. At the Reſtoration, the firſt ſtep which was taken for re-eſtabliſhing the Britiſh conſtitution, was to declare, by a ſolemn reſolution, that the only legal government of theſe kingdoms reſided in the King, Lords, and Commons. Yet, immediately after this declaration had been made by both Houſes, and after they had recognized their true and lawful Sovereign, they proceeded, in his abſence, to the exerciſe of ſeveral functions both of legiſlative and of executive government; not certainly as intending to ſuperſede the authority of their King, whom they had ſo recently acknowledged; but becauſe they felt it their duty, both to him and to their country, to perform whatever acts were neceſſary to prepare the way for his return.

At the memorable æra of the Revolution, this ſtatute was ſtill in full force and vigour, not conſidered as an obſolete law, but as one paſſed not many years before, and founded on the experience of misfortunes which were ſtill freſh in the recollection of the nation. But if the Convention Parliament had then admitted its operation, as applying to the circumſtances under which

they met, it muſt have ſtopped their deliberations in the very firſt outſet, and muſt have raiſed an inſuperable obſtacle to thoſe meaſures to which alone we are indebted for the preſervation of our rights: or even if they had thought themſelves at liberty to declare the forfeiture of their Sovereign as an exiſting fact, ariſing from no act of theirs, but from his miſconduct, let it be conſidered what, under the letter of that ſtatute, muſt have been their ſubſequent proceedings. They muſt have acknowledged that the Crown had thereupon immediately deſcended to the next heir of King James; and that without the ſanction and concurrence of their new Sovereign, no meaſure could legally be taken by the two Houſes of Parliament. Inſtead of this, they felt themſelves warranted by the neceſſity of the caſe, firſt, to ſet aſide the abdicated King; next, to diſinherit his ſon, whether real or pretended; and, laſtly, in the ſettlement of the government, to introduce a new order of ſucceſſion, diſregarding the ſtrict line of deſcent, even in the perſons of the two next Proteſtant heirs. What is there which can be a more direct or manifeſt exerciſe of legiſlative authority, than each of theſe ſeveral ſteps? The transferring by law the obedience of a whole people from the Sovereign to whom they had ſworn allegiance—the ſuperſeding his immediate heirs, on whom the right to that al-

legiance deſcended, according to the fundamental inſtitutions of the monarchy—the changing the eſtabliſhed order of ſucceſſion to the throne in the exiſting circumſtances—and the impoſing new conditions and limitations on the ſubſequent deſcent of an hereditary Crown.

Another argument has, however, been urged againſt our proceeding to provide a remedy by our own authority, to the whole extent of what the preſent emergency may be thought to require. An apprehenſion has been ſtated, that ſuch a claim might be extended beyond the neceſſity of our ſituation, or might hereafter be uſed againſt the Sovereign himſelf, and to the ſubverſion of our happy conſtitution. To this it might be anſwered, in the firſt place, that no juſt argument can be drawn from the poſſible abuſe of any power, againſt the right to uſe it in a regular manner, or to apply it to the legitimate purpoſe for which it was given. A tyrannical King, and a corrupted Parliament, might uſe their power of legiſlation for the purpoſe of annihilating every trace of our laws and liberties. But ſhall we therefore ſay, that by the Britiſh conſtitution the power of legiſlation does not reſide in the King, Lords, and Commons? Or, if not, how is it more reaſonable to argue againſt the exiſtence of a right in the two Houſes to provide, when neceſſity requires it, for the ſecu-

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rity and welfare of their country, becauſe they might, in a different ſituation, act in a manner prejudicial to theſe important intereſts.

There is, however, another anſwer applying more immediately to the particular queſtion which we are now diſcuſſing. The principle which the two Houſes of Parliament maintain, and have declared by their joint reſolution, is this; that our right to act in this inſtance in a legiſlative capacity, being created by the neceſſity of the caſe alone, is alſo limited by that neceſſity. If the ſame neceſſity hereafter ariſes, we ſhall have no reaſon to fear any evil conſequences from the exerciſe of the ſame right. Whenever the right ſhall be claimed, without the exiſtence of ſuch neceſſity, or whenever its exerciſe ſhall be preſſed beyond the occaſion which requires it, the claim will not only be unſupported by theſe proceedings, but will be in direct contradiction to the expreſs principle on which we reſt our conduct. Let it therefore be remembered, in diſcuſſing this queſtion, that it is not by adhering to the line which we have laid down for ourſelves, that we ſhall give juſt ground for ſuch apprehenſions as have been ſtated; but that it is by departing from it, by exceeding the limits of the neceſſity which creates our right to act, and by conferring powers beyond the warrant of that occaſion, by which alone we can be juſtified in

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delegating to another any portion of the conſtitutional authority of the Sovereign.

The only remaining objection to the preſent proceedings of the two Houſes ariſes from comparing them with the particular meaſures adopted at the periods which I have already mentioned; and from ſhewing that they differ from theſe, and eſpecially in this reſpect, that no conſideration of limitations or reſtrictions on the regal power was entered into by Parliament, previous either to the reſtoration of Charles the Second, or to the act which placed King William on the throne of England. It ſeems to me, that this ground of argument is entirely removed by the application of the principle which I have juſt ſtated, and which is eſſential to every part of this ſubject. The ſeparate interference of Parliament, in thoſe caſes, could, with propriety, be carried no farther than the bounds of that neceſſity in which it originated; and whatever difference exiſts between thoſe proceedings, and our preſent meaſures, ariſes entirely from the different circumſtances for which we are now bound to provide.

At the period of the Reſtoration, the neceſſity under which our anceſtors acted, required no more than this only, that they ſhould acknowledge, on the behalf of their country, the juſt title of their lawful Sovereign, and that they

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ſhould prepare the way for his immediate return, to take upon him the adminiſtration and government of his kingdoms. Their meaſures were therefore confined to thoſe objects, to provide for a period of a few weeks at fartheſt, which might elapſe before the arrival of their Sovereign, and to remove thoſe obſtacles to his return which had been created by the preceding uſurpation.

We are next to conſider what was the ſituation and conduct of Parliament at the æra of the Revolution. It has been propoſed to us, not as a duty reſulting from any principle of law, but as a point of expediency, that we ſhould copy the precedent of the Revolution, by addreſſing the Prince of Wales to take upon him the royal authority; and that we ſhould then proceed, with his concurrence and aſſent, to the eſtabliſhment of ſuch limitations as the circumſtances may appear to require. But in order to ſee how clearly this example is inapplicable to the preſent caſe, we have only to examine what was the nature of that neceſſity under which our anceſtors were compelled to act at that memorable period. They were to ſupply the vacancy of the throne, occaſioned by the forfeiture of a Sovereign, who had violated the fundamental laws, and had laboured to ſubvert the conſtitution and religion of his kingdoms. They were to provide for the immediate adminiſtration of the government, which

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he had abdicated, and which would otherwiſe have fallen into utter and irretrievable confuſion. But they had another and a more important duty, which they owed to themſelves and to their poſterity, and in the diſcharge of which they hazarded every conſideration of perſonal intereſt and perſonal ſafety. The preſervation of our laws, religion, and liberties, had rendered it neceſſary for them to drive their Sovereign into exile. A ſtill ſtronger neceſſity required that they ſhould effectually provide againſt the revival of that inauſpicious ſyſtem which he had purſued, and that they ſhould eſtabliſh their new government on ſuch a firm and ſolid foundation, that he might never afterwards be in a ſituation to reaſſume his authority, to revenge himſelf of thoſe who ſtood forward to oppoſe his tyranny, and to ſeize ſome more favourable opportunity for deſtroying the conſtitution and overthrowing the religion of the country. Under ſuch circumſtances as theſe, there was but one ſtep that could be taken with propriety and ſafety—to place the Crown immediately, with all its full power, prerogatives, and authority, on the head of the Prince of Orange, the only perſon who could, by the wiſdom of his councils, and the vigour of his arms, defend the nation againſt any attempts, whether originating at home or abroad, to reſtore the former Sovereign to the exerciſe of an authority which he had ſo juſtly forfeited. If

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we compare theſe tranſactions with the preſent ſituations, we ſhall ſee that they have but one point in common, namely, the right and duty of the Lords and Commons to provide legiſlatively for thoſe caſes, where the concurrence of the three branches of the legiſlature cannot otherwiſe be obtained. The duty which is now incumbent upon us is not, as in the firſt caſe, that of putting a King into the immediate poſſeſſion of an authority which has devolved upon him by the courſe of inheritance, and the limits of which are clearly aſcertained by the exiſting laws; but it is that of creating a new and delegated truſt, to be exerciſed for a temporary purpoſe, and to be veſted in an office unknown to the conſtitution of the country: nor are we, as in the other caſe, called upon to ſupply a vacancy in the throne, by the election of a Sovereign, or to preſerve our laws and liberties, by placing the ſceptre in thoſe hands moſt likely to maintain it againſt its former poſſeſſor. We are to conſider by what perſon, in what form, and with what degree of authority, it may be proper that the government of this country ſhould be adminiſtered, during the continuance of the indiſpoſition of our Sovereign, and how it may be reſtored to him without delay or difficulty, immediately upon the happy event of his recovery. In deliberating upon this ſubject, we ſhould always bear in mind, that the throne is

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not vacant, but full. Inſtead, therefore, of haſtening, as at the Revolution, to create and to ſtrengthen a power which may effectually prevent his reaſſuming the government, we are bound by every conſideration of allegiance to him, and of concern for our country, to adopt a line preciſely the reverſe of this, and to weigh the effects of every ſtep we take, before we can feel ourſelves at liberty to give into other hands any portion of the ſupreme and ſovereign authority of theſe kingdoms. We are attached, and we have infinite reaſon to be ſo, to that part of the Britiſh conſtitution, by which the Crown of theſe kingdoms is declared to be hereditary. But let it be remembered, that every argument which can be uſed in favour of hereditary monarchy, applies with greater force to the maintenance of this propoſition, which is eſſentially a part of the ſame principle, that during the life of the Sovereign, he cannot, except by his own miſconduct, be diveſted of his conſtitutional authority. And it is well worthy our conſideration, that the more ſtrongly we recognize the right of inheritance to the Crown in the event of a demiſe, the more eſſential it becomes to guard, with the utmoſt jealouſy, againſt the admiſſion of any principle which leads to the aſſertion of ſuch a right when there is no demiſe, and againſt the adoption of any meaſure which might afford the means of ſuperſeding the King's authority during

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his life, under the name and influence of that perſon on whom his Crown would in the courſe of nature legally devolve.

In touching upon this part of the ſubject, however ſtrongly I may feel and expreſs the neceſſity of providing the fulleſt ſecurity for the permanent authority of the King, I truſt I ſhall not be conſidered as caſting any imputation upon the character of his Royal Highneſs the Prince of Wales. I think myſelf bound to argue this queſtion upon very different grounds. If there be any one circumſtance which ſerves, above all others, as a land mark, to diſtinguiſh, and at the ſame time to maintain, the boundaries between a free and an arbitrary government, it is this; that in deſpotic countries, whatever complaints are made againſt exiſting grievances, whatever precautions are ſuggeſted againſt the repetition of former evils, whatever ſecurities are uſed againſt the further progreſs of oppreſſion, are conſidered as ſo many reflections on the character of the Prince, in whom reſides the whole power and authority of the Crown. In theſe kingdoms we have eſtabliſhed it as a principle of our conſtitution, that the firſt executive Magiſtrate has no perſonal ſhare in the miſconduct of his government; and it is not only our right, as Engliſhmen, to diſcuſs thoſe points in a manner diſtinct from any conſideration of the character of the Sovereign, but as Members of

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this Houſe it is our duty ſo to do, by the poſitive laws and inſtitutions of Parliament. Thinking it therefore unneceſſary to dwell any longer on this point, I wiſh to recal the attention of the Committee to the principle which I have already ſtated—that it is an eſſential and indiſpenſable part of our duty, in the preſent circumſtances, at the ſame time that we eſtabliſh a form of government capable of conducting the public buſineſs with energy and effect, to provide a complete and ample ſecurity for enabling his Majeſty, whenever it ſhall pleaſe God to reſtore him to his health, to re-aſſume the exerciſe of his authority fully, freely, and without embarraſſment. Our anceſtors have acted on the ground of a ſimilar duty in the caſe of every Regency which has hitherto exiſted in this country, as far as we can trace them with any degree of accuracy, either in the records of Parliament, or in the annals of our hiſtory: for, if we except the two inſtances of Richard the Third and of the Protector Somerſet (which are both ſuch evident uſurpations, that no ſtreſs can be laid upon them), it will be found, that, during the courſe of many centuries, no ſubject in theſe realms, however nearly allied to the perſon of the King, has been permitted, in any caſe of infancy or diſability, to exerciſe the whole prerogative and authority of the Crown.

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The mode of reſtriction has, indeed, for the moſt part, been different from that which is now propoſed; but the principle has been the ſame; that in the eſtabliſhment of a Regency, it is neceſſary not to look excluſively to the ſtrength and efficacy of the intermediate and temporary government, but to conſult, at the ſame time, the permanent intereſt and ſecurity of the King, in whoſe name and on whoſe behalf the authority ſo given is intended to be exerciſed. I have, however, already admitted, that the mode in which this has been done has uſually been different from that which is now propoſed. The whole powers of the Crown have, for the moſt part, been called into action, although, I believe, it might be ſhewn, that this has not always been the caſe; but they have not been given to any one ſubject—They have been divided among a variety of perſons, differing in rank, ſituation, and deſcription, and whoſe jarring intereſts have been thought to afford the beſt ſecurity that they would not concur in meaſures prejudicial to the authority of the Sovereign. And, with reſpect to this point, which relates not to the principle, but to the manner, of limitations, it certainly becomes our duty to proceed with a more than ordinary degree of deliberation, caution, and doubt, when we are deſired to depart from the authority not only of remote antiquity, but even of recent precedents,

eſtabliſhed by perſons eminent for their integrity and wiſdom. For my own part, however, though wiſhing to ſpeak with all the reſpect which I owe to thoſe precedents, I cannot but ſay, that I have very ſerious doubts whether the two laſt Regency Bills were well adapted to the circumſtances of the times in which they paſſed.

But this, at leaſt, I may aſſert with greater confidence, becauſe I know I am ſupported in it by the general opinion of this Houſe and of the country, that, in the preſent caſe, the eſtabliſhment of ſuch a form as there is provided, would have been productive of infinite miſchief, without being compenſated by one real advantage. We are, I believe, all agreed, that the government of theſe kingdoms ſhould, during this unhappy interval, be committed to the adminiſtration of one perſon, and that it is extremely deſirable that this perſon ſhould be his Royal Highneſs the Prince of Wales:—but if, by general conſent, we depart, in this reſpect, from the practice of our anceſtors, it ſurely cannot be reaſonable to argue, that we are, therefore, bound to adhere to it in another point, ſo intimately connected with the former.

It cannot be a juſt concluſion to ſay, that, becauſe they committed the whole authority of a King into the hands of a Regent, controlled and fettered by a fixed and permanent council, it is

proper

proper for us to delegate the ſame power to a ſingle perſon, unreſtrained by a ſimilar check. It ſeems, on the contrary, that the more widely we depart from one line of limitation and reſtraint, the more we are bound to look for ſome other, of carrying the ſame purpoſe into effect; unleſs, indeed, we reject, as uſeleſs and improper, the whole principle of providing a ſecurity of the rights which are hereafter to be exerciſed by the Sovereign himſelf, in the happy event of his recovery. Thoſe who hold that principle to be founded both in wiſdom and in juſtice, muſt make their option between the two propoſitions, of a Regent controlled in the exerciſe, or limited in the extent, of his authority. Of theſe I have no doubt in ſaying, that the latter is infinitely more agreeable to the true ſpirit of the Britiſh conſtitution; that whatever degree of political authority is fit, under any given circumſtances, to be exerciſed for the purpoſe of executive government, ſhould be exerciſed by a ſingle perſon; and that, whenever any juſt ground of danger is found to exiſt, it ſhould be guarded againſt, if poſſible, by limiting the extent of the power ſo exerciſed, rather than by dividing amongſt many, what cannot, with propriety, be entruſted to one. Such is the principle on which Parliament has proceeded, at different periods, to diminiſh the influence of the Crown itſelf, not holding it neceſſary, as a general propoſition, that the ſame

of power or influence ſhould at all times belong to the executive government; but thinking it their duty to conſider and regulate this point according to the fluctuation of the various circumſtances by which it has been affected. In this manner, the Houſehold of the King has, within theſe few years, been regulated by the authority of Parliament; and, in proportion as circumſtances appeared to require it, the number of placemen ſitting in this Houſe, and the influences of the officers of government in elections, have at different times been reſtrained by our interference. The application of the ſame principle to our actual ſituation is much ſtronger; and I am ſatisfied in my own mind, that it affords not only the moſt conſtitutional, but alſo the moſt advantageous mode of providing that ſecurity, which, in the preſent caſe, is of indiſpenſable neceſſity. It is by no means a juſt concluſion, either from the theory or practice of the Britiſh conſtitution, or from any general principle of government, that the ſame powers which may be entruſted with propriety to the permanent authority of a King, are equally fit to be committed to thoſe hands which are to exerciſe the temporary and delegated functions of a Regent. The proviſions which reſpect the prerogatives of the Crown, in this country, are adapted to the ordinary courſe of an eſtabliſhed government, and are calculated for a long continuance;

nuance :—becauſe, if Parliament were in the conſtant habit of regulating and directing the exerciſe of the prerogative of the Crown, thoſe prerogatives would in fact become the prerogatives not of the Crown, but of Parliament itſelf. It is therefore juſt and prudent, that, in apportioning theſe, a due conſideration ſhould be had not of the neceſſities which exiſt at any one preciſe moment, but of thoſe which may be likely to ariſe within a conſiderable compaſs of time. But, in the eſtabliſhment of a Regency, the caſe is directly the reverſe. We are to look not to the general exigencies of Government, but to thoſe occaſions which may probably exiſt during the period for which the ſyſtem ſo provided is intended to continue : and as, for this reaſon, there may frequently be much leſs ground to juſtify the grant of particular powers, ſo, on the other hand, there will almoſt always, in ſuch a caſe, be infinitely more temptation to abuſe them. The permanent intereſt of a Sovereign will frequently operate as a reſtraint on him, in thoſe very points where the poſſeſſor of a temporary authority, however near to the Crown in proſpect or expectation, will feel himſelf moſt deſirous, and will be moſt ſtrongly urged by others, to exceed the limits of a juſt and ſound diſcretion. Therefore, Sir, on the full conſideration of the extent of that neceſſity, by which we are empowered to act—of the example of our anceſtors,

whoſe ſteps we follow—of our duty to our Sovereign, of whoſe rights we, and we alone, are the true guardians and protectors—and of our concern for the intereſt of millions of our fellow ſubjects, whoſe deareſt intereſts are now committed to our care—I feel myſelf enabled and called upon to give a decided opinion in favour of a Regency limited with reſpect to power.

It remains for me to conſider the ſeveral reſtrictions which have been this day propoſed.

I agree with the reſolution which reſtrains the power of creating Peers; and I do it on two ſeparate grounds.—Firſt, becauſe I am clear, that, during the ſhort period for which we are now providing, no inconvenience whatever can reſult from the ſuſpenſion of this prerogative of the Crown: that there is, for this reaſon, no neceſſity for our delegating this power to any other hands; and that we have therefore no right to confer it on the Regent. But there is, in the ſecond place, a more important conſideration which applies to this ſubject. Of all the powers of the Crown, this is the moſt liable to be abuſed under a delegated and temporary government; and it is alſo that from the abuſe of which the moſt injurious conſequences would ariſe to the permanent intereſt of the Sovereign. The power to create, at diſcretion, a laſting influence on the deliberations of one of the branches of the Legiſlature, is a prerogative of ſo high a nature,

that

that nothing but a ſtrong neceſſity would juſtify that principle of the Conſtitution, which has placed it in the Sovereign himſelf. The caſe of a Regent is widely different. If we ſuppoſe him to be miſled by the counſels of men deſirous of availing themſelves of a ſhort interval of authority, in order to eſtabliſh for themſelves an influence in the State paramount to that of their Sovereign, what other mode could be ſo naturally reſorted to for this purpoſe, as the abuſe of this particular branch of the prerogative? How could they hope more effectually to ſecure the continuance of their own power, than by retaining the means, if not of preventing the King's return to the exerciſe of his authority, at leaſt of embarraſſing and thwarting him in every inſtance in which he might feel it his duty to counteract their views of perſonal intereſt or ambition. It may, indeed, be ſaid, that the ſame reſtraint, which I have before mentioned, as operating on the exerciſe of this power by the Sovereign himſelf, does in ſome degree apply to it, even in the hands of a Regent; and this might be true in the caſe of a Regent whoſe authority was permanent, or even certain in its duration. But let it be conſidered, that, in the preſent caſe, exactly in proportion as the probability of the King's recovery increaſed, the force of this reſtraint would gradually be weakened, and the tempta tion to the abuſe would grow more powerful

The perſons who adviſed the Regent, would then feel it leſs likely that the conſequences of any miſconduct of theirs, in this reſpect, would be injurious to the government in their own hands; and they might, perhaps, imagine, that they had an intereſt in the miſchiefs which it would entail on the ſubſequent Adminiſtration of the Sovereign. The conſideration, therefore, of the ſhortneſs of the interval for which we now provide, ſerves at once to ſhew, that no neceſſity can exiſt for giving this power, and to afford a great additional weight to the apprehenſion of danger reſulting from it.

The limitation which would prevent the Regent from anticipating the King's authority by reverſions, and from fettering it by the grant of offices for life, is a part of the ſame principle which has juſt been ſtated; and though, in its conſequences, certainly not of equal importance, is nevertheleſs, in my opinion, highly neceſſary to be adopted.

The propriety of the reſtraint on the diſpoſal of the real and perſonal property of the King is admitted on all hands, and is founded on the ſame principle which would be adopted in the caſe of any other individual in ſimilar circumſtances.

The only remaining queſtion is that which relates to the fifth reſolution, opened to us in the beginning of this debate. That the care of his

Majeſty's

Majeſty's perſon ſhould be entruſted to the experienced virtues, to the anxious and long-tried affection of the Queen, is, in my opinion, ſelf-evident on every ground of public duty and of private ſentiment, in a caſe where even private ſentiment ſhould not be diſregarded. As a point intimately and inſeparably connected with the diſcharge of this intereſting truſt, the care and ſuperintendance of his Majeſty's houſehold muſt be inveſted in the ſame hands. The only doubt, indeed, which could ariſe upon this ſubject would be, whether under the preſent circumſtances, the exiſting eſtabliſhment ought to be maintained: but if maintained, it can be put under no other direction than that to which the care of his Majeſty's perſon is entruſted. For, that any other authority ſhould be ſuffered to interfere in points ſo immediately connected with this duty, and that the domeſtic uneaſineſs inſeparable from ſuch a ſyſtem ſhould be allowed to add to the weight of the ſevereſt affliction, is, I am ſure, an idea too ſhocking to be entertained by any of thoſe perſons whom I addreſs in this place.

The propoſition of reducing the King's eſtabliſhment in the preſent moment would, however, as it appears to me, be ſcarcely leſs repugnant to the feelings of a generous people. The ſmalleſt degree of reflection upon this ſubject, muſt render it impoſſible that we ſhould

reconcile

reconcile our minds to ſuch a ſtep. It will certainly be felt to be inconſiſtent with the ſentiments which we all entertain towards our Sovereign, even if we could be aſſured that he muſt always remain unconſcious of the diſregard which he would thus have experienced from the Repreſentatives of the Britiſh nation. But if we carry our eyes farther, and look to that happy period to which our wiſhes and our hopes are turned, what a picture muſt then preſent itſelf! Let us, if we can, imagine, what muſt be his feelings in ſuch a moment as that, when he is told that his Parliament has availed itſelf, with eagerneſs and avidity, even of the ſhorteſt interval, to new-model the offices attendant on his perſon, and by a miſerable œconomy, to degrade their Sovereign from thoſe circumſtances of ſplendour which belong to the rank in which he was born, and to the ſtation which he ſtill occupies.

We know, and it will not be diſputed, that the ſplendour which attends our Monarchs in the exerciſe of their authority, is not created for an empty pageant; is not given to gratify an idle vanity, which they would be aſhamed to feel, but is eſtabliſhed for ſolid reaſons of ſound policy. It ſerves to mark and to define that rank in which the conſtitution of this country has deſigned them to ſtand. I mean not certainly to compare theſe external circumſtances with the real and ſubſtantial dignity of a King—with the

power of adminiſtering juſtice in mercy, or with the power of conferring happineſs on millions of his fellow-creatures. But if there exiſts a ſituation under which our Monarch is for a time unhappily debarred from a perſonal exerciſe of theſe beſt prerogatives of his ſtation, is it not rather an additional reaſon for continuing to him the outward forms and enſigns of Sovereignty? Even if our preſent hopes ſhould be diſappointed, and if by the continuance of this calamity we ſhould hereafter find ourſelves compelled to reſort to a new arrangement in this reſpect; yet let it never be forgotten, neither at this, nor at any other period of his life, that the duty which we are this day to diſcharge, is not that of electing a King to reign over us in his ſtead, but that of creating a delegated truſt to adminiſter the Government during *his* indiſpoſition, in *his* name, and on *his* behalf.

Mr. *Welbore Ellis* ſpoke ſtrenuouſly againſt the reſtrictions, and contended that there was a double reſponſibility, while the whole of the prerogatives were in the hands of the Regent; whereas, withholding any, was, in fact, withholding ſo much reſponſibility.

Mr. *Drake* ſpoke in high terms of the Prince of Wales; but ſeemed rather to lean towards the opinion, that his Majeſty's houſehold ſhould remain as it was, and be under the direction which had been propoſed.

Col.

Col. *Fullarton* made a very ſenſible and elegant ſpeech. He obſerved, if the Chancellor of the Exchequer intended that the perſonal prerogative of the King ſhould remain dormant as long as his Majeſty's malady continued, he would quote his own words as applied to another gentleman, and ſay, "that ſuch an intention was treaſon to the Conſtitution." He contended, that whatever was held from the State was loſt to the State; and quoted a circumſtance, from the reign of Charles VI. of France, as bearing a ſtrong analogy to the preſent period, when a cabal was formed to exclude his heir from the Government; and, although the Monarch was incapacitated at the time, that he was yet made to ſign an inſtrument, to the excluſion, at leaſt for a time, of the lawful ſucceſſor.

At length the Committee divided on the queſtion, "that the words propoſed to be left out, do ſtand a part of the reſolution." The numbers were,

Ayes, 154.—Noes, 227.—Majority, 73.

As ſoon as the ſecond motion was made, "not to confer the rank or dignity of a Peerage," it was moved, by way of amendment, to inſert the words, "for a time to be limited."

Mr. Fox ſpoke with great ability in favour of the amendment, after which the Committee divided. The numbers were,

Ayes, 159.—Noes, 216.—Majority, 57.

All

All the other reſolutions, except that reſpecting the King's houſehold, were then ſeverally put and carried.

MONDAY, *January* 19.

RESTRICTIONS ON THE REGENCY.

After ſome converſation, which originated with Mr. M. A. Taylor, with reſpect to any, and what communications had been made to the Prince of Wales*—the queſtion on the order of the day was put and carried.

Mr.

* We ſhall here inſert, as in their proper place, the following important documents.

Authentic Copy of Mr. Pitt's Letter to his Royal Highneſs the Prince of Wales, left at Carlton Houſe, on Tueſday Night, the 30th of December.

SIR,

THE proceedings in Parliament being now brought to a point, which will render it neceſſary to propoſe to the Houſe of Commons, the particular meaſures to be taken for ſupplying the defect of the Perſonal Exerciſe of the Royal Authority during the preſent interval, and your Royal Highneſs having ſome time ſince ſignified your pleaſure, that any communication on this ſubject ſhould be in writing, I take the liberty of reſpectfully entreating your Royal Highneſs's permiſſion to ſubmit to your conſideration the outlines of the plan which His Majeſty's confidential ſervants humbly conceive (according to the beſt judgment which they are able to form) to be proper to be propoſed in the preſent circumſtances.

It is their humble opinion, that Your Royal Highneſs ſhould be empowered to exerciſe the Royal Authority in the name and on the behalf of His Majeſty, during His Majeſty's illneſs, and to do all acts which might legally be done by His Majeſty; with proviſions,

never-

Mr. *Pitt* then roſe, and obſerved to the Committee, that, on a former day, he had the honour

neverthelefs, that the care of his Majeſty's Royal Perſon, and the management of His Majeſty's Houſehold, and the direction and appointment of the Officers and Servants therein, ſhould be in the Queen, under ſuch regulations as may be thought neceſſary.—That the power to be exerciſed by Your Royal Highneſs ſhould not extend to the granting the real or perſonal property of the King, (except as far as relates to the renewal of Leaſes) to the granting any office in reverſion, or to the granting, for any other term than during His Majeſty's pleaſure, any Penſion, or any office whatever, except ſuch as muſt by law be granted for life, or during good behaviour; nor to the granting any rank or dignity of the Peerage of this Realm to any perſon except his Majeſty's iſſue, who ſhall have attained the age of twenty-one years.

Theſe are the chief points which have occurred to his Majeſty's Servants. I beg leave to add, that their ideas are formed on the ſuppoſition that his Majeſty's illneſs is only temporary, and may be of no long duration. It may be difficult to fix beforehand, the preciſe period for which theſe proviſions ought to laſt; but if unfortunately His Majeſty's recovery ſhould be protracted to a more diſtant period than there is reaſon at preſent to imagine, it will be open hereafter to the wiſdom of Parliament, to re-conſider theſe proviſions, whenever the circumſtances appear to call for it.

If Your Royal Highneſs ſhould be pleaſed to require any farther explanation on the ſubject, and ſhould condeſcend to ſignify your orders, that I ſhould have the honor of attending Your Royal Highneſs for that purpoſe, or to intimate any other mode in which Your Royal Highneſs may wiſh to receive ſuch explanation, I ſhall reſpectfully wait Your Royal Highneſs's commands.

I have the honor to be,
With the utmoſt deference and ſubmiſſion,
SIR,
Your Royal Highneſs's
Moſt dutiful and devoted Servant,

Downing-ſtreet, Tueſday Night,
December 30, 1789.

W. PITT.

Authentic

nour of laying before the Houſe, the nature of the reſtrictions which he conceived to be neceſſary in appointing a Regent. He had alſo ſtated,

Authentic Copy of the Paper delivered by the Prince of Wales to the Lord Chancellor, in Reply to the Letter ſent to his Royal Highneſs from Mr. Pitt.

THE Prince of Wales learns from Mr. Pitt's letter, that the proceedings in Parliament are now in a train which enables Mr. Pitt, according to the intimation in his former letter, to communicate to the Prince the outlines of the Plan which his Majeſty's Confidential Servants conceive to be proper to be propoſed in the preſent circumſtances.

Concerning the ſteps already taken by Mr. Pitt, the Prince is ſilent —Nothing done by the two Houſes of Parliament can be a proper ſubject of his animadverſion; but when previouſly to any diſcuſſion in Parliament, the outlines of a ſcheme of Government are ſent for his conſideration, in which it is propoſed that he ſhall be perſonally and principally concerned, and by which the Royal Authority, and the Public Welfare may be deeply affected, the Prince would be unjuſtifiable, were he to withhold an explicit declaration of his ſentiments. His ſilence might be conſtrued into a previous approbation of a plan, the accompliſhment of which every motive of duty to his Father and Sovereign, as well as of regard for the Public Intereſt, obliges him to conſider as injurious to both.

In the ſtate of deep diſtreſs, in which the Prince, and the whole Royal Family were involved, by the heavy calamity which has fallen upon the King, and at a moment when Government, deprived of its chief energy and ſupport, ſeemed peculiarly to need the cordial and united aid of all deſcriptions of good ſubjects, it was not expected by the Prince, that a plan ſhould be offered to his conſideration, by which Government was to be rendered difficult, if not impracticable, in the hands of any perſon intended to repreſent the King's authority —much leſs in the hands of his Eldeſt Son—the Heir Apparent of his kingdoms, and the perſon moſt bound to the maintenance of His Majeſty's juſt Prerogatives and Authority, as well as moſt intereſted in the happineſs, the proſperity, and the glory of the People.

The

ſtated, that the preſent defect in the perſonal exerciſe of the Royal Authority muſt be ſupplied,

The Prince forbears to remark on the ſeveral parts of the ſketch of the plan laid before him; he apprehends it muſt have been formed with ſufficient deliberation to preclude the probability of any argument of his producing an alteration of ſentiment in the projectors of it. But he truſts, with confidence, to the wiſdom and juſtice of Parliament, when the whole of the ſubject, and the circumſtances connected with it, ſhall come under their deliberation.

He obſerves, therefore, only generally on the heads communicated by Mr. Pitt—and it is with deep regret the Prince makes the obſervation, that he ſees, in the contents of that paper, a project for producing weakneſs, diſorder, and inſecurity in every branch of the adminiſtration of affairs.—A project for dividing the Royal Family from each other—for ſeparating the Court from the State; and therefore, by disjoining Government from its natural and acccuſtomed ſupport, a ſcheme for diſconnecting the authority to command ſervice, from the power of animating it by reward; and for allotting to the Prince all the invidious duties of Government, without the means of ſoftening them to the Public, by any one act of grace, favour, or benignity.

The Prince's feelings on contemplating this plan, are alſo rendered ſtill more painful to him, by obſerving that it is not founded on any general principle, but is calculated to infuſe jealouſies and ſuſpicion (wholly groundleſs, he truſts) in that quarter, whoſe confidence it will ever be the firſt pride of his life to merit and obtain.

With regard to the motive and object of the limitations and reſtrictions propoſed, the Prince can have but little to obſerve. No light or information is offered him by His Majeſty's Miniſters on theſe points. They have informed him what the powers are which they mean to refuſe him, not why they are withheld.

The Prince, however, holding as he does, that it is an undoubted and fundamental principle of this Conſtitution, that the powers and prerogatives of the Crown are veſted there, as a truſt for the benefit of the People; and that they are ſacred only as they are neceſſary to the preſervation of that poiſe and balance of the Conſtitution, which

experience

plied, in order to provide for the diſpatch of public buſineſs;—but, at the ſame, that a proper

experience has proved to be the true ſecurity of the liberty of the ſubject—muſt be allowed to obſerve, that the plea of public utility ought to be ſtrong, manifeſt, and urgent, which calls for the extinction or ſuſpenſion of any one of thoſe eſſential rights in the Supreme Power or its Repreſentative; or which can juſtify the Prince in conſenting, that, in his perſon, an experiment ſhall be made to aſcertain with how ſmall a portion of the kingly power the executive government of this country may be carried on.

The Prince has only to add, that if ſecurity for His Majeſty's repoſſeſſing his rightful government, whenever it ſhall pleaſe Providence, in bounty to the country, to remove the calamity with which he is afflicted, be any part of the object of this Plan, the Prince has only to be convinced that any meaſure is neceſſary, or even conducive, to that end, to be the firſt to urge it as the preliminary and paramount conſideration of any ſettlement in which he would conſent to ſhare.

If attention to what it is preſumed might be His Majeſty's feelings and wiſhes on the happy day of his recovery, be the object, it is with the trueſt ſincerity the Prince expreſſes his firm conviction, that no event would be more repugnant to the feelings of his Royal Father, than the knowledge, that the government of his Son and Repreſentative had exhibited the Sovereign Power of the realm in a ſtate of degredation, of curtailed authority, and diminiſhed energy—a ſtate, hurtful in practice to the proſperity and good government of his People, and injurious in its precedent to the ſecurity of the Monarch, and the rights of his family.

Upon that part of the plan which regards the King's real and perſonal property, the Prince feels himſelf compelled to remark, that it was not neceſſary for Mr. Pitt, nor proper to ſuggeſt to the Prince, the reſtraint he propoſes againſt the Prince's granting away the King's real and perſonal property. The Prince does not conceive, that, during the King's life, he is, by law, entitled to make any ſuch grant; and he is ſure, that he has never ſhewn the ſmalleſt inclination to poſſeſs any ſuch power. But it remains with Mr. Pitt

per regard was to be had for ſupplying the defect of the Legiſlature, in order that the buſineſs of the nation might be carried on with energy and effect, there ſhould be a conſiderable degree of attention paid to the happy and expected period, when his Majeſty might be able to reaſſume the Royal Authority—by ſupporting his dignity and importance during the preſent ſtate of his incapacity. To both theſe objects, and particularly to the laſt, might be referred the reſolution he was now about to ſubmit to the Committee. The firſt part of this reſolution was, that the care of his Majeſty's perſon, during his illneſs,

to conſider the eventual intereſts of the Royal Family, and to provide a proper and natural ſecurity againſt the miſmanagement of them by others.

The Prince has diſcharged an indiſpenſable duty, in thus giving his free opinion on the plan ſubmitted to his conſideration.

His conviction of the evils which may ariſe to the King's intereſts, to the peace and happineſs of the Royal Family, and to the ſafety and welfare of the nation, from the government of the country remaining longer in its preſent maimed and debilitated ſtate, outweighs, in the Prince's mind, every other conſideration, and will determine him to undertake the painful truſt impoſed upon him by the preſent melancholy neceſſity (which of all the King's ſubjects he deplores the moſt) in full confidence, that the affection and loyalty to the King, the experienced attachment to the Houſe of Brunſwick, and the generoſity which has always diſtinguiſhed this nation, will carry him through the many difficulties, inſeparable from this moſt critical ſituation, with comfort to himſelf, with honour to the King, and with advantage to the Public.

(Signed)

Carlton Houſe, G. P.

January 2, 1789.

illneſs, ſhould be committed to the Queen. On this point, he ſhould not anticipate even the poſſibility of any difference of opinion, as it would be in a manner arguing againſt a propoſition that was ſelf-evident.—The natural feelings of every man in the Houſe muſt receive conſolation and ſupport, in the recollection that there was a perſon to whom the care of his Majeſty might be entruſted with ſo much propriety and ſafety. He truſted, therefore, that there could be no poſſible objection to this propoſition, " That the care of his Majeſty's royal perſon, during the period of his Majeſty's illneſs, ſhould be committed to the Queen."

There was *another point*, however, upon which he preſumed there would be different opinions, and that was with regard to the powers that were to be given to her Majeſty in the diſcharge of this truſt; in the proviſions that were to be made for the Houſehold, ſo as to enable her to diſcharge that truſt with propriety on the one hand, and on the other, to maintain the dignity of his Majeſty in his preſent ſituation, which they were bound to believe would be ſhort. At the ſame time, that it was their duty to provide for the political Government of the country, while they were delegating thoſe powers to the Prince that were neceſſary for the diſpatch of the buſineſs of the nation, they ought ſo to conduct themſelves, that at the period of his Majeſty's recovery, he

might be fully perſuaded that they had not been forgetful of him. And, that he had not made a leſs impreſſion on the hearts of his affectionate and loyal ſubjects, at the moment of his diſtreſs, than when he was in perfect health. The only queſtion related to the Lord Steward, the Lord Chamberlain, to the Maſter of the Horſe, and the other officers of his Majeſty's houſehold. Whether an alteration of circumſtances, and the difference of expence, and of the duty to be performed, made it fit and decent in that Houſe, during an interval, which they were bound to conſider as temporary and ſhort; whether, during this interval, his Majeſty's houſehold ſhould be new modelled, and a new ſyſtem of management introduced; or whether it ſhould remain upon its old footing, and that the officers of it ſhould be under the direction of the Queen. That the laſt ſhould be the caſe, hardly admitted of any doubt. They had been told on a former day, by a noble Lord (North) who poſſeſſed much ingenuity, and great information and experience, that there was a ſhorter and better plan of ſettling this buſineſs.—His Lordſhip had given them his ingenuity, but had withheld his information, by not ſhewing them what his plan was. He was deſirous of putting this queſtion to the feelings and reaſon of the Houſe, as well as to the feelings and judgment of the nation at large, that it became them during this interval, with

the

the degree of hope they entertained of his recovery, to try the experiment, and not to new model his Majeſty's Houſehold. Were they perfectly aware of the ground on which a new ſyſtem was to be made?—were they perfectly ready to make it? He contended that, under the preſent circumſtances, it was inconſiſtent with that affection which pervaded every part of the country, to introduce a new ſyſtem of management.—Would it be proper, at this moment, to delegate the whole executive power to the Regent, when they were looking to a period that was at no great diſtance, when the King would re-aſſume the reins of government? It was proper, during his temporary indiſpoſition, that all the exterior of dignity, and every mark of reſpect that could make a deep impreſſion of the dignified ſituation of the Sovereign, on the minds of the public, ſhould remain with his Majeſty. No man could think it proper for his Majeſty, at this time, to be ſtripped of all the external marks of royalty, and that the direction and management of his houſehold ſhould be new modelled. His opinion was this, that the Queen was the moſt proper to have the care of his Majeſty's perſon. Secondly, the introduction of a new ſyſtem was unfit and unbecoming, under the preſent circumſtances, inconſiſtent with thoſe ſentiments of love and affection which they all felt, and had a manifeſt tendency to diminiſh thoſe impreſſions

which it was clearly the wiſh and duty of every man to preſerve in his mind. Although this reſolution was intended to anſwer the two ends which he had mentioned, to provide both for carrying on the Government, and alſo for the Royal dignity; yet he was ready to confeſs, that the patronage of ſo many places as thoſe in his Majeſty's houſehold, neceſſarily gave a great degree of political influence; and that this was in itſelf an evil. But the ſame objection lay againſt it when it was in the hands of the King himſelf. They could not but adopt this reſolution, unleſs by ſhewing they were leſs regardful of their Sovereign in time of ſickneſs, than they had been in time of health. When it was ſaid it would be attended with ſome preſſing, ſome great and important danger, before they thought ſuch a danger a ſufficient reaſon to lay aſide this meaſure, they ought to be acquainted with the nature of it:—they ought to hear the nature of the danger ſtated, which they were to fear from adopting this reſolution. It had been ſuppoſed that thoſe who are now his Majeſty's Miniſters would ſoon be in Oppoſition. He could not ſay upon what ground they had advanced this propoſition. He was a total ſtranger to every thing of this ſort. But ſuppoſing it to be true, he was little inclined to think that any man would oppoſe the meaſures of Government merely for the ſake of oppoſition, without being able to juſtify his conduct to the public. The

next queſtion would be, whether that political influence, whatever it was, that aroſe from the patronage of having the care and management of the King's houſehold, would be exerciſed in a manner to countenance a factious oppoſition? He deſired Gentlemen to conſider to what perſon this patronage was to be entruſted, and then to reflect with themſelves, if it was very likely that the influence ariſing from ſuch patronage, would be exerciſed in ſupporting a factious oppoſition againſt the government of his Royal Highneſs the Prince of Wales. The queſtion was not, whether this would be attempted; but ſuppoſing it were, whether it would be of ſo much weight as to predominate over all the other patronage in the power of the Prince? That the influence which was entruſted to the Queen, ſhould be exerciſed againſt the government of his Royal Highneſs, to countenance a factious oppoſition, was ſurely not very probable; and a propoſition not to be received without conſiderable caution. There was no great danger that this influence would render the ſituation of the country perplexed and embarraſſed, even ſuppoſing His Majeſty's Miniſters to act from the worſt motives: For he would ſuppoſe, however much it might hurt his feelings, that they were capable of acting from improper motives: Yet, from the relation in which the Queen ſtood to the Prince, there was no great probability they ſhould re-

ceive much countenance from that quarter. Although they ought to attend to œconomy, yet they ought not to be neglectful of his Majeſty's dignity. If this was taken away, perhaps the ſentiments of the nation might be preſerved, but not without regret. He therefore ſhould ſubmit the following reſolutions to the conſideration of the Committee.

" That it is the opinion of this Committee, that the care of his Majeſty's royal perſon, during the continuance of his illneſs, ſhould be committed to the Queen's Moſt Excellent Majeſty, and that her Majeſty ſhould have the care of removing from, and of appointing ſuch perſons as ſhe ſhould think proper, in his Majeſty's Houſehold, and to manage all other matters and things relating to his Majeſty's perſon, and the officers of his Houſehold: and to enable her Majeſty to execute this truſt with propriety, it is alſo expedient, that a Council ſhould be appointed, to adviſe and aſſiſt her Majeſty, and to have power, from time to time, to examine the Phyſicians upon oath, and other things about his Majeſty's perſon, touching the ſtate of his Majeſty's health, and other matters relating thereto."

Lord *Maitland* declared, that he could not ſit with patience, and hear ſuch a reſolution offered to the Houſe, without giving it his moſt decided oppoſition. He ridiculed the idea of

preſerving

preſerving the King's external dignity, in his preſent ſtate of incapacity, as highly abſurd. Such outward pomp, he ſaid, would have more the appearance of inſult and contumacy, than of reſpect and loyalty to the unfortunate Monarch. —As to entruſting the Queen with the nomination of the Houſehold, though he certainly felt ſentiments of the ſincereſt reſpect for that exalted perſonage, he had no heſitation in declaring, that it was exceedingly improper to veſt ſuch power in her hands. He had no objection to the ſeparation of the care of the royal perſon from the exerciſe of the executive functions. If the Prince of Wales had the whole executive authority, then it would be adviſable not to truſt him with the care of his father's perſon; and, on the other hand, if the Queen had the care of the King's perſon, ſhe ought not to have a ſingle atom of the executive power committed to her. He did not by any means ſuppoſe that her Majeſty would exert any undue influence, in conſequence of the patronage which ſhe would obtain by this reſolution,—a patronage amounting to near 80,000l. *per annum*;—but while there exiſted a poſſibility of it, it was improper to divide the government, by giving her ſuch a degree of power. The delegation of this power to her was an encroachment on the Conſtitution; and he hoped, that the good ſenſe of the Houſe would not ſuffer them to agree to it: indeed, he

thought

thought they could not accede to it, without belying every principle of the Revolution, to which they profeſſed themſelves to be ſo ſtrongly attached. He concluded with conjuring the Right Honourable Gentleman not to be ſo far influenced by a falſe point of honour, or a vain-glorious deſire of triumphing over his political adverſaries, as to attempt to deſtroy the conſtitution of his country.

Mr. *M. A. Taylor* objected to all the reſtrictions, as tending to maim and debilitate the Government. He condemned the propoſition for conferring the entire management and patronage of the Houſehold on the Queen, as creating a fourth eſtate in the realm, and conſequently hoſtile to the genius and ſpirit of the Conſtitution. What rendered it particularly exceptionable was, that it was to be exerciſed without reſponſibility. Much ſtreſs had been laid on the character of her Majeſty, as likely to prevent all poſſible danger from entruſting her with this power. The ſame argument would hold good when applied to the Prince, and would be equally valid for committing the whole of the regal authority into his hands—but thoſe who uſed it in ſupport of the preſent reſolution, made the argument ſtop with her, and had no confidence in the character of his Royal Highneſs.

Sir *John Swinburne* profeſſed himſelf unfriendly to the reſolution, as creating *imperium in imperio*.

Nothing,

Nothing, he ſaid, but the moderation and forbearance of his Royal Highneſs would prevent the dangerous diviſions that would ariſe from the erection of a fourth eſtate, unknown to the Conſtitution.

Mr. *Pulteney* obſerved, if it could be made out, that, by giving the powers of the reſolution to the Queen, there was any reaſon that could be advanced of the probability of her concealing the recovery of the King, he ſhould conſider ſuch a reaſon a fair argument, and a good objection to this reſolution; but as no ſuch reaſon could be well founded, he was of opinion, it was indiſpenſably neceſſary that every degree of power over the Houſehold ſhould be given to her Majeſty, to enable her to diſcharge the duties of her truſt. To ſuppoſe ſhe would not diſcharge them, would be illiberal and unjuſt in the higheſt degree. Objections had been made to the patronage of the power that was propoſed to be given to her Majeſty:—but, ſurely, the throne was too firmly eſtabliſhed, to be ſhaken by the power of diſtributing eighty or an hundred thouſand pounds *per annum*. He was old enough to remember when it had been reſolved, that the influence of the Crown was too great, and ought to be diminiſhed; and was it ſo altered at the preſent moment, that the little patronage of the Houſehold could not be diſpenſed with? Let the Committee conſider the patronage of the army

my and the navy, of the cuſtoms, of the exciſe, and all other offices, which pervaded every corner of the kingdom, and then let them contend, if they could, that the patronage of the Houſehold was neceſſary. The preſent queſtion, however, did not reſt upon thoſe powers of patronage, but upon a temporary regulation for ſupplying the preſent deficiency, and for taking care of the ſafe return of the Sovereign to his government, whenever he ſhould be reſtored to his people. Would any one contend, that, in the preſent ſituation of Europe, Government could not go on without that ſort of influence which he had juſt mentioned? He had no doubt but the country could be governed eaſily and properly, if the Miniſters of the Regent conducted themſelves with honour. If they acted uprightly, they would not ſtand in need of the patronage of the Houſehold; and, if a faction ſhould ariſe, a diſſolution of Parliament was a remedy at all times in their power. He ſhould give his vote moſt heartily for the reſtrictions, not from any fear of the motives by which the Prince might be actuated, but to guard againſt every poſſibility of danger. He would not admit of the probability of the Lords forming a cabal againſt the Regent's Miniſters; but was of opinion, that if ſuch another unconſtitutional bill, as the well known India bill, ſhould be again brought in, it would be very probable

that the Bed-chamber Lords would aſſiſt in oppoſing the paſſing of it.

Mr. *Bouverie* agreed to the care of the King's perſon being entruſted with the Queen, and to the latter part of the reſolution, propoſing to appoint her a Council; but objected to the powers propoſed to be granted; and moved as an amendment, that the words "granting the powers," &c. be omitted.

Lord *North* obſerved, that the reſolution conſiſted of three queſtions, perfectly diſtinct from each other—the cuſtody of the King's perſon—the controul of the Houſehold—and the eſtabliſhment of a Council.—Theſe queſtions he propoſed to divide.

Mr. *Pitt* obſerved, that it being his intention to move for the full powers as incident to the cuſtody of the King, any alteration would come better, in the ſhape of an amendment, from the other ſide. The queſtion, therefore, on Mr. Bouverie's amendment, being put,

Mr. *Grey* began by remarking on the diſorders which were inſeparable from ſuch a diviſion of government. The ſafety of the King's right was made the oſtenſible plea for every meaſure now introduced, however hoſtile to their feelings, however it may militate againſt the duty which they owed to their country. But, when the buſineſs came to be conſidered, it would be found, that the limitations propoſed for this purpoſe

were

were abſurd and ridiculous in the extreme! An Honourable Gentleman (Mr. Powys) had very properly obſerved, how idle ſuch reſtrictions muſt prove, if ſeriouſly conſidered, to a perſon who had, at the ſame time, the army and navy at command.

The powers veſted on ſuch an occaſion ſhould certainly be equal to the neceſſity; but, in the preſent inſtance, the want of permanency was in itſelf a want of ſtrength. The reſtriction, therefore, reſpecting the peerage, was unneceſſary; and ſpoke, therefore, in the plaineſt language, the exiſtence of that conſpiracy, which had been ſo often mentioned from the other ſide of the Houſe. They had deemed it neceſſary to dwell, with particular emphaſis on the name of *influence*, and the impropriety of introducing it into that Houſe:—but every perſon who had watched the changes of our Conſtitution could not but know, that the mild dominion of influence had, for many years, ſuperſeded the harſher dominion of the prerogative.

Mr. Grey paſſed on to a deſcription of the preſent ſituation of her Majeſty, on whoſe character he deſcanted in terms of the warmeſt eulogy.—She, however, he obſerved, had gained her chief praiſe from having never joined in any political cabal. He hoped that this might be the caſe in the preſent inſtance. He diſtruſted much the Council of *advice*, as it was termed; and declar-

ed his diſlike to the preſent reſolution, if on no other grounds but one, namely, that it veſted a power where it was not poſſible, by any act of theirs, to attach a reſponſibility.

Mr. *Dundas* went over all the arguments that have already been advanced in favour of the reſtrictions in general, and thoſe more immediately before the Houſe.

Lord *North* began by a reference to the objections which he urged on a former occaſion againſt the adoption of the precedent which gave riſe to the propoſitions before the Houſe. He deprecated the idea of the two Houſes aſſuming the right of legiſlating; and whatever miſchief he apprehended at the time, yet could he have hardly imagined that the precedent would have been immediately followed up by ſo groſs an abuſe. Some Gentlemen had alluded to the proceedings which had formerly taken place, relative to the influence of the Crown. For his own part, he had been always of opinion, that the Crown poſſeſſed no more influence than was abſolutely neceſſary; and he had therefore reſiſted every attempt which had been made towards leſſening it, and he had the good fortune to be ſupported by the Learned Gentleman who juſt ſat down. He was ſorry that his learned friend ſhould forfeit the approbation which he had been ſo long in the habit of beſtowing on his ſpeeches; but ſo ſtriking was the inconſiſtency between his

preſent

preſent and his former ſentiments, and ſo unwarrantable did he hold the deſign of mutilating the juſt prerogatives of the Crown, that he muſt, in the moſt pointed manner, reprobate the whole tenour of his ſpeech. Having maintained, that the influence of the Crown was not exorbitant, at the period when he was fortunate enough to have him for his champion, how could he now attempt to argue, after all the curtailments and retrenchments which it had undergone, that it could ſuffer a ſtill greater diminution in the hands of a Regent, whoſe power muſt, of neceſſity, be, in many particulars, weak and limited. The abettors of ſuch a doctrine were driven to the moſt abſurd and ridiculous ſituations. They were neceſſitated to hold this kind of language—Let us do without the Conſtitution for a ſhort time—no harm can ariſe from diſpenſing with it, ſince it will only be for a little while—probably no more than a month, or two, or three.—But who could anſwer for its reſtoration? Who could anſwer that the Houſe of Lords would give up that very flattering privilege which they now enjoyed, or that they could be brought to agree in reſtoring the natural functions of the Crown, either to the Prince, though the Houſe of Commons think fit to grant him the power of creating Peers, or to his Majeſty, ſhould it pleaſe God to reſtore him to the prayers of his people? —To ſuch inconſiſtencies were people reduced,

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when they once committed an inroad on the Conſtitution. They were forced, as the ſubjects of the day required it, to change their language, and to inſiſt upon principles the moſt oppoſite, and maxims the moſt irreconcileable.

His Lordſhip ridiculed the idea of the Regent's acquiring ſuch a degree of power and influence from the patronage of the Houſehold, as would render his Majeſty's reſumption of his dignity either difficult or precarious; and he inſiſted, that, formed as this country now was, no degree of power, with which the Prince could be inveſted, would even, after twenty years adminiſtration of the government, enable him to impede his Majeſty's return to the loyal and affectionate wiſhes of his people, whenever it may pleaſe Providence to reſtore the uſe of his faculties.

Sir *John Scott*, the Solicitor General, began by obſerving, that Gentlemen ſeemed to have forgotten, that they were to make a choice of evils, and that it was their duty in ſuch a caſe, to make their choice of that which appeared to be the leaſt evil. When Gentlemen told him, that, by with-holding the patronage of the Royal Houſehold, they ſhould be guilty of a breach of the Conſtitution, let them inform him how he was to diſcharge his allegiance to the Sovereign on the throne, without taking care that his reſumption of his royal authority ſhould be as little

difficult as poſſible, when he ſhould have recovered his health. He did not ſpeak with indelicacy towards the Regent, if he ſhewed that jealouſy belonging to his character as a Member of Parliament, which it was his duty to ſhew, reſpecting the other Houſe of Parliament, and reſpecting the executive government of the country. They were not acting upon perſonal confidence, but upon public principles. But let them ſee what the Regent could do, and what he could not do. Suppoſe that the bill ſhould be limited to twelve months, and that the King ſhould recover in a fortnight after; and, in that caſe, ſuppoſe an adviſer out of that Houſe were to tell the Regent—"Though you have ſubmitted to theſe reſtrictions and limitations for a twelvemonth, yet, believe me, you have an inherent right to the exerciſe of the royal authority. Do not, therefore, ſubmit to the reſtrictions which have been impoſed upon you any longer."—Sir John declared, he did not ſay that any one would be ſo bold as to adviſe him in that way; but the caſe was a poſſible caſe, and it was parliamentary to ſtate the hypotheſis, and provide againſt the danger of ſuch a circumſtance. It had been aſked, what would prove the conſequence, if the Queen ſhould ſuffer a demiſe?—In anſwer to which queſtion, he ſhould alſo aſk, what would be the conſequence, if the Regent ſhould ſuffer a demiſe?—They would

come down to the Houſe, and provide a ſucceſſor. In the preſent exigency of affairs, how were they to do their duty to their country?—They were to do it by the recollection that his Majeſty's political character was entire. It was now become neceſſary for Parliament to provide a perſon to exerciſe that part of the royal authority which his Majeſty, from his infirmity, could not exerciſe himſelf. That infirmity, however, was not likely to laſt long; and they were to conſider what they had to provide as a temporary, and not as a permanent meaſure.—Perhaps his Majeſty might be well in three months. The people, therefore, had a right to expect, that the Houſe of Commons would execute its duty, and not forget the reſpect due to that Sovereign whom they all loved. How was the ſenſe of the people of England to be collected on the ſubject? Perhaps, if a Right Honourable Gentleman was aſked, he might adopt his firſt opinion, and ſay, "the ſenſe of the people was ſpoken by their repreſentatives in that Houſe;" or he might take up his ſecond opinion, and ſay, "the ſenſe of the people can only be known from the people of England at large;" or he might go back again to his old doctrine, and ſay, "the ſenſe of the people of England can only be collected in the Houſe of Commons."—But, let the ſenſe of the people be taken at their bar, or in any other way, the language which

they would undoubtedly hold would be,—"What! could you not do your duty for three ſhort months? Were you ſo haſty to dethrone the King, your lawful Sovereign, to whom you have all ſworn allegiance, that you treated him with the groſſeſt diſreſpect, and ſtripped him of every mark of regal dignity and diſtinction, after he had been ill no longer than a month?" What would the people ſay, when they heard that it was refuſed to the Monarch by that ſet of men who ſaid it was the public wiſh that they ſhould be the Miniſters of the Regent, although that wiſh had been circulated in ſo low a voice, that but few indeed had heard it? Was it poſſible that thoſe Gentlemen could argue ſeriouſly, that the Regent, with the army, the navy, the church, and the revenue at his command, could not carry on a vigorous and effectual government? Where is the integrity of that Houſe, if ſuch arguments were allowed to be uſed? He aſked if his Majeſty was not alive, and afflicted with a ſevere malady? and whether that circumſtance was not a reaſon for giving him additional attendance, rather than taking that away which he had before his illneſs? It had been obſerved, that, as ſoon as his Majeſty recovered, and reſtored himſelf to the throne, the Regent would retire, and leave him in the undiſturbed poſſeſſion of government. It was the duty of that Houſe to take care that the Sovereign ſhould, in

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ſuch a caſe, reſume the reins of Government; but they were not to leave it to chance, whether his Majeſty might have it in his power to do ſo, or not. It was, he ſaid, a groſs and indecent reflection to ſuppoſe that the Queen would employ the power of the houſehold, for the purpoſe of oppoſing the government of her ſon, the Regent. Indeed, no propoſition could be ſuggeſted which was not clogged with ſome evil or other; but, of the two evils, he had choſen the leaſt; and, on his honour and conſcience, he thought that the plan, which the propoſition contained, was, every circumſtance of the caſe being conſidered, the moſt ſafe, expedient, and politic, which could poſſibly be adopted.

Mr. *Fox* ſaid, that, in diſcuſſing the plan of the Regency, he ſhould conſider it not as it related to the Prince of Wales, but as it might relate hereafter to a Prince of Wales; nor would he conſider the preſent reſolution as it affected the Queen, but as it might affect a Queen; abſtracting from the queſtion every perſonal motive, and viewing it as it might apply to other times, and to other perſons. The honourable and learned gentleman had begun his ſpeech with a repetition of that doctrine which he had early ſtarted, and frequently preſſed in debate, "that the King's political character was, in the eye of the law, inſeparable from his perſonal; that it remained entire and perfect, and would continue ſo to do

until his natural demiſe."—This doctrine, which had been frequently urged, he had endeavoured, in vain, to have explained; for how that perſon, whoſe political faculties were confeſſedly ſuſpended by a ſevere viſitation of Providence, could exiſt in the full enjoyment of his political character, was beyond his underſtanding to comprehend. He well knew that there had been characters in this country, who were called ſometimes high churchmen and ſometimes tories, who might think that, by propagating the idea of Divine Right, they ſurrounded the perſon of Majeſty with a myſterious grandeur and authority which inſpired an enthuſiaſtic people with a more prompt and ready obedience. If ſuch was the view in which the honourable and learned gentleman wiſhed to conſider this myſterious character of complete political exiſtence, without political capacity, he could only obſerve on his doctrine, that he took up the ſuperſtitions of religion, and rejected the morality; for, while he thus enveloped the ſacred perſon of Majeſty with a political veil, which, by ancient ſuperſtition, was calculated to inſpire awe, and ſecure obedience, he laboured thereby to enfeeble the arm of Government, to cripple it in all its great and eſſential parts; to expoſe it to hoſtile attack, and to ignominious contumely; to take from it the dignity which appertained to itſelf, and the uſe for which it was deſigned towards

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the people. The honourable and learned gentleman, in purſuit of his doctrine, ſaid, that his allegiance would continue during the life of the King, whatever might be the condition of his mind. That duty, loyalty, and affection, and every rational ſentiment which could animate the breaſt of an Engliſhman, would lead them all to venerate, to love, and protect the ſacred perſon of his Majeſty, however long and however calamitous his malady might prove; theſe were feelings ſo predominant, that it was not neceſſary to take up a moment of their time in aſſerting their exiſtence. But, when the hon. and learned gentleman ſtated this as the definition of allegiance, he muſt enter his proteſt. He, for his part, conſidered allegiance as a reciprocal duty, ſpringing up in the heart, in conſequence of protection, and which was of equal exiſtence. If the honourable and learned gentleman's definition of allegiance was true, and that not depending on the political capacity, or the exerciſe of political capacity, but on the bare perſonal exiſtence of the King, then all which they had heard that day from a right honourable and learned gentleman, who ſpoke early, (Mr. Dundas) and from the honourable and learned gentleman himſelf, that theſe limitations were but temporary, and that the time would come when they muſt be reviſed, and the full power given to the Regent, was all inconſiſtent and

impoſſible. For, whether the King's malady endured one year, or thirty years, it was preciſely the ſame in the contemplation of this doctrine, and the Legiſlature could not veſt the full powers of the Crown in any other hands, while the perſon of the King remained. That ſuch was the latent deſigns of gentlemen on the other ſide of the Houſe, he did not doubt; and if the honourable and learned gentleman would ſpeak out, he was ſenſible he would ſay theſe were his feelings and determination on the ſubject. In the preſent moment, they thought it prudent to conceal this intention. Gentlemen, however, could not be deceived; they would compare the argument with the aſſertion. The argument was, that he felt and acknowledged the immutable perfection of the King, to which he had ſworn allegiance. The aſſertion was, that if he did not recover, within a ſhort time, the two Houſes muſt alter the preſent arrangement, and give to the Regent full authority! The honourable and learned gentleman had curſorily mentioned the time when, perhaps, it might be proper to review thoſe reſtrictions. Perhaps, at the end of a twelvemonth, it might be proper. "But," ſays he, "if, in the preſent inſtance, the Houſe were to limit the duration of them to twelve or eighteen months, at which times they ſhould ceaſe of courſe, and the King ſhould recover his faculties but a fortnight after the

reſtraints had ceaſed, what evil conſequences might not enſue from that ſingle fortnight of uncontrouled power!" The right honourable gentleman himſelf had, in the courſe of four years, granted forty-two peerages, although in that time he had not heard of any confederacy exiſting in that Houſe againſt his meaſures.—There was, he ſaid, in the breaſt of the great men of this country, ſuch a love for the Crown, that there was no fear of any factious meaſures being ſuffered to prevail. The Peers were ſo diſtinguiſhed for their love of the Crown, that there could be no apprehenſion of danger from the party whom he had ſent into the Houſe of Peers; but, if the Regent were to make Peers; if he, for inſtance, were ſo laviſh of honours, as to grant forty-two, in imitation of the right honourable gentleman, then ſuch a cabal and confederacy might be formed as would endanger the ſafety of the King. Love for the Crown was to be diſtinguiſhed, if favour came from the Regent. The prerogative was harmleſs, while executed under the auſpices of the right honourable gentleman. It would become dangerous, if put into the hands of the heir-apparent. Of preciſely the ſame ſpirit was their argument for placing the houſehold in the power of the Queen. In her Majeſty's hands it would be helpleſs, weak, and impotent, if applied to any political purpoſe; it could not effect one meaſure

ſure of the Regent's government; but, if placed in the hands of the Regent, it would inevitably prevent his Majeſty's return to power! To all this train of paradoxes, there was one general reſolution, they wiſhed to inſinuate and to propagate the baſe and ſcandalous idea, however artfully for the time they diſguiſed their purpoſes, that a diviſion might take place between the mother and the ſon. They affected to hold out tolerable intelligible language, that the ſon might combine againſt the mother; but, really, with the idea of leaving to the herd to imagine the converſe of the propoſition, and that, from hiſtory, it was as probable that the mother might combine againſt the ſon. He could not utter, in terms of ſufficient indignation, his abhorrence of ſuch a plan; and yet he was ready to confeſs, that the machination for accompliſhing the purpoſe was artfully laid; he had confidence in the ardent love and noble feelings which animated the boſoms of the diſtinguiſhed perſons; and he hoped that no artifice, however baſe; no advice, however fulſome, would prevail in overthrowing within their breaſts, the ſentiments of what they mutually owed to the country. But the right honourable gentleman had remarked, that he was not to ſet up a factious oppoſition. He was one of thoſe perſons who had been ſo long accuſtomed to oppoſition, as to have a kindneſs for it. He was, by no means, unwilling to ſee an oppo-

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ſition ſtrong, watchful, and ſyſtematic; becauſe he thought that there might be a ſincere, as well as a ſyſtematic oppoſition. He conceived, however, that no oppoſition ought to be armed with ſuch powers as the preſent ſcheme was calculated to give to thoſe who ſhould oppoſe the government of the Regent; for as the patronage and emoluments of office fairly belonged to the ſervants of the Crown, and to thoſe who acted with them, ſo he thought it an incumbent duty on thoſe who oppoſed Government, that by relinquiſhing all ſhare in that patronage, and thoſe emoluments, they gave a pledge to their country for the ſincerity of the oppoſition. It had been argued, by an honourable gentleman (Mr. Pulteney) that without the houſehold, the Regent's government would have power enough; that it would have power enough for good purpoſes, and it ought not to have more. If it ſhould be found that the Regent had power enough, then, ſurely, it behoved the Houſe to reſolve, either on the recovery of the preſent King, or on the acceſſion of his ſucceſſor, to take from the Crown all theſe prerogatives which were withheld from the Regent. It ſhould be a principle in all good government, to give no power which was not actually neceſſary to its purpoſe; or, in other words, neceſſary to the power of doing good. It was his earneſt wiſh, that gentlemen, if they diſtruſted, would act

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conſtitutionally. If they preferred A. to B. the power of that Houſe was yet, he truſted, ſufficient to turn them out of office; and eſpecially, if the perſons in office were of that deſcription who bowed to the authority of Parliament. Inſtead of this manly and conſtitutional mode, the right honourable gentleman oppoſed men by crippling Government. To prevent that party from enjoying office, whom he thought ineligible, he attacked and violated the Conſtitution; he deſtroyed the balance of the three eſtates, and endangered, for an unlimited time, the exiſting of every thing eſſential in the Government for the well being of the country. It was rather ſingular, alſo, that they did not perceive the poſitive weakneſs of their principal argument in another way. They objected to truſt the houſehold in the power of the Prince, becauſe he might change the King's ſervants, and yet they put it in the power of the Queen, who might remove them at pleaſure. Why might they not be changed by her Majeſty, and her Council of Advice, as well as by the Regent? The danger was preciſely equal. With reſpect to the grounds of a ſpeedy recovery, which the right honourable gentleman held out, and which fact formed the only topic of his argument, he did not mean to ſay one ſyllable. If it were true, as it certainly was, that it muſt prove a ſerious thing to change the Royal perſon, it was a more ſerious thing to change

change the nature of the Royal office. It might be for a ſhort time; it might be for a long time; it was certainly for an indefinite time, that they were to change the Conſtitution of the country, and all this was to be done on the report of the phyſicians. Phyſicians had acknowledged, that the ſcience of phyſic was the moſt uncertain of all the arts; and that of all the branches of phyſic, this particular malady was the moſt uncertain. So then they were, for an unlimited time, to change the nature of the third eſtate, to impoveriſh and weaken the executive arms, to create a new eſtate in the country; and all this, on the report of the moſt uncertain caſe which comes within the view of the moſt uncertain of all ſciences.

He had obſerved, that to change the nature of the Kingly Office, was a more ſerious thing than to change the perſon of the King. The conſtitution provided only for the Crown. The King, according to the Conſtitution, was nothing; the King might die; the King might be imbecile; the conſtitution, careful only of the crown, was careleſs as to the preciſe ability of the King; it made the Kingly Office hereditary, from the conſideration that the crown being permanently and continually the ſame, full and authoritative, was leſs ſolicitous as to the perſon who was to wear the crown, ſince it was guarded, guided, and reſtrained by poſitive laws.

laws. To entrench, therefore, on the crown, was a truly ſerious point; its prerogatives were to be put into the cuſtody of the two Houſes of Parliament, and they were proceeding to impair the crown for the ſake of the King. If it ſhould be ſaid that the two Houſes of Parliament would, no doubt, reſtore the prerogatives now taken away, he would aſk them how they could anſwer for their ſucceſſors? An Honourable Gentleman (Mr. Pulteney) had contended, that there was no ſituation in the preſent ſtate of Europe which would juſtify the neceſſity of a ſtrong government. This evidently alluded to the preſent deranged condition of France, of which the Honourable Member had lately been a ſpectator; and if the Honourable Gentleman meant that the low circumſtances of France ought to induce us not to aſſail her when helpleſs, the argument had the generoſity natural to the Honourable Member: but perhaps it was founded on that principle of reciprocity, which had lately prevailed with reſpect to that rival power, that becauſe ſhe was lowered and embarraſſed, we muſt lower ourſelves to her ſtandard; that this was to be done on motives of reciprocal affection, for the purpoſe of preſerving the good underſtanding which now ſubſiſted between us undiminiſhed: degrading and ſunk to the condition in which France perhaps was at this moment, it would be thought an eligible mode of preſerving her friendſhip,

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and preventing giving alarm to the reſt of Europe. Unleſs for theſe reaſons, he ſaw nothing in the preſent ſtate of Europe to induce us to ſuffer, much leſs voluntarily to embrace, a weak government. The Right Honourable Gentleman (Mr. Pitt) had not explained to the Committee two very eſſential points. If this houſehold was to be eſtabliſhed in the cuſtody of the Queen, when was the proviſion, which he ſpoke of as being neceſſary for the ſtate of the Regent, to be made, and what was to be the extent of it? This ought to have been mentioned. In his mind, the civil liſt would prove amply ſufficient both for the proviſion to the Queen in her care of the King's perſon, and alſo for the ſtate of the Regent, if this ridiculous and abſurd ſcheme was not purſued. Upon this occaſion Mr. Fox ſaid, it may perhaps be a matter of delicacy to ſtate the opinion of his Royal Highneſs; but he knew it to be the ſentiments of the Prince of Wales, that it would be highly irkſome to him, in the preſent melancholy and calamitous ſituation of the country, to add any new burthen for the purpoſe of increaſing the ſtate and dignity of his own ſituation. He added, that perhaps this was not perfectly regular for him to ſtate; but as he knew it to be the ſentiment of his Royal Highneſs, and did not conſider the obſervation as improper, he had mentioned it to the Committee. The other point upon which he wiſhed

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for information, was the ideas of the Right Honourable Gentleman whether theſe reſtrictions were to have a limited duration, and what he ſhould think the proper time for their concluſion. Mr. Fox concluded with expreſſing his certainty, that when the Public came to view the whole of this ſcheme, they would ſee it was calculated to confer a favour inconſiſtent with the good government of the country.

Mr. *Drake* ſaid, he hoped to ſee the time when theſe two great characters (Mr. Pitt and Mr. Fox) ſhould no longer be acting as political adverſaries, but co-operating in meaſures calculated for the general good. With regard to retrenching of the Royal Houſhold, Mr. Drake ſaid, he could not but think, from the ſituation of his Majeſty, that he could not want the higher houſhold ſervants of the Crown about him. An Honourable Friend of his had moved an amendment which he ſhould have offered had it not been propoſed, and that was to ſimplify the queſtion; as it ſtood, it was far too complicated: he was glad, therefore, that it had been moved to divide it; he did not, however, like the Miniſter's adherence to the propoſition in the complex and entangled form in which it had been originally moved, and he declared, that if he had not a large ſhare of his confidence, he ſhould have entertained a great deal of ſuſpicion on that account.

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Mr. Chancellor Pitt obſerved, that he muſt ſtill contend, in ſpite of ſome late ingenious, but not convincing, arguments, that it would not be neceſſary for him to prolong the debate by any farther reaſoning in ſupport of the motion. The Right Honourable Gentleman had been pleaſed to ſay, that he could not diſcover either argument or talent in any of thoſe who had ſpoken in favour of the queſtion; he happened to differ from the Right Honourable Gentleman, and was perſuaded he had heard a great deal of both from ſeveral gentlemen, but moſt eſpecially as much of each as could be advanced and diſplayed in a ſmall compaſs, from an Honourable Friend of his who had lately ſat down. He ſaid he would not enter into argument again, but proceed to anſwer two points which had been put to him interrogatively. The firſt of theſe was a queſtion when the reſtriction would be taken off the Regent? With regard to the preciſe time, there was great difficulty and inconvenience in fixing it. If, contrary to his ſanguine expectation and belief, the King's recovery ſhould, after ſome time, be protracted, and his Majeſty's phyſicians ſhould pronounce that it was not likely to take place ſoon, in that caſe, he ſhould be of opinion that they muſt be taken off altogether. With reſpect to the reſtriction of making Peerages, when the time he had deſcribed ſhould come, that reſtriction ought, in his mind, to be given up.

At the period he had deſcribed, the eſtabliſhment of the Houſhold might be reviſed and new modelled. Some proviſion alſo muſt be made reſpecting the real property of the Crown; and, as to the places for life, patents, and others, he ſhould then think it expedient to give the Regent a power to grant ſuch as had always been places for life. Another queſtion had been aſked him, to which he was extremely deſirous of giving an anſwer, and that was, what the ſort of proviſion was, which was to be made for the ſupport of the dignity of the Regent, and when it was to take place? With reſpect to the time when, he ſhould think, that immediately after the paſſing of the bill appointing his Royal Highneſs the Prince of Wales Regent, the next thing that followed ought to be the providing a proper retinue to ſupport the Prince of Wales's rank of Regent with becoming dignity and ſplendor. As to the queſtion of what this proviſion was to conſiſt in, that was not, in his own mind, fully determined. With regard to his Royal Highneſs's declaration, as inſinuated by the Right Honourable Gentleman, that he would lament any addition being made on his account to the burthen of the public, every man, Mr. Pitt ſaid, muſt applaud the magnanimity and liberality of the ſentiment; a ſentiment which his Royal Highneſs had inherited, he had no doubt, from the liberality and magnanimity of his Princely Father; but though

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he was peculiarly well aware what heavy burthens the people ſuſtained, and ſince he had the honor of being in his Majeſty's ſervice had felt the painful taſk of being obliged to add conſiderably to thoſe burthens, in order to meet the exigencies of the country, and endeavour to retrieve its loſt commerce and ſinking credit, (an endeavour which he had the happineſs of ſeeing crowned with the moſt ample ſucceſs, the good ſenſe and firmneſs of the people inducing them cheerfully to ſubmit to burthens of which neceſſity demanded the impoſition) yet, notwithſtanding theſe circumſtances, nothing ſhould deter him from coming forward and propoſing a new eſtabliſhment ſuitable to the rank, the character, and the dignity of the Regent: nor could he think of taking the ſum neceſſary to provide for this eſtabliſhment out of the civil liſt, which was the property of his Majeſty; but he would fairly appeal to the public, by whom he had been ſo highly favoured, not doubting but that they who had ſo cheerfully and ſucceſsfully contributed ſo much, and ſeen their credit and their commerce reſtored and raiſed, in conſequence, to a moſt flouriſhing ſtate, would with equal cheerfulneſs contribute, in order to provide for ſo unavoidable and ſo ſingular an exigency. In ſhort, whether in or out of office, he ſhould be ready to ſtand forward on ſuch an occaſion, and

place the expence where, in his mind, it ought to fall,—upon the public purſe of the country.

Mr. *Sheridan* obſerved, that the Right Honourable Gentleman, on the firſt opening of his plan on a former day, had omitted to ſtate even that there was to be a council, till the reſolution came to be read, and then he had ſtarted up, and put his council, like a poſtcript to a letter, or a matter of trifling conſequence; taking care to tell them no more, than it was to be a Council of Advice, not a Council of Controul. But the nature and conſtitution of the council, he ſaid, ought to be explained, and the Committee ought to be told of whom it was to conſiſt, before they were called upon to vote it.

Mr. *Pitt* anſwered, that with regard to the council, he thanked the honourable gentleman for having given him an opportunity of unfolding its nature and conſtitution, which he ſhould have been ſorry to have left unexplained, though it really had eſcaped his recollection. Mr. Pitt then ſtated, that the council was to be ſolely a Council of Advice, and in no ſort a Council of Controul. It was to include in it all the great officers of His Majeſty's Houſehold, with ſome of the right reverend Prelates, to give it the gravity and ſolemnity due to its importance.

At length the Committee divided on the queſtion, that the words in the middle of the queſtion ſtand part of the motion.

Ayes 229; Noes 165.—Majority 64.

Lord

Lord *North* then moved, "That the words "for a limited time," be added to the motion;" upon which the Houſe divided,

Ayes, 164; Noes, 220.

Mr. *Pulteney* moved, "To limit the duration "of the Regency Bill to one year." On a ſuggeſtion from Mr. Pitt, that the proper time for diſcuſſing ſuch a queſtion, would be when the bill was actually brought in, the motion was withdrawn.

Mr. *Rolle* now obſerved, that he had given his vote for the appointment of the Prince of Wales to the Regency, under a conviction derived from an aſſurance communicated by a right honourable gentleman (Mr. Fox) laſt year, that His Royal Highneſs was not married. His conſtituents, however, had directed him to ſolicit freſh information on the ſubject. He therefore begged leave to appeal once more to the right honourable gentleman.

Sir *Francis Baſſet* obſerved, that it was a moſt indecent practice to agitate queſtions of this ſort, where the very perſons who propoſed them were obliged to aſk for information on which to ground them. If the honourable gentleman knew any thing on the ſubject, let him bring forward a motion founded on that knowledge. If he did not, it was at once informal and indecent to throw out inſinuations, which were ſo far from being founded in fact, that the author of them was

compelled to have recourſe to other members of the Houſe, to try if he could not obtain that information, without which, he ought not to have ſtirred a ſingle ſtep in the buſineſs.

Mr. *Rolle* appealed to the Chair, whether he was diſorderly, repeating his former words. He added, that having heard from a right honourable gentleman (Mr. Fox) on a former occaſion, an explicit diſavowal of any ſuch marriage, though he had ſince heard and read that the diſavowal was not warranted, he nevertheleſs ſo far truſted to the right honourable gentleman's declaration, as to agree to make the Prince Regent. He meant, however, when the bill was brought in, to move ſeveral clauſes upon that point, which no threats ſhould induce him to decline producing.

TUESDAY, *January* 20.

The Report of the reſolutions relative to the Regency was, this day, by a deputation of the Commons, carried up to the Lords. After which the Houſe adjourned to Monday next.

[It is here neceſſary to premiſe, that the intervening ſpace between the 20th and 26th, was wholly occupied by the Lords, in debating on the reſolutions paſſed by the Commons; but as the relation in this place of what paſſed in the Upper Houſe on this ſubject, would interſect our narrative of the proceedings of the Lower Houſe, we have judged it requiſite, in order to avoid this difficulty, to relate every thing that occurred in the Houſe of Commons, in the firſt inſtance; and then recurring to the time when the reſolutions were carried up to the Houſe of Peers, proceed, in a regular and connected manner, with our relation.]

MONDAY, *January* 26.

Two Maſters in Chancery informed the Commons, that their Lordſhips deſired a preſent conference in the Painted Chamber, on the ſubject of their former one; which, after ſome obſervations from Mr. Burke, was agreed to, and to be conducted by the Members who managed the laſt. The Committee repaired immediately to the Painted Chamber.

When they returned from this conference, the Marquis of *Worceſter* informed the Commons, their Lordſhips had agreed to their reſolutions without any amendment.

Mr. *Pitt* next informed the Houſe, that ſince theſe reſolutions had been agreed to by both Houſes of Parliament, he ſhould to-morrow move that an addreſs be preſented to His Royal Highneſs the Prince of Wales, in order to know regularly and authentically whether his Royal Highneſs would accept of the Regency with the limitations that had been agreed to by Parliament. He thought it his duty to give notice now, that he ſhould make this motion to-morrow, that Gentlemen might be prepared, as he conceived there would be ſome difference of opinion on this head.

After ſome animadverſions by Mr. Grey, Mr. Burke, and Mr. Sheridan, on Mr. Pitt's conduct, the Houſe adjourned.

TUESDAY, *January* 27.

After the Clerk had read the reſolutions agreed to by both Houſes of Parliament, with the reſtrictions and limitations,

Mr. *Pitt* informed the Houſe, it was his opinion that theſe reſolutions ſhould be laid before his Royal Highneſs the Prince of Wales, before they were reduced to the form of an Act of Parliament, in order to aſcertain, in a regular and authentic manner, that which they had every reaſon to ſuppoſe would take place—namely "whether his Royal Highneſs, for the benefit of this country, and from a regard to His Majeſty, would condeſcend to undertake that weighty and important truſt which the two Houſes of Parliament wiſhed to delegate to him." Before yeſterday he conceived there would be no oppoſition to ſuch an addreſs. As he could not imagine on what grounds any oppoſition could be made, he ſhould make the motion of which he gave notice yeſterday. and after that motion was diſpoſed of, he ſhould then make another, "That an Addreſs ſhould likewiſe be preſented to the Queen, acquainting her with the laſt reſolution which had been agreed to by both Houſes of Parliament."

The firſt motion was read by the Speaker, to wit, "that a Committee be appointed to lay

before his Royal Highneſs the Prince of Wales, thoſe reſolutions that had been agreed to by the Houſe of Lords, and the Houſe of Commons, for ſupplying the defect of the Royal Authority, ſubject to ſuch limitations and reſtrictions, as the nature of the caſe ſeemed to require; and that his Royal Highneſs, from a regard to his Majeſty, and for the welfare of the nation, would condeſcend to take upon him the government of this country, agreeable to theſe reſolutions, as ſoon as an act of Parliament ſhould have paſſed to carry them into effect."

Sir *Grey Cooper* contended that this Addreſs was improper in point of time, as well as in point of matter. His Right Hon. Friend, on a former day, had moved for ſome papers, which perhaps could not be produced in a Parliamentary way; but, thank God, they were now in poſſeſſion of the public, and would exhibit to the nation the character and exalted virtues of his Royal Highneſs, and that he knows, loves, and reveres the conſtitution. He did not wiſh to have the Regency but by the conſent of Parliament. In his anſwer to the paper ſent him by the Right Hon. Gentleman, he expreſſes ſome regret that he was diſtruſted. But notwithſtanding that regret and ſurpriſe, he, in the moſt humble, proper, and, at the ſame time, in the moſt dignified manner, expreſſes his conſent to accept of this office with whatever reſtrictions and limitations

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the wiſdom of Parliament might judge proper to burden him. Since it is clear then that he will accept of it, why preſent an addreſs?—why not proceed with the bill, and then addreſs his Royal Highneſs, which would be more regular and conſtitutional.

Lord *Belgrave*, Mr. *Ryder*, and Colonel *Phipps* contended for the propriety of the communication being made in the preſent ſtage, leſt the Houſe, after going through all the ſtages, ſhould have been loſing their time, if the Prince ſhould be diſpoſed to refuſe it. Under ſuch a circumſtance, other very different proceedings muſt be taken; but at all events, the addreſs or communication could not be ſent up before; for this reaſon, that the reſolutions were not before agreed to.

Mr. *Grey* alleged, that through the whole courſe of the Miniſter's unaccountable conduct reſpecting this buſineſs, whether it proceeded from diſunion of ſentiment in thoſe with whom he acted, or from whatever cauſe, there was an abſence of ſyſtem and method, which was as difficult to be explained, as the meaſures themſelves were incapable of being defended. The mode, ſuch as it was, had been deſcribed, by ſome, as plain, ſimple, and direct; and in this praiſe he was ready to concur, if any one could prove to him, that intricacy was plainneſs; that embarraſſment was ſimplicity; and that direct-

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neſs was to be traced in indeciſion and uncertainty. The order of a good plan was always to be found in its proportions and ſymmetry; but the diſorder of a bad one, was evident in the abſence of both. Nor did he ſee any one end the motion now before the Houſe would tend to, except the introduction of delay. If ſuch an addreſs to his Royal Highneſs was thought neceſſary, it ſhould have been done previous to the diſcuſſion that the ſubject has undergone. He admitted that the correſpondence which the Miniſter, very ſingularly called a *confidential* one, between him and the Prince of Wales, was not matter for the Houſe to go upon; and when they were about to lay before him their plan, they ought certainly to ſubmit the *whole* of it, which could not be done till the different proviſions ſhould be made in the bill. If it was meant as matter of reſpect to the Prince, he could only wiſh that his Royal Highneſs had been treated with a little more of it in the courſe of theſe proceedings. He aſked what would be the effect of the communication in the preſent ſtage? The Prince by any anſwer he might give to theſe reſolutions, could not be ſuppoſed to bind himſelf to the acceptance of the Regency under ſuch limitations or alterations as it might undergo when in the ſhape of a bill; nor could the Houſes ſo bind themſelves to the preciſe circumſtances contained in theſe words,

words, as to preclude all diſcuſſion of them in the ſubſequent ſtages.

Here a converſation took place very foreign to the ſubject of debate, in conſequence of Mr. *Brandling* having obſerved, with ſome degree of ſeverity, on the conduct of the Sheriff of Northumberland, reſpecting the oppoſition which an addreſs from that county to Mr. Pitt had met with. This having paſſed over,

Mr. *Sheridan* ſaid, there were two things that he owned would incline him to agree to the addreſs; one of thoſe was, that it was underſtood the idea ſo haſtily ſuggeſted on a preceding evening, of limiting the duration of the Regency, was abandoned, and the reducing the form of the conſtitution to a Republic, by making the election of a ſupreme governor annual, would no longer be inſiſted on. He declared, when this idea was firſt ſtarted, the Right Hon. Gentleman ſeemed to be ready to embrace it; he could not therefore but wonder at the ſort of acquieſcence manifeſted by the Houſe at a propoſition of ſo monſtrous a nature, tending, in the firſt inſtance, to change the form of the conſtitution. The reſolutions, he ſaid, upon the face of them, appeared permanent, ſince they contained nothing which pointed out that they were calculated merely to ſubſiſt for a limited time, and to anſwer an emergency of only a temporary nature, although upon that ſingle ground, urged by the Right Hon. Gentleman,

man, and other gentlemen, in debate, had the Houſe been called upon to vote the reſolutions. He enforced the neceſſity of accompanying the reſolutions, when laid before his Royal Highneſs, with ſome intimation of this very material circumſtance; and before he ſat down, declared he would move an amendment to the motion, in order to add words to that effect.

Mr. Sheridan added a few other obſervations, and concluded with moving, by way of amendment, to add to the motion, "that the reſtrictions were "formed on the ſuppoſition that his Majeſty's "illneſs was only temporary, and might be of "no long duration." Theſe words, he ſaid, he had taken out of the Right Hon. Gentleman's letter to the Prince of Wales, which was already before the public, and therefore he did not imagine that any objection could be made to his amendment by the Right Hon. Gentleman, or any other member, but that the amendment would be agreed to, as a matter of courſe.

The Chancellor of the Exchequer ſaid, it was true he had agreed that the reſolutions were fit only for a temporary purpoſe; and though the Houſe had agreed to them on that ground, the impoſſibility muſt be ſeen, of fixing beforehand the preciſe time thoſe reſtrictions ſhall laſt. He complained of the Hon. Gentleman's having ſelected a few words of his letter to the Prince, and not the whole of the idea; he conceived that the caſe

ſhould

ſhould be left open for the Houſe in future to judge upon. By agreeing to the addreſs, the Houſe could not be conſidered pledged any further than to the honour and judgment on which they had acted; if they made any alteration, the Prince could not be conſidered as bound to ſubmit to ſuch alteration, by any acquieſcence he might give to the preſent reſolutions. In reply to what had been inſinuated of his diſreſpect to the Prince, he begged to ſay that he had never thought it neceſſary to ſtoop to the notice of libels induſtriouſly circulated, and which had never been avowed; if any one could ſtate a ſingle inſtance of want of reſpect to the Prince, which he conſidered as inſeparable from his duty to the Sovereign; if any man could mention in what manner he had ever behaved with diſreſpect or want of civility to the Prince, he deſired that it might be openly and manfully avowed. He conſidered what he owed to the Conſtitution, to his Sovereign, and to the people of England, to be paramount to any reſpect due to the Prince, but not inconſiſtent with it. He had ever paid the ſame reſpect to his Royal Highneſs as he had done to any other of the Royal Family. He conſidered the true reſpect that was due to his Royal Highneſs, to be the endeavour to cultivate the intereſts of the country he will ſpeedily be called to govern.

Mr.

Mr. *Grey*, in reply, ſaid, he felt himſelf awkwardly ſituated, as he could not bring forward any charge of the nature in queſtion, without appearing to ſpeak from ſome authority; but as he had undoubtedly accuſed the Right Hon. Gentleman of having treated his Royal Highneſs the Prince of Wales with want of reſpect and of attention, he would proceed diſtinctly to make out what appeared to him ſufficient grounds for that charge.—The Right Hon. Gentleman appeared to him to have behaved with great want of reſpect to the Prince of Wales, in the firſt inſtance, in the manner in which the Privy Council had been ſummoned to examine the phyſicians: If a proper reſpect had been paid to the Prince, he would have at leaſt been conſulted upon the buſineſs; but neither of thoſe marks of reſpect were thought proper, and he had only an intimation of the buſineſs by a common ſummons, tranſmitted the night previous to its being propoſed to Parliament.

The Chancellor of the Exchequer ſaid he roſe not to complain of the Honourable Gentleman's having made the charge, but ſincerely to thank him, particularly for the explicit manner in which he had ſtated it, and by which means he had an opportunity of meeting it fairly, and he believed it would be ſatisfactory to that Houſe and to the country. The firſt charge was a failure of reſpect in ſummoning the Prince to

the Privy Council; but that, if a charge, would rather fall on the Lord Preſident, who iſſued the ſummonſes. He wiſhed not, however, to avoid participating in any meaſure of that Noble Lord's, with whom he was proud and happy to act. The firſt part of the charge was, that the Prince had not been conſulted. To that he anſwered, that it was not conceived to be the duty of Miniſters, in the execution of a great truſt for the King, to conſider themſelves under the orders of the Prince of Wales, who had no authority. The latter part of the charge, of his Royal Highneſs's having had but a common ſummons, and no intimation of the buſineſs, was not true. He had a letter ſent to him from the Lord Preſident, and the ſummons was totally different to any other Privy Counſellor, except to thoſe who were Princes of the Blood. The next charge was, not having laid the plan before his Royal Highneſs, previous to its being laid before that Houſe. The Houſe, he ſaid, remembered the manner he had been called upon by a Right Honourable Gentleman (Mr. Fox) to ſtate the general outlines. He ſtated them for the information of that Right Honourable Gentleman and the Houſe, and they were communicated to his Royal Highneſs immediately on his command: the particulars were alſo communicated to his Royal Highneſs as ſoon as they were agreed to. The next and laſt charge was, having

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diſreſpectfully communicated ſuch information to the Prince; ſome had aſſerted that it had been by verbal meſſage; others that it had been by a livery ſervant. The truth, however, was, that ſuch communications were ſent by a meſſenger. If, in ſending a meſſenger with them, he had failed in etiquette, it was not from intent, but from ignorance. He had before had the honour of communicating with his Royal Highneſs in a ſimilar manner, and no diſreſpect was then entertained. In the courſe of his adminiſtration, he had frequent occaſions of communicating with his Majeſty, and he had never ſent ſuch communication in any other manner than he had ſent to the Prince. He was perſuaded that every Gentleman muſt be happy at the refutation of ſuch calumnies; and he doubted not but the Houſe, and the public at large, would judge of other reports as they will of the preſent, as falſe, calumniating, and ungrounded in every particular.

Mr. *Burke* contended, that the reſult of the Right Honourable Gentleman's general behaviour was diſreſpectful to the Prince. He inſiſted the Prince's not being conſulted relative to the Privy Council was an inſult, and that the deciding upon the queſtion of Right, without aſking whether ſuch a claim was or was not made, was a moſt atrocious act of indecency.

Mr. *Sheridan*, for the purpoſe of making the amendment more conformable to the letter of the Right Honourable Gentleman (Mr. Pitt) to the Prince, moved, that the following words be added to the amendment he had before propoſed—"But if, unfortunately, his Majeſty's recovery ſhould be protracted to a more diſtant period than there is reaſon at preſent to imagine, it will be open, hereafter, to the wiſdom of Parliament to reconſider theſe proviſions."

The queſtion was, at length, put on the amendment, which being negatived, the original queſtion for the addreſs was carried.

Mr. *Pitt* then propoſed a ſimilar addreſs to the Queen, founded on the fifth reſolution, giving to her Majeſty the care of the King's perſon, and the government of the Houſehold, which was agreed to.

MONDAY, *February* 2.

Mr. *Pitt* appeared at the Bar of the Houſe, and read the anſwer of the Prince of Wales to the addreſs of the Houſe of Commons, relative to the Regency, as follows:—

"*My Lords and Gentlemen,*

"I thank you for communicating to me the reſolutions agreed upon by the two Houſes, and I requeſt

I requeſt you to aſſure them, in my name, that my duty to the King, my father, and my anxious concern for the ſafety and intereſts of the people, which muſt be endangered by a longer ſuſpenſion of the exerciſe of the royal authority, together with my reſpect for the united deſires of the Houſes, outweigh in my mind every other conſideration, and will determine me to undertake the weighty and important truſt propoſed to me, in conformity to the reſolutions now communicated to me. I am ſenſible of the difficulties that muſt attend the execution of this truſt, in the peculiar circumſtances in which it is committed to my charge, of which, as I am acquainted with no former example, my hopes of a ſucceſsful adminiſtration cannot be founded on any paſt experience. But confiding that the limitations on the exerciſe of the royal authority, deemed neceſſary for the preſent, have been approved by the two Houſes only as a temporary meaſure, founded on the loyal hope, in which I ardently participate, that his Majeſty's diſorder may not be of long duration, and truſting, in the mean while, that I ſhall receive a zealous and united ſupport in the two Houſes and in the nation, proportioned to the difficulty attending the diſcharge of my truſt in this interval, I will entertain the pleaſing hope, that my faithful endeavours to preſerve the intereſts of the King, his Crown, and people, may be ſucceſsful."

Lord *Courtoun* appeared alſo at the Bar of the Houſe, and read the following anſwer of the Queen to the reſolutions of both Houſes:—

" My duty and gratitude to the King, and the ſenſe I muſt ever entertain of my paſt obligations to this country, will certainly engage my moſt earneſt attention to the anxious and momentous truſt intended to be repoſed in me by Parliament. It will be a great conſolation to me to receive the aid of a Council, of which I ſhall ſtand ſo much in need, in the diſcharge of a duty wherein the happineſs of my future life is indeed deeply intereſted, but which a higher object, the happineſs of a great, loyal, and affectionate people renders ſtill more important."

A Meſſage from the Lords then informed the Houſe, that their Lordſhips had appointed a Commiſſion, in the abſence of the Executive Power, to open the Parliament, which conſiſted of all the Great Officers of State, and Members of the Upper Houſe in the preſent Adminiſtration.

Mr. *Pitt* ſaid, the next ſtep which it was the duty of the Houſe to take, was to deviſe the means of gaining the Royal Aſſent to ratify theſe proceedings. Having firſt fully eſtabliſhed, by the reſolutions, that there exiſted no right whatever

ever to aſſume, in its preſent ſuſpended ſtate, the perſonal exerciſe of the Royal Authority—that the caſe was not provided for by law, nor had the conſtitution in any perſon lodged the right of ruling in the particular inſtance in queſtion—Whatever was done muſt be conſidered as the act of the Lords and Commons, reſpecting the form in which the Royal Aſſent was to be given. That maxim of the law was ſtill in full force, that the political capacity of the *King* was ſtill as perfect as in the caſe of a demiſe, or the Crown falling upon the head of a minor.

The authority then, which the Two Houſes of Parliament was to call into action, to ſanction their proceedings, muſt be the Great Seal; the only legal and *Conſtitutional Organ* of our Government, for declaring the King's Authority, and which *found* neceſſity pointed as being the proper remedy for the exiſting defect of the perſonal authority of the Sovereign. It was an inſtrument of ſuch high origin, as not to be queſtioned in the Courts of Law, but was there held and conſidered by the Judges, as concluſive and inconteſtable evidence. If it were to happen that the Throne ſhould be vacant, or that the Branches of the Royal Family ſhould be extinct, by the happy mixture of our Government, it was ſo contrived, that this *Conſtitutional Organ*, the Great Seal, as in the caſe of the Revolution, could, by the authority of both Houſes, be legally

exerciſed; by the deciſion of which, the right of appointing a Regent was acknowledged; and it now became a conſequent incumbent duty of the Two Exiſting Branches of the Legiſlature, to create and eſtabliſh *the Third.* This was neither the doctrine of legal Metaphyſics, nor any monſtrous fiction of Law: but it was that doctrine which *kept alive the name of the King*, and which was indiſpenſably neceſſary to preſerve the ſpirit of the Conſtitution. The Royal Aſſent might be obtained by a perſon aſſuming the Government of the Country as his right, or by an Addreſs of Parliament, praying him to exerciſe the authority, or by a deputed power of both Houſes. The laſt mode, which was intended to be adopted in the preſent caſe, was inconteſtably the beſt, and good in point of law. The authority for its ratification would run in the name of both Houſes of Parliament. By preſerving at the ſame time thoſe indiſpenſable forms which tend to ſhew the political capacity of the King is perfect, the Houſe would ſtrictly adhere to thoſe principles, which guided our anceſtors at the Revolution. On a ſubject which had been ſo repeatedly conſidered, it was not neceſſary further to enlarge; he therefore would move—"That the Houſe do agree with the Lords, on the ſubject of the Commiſſion under the Great Seal, for opening the Parliament."

The

The motion being ſeconded,

Mr. *Dempſter* ſaid, ſome further explanation was neceſſary, to inform the Houſe of the nature of the Commiſſion alluded to. He wiſhed to know whether the ſame Commiſſion was to open the Parliament and alſo give the Royal Aſſent?

Mr. *Pitt* replied, that in the year 1754, when George the Second viſited Hanover, Lord Hardwicke was then Chancellor; there were two Commiſſions; the firſt opened the Parliament; and a ſecond ſpecific Commiſſion was iſſued to exerciſe the Royal Aſſent, which mode of proceeding was, in the preſent inſtance, intended to be purſued.

Mr. *Dempſter* expreſſed himſelf diſſatisfied with the explanation; and remarked, that in the Reign of Henry the Sixth, when the Duke of Glouceſter was Regent, there was but one commiſſion iſſued for both purpoſes in queſtion. What was therefore propoſed, was going a ſtep beyond that neceſſity which the nature of the caſe preſcribed. Commiſſion after Commiſſion might be iſſued, and both Houſes continue in conjunction to exerciſe the function of the Royal Prerogative.

The Maſter of the Rolls maintained, that the doctrine of the preceding Speaker tended directly to take away the Kingly Authority, and dethrone the Monarch, ſtill exiſting: it went to authoriſe the Regent to exerciſe at once all the legiſlative

power of the Monarch, and which would have effectually precluded both Houſes from limiting and reſtraining the Government of the Regency.

Lord *North* contended againſt the Reſolution. The objection which he had principally to make againſt the Commiſſion propoſed to open the Parliament, and to give the Royal Aſſent, was, that it was wholly diveſted of that quality which made the Royal Aſſent valid, and of any authority. He could not conceive the force or value of any *Aſſent*, were there was no power of *Diſſent* inherent or attached. This creature was to be raiſed up, merely to receive the mandates of the Two Houſes of Parliament, not to execute the office of the Third Branch of the Conſtitution.—Every conſideration ſeemed to be enveloped in that of the Great Seal, as if the *Great Seal* were a divine eſſence, ſuperior to the Royal Power itſelf. No one, his Lordſhip declared, could have a greater reſpect than he had for that inſtrument, and for thoſe who had it in their poſſeſſion; but he could not conſider an inſtrument a mere Tool of Government, as co-ordinate with Majeſty. As the Reſolutions had been brought forward, it ſeemed that the intention was to have two Commiſſions. At this rate they might go on, and continue for the whole ſeſſions, nay, for ſeveral years, if his Majeſty's illneſs ſhould laſt ſo long, paſſing bills, by the ſole authority of the Two Houſes, under the fiction

fiction of their having the aſſent of the Third Branch of the Legiſlature. It had been urged, as a juſtification of this perverſion of law, that the Great Seal affixed, no matter how, to any act of the Two Houſes, was ſo far equivalent to the Royal aſſent, as to be undeniable authority in every Court of Record. In any of the Courts of Law, he was ready to allow, that nothing could be averred againſt a record; but a plea might be entered againſt *the exiſtence* of ſuch record. The fixture of the Great Seal was neceſſary to an act of Parliament; but did it not alſo require the Royal ſignature? The commiſſion at leaſt for opening the Parliament, could not be valid without the Sign Manual; and in the preſent caſe, how was this to be obtained? Thus the record would be incomplete, and every act paſſed under that commiſſion, might be invalidated, and over-ruled.

A Right Honourable and Learned Gentleman had gone ſo far as to ſay, that the ſtep which it had been propoſed to take on his ſide of the Houſe, to addreſs the Prince of Wales to aſſume the exerciſe of the Royal Authority, during his Majeſty's illneſs, would not be merely a ſuſpenſion of the Kingly Office, but would go the length of virtually *dethroning the King*. What then would their own commiſſion do? Would it not, in the aſſumption of the Regal Power, by the commiſſioners to be nominated by Parliament,

ment, equally dethrone the King? His power would be ſuſpended, and his functions delegated as much in the one caſe as in the other. What had they met for, and what had been the object of their deliberations? Was it not to appoint ſome ſubſtitute to ſupply the defect occaſioned by the inability of the King? therefore, if the doctrine of the Learned Gentleman were true, they had met to *dethrone him*, and were now deliberating on the mode of doing it. He had applied this ſtrong expreſſion to the propoſed transfer of the legiſlative part only of the Royal Authority to the Heir Apparent, for the ſettlement of the Government, without the introduction of any unconſtitutional medium, and exactly as it was, in that extraordinary way, intended to ſettle it. But he appealed to the very Precedents which the Learned Gentleman had alluded to, and which he would find furniſhed an argument againſt himſelf. In the reign of Henry VI. and during the minority of that King, the Duke of Glouceſter had been inveſted with the whole of the Sovereign Authority, both Legiſlative and Executive, with the aſſiſtance only of a Council. The ſame power was afterwards given to the Duke of York; yet it had not been ſo much as hinted, that the Minor King, then incapable to exerciſe the functions of a King, was by this temporary transfer of his Prerogative, deſpoiled of his Throne.

Lord

Lord *John Townſhend* confeſſed himſelf at a loſs to diſcover, if that perfection in the political capacity of the King exiſted, the reaſon for new-modelling the Executive Authority. There was no diſſolution in the Government; the proceedings of the Courts of Judicature were not ſtopped; private property throughout the kingdom ſtill remained protected; no apology therefore could be made for violating the principles of the Conſtitution. As the Great Seal was meant to be exerciſed, it could not legally be conſidered as a record, for it was deficient in what was eſſential to make it valid—the King's Signature. The plan propoſed by Oppoſition for addreſſing the Prince to exerciſe the Regal Authority, would, he ſaid, have avoided this complicated and dangerous ſyſtem, in which the Miniſter had involved himſelf and the country.

The Attorney-General obſerved, that Lord *John Townſhend* had, by his arguments, both deſcribed the nature, and corroborated the exiſtence of the political capacity of the King, in ſaying that the proceedings of the Courts of Juſtice were not impeded by the preſent perſonal ſuſpenſion of the King's Authority. They were ſtill alive, and in full vigour, from the duty of Lord Chief Juſtice down to that of the petty office of a Conſtable—when, as at the Revolution, the Throne was vacant, or in the caſe, as it is called, *propter defectum ſanguinis*, the Courts of Juſtice were

not open. During a Monarch's infancy, ſickneſs, or dotage, his politic capacity is incapable either of ſuſpenſion or diminution; but if there exiſt a perſonal incapacity in the Sovereign, by the earlieſt *black letter* authority it was confirmed, that the defect muſt be ſupplied by both Houſes of Parliament. The authority of the Great Seal, as intended to be exerciſed, be the hiſtory of it what it might, was a record that could not be averred againſt. When once enrolled in Chancery, it was legally binding; nor was the act invalidated in the ſmalleſt degree, becauſe the Royal Signature could not be obtained. It was in earlier reigns that the ſignature of the King uſed to be put to acts of Parliament, a ceremony which had long been diſcontinued. In paſſing letters patent, the Great Seal was uſed, and conſidered as complete and adequate authority without the King's ſignature. After making a variety of appoſite legal alluſions, he concluded by declaring himſelf an advocate for the Commiſſion, as the only legal and conſtitutional mode of ratifying the proceedings of both Houſes of Parliament.

Mr. *Burke*, after indulging himſelf for ſome time in a very inveterate ſtrain of eloquence againſt Miniſters, proceeded to a more ſerious ſtrain of argument. He urged, that a real and ſubſtantial act of the two Houſes ſhould not be coupled or united with a ſuppoſed act of the Crown,

Crown, that was wholly informal. This fiction, by which the Royal functions were veſted in the delegates of the Lords and Commons,—this uſurpation of the Great Seal, he ſaid, was nothing leſs than making war upon the Crown. It was robbing the Crown, in order that they might be enabled to pay it an uſeleſs compliment. The informality of the proceeding could not be juſtified by any good or wiſe ends that it was deſtined to attain. He had heard of order ſprung out of chaos; but this was firſtcreating chaos, for the purpoſe of eſtabliſhing order afterwards. Mr. Burke, after ſeveral other weighty arguments, and many fanciful and ingenious alluſions, apologized for any intemperance or warmth which he might have betrayed in the courſe of his ſpeech; if he had been guilty of ſuch indiſcretion, he hoped that the Committee would impute it only to its real cauſe, his regard for the Conſtitution, and the unity of the Crown.

After ſome further debate, in which Mr. Windham, Sir John Scott, Mr. Sheridan, and Mr. Rolle, took a part, the queſtion was put and carried without a diviſion. The report was then brought up and agreed to; after which it was moved and reſolved, that the concurrence of the Houſe be communicated to the Peers in a conference to-morrow.

Previous to the motion of adjournment, a ſhort debate aroſe concerning the form in which a new

Speaker

Speaker ſhould meet the Commiſſioners on the to-morrow, when it was agreed, on his own ſuggeſtion, that it ſhould be done after the precedent at the Reſtoration and the Revolution, that is, *without any form at all.*

TUESDAY, *February 3.*

As ſoon as the Speaker had taken the chair, a meſſage was ſent to the Lords to require a conference, which being granted, the ſame managers who had been employed in the former conferences were appointed to manage this.

On their return, Mr. Ryder reported, that he had given to the Lord Privy Seal the reſolutions of their Lordſhips, in which the Commons had concurred.

Soon after this, Sir Francis Molyneux appeared, and addreſſing the Speaker, ſaid, that the Lords, empowered by the authority of his Majeſty's commiſſion, commanded the immediate attendance of that Honourable Houſe at their Lordſhips bar.

This was immediately complied with; and on return of the Members, the Speaker related, that Earl Bathurſt had, in a ſpeech, informed them of his Majeſty's illneſs, and read the commiſſion for convening Parliament.

A bill

A bill was then brought in *pro formâ*, and read a firſt and ſecond time. The different orders of the Houſe were next recited; Committees of Religion, Privileges, Trade, &c. appointed, and all the other preliminary buſineſs ſettled in the manner uſually adopted in the commencement of a ſeſſion.

Mr. *Pitt* then ſaid, that as they were now a Parliament formally aſſembled under the authority of the King's commiſſion, it would be unneceſſary for him, in the preſent ſtage of a ſubject already ſo fully diſcuſſed, to ſay more than ſimply moving for "leave to bring in a bill to provide for the care and protection of his Majeſty's perſon, as alſo for the exerciſe of the royal authority during his Majeſty's illneſs."

Which being granted, and a Committee appointed to prepare and bring in the bill, the Houſe adjourned.

Thursday, *February* 5.

Regency Bill.

Mr. *Powys*, previous to the introduction of the Regency Bill, deſired to know of ſome of the Gentlemen oppoſite him, in what light the Houſe was to regard the Commiſſioners appointed by the late reſolution? Was the Commiſſion

to

to be looked on as extinct, and the Commiſſioners as *functi officio*; or was it underſtood that they ſtill retained the authority with which they had been inveſted, for any further purpoſe?

The Attorney General (Mr. Macdonald) replied, that in his judgment, the authority of the Commiſſioners was ſtill in exiſtence, and that their power was complete to proceed to any further ſtep which the two Houſes might deem neceſſary.

Mr. *Anſtruther*, after defining very accurately the powers of the preſent Commiſſion, agreed with the Attorney General that its powers were ſtill exiſting.

The Chancellor of the Exchequer having brought up the bill "for appointing a Regent, and to ſupply the defect of the perſonal exerciſe of the Royal authority, during the continuance of his Majeſty's preſent indiſpoſition," moved for the ſecond reading of the Bill to-morrow; which, after ſome converſation upon a clauſe, empowering the Queen's Council of Advice "to notify to the Preſident of the Council, or Secretary of State for the time being, their opinion of the King's recovery, and directing that thereupon the Parliament ſhould immediately be aſſembled by his Majeſty's proclamation, under his own ſign manuel," was carried without a diviſion, and ordered to be printed.

FRIDAY,

FRIDAY, *February* 6.

The Houſe being met, the Chancellor of the Exchequer roſe, and moved the order of the day for the ſecond reading of the bill "to provide for the care of his Majeſty's Royal Perſon, and for the adminiſtration of the Royal authority, during the continuance of his Majeſty's illneſs."

On the Speaker's putting the queſtion, "that the Bill be now read a ſecond time,"

Mr. *Burke* roſe, and declared himſelf aſtoniſhed that the Bill ſhould be propoſed to be read a ſecond time, without the Houſe having heard a ſyllable of its principle. He had, he ſaid, often known the principles upon which a bill had been ordered to be brought in, either totally loſt ſight of, or ſo violently ſtrained and departed from in the various clauſes, that ſcarcely a ſingle principle upon which the Houſe had originally reſolved to legiſlate, was to be found in it. It behoved the Houſe, therefore, at all times, to watch great and important bills narrowly, and to ſee that they were not deceived and deluded, and that while they meant and had reſolved to paſs a bill for one purpoſe, they were not induced to paſs one containing proviſions to anſwer a very different end. Many Gentlemen, he ſaid, as well as himſelf, had great doubts with reſpect to the validity of the commiſſion, under the authority of which Parliament had opened; but admitting, for the

preſent, that there had been exerciſed a competent power to make the two Houſes a Parliament, and conſequently enable them legally to paſs the act upon which they were proceeding, they ought to ſee what the Bill was, before they went on with it; and therefore, though he meant not to debate the ſubject at large, he ſhould take the liberty of calling the attention of the Houſe, before they read the Bill a ſecond time, to the extent of its proviſions, and the extraordinary manner in which the reſolutions that the two Houſes of Parliament had come to, were now attempted to be made uſe of and carried into effect. Never ſurely, ſaid he, was there a time when the people of England and that Houſe were ſo ſeriouſly called on to ſee what they were doing, and to examine, with every poſſible degree of prudence and foreſight, the ſerious and important conſequences their preſent proceedings might lead to. His Majeſty's incapacity to exerciſe the Royal Authority, had been eſtabliſhed to the conviction of the two Houſes, in a manner that left all poſſibility of doubt out of the queſtion; indeed, if the examinations of his Majeſty's phyſicians had not taken place, the affair would have been too clear to admit of diſpute, from a great variety of circumſtances not neceſſary to be detailed. Among other invectives againſt the Bill, he ſaid the doctrine of divine right, which had been exploded in the Houſe of Stuart, was now revived in favour

of

of another Houſe. Though he truſted he honoured her Majeſty as much as any other ſubject, he did not think ſhe ought to have that patronage. She might be nominated to hold it, but he was confident the exerciſe of it would devolve into other hands. The bill meant not only to degrade the Prince of Wales, but the whole Houſe of Brunſwick, who were to be outlawed, excommunicated, and attainted, as having forfeited all claim to the confidence of the country.

Some gentlemen ſmiling at the extent of this doctrine, and the vehemency of emphaſis with which it was delivered, Mr. Burke burſt out into a moſt violent paſſion, and reprobated the conduct of the other ſide of the Houſe, charging them with degrading the Royal Family, ſowing the ſeeds of future diſtraction and diſunion in that family, and with proceeding to act TREASONS, which the juſtice of their country would one day overtake them for, and bring them to trial.

The Chancellor of the Exchequer ſaid, he roſe to ſpeak to order. When the Right Honourable Gentleman choſe to indulge himſelf with a direct attack upon him in the ſtile of invective, in which he was accuſtomed to deliver himſelf in that Houſe, he ſeldom thought it worth his while to interrupt the Right Honourable Gentleman, and call him to order, or indeed to make him any anſwer; becauſe his ſpeeches, from their

extraordinary ſtile, and the peculiar violent tone of warmth and of paſſion with which they were generally delivered, ſeldom failed to give that impreſſion which thoſe againſt whom they were directed wiſhed them to give; but when the acts of the Houſe were called in queſtion, and a bill avowedly founded on principles which the Houſe had ſanctioned by voting them, after much diſcuſſion and debate, in the form of diſtinct reſolutions, were ſaid to amount to the outlawing, excommunicating, and attainting the whole Houſe of Brunſwick, and the Houſe was told diſtinctly and unequivocally, that they were proceeding to act TREASONS, for which, at a future day, it would be overtaken by the juſtice of their country, and brought to trial, he did hope that the Houſe would interpoſe its authority; and, when ſuch a violent breach, not only of order, but of common decency, was committed, that it would oblige gentlemen to reſtrain their violence, and not, under the pretence of paſſion, ſuffer themſelves to be betrayed into ſuch irregular, diſorderly, and unſeemly conduct.

Mr. *Gamon* roſe likewiſe, he declared, to ſpeak to order; but proceeding to mention, that the Right Honourable Gentleman had taken the liberty of alluding to an expreſſion made in the other Houſe of Parliament by a Noble Duke, to whom he had the honour of being related, he was interrupted by Mr. Speaker, who informed the

the Honourable Gentleman, if he roſe to object to any particular part of the Right Honourable Gentleman's ſpeech, he ſhould have interrupted him, and made his objection when the expreſſion that he meant to call in queſtion had fallen from him.

Mr. *Burke* roſe again, and ſaid, whenever he uſed any words that were diſorderly, he preſumed thoſe who thought proper to call him to order would ſtate what the diſorderly words were, as well to convince the Houſe that he had been diſorderly, as to enable him to explain his meaning in a regular manner. With regard to the charge of paſſion, which the Right Honourable Gentleman had imputed to him, he confeſſed he had expreſſed himſelf with warmth, originating from a deep conſideration of the great importance of the ſubject, and not from any cenſurable imbecility of temper; ſo far from it, it would have been cenſurable in him, or any man poſſeſſed of common feeling, to have reſtrained from that indication of warmth and paſſion that he had betrayed, when talking of a bill, from the proviſions of which the whole Houſe of Brunſwick were excluded. When he ſaw, that, under pretence of providing for government, there was a proviſion made for tumult, diſorder, and debility in that government, he felt as a man conſcious of the fatal effects of ſuch conſequences, muſt feel, and ſpoke warmly and paſſionately

upon the ſubject; but that warmth and that paſſion aroſe from a due ſenſe of the dreadful tendency of ſuch a proviſion; and when ought he to ſpeak of it, but when they were in the action, and in the practice of that very game of ambition of which he had complained, and to which he imputed all the ſerious and fatal conſequences that he had ſtated?

By the proviſions of this bill, the Regent could exerciſe no acts of benignity and munificence.—He could give no encouragement to the arts. The 60,000l. which was given out of the privy purſe for theſe purpoſes, was not to be touched by the Prince. Every thing requiſite to the ſplendour and dignity of a Prince had been taken from the Regent, in order to ſerve the ambitious views of one man, and to ſupport faction againſt the government of the Regent.

The Prince, by this bill was reduced to a low ſubordinate character, and with every degree of reſponſibility. He entertained as high an idea of the character of the Queen as any of her ſubjects; but he by no means thought her the moſt proper perſon to be entruſted with the giving away of ſuch an immenſe ſum of money. The Queen muſt gueſs, ſhe muſt deviſe, how the King would have diſpoſed of this money, had he been well. Why was the Prince of Wales excluded from the privy purſe of the King? Why was the Duke of York, the Dukes of Cumber-

land

land and Glouceſter excluded? The whole Royal Family were treated by this bill as if they were outlawed, attainted, and excommunicated; and the Prince of Wales was put into the ſituation of a mere clerk. Mr. Burke contended this was a complete bill of excluſion. A few perſons about the King, who, in the language of this bill, were called a Council, might make a King or not, at their pleaſure. The two Houſes had declared the King incapable of tranſacting public buſineſs;—but when he ſhall be capable of tranſacting buſineſs, will *not* depend on the two Houſes.

When the King ſhall be fit to re-aſſume the perſonal exerciſe of the royal authority is not to depend on either Houſe of Parliament. When is the King to be reſtored to the exerciſe of the royal authority?—When the Queen pleaſes.—Though no man revered more the exalted character of that great perſonage, yet he begged leave to ſay, that ſhe might miſtake. When the King is able to ſit quietly at the head of the Privy Council, he is to be called again to the actual exerciſe of his authority. You may, ſaid Mr. Burke, get a man to ſwear that a perſon is out of his ſenſes; but you never can get a man to ſwear that a perſon is in his ſenſes.

Neither the Prince of Wales nor the King's brothers were to ſee the King; but a Council are to determine the whole—Dr. Willis, or ſome

of his keepers. It was neceſſary to warn the Houſe of what they were now doing. They had been led on, by imperceptible degrees, from one ſtep to another. He was ſure, if this buſineſs had been laid before the Houſe all at once, no Gentleman would have agreed to it. They had been led on like Macbeth in the play, who ſays, *I have gone ſo far in blood, I may as well go on.* In another place, the Right Honourable Gentleman had been called *a Heaven-born Miniſter*—that was a Miniſter who had a divine right—and he ſhould not be ſurpriſed if they ſoon ſaw *a Heaven-born Monarch.*

After a ſhort reply from Mr. *Gamon*, to juſtify the expreſſion of the Duke of Chandos, the queſtion was put by the Speaker, that the bill ſhould be read a ſecond time; which being done, it was then ordered to be committed.

Adjourned till to-morrow.

SATURDAY, *February* 7.

The order being read for the Houſe to reſolve itſelf into a Committee on the Bill, "To provide for his Majeſty's perſon, and for the adminiſtration of the Royal Authority during his Majeſty's illneſs," the Speaker left the Chair, and Mr. Watſon took his ſeat at the Table.

Sir

Sir *Charles Gould* propoſed to poſtpone the oath impoſed on the Regent. This occaſioned a long and warm debate.

Mr. Burke, the Chancellor of the Exchequer, Lord Maitland, Colonel Phipps, Sir Joſeph Mawbey, Mr. Sheridan, and Mr. Burton, took part in it.

On the queſtion being put, the oath was carried.

The buſineſs began with the poſtponement of the preamble, as uſual: After which,

Mr. *Burke* objected to the words "limitations and reſtrictions," in the firſt clauſe. The objection was over-ruled.

Uniformity Clause.

As ſoon as the Chairman had read the following clauſe, "And be it enacted by the authority aforeſaid, that nothing in this act contained ſhall extend, or be conſtrued to extend, to empower the ſaid Regent in the name, and in the behalf of his Majeſty, to give the Royal Aſſent to any bill, or bills in Parliament, for repealing, changing, or in any reſpect varying the order and courſe of ſucceſſion to the Crown of this realm, as the ſame ſtands now eſtabliſhed in the illuſtrious Houſe of Hanover, by an Act paſſed in the 12th year of the reign of King William the Third, intituled, "An Act for the further limitations of the

Crown, and better ſecuring the rights and liberties of the ſubject;" or to any Act for repealing or altering the act, made in the thirteenth year of the reign of King Charles the Second, intituled, "An Act for the Uniformity of Public Prayers and Adminiſtrations of Sacraments, and other rites and ceremonies, and for eſtabliſhing the form of making, ordaining, and conſecrating Biſhops, Prieſts, and Deacons, in the Church of England;" or the Act of the 5th year of the reign of Queen Anne, made in Scotland, intituled, "An Act for ſecuri g the Proteſtant Religion, and Preſbyterian Church Government:"

Lord *North* roſe, not, he ſaid, to oppoſe this clauſe, which had been inſerted in all Regency bills, but to obſerve that it was uniformly preſerved, to ſhew that theſe ſtatutes could not be repealed, without a preliminary diſcuſſion of the ſubject in Parliament, which muſt paſs on a ſpecial bill to repeal this part of the bill then under conſideration, before it could repeal the acts it recognized. His Lordſhip commended this additional difficulty thrown in the way of an alteration of the ritual of the Church of England, and declared it had his entire approbation.

Mr. *Beaufoy* deſired to underſtand fairly, what was the object and extent of the clauſe under conſideration. If, as the noble Lord ſaid, it was not binding upon the Regent, ſo as to prevent

vent him from at any time giving his aſſent to a bill that might hereafter be brought in, for the purpoſe of taking off the diſqualifications impoſed at preſent on Proteſtant Diſſenters, and was merely meant as a freſh proof of the ſanctions of the Statutes in ſupport of the uniformity of the Church of England ritual, he ſhould have no objection; but if, on the other hand, it was underſtood to be binding on the Regent, and that under the idea of the ſanctity of the law, as it ſtood, the Regent was precluded from giving his aſſent to any bill to relieve Proteſtant Diſſenters from being, in conſequence of their religious opinions, ſubject to diſqualifications for civil offices, he ſhould have many and ſtrong arguments to urge againſt it, becauſe he thought it extremely improper to do that collaterally, which, if done at all, ought to be done directly and diſtinctly.

The Attorney General ſtated, that the clauſe did not go to the length that his Hon. Friend ſeemed to entertain an apprehenſion of: it only threw this difficulty in the way of a repeal of the Teſt Act,—it obliged Parliament, before it proceeded to the repeal of that act, to conſider the ſubject thoroughly, and to have the preſent bill before its eyes. It could, Mr. Attorney ſaid, have no other meaning than to make it imperative on Parliament, to take all the ſtatutes that referred to the ſubject into their conſideration, whenever

Parliament

Parliament thought proper to alter the Act of Uniformity, but it regarded the uniformity of the Church of England only.

The Chancellor of the Exchequer corroborated what the Attorney General had ſaid, and explained the diſtinct view of the Uniformity Act, which related to the ritual of the Church of England, and the ceremony of prayer, ſacraments, &c. of that church merely. The Chancellor of the Exchequer ſaid, nothing contained in the clauſe in queſtion, would either directly or collaterally preclude the Proteſtant Diſſenters from appealing to Parliament again, whenever they thought proper. When that reſpectable deſcription of perſons laſt applied for relief from the Teſt Act, he had ſtated his ſentiments on the ſubject fully and fairly; and although he had not ſince heard any thing that had weighed ſufficiently with his mind, to make him alter his opinion, he agreed with his Hon. Friend who ſpoke laſt but one, that whatever was done reſpecting ſo important a matter, ought not to be done collaterally. He was willing that the queſtion ſhould be diſcuſſed fairly, and diſcuſſed upon its own merits, independent of any other circumſtance. With regard to the clauſe itſelf, he took an opportunity of informing the Committee, that the particular one in queſtion, as well as ſeveral others in the bill, were inſerted as mere matters of form; not as alluſive to the preſent times, or

any

any peculiar circumſtance of the preſent times, but becauſe they ſtood in other Regency bills, and were proviſions which our anceſtors thought it neceſſary to make, by way, perhaps, of ſhewing a degree of ſuperfluous caution on a ſubject, on which it was their duty to provide every guard and ſecurity that human prudence could invent.—The clauſe was read and agreed to.

Marriage Clause.

When the Committee came to the following clauſe:

"Provided alſo, and be it enacted by the authority aforeſaid, that if his Royal Highneſs George Auguſtus Frederic Prince of Wales, ſhould not continue to be reſident in Great Britain, or ſhall at any time marry a Papiſt, then, and in every ſuch caſe, all the powers and authorities veſted in his ſaid Royal Highneſs, by virtue of this act, ſhall ceaſe and determine."

Mr. *Rolle* propoſed an amendment to the clauſe then under conſideration: he imagined no friend to the Revolution, the Proteſtant ſucceſſion, and the Houſe of Brunſwick, would diſagree with him, in wiſhing that the clauſe in queſtion, ſhould be ſo worded as to guard againſt the poſſibility of danger in the important objects to which it referred. Could he have brought himſelf to believe, that, as the clauſe ſtood at preſent, it was

ſufficiently

ſufficiently ſtrong, he would not have propoſed an amendment; or if any perſon would ſtep forward and confirm the declaration, ſolemnly made by a Right Hon. Gentleman (Mr. Fox) not then preſent in that Houſe, two years ago, he ſhould be ſatisfied. That declaration had ſatisfied at the time, nor did he mean to impeach its credibility, but as doubts and ſcruples had nevertheleſs been ſtill entertained without doors, he wiſhed thoſe doubts and ſcruples to be effectually ſilenced, and that the queſtion might be ſet at reſt for ever. He might, he was aware, be a marked man hereafter for his conduct on this occaſion, but that was not a conſideration with him, when weighed againſt the ſenſe of his duty. He ſaid, he meant no diſreſpect to any perſon, but ſpoke merely out of regard for the good of his country. With reſpect to the words of his amendment, Mr. Rolle declared he was not bigotted to them, any other words that might be propoſed, that would anſwer the ſame purpoſe, would equally pleaſe him. Mr. Rolle then moved to inſert, after the words, "or ſhall at any time marry a a Papiſt," theſe words, or "ſhall at any time be proved to be married, in fact or in law, to a Papiſt."

As ſoon as Mr. Watſon, the Chairman, had read the amendment,

Lord *Belgrave* roſe, and declared himſelf extremely ſorry to differ from his Hon. Friend,

whoſe great weight and reſpectability juſtly intitled him to every degree of attention and conſideration in that Houſe: he underſtood that at a former time, before he had the honour of a ſeat in that Houſe, when it was propoſed that an arrangement of the affairs of his Royal Highneſs the Prince of Wales ſhould be made, his Hon. Friend had riſen and declared, that he thought he could not act conſiſtently with duty to his conſtituents and his country, if before he voted for the arrangement propoſed, he did not deſire to know whether there was any truth in a rumour of a very extraordinary kind; and with this view his Hon. Friend, he underſtood, had put the queſtion, whether there was any foundation for the report of an indiſſoluble union having taken place, with a very amiable and reſpectable character, whoſe religious opinions differed from thoſe of the eſtabliſhed church of this country. A Right Hon. Gentleman, whoſe abſence that day, his Lordſhip ſaid, he moſt ſincerely lamented, and eſpecially the cauſe of it, had on the occaſion referred to, riſen immediately and ſaid, in the moſt deciſive manner, that there was no truth whatever in the reports in queſtion; that they were libellous, and neither had nor could have any foundation. Conſidering the weight due to the aſſertion of any individual member of that Houſe, and particularly to the aſſertion of a gentleman of the character and

authority

authority which belonged to the Right Hon. Gentleman in queſtion, he could not think that there exiſted any the ſmalleſt occaſion to diſcuſs the validity of ſuch a rumour over again, and therefore he deprecated any ſuch diſcuſſiion, as not likely to anſwer any good purpoſe, and truſted that his Hon. Friend would withdraw his amendment.

The Chancellor of the Exchequer agreed with the noble Lord, that the preſent was a queſtion that did not require any length of debate, though he gave his Hon. Friend behind him, full credit for the purity of his motives, and though he believed there could hardly be found a man in the Houſe, who did not feel that his Hon. Friend had, on the preſent occaſion, acted upon the moſt laudable principles, yet he muſt differ from him entirely as to the neceſſity of any amendment to the clauſe in queſtion. That clauſe had been one of thoſe to which he had alluded, when ſpeaking of the uniformity clauſe, he had ſaid, ſeveral of the clauſes of the bill were mere clauſes of form, and put in as a matter of courſe, without any ſpecial reference to the ſubject of the bill. The fact was, they found them in former Regency bills, and thought they ought not to ſhew a leſs cautious regard to the ſafety of the conſtitution than their predeceſſors had deemed neceſſary. With regard to what his noble Friend had alluded to, he ſaid he wiſhed not to advert to any

thing

thing which had formerly paſſed in that Houſe, becauſe that could have nothing to do with the preſent bill, and he did not wiſh to go a ſtep farther than the neceſſity of the caſe required.

Sir William Dolben declared it to be his opinion, that his Honourable Friend had been actuated by the pureſt motives in propoſing his amendment. —He was perfectly convinced, that he had thought the amendment neceſſary, or he would not have moved it; he believed the Honourable Gentleman had conceived, that the words he propoſed to inſert were neceſſary, merely to quiet and ſet at reſt the doubts that had been entertained, not by the vulgar and the mean, but by great lawyers, and many learned men. Such doubts ought to be done away; but he did not wiſh that the amendment ſhould be acceded to, if any learned gentleman would riſe and ſay, that the clauſe, as it ſtood, was ſufficiently ſtrong to guard againſt evaſion, and ſecure the Church and State from any difficulties and dangers that might be brought on it, by ſuch a circumſtance as that taking place; to guard againſt which, his Honourable Friend had propoſed his amendment.

The Attorney-General ſaid, it was difficult to anſwer the queſtion of the Honourable Baronet directly and ſatisfactorily; becauſe let acts of Parliament be drawn up in ever ſo ſtrong a manner, and with all the precautions that human

prudence, foreſight, and ingenuity could deviſe, it was impoſſible to ſay means might not be found to evade them; but the ſecurity given by the preſent bill, was the ſame as had been given in former times, and it had been deemed ſufficient by our anceſtors.

Mr. *Welbore Ellis* ſaid, he really did not underſtand what the Honourable Gentleman meant by a marriage in fact, or in law; for he ſeemed to have forgot that there exiſted an act of Parliament, which expreſſly declared, that his Royal Highneſs could not contract a marriage with any perſon, without his Majeſty's conſent, ſignified under his ſign manual; that act of Parliament was a full and ſufficient anſwer to every thing that had been, or could be ſaid on the ſubject.

Mr. Ellis deſired, that the 12th of George the Third might be read.

Mr. Hatſell accordingly read that clauſe of the Royal Marriage Act which provides, that previous to the marriage of the deſcendants of George the Second taking place lawfully, his Majeſty's conſent to ſuch marriage muſt be firſt obtained, and ſignified under his ſign manual; which conſent muſt have the ſanction of the Great Seal; and that all marriages, contracted without the Royal conſent being ſo formally ſignified, were declared to be null and void, and of no effect whatever.

Mr.

Mr. *Ellis* then repeated, that the act of Parliament ought to be the only anſwer given, whenever a doubt was ſtarted, whether the Prince of Wales was married in fact, or in law.

Mr. *Rolle* deſired, that the preamble to the ſtatute might be read; which having been done, Mr. Rolle ſaid, he could not pretend to pronounce upon it; but he had heard it to be the opinion of ſome of the firſt lawyers of this country, that nothing contained in the act of Parliament juſt referred to, altered or affected the clauſe in the act of William and Mary, which enacted and declared, that any Heir to the Crown, that married a papiſt, forfeited his right to the Crown. Mr. Rolle ſaid, he did not wiſh to preſs any thing upon the Houſe that was diſagreeable to them, and therefore he would not divide the Committee; he was conſcious of having done his duty by moving the amendment.

Juſt as the queſtion was about to be put, Lord *North* roſe, and ſaid, in anſwer to thoſe Gentlemen who talked of danger ariſing to Church and State, by peruſing the act that had been juſt read, it would appear that no marriage could be contracted of the kind, reſpecting which they appeared to have ſuch wonderful apprehenſions, and therefore no danger could riſe to Church and State, in the manner apprehended. It had, of late, his Lordſhip obſerved, been the conduct

of the Two Houſes of Parliament to aſſume the power of making laws; as, therefore, the proceeding to legiſlate, by two Branches of the Legiſlature, might be queſtioned, perhaps ſome gentleman might be diſpoſed to challenge the validity of an act of Parliament, paſſed legally and conſtitutionally by the Three Branches of the Legiſlature; and thence, perhaps, the queſtion of the Honourable Gentleman who ſpoke laſt. In anſwer to all ſuch, he would only ſay, that if it were a queſtion, whether an act of Parliament, regularly paſſed under all the due forms, with the joint concurrence of the King, Lords, and Commons, had the force of law, and that queſtion could not exiſt a ſingle moment, without ſuppoſing, that all the bonds of the politic ſociety which formed our Conſtitution, were diſſolved, and that we were reduced to a ſtate of nature. The act was in full force, and ſo it would remain, unleſs regularly repealed by ſome ſubſequent ſtatute. With regard to the Honourable Gentleman's motives for introducing a diſcuſſion that could have no effect, but only tended to make the acts of the Legiſlature doubtful, and to raiſe idle and miſchievous alarms throughout the country, he would not take upon him to pronounce what thoſe motives were; they might be good; they might be bad; certain he was, be the motives one or the other, the agitation of queſtions of the ſort which the Honourable

able Gentleman had ſtarted, could anſwer no wholeſome purpoſe. The Honourable Gentleman, however, had declared, he would withdraw his motion without dividing the Houſe.—He thought him perfectly wiſe in ſo reſolving; becauſe, if he had been raſh enough to divide the Committee, he did not believe there would have been a ſingle perſon to have divided with him. The Honourable Gentleman, therefore, muſt have given over all thoughts of having tellers. His Lordſhip puſhed this raillery to ſome extent, and repeated his argument in reſpect to the validity of the Royal Marriage Act.

Mr. *Rolle* and Mr. *Pitt* roſe together, but the latter perſiſted in keeping on his legs, and obtained a hearing. He began with hoping his Honourable Friend would pardon him, if he ſaid a very few words; but the manner in which the noble Lord had choſen to deliver himſelf was ſo extraordinary, that he could not help expreſſing his ſurpriſe, that when the queſtion had taken the turn that every friend to that union and quiet which the noble Lord had contended for, and which every Gentleman muſt have anxiouſly wiſhed it ſhould take, he ſhould have thought it either neceſſary or proper to endeavour to create a diviſion of ſentiment, which it ſeemed to be the wiſh of the reſt of the Committee to avoid. The noble Lord

had expreſſed himſelf in ſo taunting a manner to his Honourable Friend, that he ſeemed determined, if it were poſſible, to riſque the danger of effecting an appearance of diſunion, and of provoking his Honourable Friend to inſiſt on that diviſion, which he had handſomely declared he was willing to decline. The noble Lord, with a degree of contemptuous and inſulting raillery, had ſaid, that his Honourable Friend's motives might be good; he, therefore, ſeemed to doubt them. The noble Lord had as little right to doubt the motives of his Honourable Friend, as he had to doubt the motives of any man in the Houſe. He had thought proper to treat the ſubject with a degree of levity and of ridicule by no means ſuitable to its gravity and importance; and ſo hoſtile was his temper, that he could not agree with them in attempting to avoid a diſagreeable diſcuſſion, which, for a variety of reaſons, had better not have been gone into. But luckily the hoſtility of the noble Lord's temper was ſo harmleſs, that it could not rouſe them to a vigorous defence; nothing could induce them to depart from the line they had taken, and to which they were determined to adhere. He could not, he declared, go into the diſcuſſion any more than he had done before; it was ſufficient for him to ſay, that he took the whole of the caſe, together with the various

laws

laws that had paſſed, and all the circumſtances of the declaration formerly made in the Houſe, and putting theſe into the ſcale, they were enough to make him of opinion, that there was no ſufficient reaſon for the Committee to think the clauſe put into former Regency bills, by their anceſtors, was not a ſufficient ſecurity againſt every danger that could reaſonably be apprehended.

Lord *North* ſaid, he had not diſputed the Honourable Gentleman's motives; he had only ſaid, the agitations of the queſtions ſtarted by him might do miſchief, and could not be attended with any good conſequences. He thought ſo ſtill. The Right Honourable Gentleman had ſaid, he wanted to provoke the Houſe to a diviſion. His Lordſhip declared he wiſhed for no ſuch thing. If there was a diviſion, he probably ſhould divide with him, though he ſeldom had that honour; and as the Right Honourable Gentleman generally divided according to the ancient maxim, *divide et impera*, he ſhould not only divide with him, but obtain the object he divided for.

Mr. *Rolle* ſaid, in bringing forward the diſcuſſion, he only meant to guard the Proteſtant religion in this country from danger; that he was conſcious of having done his duty, and ſo far was he, when ſatisfied in his conſcience

that he was right, from being afraid of perſevering and maintaining a point which he had once ſtarted, that he would perſiſt, if he ſtood ſingle, and all the Houſe was againſt him. On the preſent occaſion it mattered not to him who liked, or who diſapproved of what he did; he would not withdraw his motion, though he wiſhed not to divide the Committee.

RESTRICTION *reſpecting the* CREATION *of* PEERAGES.

As ſoon as the clauſe on this topic had been read,

Sir *James Johnſtone* roſe and ſaid, he could not agree to this clauſe, becauſe he conſidered it as ſhutting the door of the Houſe of Lords againſt the Commons of Great-Britain. Sir James thought the reſtriction ought to be, in ſome ſort or other, qualified. If the Regent were allowed to make but one Peer a year, he ſhould be ſatisfied; but he could not agree that the other Houſe ſhould obtain an undue weight in the ſcale of the Conſtitution, and that the heads of wealthy and reſpectable families, who had ſeats in that Houſe, ſhould be debarred from any chance of having the honours of the Peerage conferred on them.

Mr. *Joliffe* ſaid, if the Miniſters of the King were cenſurable for ill advice, ſo were the Miniſters

ſters of the Regent; and, if the Government was intended to be well adminiſtered, it was as neceſſary that this power ſhould be in the hands of one as of the other.

The Houſe of Peers were as ſubject to a combination during a Regency, as at any other period. There could, therefore, be no reaſon aſſigned for this limitation; the only excuſe was, that it was a temporary expedient during the incapacity of the King. But why were the Peers to have a poſitive aſcendency over the other Branches of the Legiſlature, during the interval? For no avowed reaſon, but in reality to give to the Right Honourable Gentleman that influence and power, at which he had been long aiming.—Another indiſputable objection was, that no period was fixed when this limitation ſhould ceaſe: So that, if his Majeſty lived for any period, however long, and his malady continued, the Peers might, in defiance of the other Branches of the Legiſlature, ſhut their doors, and govern the country in any manner they thought proper. He, therefore, moved to limit this reſtraint for the term of one year.

Lord *North* ſaid, this reſtriction, he underſtood, like all the others contained in the bill, was grounded on the probability of his Majeſty's recovery. In debating the reſolutions, it had been admitted, that, if the period antecedent to

his Majeſty's recovery ſhould unfortunately prove a long one, this reſtriction reſpecting the power of making Peerages, would be an improper one. It was exceedingly material, therefore, to look to dates. The firſt of February, which was the time ſtated in the amendment, was almoſt a year from that day. It was two months ſince they had firſt examined his Majeſty's phyſicians, and his Majeſty had been ill almoſt as long before; the period preſcribed by the amendment would be full fifteen months from the commencement of his Majeſty's illneſs, as laid before the Privy-Council. He appealed, therefore, to the ſerious conſideration of the Committee, whether this reſtriction did not tend to make the Houſe of Peers form too great a balance in the Conſtitution, to overweigh the Lower Houſe, and deſtroy the equipoiſe which the Conſtitution had wiſely given to the Three Branches of the Legiſlature. His Lordſhip repeated his former argument, that, if the clauſe paſſed without limitation, it would tempt the Houſe of Lords to retain the power it gave them, and to refuſe to part with it, when circumſtances might hereafter render it adviſeable to take off the reſtriction. By limiting the duration of the reſtriction to the firſt of February, he contended, that the Houſe would reſerve its own right to exerciſe its authority: whereas, if they paſſed the reſtriction without any limitation, they would deprive themſelves of the power of exerciſing

exerciſing their own diſcretion, and lay the Houſe of Commons at the mercy of the Houſe of Lords.

Mr. *Pitt* declared he objected to the amendment on the ſame ground on which he objected when the reſolution had been under diſcuſſion in the committee on the ſtate of the nation. The noble Lord had urged the ſame reaſons againſt it which he had then advanced, and which had then been anſwered, and therefore he ſhould not repeat his argument over again. With regard to the amendment, he thought one year too ſhort a time for a limitation, if a limitation of any particular reſtriction was deemed neceſſary. Mr. Pitt agreed with the Honourable Gentleman who ſpoke laſt, that it was perfectly fair for thoſe Gentlemen who had deemed ſome limitation neceſſary, to object to the amendment as propoſing a limitation of too ſhort a time.

Mr. *Burke* ſaid, he deſired, in the firſt place, to be ſhewn when in any Regency Bill, preceding the preſent, there had been a limitation of peerages? He contended that the preſent limitation muſt be propoſed on a ſuſpicion that the Prince would abuſe his truſt, or that his Royal Highneſs's friends were men to be ſuſpected, or from the affected motive that the King would be hurt if, upon his recovery, he found a change of tables, chairs, and ſtools about his perſon; for it was not leſs abſurd to ſuppoſe

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one thing than the other. Mr. Burke, in order to exemplify his argument that the King had, at various times, ſuffered different men to increaſe the peerage, ran through a liſt of the various adminiſtrations of late years. He firſt mentioned Lord Rockingham, whoſe power, he ſaid, had been as large as his heart, and yet, when he poſſeſſed it a ſecond time, he uſed it with mildneſs. In this part of his ſpeech he ſuffered his natural warmth to hurry him into a violent invective againſt the ſupporters of the Bill, and imputed their inſiſting on ſuch a reſtriction as that under conſideration, to the blackneſs of their hearts, and the nature of their rooted malignity. He charged every man who ſhould vote for the reſtrictions fully and explicitly with the worſt motives, becauſe he could not ſuppoſe they would vote without. With regard to the probable prodigal making of Peers, Mr. Burke ſaid, it was a ſlander; the conjecture could not be formed from the Prince, becauſe thoſe who aſcribed it did not know him;—it could not be from Oppoſition, becauſe their power had before been exerted without abuſe: the Duke of Portland, for inſtance, had often ſerved his Majeſty; firſt as Lord Chamberlain, which place he filled with high honour; then as Lord Lieutenant of Ireland; and laſtly, as Firſt Lord of the Treaſury, and in each capacity the Noble Duke had acted to the ſatisfaction of his Sovereign. Would it

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be contended, that his Majeſty could be pleaſed only by one perſon? Let it be remembered how many and how different the ſort of men were, that he had at different times favoured. The Earl of Shelburne, who was at one time generally ſuppoſed to be diſliked by the King, was at a particular period favoured. The Right Honourable Gentleman alſo, who was once the laſt perſon likely to be in favour at Court, had ſince been a favourite, and had well repaid that favouritiſm. Why then was it to be ſuppoſed, that perſons who had been once in his Majeſty's favour might not be ſo again? There never had been ſo many peerages made, Mr. Burke ſaid, as during the preſent adminiſtration. He put it to their conſcience, when they conſidered what they were doing, whether they were acting juſtly, acting as they did? declaring that their conduct would only vex him at the moment, as any other inanimate thing might that came in his way, without ſeriouſly diſturbing his judgment, or affecting his mind.

Mr. *Thiſtlethwaite* ſaid, as he had not delivered his ſentiments before, he now took the opportunity of declaring, that he highly applauded the conduct of the Right Honourable Gentleman, (the Chancellor of the Exchequer) being convinced he had not ſhewn the leaſt diſreſpect to the Prince of Wales, and that there was not, in his

his opinion, any foundation for the complaint of a crippled Regency.

The peerage reſtriction being voted, the Houſe at length proceeded to the reſtriction relative to penſions, reverſions, offices for life, &c. when

Lord *North* roſe, and renewed his argument, that the King ought, on his recovery, to find himſelf in no worſe ſituation than before his illneſs; and that, therefore, although the Regent might be reſtrained from converting any place during pleaſure into a place for life, he ought to be enabled to grant places for life as they fell in. His Lordſhip then moved, as an amendment, to inſert words ſubſtantially importing "that the Regent ſhould have no power to grant ſuch places for life, as were, on the firſt of November laſt, places during his Majeſty's pleaſure."

After ſome converſation between Lord North, the Maſter of the Rolls, and the Chancellor of the Exchequer, the latter arranged the amendment, ſo as to make it fall in naturally with the conſtruction of the ſentences of the clauſe; upon which Lord North returned thanks to the Right Honourable Gentleman for his arrangement, and the queſtion on the amendment being put, was negatived.

Lord North next ſuggeſted the propriety of an amendment, grounded on the probable circumſtances of the Regent's having occaſion to appoint a Lord Chancellor, or Lord Keeper. In

that

that caſe, the Regent muſt neceſſarily look to high ſituations in the law, or to Barriſters in great practice; and as the place of a Lord Chancellor was precarious, from its being a political ſituation, it could not be expected that any man would quit the Bench, or the Bar, without ſome ſecurity, in caſe of diſmiſſion from the office of holding the Great Seal, &c. His Lordſhip enlarged much upon the point, and obſerved, that Judges held their offices *quamdiu ſe bene geſſerint*, and that the place of a Lord Chancellor was properly during pleaſure. What, therefore, ſaid he, could induce a Judge, who held his office for life, or a Barriſter, who might get from five to ſeven thouſand pounds a year by his practice, to quit either for the Great Seals, which he might not perhaps hold for a fortnight, unleſs ſome ſecurity was afforded him by a reverſionary office? He reminded the Committee, that the avowed principles on which it was declared a Regent ought to be appointed, was, that he ſhould chuſe his political ſervants, and ſurely it would be admitted, that a Lord Chancellor was as eſſentially a political ſervant as any other whatever; he declared, therefore, that he had prepared ſome words to come in by way of addition to the clauſe, but he did not think that a ſufficient ſecurity; becauſe, in caſe a place of reverſion was given to a Lord Chancellor, upon either reſignation or diſmiſſion, the perſon who had held the ſeals might

be a conſiderable time without any proviſion. He therefore meant to move a clauſe, (which he was aware might be propoſed at the end of the Bill, but which he thought it fair to ſtate then, as it made an eſſential part of the conſideration) that the Regent ſhould be empowered to grant ſuch perſon, accepting the office of Lord Chancellor, a floating penſion of 2700l. a year. His Lordſhip here explained, that the reaſon of his taking the particular ſum of 2700l. a year was, becauſe that was the ſum allotted by Mr. Burke's Bill for the reform of the Civil Liſt to Tellers in the Exchequer, in lieu of former emoluments. He concluded with entreating that, although it was a ſmall irregularity, both the one and the other might be read, as they made a part of the ſame object.

The amendment and the intended clauſe were accordingly read by the Chairman.

The Marquis of Graham objected, with conſiderable ability, to the amendment and the clauſe, becauſe he conceived they tended to give the Regent a power beyond any the Crown enjoyed.

Mr. *Pitt* ſaid, he believed it was not Parliamentary to diſcuſs whether there was a certainty of finding a ſucceſſor to the Noble and Learned Lord who now held the Great Seals of this country. When this matter had been alluded to by the Right Honourable Gentleman who was abſent, he had fairly ſtated what he thought to be

the fact, that there ought to be the means of inducing a perſon, fit to hold the office, to take the Great Seal. He did not, however, conceive that the Houſe ought to anticipate ſuch a vacancy, and to provide for it before it happened. Whenever the occaſion occurred, a bill might be brought in to provide for it, and he ſaw not the ſmalleſt objection that could be made to it; but if they agreed to it now, they would ſeem to anticipate a declaration of an opinion, that the Regent muſt neceſſarily have a new Chancellor,—an event which would be ſeriouſly lamented by the country.

Mr. *Sheridan* pointed out a variety of poſſible caſes that might occur, ſuppoſing the preſent Lord Chancellor was to continue in office, and yet an occaſion might offer to induce him to quit his ſituation. He added, the Right Honourable Gentleman had ſo often ſignified his departure from office, and taken leave of the Houſe again and again, that it was wonderful he had not ſignified the preference the Lord Chancellor gave his probable ſucceſſors, compared with the preſent Miniſters.

Mr. *Pitt* ſaid, that the Honourable Gentleman had indulged himſelf in imputing words to him which he had never ſpoken, and applying arguments he had never uttered. The Honourable Gentleman had ſaid, he had ſignified his departure from office. It is true that his ſucceſſors

had been named to him, but he had never yet heard any thing that authoriſed him to ſay he was about to quit his place. When he did hear any thing like it, he ſhould have much to ſay to that Houſe, to expreſs his acknowledgments for the honourable ſupport he had received, to confeſs his obligations to them, and to declare his hopes that he ſhould not quit his ſituation, avowing principles leſs worthy their regard and eſteem than he brought with him into office.

Mr. *Sheridan* replied, that the Right Hon. Gentleman would, without doubt, make an excellent delivery of *his laſt dying words and confeſſion.*

Mr. *J. H. Browne* delivered a very handſome panegyric on Mr. Pitt's adminiſtration.

The Committee then proceeded through the next clauſe, reſpecting the Duchy of Lancaſter, after which the Houſe adjourned to Monday.

Monday, *February* 9.

Regency Bill.

The Chancellor of the Exchequer called for the order of the day, and the twelfth clauſe being read,

Mr. *Dempſter* ſaid, as he found by that clauſe, the Prince of Wales was not to have any thing to do with the perſonal eſtate of his Majeſty, he begged to know, who was?

The Chancellor of the Exchequer ſaid, the queſtion the Right Hon. Gentleman had put was, whether there was a poſitive proviſion; in anſwer to which he declared there was, but they knew nothing of that perſonal property; he knew not where it was; but if the King poſſeſſed it, it muſt be in the hands of a truſtee.

Mr. *Anſtruther* deſired to know, who thoſe truſtees were. The property might be ſquandered away. They did not know to whom to apply, or if they did, they might not be able to get at it. If they took care that the ſon ſhould not embezzle that property, they ought to take care alſo that nobody elſe ſhould. Mr. Anſtruther ſaid, he ſhould propoſe a clauſe appointing the Princes of the Blood, the Lord Chancellor, and the principal Judges, he meant the Chief Juſtices of the courts of King's Bench and Common Pleas, Truſtees.

The Chancellor of the Exchequer ſaid, as it was a ſeparate clauſe, it had better be offered at the end of the bill.

Mr. *Anſtruther* acceded to the propoſition.

The thirteenth clauſe was read, and carried without any obſervation.

The fourteenth clauſe, providing for the payment of his Majeſty's houſehold, under the direction of her Majeſty, being read,

Sir *James Erſkine* oppoſed it, as granting larger powers than were neceſſary to be granted; and

conſidered, that the expence of the houſehold might be much decreaſed.

The Chancellor of the Exchequer ſaid, that ſome circumſtances ariſing from his Majeſty's ſituation, rather tended to increaſe than diminiſh the expence of ſome parts of the houſehold.

Mr. *Sheridan* objected to the clauſe as wholly unneceſſary, and as tending to create a double government of the houſehold, in the Queen, and in the Treaſury.

The Chancellor of the Exchequer replied, that there would be no double government; the Treaſury having nothing more to do with the houſehold by the preſent clauſe, than to iſſue the ſums ordered.

Mr. *Burke* objected to the clauſe, as tending to the ſubverſion of the privileges of the Act of Eſtabliſhment of the Civil Liſt; and as tending likewiſe to the ſubverſion of economy, and calculated only for the purpoſe of providing for a favourite and neceſſary corps.

The debate was here interrupted by a Meſſage from the Lords relative to the trial of Mr. Haſtings, which being delivered, the 14th clauſe became the ſubject of the adjourned debate.

A ſhort converſation enſued upon the clauſe, in which Mr. Pitt, Mr. Sloper, Mr. Burke, Mr. Sheridan, Mr. Powys, the Attorney General, Sir James Erſkine, and Lord North, took part.

Mr.

Mr. *Powys* moved that the clauſe be poſtponed, in which motion he was ſupported by Lord North, upon the ground of the propriety of deciding upon a ſubſequent clauſe firſt, which was the baſis of the preſent.

This motion being perſiſted in, the Committe divided :

Ayes 87 ; Noes 132.

Majority 45 againſt its being poſtponed.

The clauſe was then put and carried without a diviſion.

The fifteenth clauſe was put and carried without any converſation.

The ſixteenth clauſe, relative to the Privy Purſe of his Majeſty, was next propoſed, which was oppoſed by Mr. Dempſter, Sir William Cunnyngham, Mr. Burke, Sir William Molesworth, and Mr. Sheridan ; and ſupported by the Chancellor of the Exchequer, Mr. Dundas, Sir James Johnſtone, and Sir Benjamin Hammett.

It was oppoſed upon the ground of the impropriety of refuſing to his Royal Highneſs the Prince, who was to ſupport the dignity of the Crown, the power over the Privy Purſe, amounting to 60,000l. per annum, out of which, by the clauſe, was to be taken 16,000l. and given to her Majeſty, for purpoſes unknown to Parliament, and the remainder to be improperly locked up from the Prince, and to be left, in caſe of

his Majeſty's indiſpoſition continuing, to the diſpoſition of Parliament.

On the other hand, it was ſupported upon the propriety of continuing his Majeſty's benefactions, and on the impropriety of ſeizing the moment of his Majeſty's indiſpoſition, to ſtrip him of his property. The 16,000l. which had been ſaid to be given to her Majeſty for purpoſes unknown to Parliament, was explained in the following manner; 12,000l. was given to pay an eſtabliſhed liſt of charities, ſettled by his Majeſty; and the remaining 4000l. was to enable her Majeſty to continue his Majeſty's benefactions to thoſe perſons who were not on the liſt, but who ſhe knew received charity of his Majeſty to that amount.

Sir *William Moleſworth* was willing to agree to the ſum propoſed to be taken from the money of his Majeſty's Privy Purſe, that was appropriated to the charities mentioned; but not thinking it proper that the remainder ſhould be kept from the Prince, he moved, as an amendment, to add the words, "and that the remainder ſhall be paid over to the Treaſurer of the Privy Purſe of the Regent."

Upon this amendment the Committee divided,

Ayes 101; Noes 156.

Majority 55 againſt the amendment.

The ſeventeenth clauſe was next read, veſting in her Majeſty the care of the King's perſon, and the government of the houſehold.

Mr.

Mr. *Powys* objected to that part of the clauſe which gave her Majeſty power over the Houſehold; he condemned it as a diviſion of power with the executive authority, which was unjuſtifiable and inadmiſſible; the power given her Majeſty over the houſehold, and the clauſe reſtraining the Regent from creating Peers, gave a dangerous controul over the two Houſes, and the country, which was put into irreſponſible hands. After arguing upon the miſchiefs that might reſult from ſuch a meaſure, he concluded by moving an amendment to the preamble of the clauſe, leaving it open for future reviſion.

The Chancellor of the Exchequer agreed to the amendment, and ſaid, in the courſe of the whole buſineſs before the Houſe, one of the principles he had ever invariably maintained was, that the whole of the bill ought ever to be kept open, and ſubject to the future reviſion and alteration of Parliament.

The queſtion on the amendment being put and agreed to, it was inſerted in the clauſe.

Sir *Peter Burrell* ſpoke againſt the latter part of the clauſe, the patronage given by which, he ſaid, was ſo looſely expreſſed, that it was impoſſible to aſcertain the amount of it, and of which he conceived the Houſe ought to be acquainted previous to their adopting the clauſe.

The Chancellor of the Exchequer acquainted the Hon. Baronet, that the whole amount of the ſa-

laries of the houſehold, from the great officers at the head of the different departments, down to the moſt menial ſervants in any of the palaces, or the ſtables, was no more than 100,000l. per annum; out of that ſum there was no more than about thirty thouſand pounds received for ſalaries by members of the two Houſes of Parliament; there were ſeven in the Houſe of Commons, whoſe ſalaries amounted to about 4000l. and eighteen Lords in the other Houſe, whoſe ſalaries amounted to about 26,000l Such influence, he ſaid, was not, in his opinion, likely hereafter to preclude any reviſion, or neceſſary alteration in the ſyſtem propoſed for the preſent emergency.

Sir *Peter Burrell* returned his thanks to the Right Hon. Gentleman, for his clear and explicit explanation.

Lord *North* ſaid, notwithſtanding all that had been urged, he did not ſee that it was a ſelf-evident propoſition, that all the officers of the houſehold muſt be made ſubject to the controul and nomination of the Committee of the King: nor could he conceive that the Queen ought to have any power or controul over any officers of the houſehold, excepting only ſuch of thoſe officers, as were from their ſituations in the houſehold, obliged to attend upon the King's perſon: the reſt of the officers ought not, in his opinion, to be under

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the controul of the Committee of the King, but annexed to the King's repreſentative, the perſon who actually exerciſed the royal authority. Why could not the Right Hon. Gentleman try to ſeparate the houſehold? To ſeparate the regal office from the royal prerogative ſeemed no difficult point; but to ſeparate the grooms, the equerries, and the pages, from the Lord Chamberlain, the Lord Steward, and the Maſter of the Horſe, had been deemed almoſt impracticable, and yet it was of the utmoſt conſequence. He aſked, which of the two evils was the greateſt, and which was of the moſt importance, and eſtabliſhed the worſt precedent? The ſeparating of the houſehold, or the withholding from the Regent the ſource of that general influence which the Conſtitution had deemed neceſſary to be given to the Crown and to the executive power of the country; that general influence without which the Crown could not exerciſe its duties. In all general influence there was neceſſarily, his Lordſhip ſaid, a degree of parliamentary and political influence: but he ſaw no harm in that; and yet that influence was treated as of very little conſequence. The Right Hon. Gentleman had acknowledged that eighteen Peers of Parliament belonged to the houſehold; did Gentlemen conſider, that eighteen Peers voting on one ſide, made the difference of thirty-ſix on a diviſion, and was that nothing? He did not ſay a bad uſe would be

made of that influence, but the withholding it from the perſon exerciſing the royal authority, was contrary to the principles of the Conſtitution. But it had been ſaid, it would be a comfort to the King to ſee his houſehold about him: for his part, his Lordſhip declared, he could ſee no comfort that could derive to his Majeſty during his illneſs, by having this power of his repreſentative veſted in other hands. Who would ſay that his Majeſty himſelf, when he recovered, would not revolt at ſuch a principle! He had not heard what ſingle royal duty was not expected from the Regent; if, therefore, the Regent was to continue charged with the whole duties of a King, why was he to be curtailed in his prerogatives? The conſequences of introducing ſuch a new principle into the Conſtitution, might, when his Majeſty ſhould be reſtored, diſturb the peace of his reign. The Conſtitution annexed all the power of the royal prerogative to the Crown, becauſe all the power was neceſſary. If it were not neceſſary, it was too much; and if too much, it was pernicious, and ought to be aboliſhed. His Lordſhip concluded with declaring, that he had delivered his firſt teſtimony againſt the idea of its being right to ſeparate this patronage of the houſehold from the perſon that held the ſituation of the King.

After ſome obſervations from Mr. Groſvenor in favour of, and General Norton, Mr. Wilbraham, and Mr. Keene againſt the clauſe,

Mr.

Mr. *Pitt* roſe again. He obſerved, that the grounds of objection to the clauſe were now ſtated to be, that of parliamentary influence; a ground which he would venture to ſay it was wholly unuſual to take broadly and openly in that Houſe: becauſe whatever might have been Gentlemen's private opinions reſpecting that peculiar kind of influence, it never had been avowed to be neceſſary to government, till the noble Lord had thought proper to avow it that day. When it was ſaid that it was neceſſary to keep up the ſtate and ſplendour of the Regent, by decorating him with thoſe external marks of the royal dignity, ought not the King's dignity to be kept by ſuch marks? Ought they, in the earlieſt moments of his Majeſty's illneſs, to be eager to ſtrip him of every mark of dignity, in order to deck out the Regent with unneceſſary powers? Mr. Pitt contended, that they ought not; but it was their duty to manifeſt that they had not forgot the reſpect and reverence due to a Sovereign who had throughout his reign proved himſelf the father of his people. He ſaid gentlemen were aware that it was intended, at a fit opportunity, to provide for the Regent ſuch an eſtabliſhment, as ſhould be adequate to diſtinguiſh him by a degree of ſtate and dignity, which, the exalted ſituation he was to fill, rendered neceſſary for the honour of the nation.

Mr. *Marſham* ſaid, he would affirm that there were Members of Parliament under influence. He reminded the Committee how often they had

attempted, by various bills, to prevent perſons holding places, from having ſeats in that Houſe, and ſaid it was no reflection on the perſons ſo diſqualified. He inſtanced the Exciſe and Cuſtoms, in which every perſon enjoying a ſalary of 400l. or 500l. a year, was, by act of Parliament, rendered incapable of a ſeat in that Houſe. With regard to the influence reſulting from the patronage of the King's Houſhold, if the Right Hon. Gentleman would add to it the weight of influence ariſing from the Members of the two Houſes holding places in the Houſhold of the Queen, and would put the parliamentary influence of the two Houſholds together, he would find that the number would be nearer ſixty than thirty.

Mr. *Powys* wiſhed to enter his proteſt againſt the propoſition ſtated by the Right Honourable Gentleman; declaring that he would oppoſe the motion for a new Houſhold, whenever it ſhould be brought forward.

Mr. *Sheridan* condemned the idea of the Queen's having the power to change the officers of the Houſhold in her own name, obſerving that they had all been appointed in his Majeſty's name. If it was ſo neceſſary to keep the Houſhold remaining, the places ought, Mr. Sheridan contended, to be put in a ſtate of ſuſpenſion and abeyance during the continuance of his Majeſty's unhappy malady, and the words "ſalary, profits, and emoluments, left out of the clauſe. He noticed the declaration of the Chancellor of the Exche-

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quer, to make new eſtabliſhments for the Regent. He aſked how the Right Honourable Gentleman could dare to ſuggeſt ſuch an idea, after having heard the declaration from authority, that the Prince of Wales deſired to have no ſuch eſtabliſhment created as ſhould cauſe freſh burthens to be laid on the people. The Right Hon. Gentleman muſt, he ſaid, have a pretty conſiderable ſhare of preſumption in taking it for granted, that the King, on his recovery, would be pleaſed to hear that a new tax had been impoſed on his people for ſuch a purpoſe. After expreſſing himſelf with farther warmth againſt the clauſe, Mr. Sheridan concluded with declaring, that he, for one, would vote againſt ſuch an unconſtitutional diviſion of power.

Mr. *M. Montague*, in a ſhort, but neat ſpeech, defended the clauſe. Mr. Montague conſidered the idea of the Queen's obſtructing the government of her own ſon as moſt unnatural and improbable. He ſpoke of the Queen's high character and moderation hitherto, and declared that politics muſt be a ſtrange ſcience, ſo totally to obſtruct every feeling of parental regard and maternal affection.

Sir *William Dolben* ſaid, that the Regent having the office and duties of a King, ſhould alſo have the patronage of the Crown, he agreed to; but not to the aſſertion of the officers of the Houſhold being the political ſervants of the Crown. The

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ſuperior officers might, Sir William thought, very properly attend the Regent; and if there were any diſmiſſions, they ought to be in the name of her Majeſty, but the ſupply of the vacancies ſhould be in the Regent. He declared, he thought that there was as much patronage annexed to the Regency as ought to belong to it: he was aware, he ſaid, that there were many claimants for the loaves and fiſhes; that ſome would faint by the road ſide, and others the Prince would be forced to ſend empty away; but then he would have many vacancies to fill, and more would fall in every day. Sir William concluded with declaring, that he ſhould vote for the clauſe as it ſtood.

Mr. *Burke* obſerved, that the Right Honourable Gentleman had aſked if they wiſhed to ſtrip the King of every mark of Royalty, and transfer all the dignities of the Crown to another perſon? No, God forbid! when the perſon wearing the Crown could lend a grace to thoſe dignities, and derive a luſtre from the ſplendour of his Houſehold: but did they recollect that they were talking of a ſick King,—of a Monarch, ſmitten by the hand of Omnipotence, and that *the Almighty had hurled him from his Throne, and plunged him into a condition that drew down upon him the pity of the meaneſt peaſant in his Kingdom.*

Mr. Burke was here moſt violently called to order. However, after a great deal of very extraordinary

traordinary declamation, he proceeded to argue the clauſe. He cenſured the idea of giving the powers of the Crown to one, and its patronage to another. As the buſineſs was planned, the government would be weak, enervated, and altogether deſtitute of dignity. He aſked, how would the King, on his recovery, be pleaſed to ſee the patronage of the Houſhold taken from the Prince of Wales and given to the Queen? He muſt be ſhocked at the idea, unleſs they ſuppoſed that the King was a good huſband and a bad father. He referred to the Regency Bills in the reign of George the Second, and the Regency Bill paſſed in the preſent reign, and argued from both, contending that in both full powers were given. He contended alſo, that the Royal Family were noticed in each, whereas they were totally excluded from the preſent Bill, and power of an enormous magnitude was taken out of the hands of the King's eldeſt ſon, and put into the hands of a perſon not of his blood. He obſerved, that to the Queen the Houſe propoſed to be prodigal, but to the Heir Apparent they had not given the leaſt dignity in the world. The Right Honourable Gentleman, Mr. Burke ſaid, was to have 300,000l. influence when he went out; while he thought the Prince might do without any influence at all. In former times, the way to popularity was by ſtanding up in defence of the liberties of the people; but the Right Honourable Gentleman

tleman was born for the age in which he lived,—he took another road; his firſt object was, by ſome means or other, to get court favour, and having obtained indirectly ſome degree of power, he thought to gain popularity afterwards, if he could. He contended, that by depriving the Regent of the power of making Peers, they had ſhut the door of the Houſe of Lords againſt the people, and made it the great, independent, and omnipotent branch of the Legiſlature. After throwing out much perſonality againſt Mr. Pitt, he recurred to the ſentiment with which he had begun his ſpeech.

The Chancellor of the Exchequer roſe, not, he ſaid, to detain the Committee, but there had fallen ſome things in the debate, which ſeemed to call for a few ſhort obſervations. In the Right Hon. Gentleman's ſpeech, he ſeemed rather to have addreſſed him perſonally, than endeavoured to argue the clauſe in queſtion; the Right Hon. Gentleman ſeemed to think, that his going out of office was a point of greater importance than any thing contained in the clauſe under conſideration. The Right Hon. Gentleman had charged him with having told the Houſe he was going out of office; the fact was, he never had told them any ſuch thing, nor did he know that he was to go out. But ſo far was he from having ever ſaid he was to go out, that a Right Hon. Gentleman, not then preſent, had, on an early day in the

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courſe of their diſcuſſions, told him, in a way peculiarly marked and expreſſive, that he and his friends were to be his ſucceſſors; when he had, in reply, ſtated, that from the opinion he entertained of the principles of thoſe who, it was ſaid, were to be his ſucceſſors, (an opinion founded in his knowledge of their former conduct,) he thought it the more neceſſary to purſue the ſyſtem of meaſures that he was recommending, and he had made that very declaration an argument in ſupport of the meaſures themſelves. When the Prince of Wales was declared Regent, the Chancellor of the Exchequer ſaid, he ſuppoſed his Royal Highneſs would keep him and the reſt of his Majeſty's ſervants in office, or he would chooſe other ſervants, according to his own ideas of what would be moſt advantageous and beſt for the country. Whether he ſtaid in or went out, his beſt endeavours, he ſaid, ſhould be exerted for the ſervice of his country. The next argument the Right Hon. Gentleman had reſorted to by way of charge againſt him, was neither more nor leſs than a direct fiction; becauſe the Right Hon. Gentleman had choſen to ſay, that he was to have a connection with the power placed in the Queen's hands; an aſſertion entirely void of foundation, as he moſt undoubtedly was to have no ſuch connection. Another matter that the Right Hon. Gentleman had repeatedly mentioned, though he had been again and again

anſwered, and that was, that the amount of that patronage was 300,000l. a year. The Right Hon. Gentleman, he ſaid, knew little about the Civil Liſt, if he aſſerted the offices amounted to 300,000l. a year; the ſum did not amount altogether to much above 200,000l. and in that ſum was included all the approved tradeſmens bills, amounting to near half the money, and which had no connection whatever with political or Parliamentary influence. The Chancellor of the Exchequer defended himſelf from having, in his opening, called the Lord Chamberlain, the Lord Steward, and the Maſter of the Horſe, the menial ſervants of the Crown, and ſaid, it was the very term beſtowed on thoſe officers by the Right Hon. Gentleman, in his own bill for the reform of the Civil Liſt. [This appearing to be doubted by Mr. Sheridan and ſome of the Gentlemen on the other ſide, Mr. Pitt referred them to the Bill, and pointed out the clauſe in queſtion.]— He deſired Mr. Sheridan to give him his attention while he anſwered one part of his ſpeech.— He then took notice of Mr. Sheridan's aſſertion, that the beſt way to ſupport royalty was to ſeparate the perſon of the King from every royal dignity. He declaimed on this remark in moſt eloquent terms, and denied that his Majeſty was at preſent in an humiliating condition; inſtead of his ſtate being low, abject, and degrading, as the Right Hon. Gentleman had deſcribed it, it was quite

quite the contrary. His preſent viſitation of ſickneſs had excited in his ſubjects ſomething more than the loyalty they always paid him; it had rouſed in the hearts of his Majeſty's people a greater fervour of affection, which was blended with a degree of grief and compaſſion that partook of veneration and reſpect.

Mr. *Pitt* here entered upon the ſubject of the King's illneſs, in a moſt pathetic manner, that drew particular attention from both ſides of the Houſe, which he concluded by aſking, whether, if that Houſe could ſo far forget their duty and their allegiance, as to ſtrip his Majeſty of every mark of royalty and of dignity, in order to give that, which belonged properly to their rightful Sovereign, to the Regent? And, if there was no other way of providing for the ſtate and ſplendour that ought to attach to the office of Regent of the kingdom? Moſt undoubtedly, he ſaid, there was, and it was well known, that at a fit time, that eſtabliſhment would be propoſed; but the Honourable Gentleman had thought proper to ſay, that notice had been given from authority, that his Royal Highneſs would not accept of any eſtabliſhment that ſhould lay an additional burthen on the people. He expoſed the fallacy of this mode of argument, and ſhewed, that the utmoſt amount of the incomes of thoſe officers of the Houſehold, who were in the two Houſes of Parliament, was no more than 30,000l. a year,

one fourth of which was paid back again in taxes. He ſaid, he was perſuaded when it ſhould hereafter be neceſſary to ſubmit to his Royal Highneſs, that Parliament had thought an eſtabliſhment proper to keep up the dignity of his office, as well for the ſake of the national character, as his own honour, neither his Royal Highneſs would object to it, nor would the people murmur at being called on to provide for a purpoſe ſo neceſſary, and ſo proper.

Mr. *Sheridan* complained that the Right Hon. Gentleman had, in a very extraordinary manner, perverted his argument, by ſaying, that he had ſtated, that ſeparating all the Royal Dignities from the perſon of the King, was the beſt way of ſupporting the dignity of the Crown. His argument, he ſaid, was, that all that had been given in ſupport of the ſtate and dignity of the Crown, ought to be annexed to the perſon exerciſing the Royal Authority, and not to the King confined to a bed of ſickneſs, and incapable of exerciſing the functions of the Kingly office.—After ſtating the influence which would be acquired by the poſſeſſing a power over the Houſehold, Mr. Sheridan moved to annex ſome words to the clauſe, purporting to empower her Majeſty to have the direction and controul over ſuch officers of the Houſehold, as ſhould be deemed neceſſary to attend about his Majeſty's Perſon.

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The amendment was no ſooner read than Mr. Pitt ſtated his objection to it, becauſe it was inconſiſtent with the principles on which they argued, and with the mode of proceeding.—It was, he believed, the firſt time that an amendment, couched in ſuch general words, was moved in a Committee on a bill. If the amendment was agreed to, it would be neceſſary to move an additional clauſe to explain what the general words of the amendment referred to.

Mr. *Sheridan* obſerved, that the preamble of the clauſe naturally led to ſuch an amendment as he had propoſed; and as an argument in proof of its propriety, remarked, that by the bill, the Queen having the power of appointing and diſcharging the officers of the Houſehold, they would be her officers, and not the King's; and, as ſhe was not obliged to fill up the vacancies, great inconveniencies might ariſe from thence. —Suppoſe the office of Lord Steward ſhould be vacant, and the Queen were not to fill it up, who would there be to ſwear in a new Parliament, if a new one ſhould be called.

Mr. *Pitt* ſaid, that if one Lord Steward was to die, the Queen would appoint another; or if there ſhould be no Lord Steward, there would not be any great difficulty in providing for ſwearing in the Parliament.

At length, after ſome further obſervations from Mr. M. A. Taylor, Mr. Burke, and Lord

G. Cavendiſh, the Committee divided on Mr. Sheridan's amendment.

Ayes, 118.——Noes, 173.

The original clauſe was then carried, and the Houſe adjourned.

Tuesday, *February* 10.

Regency Bill.

The order of the day being read for the Houſe to go into a Committee on the Regency Bill, Mr. Alderman Watſon took the Chair, and read the clauſe which relates to the Council that was to aſſiſt the Queen in the care and ſuperintendance of the King's Royal Perſon, during the continuance of his illneſs.

Mr. *Pitt* roſe, for the purpoſe of propoſing to fill up the firſt blank, with the names of ſuch perſons as the Houſe might think proper to appoint to aſſiſt her Majeſty in the truſt appointed her for the care of his Majeſty's perſon. It would, he ſaid, be neceſſary to put the queſtion ſingly on each perſon propoſed; but for the ſatisfaction of the Houſe he would, previous to his putting any ſingle name, ſubmit to the Houſe the whole of the names he meant to propoſe to fill up the blank. Thoſe perſons, he had no doubt, would be admitted to be exceedingly proper;

proper; but as it might appear neceſſary to have other great and important perſons to aſſiſt her Majeſty, it was natural to look to the heads of the church, and the law; the perſons he ſhould therefore have to ſubmit to the Committee, as proper to be of her Majeſty's Council, were the two heads of the Church, the Archbiſhops of Canterbury and York; and the heads of the law, Lord Thurlow (Lord Chancellor,) and Lord Kenyon (Chief Juſtice of the King's Bench;) theſe perſons, in addition to the reſpect of their high ſituations, had been approved by his Majeſty, and no perſons he conceived were more proper to be appointed of her Majeſty's Council. —In addition to thoſe reſpectable perſons, he ſhould have to offer the four officers at the head of the departments of the Houſehold for the time being, viz. the Lord Chamberlain, the Lord Steward, the Maſter of the Horſe, and the Groom of the Stole; the firſt motion, therefore, that he had to make to the Committee was, "That John, Lord Archbiſhop of Canterbury, be one of her Majeſty's Council."

The queſtion being put,

Lord *North* roſe, not for the purpoſe, he ſaid, of objecting to the Archbiſhop of Canterbury, the Archbiſhop of York, or Edward Lord Thurlow, or to Lord Kenyon; theſe were all undoubtedly very fit perſons, and no objection whatever could be taken againſt them. His Lordſhip applied

this obſervation likewiſe to the other four officers. —Though he ſaw no reaſon for appointing them officially, and the firſt four by name. His idea was that ſome more perſons ought to be added to thoſe already named.—— He conceived that it would be proper this council ſhould conſiſt of a greater number than eight, and therefore he thought they might with propriety add the King's ſons, who were of age, and the King's two brothers, the Dukes of Glouceſter and Cumberland; theſe perſons were nearly related to the King by blood, by affection, and every tender tie of nature; and, therefore, extremely proper to be added to this Council, that was intended to aſſiſt her Majeſty in taking care of every thing that related to the King.

Mr. *Dempſter* expreſſed his ſurpriſe that the Speaker of that Houſe, and the Lord Mayor of London, for the time being, ſhould have been omitted; and ſignified his intention of propoſing the inſertion of thoſe officers.

Lord *Maitland* called upon the Right Honourable Gentleman for the reaſon of omitting the Chief Juſtice of the Common Pleas, and for appointing the Archbiſhops of York and Canterbury, and the Lord Chancellor, and the Chief Juſtice by name, and the other four officially.

Sir *Peter Burrell* wiſhed to know, as there were but eight Counſellors provided for her Majeſty, whether ſhe was to have the caſting vote? He

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alſo wiſhed to know why four of the Council were to be permanent, and the other four left to the nomination and removal of her Majeſty.

The *Marquis of Graham* ſaid, in anſwer to Sir Peter Burrell, that this was a Council of Advice, and not of Controul. That the Queen needed no caſting vote, and it was at her option whether ſhe ſhould take or reject the advice her Council gave her. In anſwer to the propoſition for introducing into the Council the Princes of the Blood, he ſaid there appeared to him a clear line for their excluſion; they were ſo connected with that Great Perſonage by the ties of affection, that they would be at all times ready to give their advice, and they could give it without reſponſibility; it would therefore be improper to appoint them to reſponſible ſituations, making them liable to be brought to the bar of that Houſe and examined, when other perſons of great ability, and learned in the law, could be found to occupy thoſe reſponſible ſituations. In anſwer to the propoſition for admitting the Chief Juſtice of the Common Pleas, he ſaid he knew not where they were to ſtop, if every man, wife and great enough for this Council, was to be a member of it.

After ſome general obſervations from Mr. Sheridan, Mr. M. A. Taylor, and Col. Phipps, the Chairman called the attention of the Committee to the queſtion before them.

Mr.

Mr. *Pitt* obſerved, he believed the worthy Alderman was right in the point of order; but as the true object of order was to ſave time, and ſhorten their proceedings, perhaps it would be moſt adviſable to go into the whole ſubject at once. He conceived that it would be ſtrictly orderly, if the noble Lord thought proper, to propoſe at preſent to name the Duke of York, and move to poſtpone the name of the Archbiſhop of Canterbury.

Lord *North* ſaid, he was willing immediately to propoſe the names of the Princes of the blood, and ſhould move that the name of the Archbiſhop of Canterbury be poſtponed, in order to move that the Duke of York ſhould be inſerted, by which means the Committee could at once enter into the debate on the general formation of the Council.

Mr. *Sheridan*, in order to ſhorten the debate, requeſted the Right Honourable Gentleman to withdraw his motion.

Mr. *Bouverie* wiſhed to know whether the Council were to be reſponſible for their advice?

Mr. *Addington* ſaid they were clearly reſponſible, being obliged to take an oath of office. If, therefore, a ſuſpicion exiſted of their having given her Majeſty improper advice, they would be liable to impeachment.

Mr. *Powys* wiſhed to know from the Right Honourable Gentleman, if convenient, to what manner,

manner, and to what extent, the reſponſibility attached to the Council?

Mr. *Pitt* ſaid, it was not at all inconvenient to him to give a perfect anſwer to any thing that was aſked. No truſt could be created by any means affecting the public intereſt, or could exiſt without public reſponſibility. According to every principle of the conſtitution, every truſt under government had reſponſibility attached to it. Whatever advice the Council ſhould give to her Majeſty, they would be reſponſible for ſuch advice; and if the Houſe ſhould ſee ſufficient reaſon to think that by ſuch advice his Majeſty, or the Conſtitution was in danger, they had the ſame power to enquire who were the adviſers, and call her Majeſty's counſellors to account as they had to call on the officers of government.

The Attorney General ſaid, the Houſe might on any ſuſpicion of ill advice, addreſs her Majeſty to name her adviſers; that thoſe perſons were always anſwerable, but particularly in a parliamentary truſt, and the Houſe might proceed againſt them in a parliamentary way.

Mr. *Anſtruther* ſaid, nothing was ſo clear as this: no truſt can be abuſed, without reſponſibility in the perſons ſo abuſing their truſt; and it was thence evident, that there could be no Parliamentary truſt without reſponſibility being attached to it.

Mr.

Mr. *Burke* ſaid, the Queen was reſponſible as a ſubject, and doubly ſo as a truſt was given to her. He agreed that no truſt could be given without reſponſibility; in the preſent inſtance, however, the principle was recognized and violated; for though a reſponſibility was avowed, there were no traces by which that reſponſibility was to be found. In the clauſes appointing the Prince to the office of Regent, the greateſt was by oath; but in the Queen's truſt there was no oath, nor any trace of a truſt; and though meant to ſtand apparently and avowedly as a truſt, it was not guarded as if it were really ſo. It had been urged, that the reaſon for not propoſing the Princes of the Blood was out of reſpect to them; that reſpect was to put the Princes of the Blood out of the Commonwealth, becauſe they were the firſt perſons in it. He contended that the bill was not calculated to ſhew reſpect to his Majeſty, but to manifeſt an intereſted regard for the Houſehold in its authors, and a determined effort for the ſupport of a faction. The framers of it had firſt proceeded to a violation of precedents, next to a violation of law, then to a violation of the conſtitution, and now they had arrived to a climax of violence—a violation of the law of nature.

Mr. *Powys* ſaid, that having by a diſtinct clauſe attached reſponſibility to the Prince of Wales,

they ought to attach it to the guardians of the King's perſon.

Sir *R. Sutton* obſerved, that counterſigning made a perſon reſponſible; by Addreſs to the Queen to know who the adviſer was, evil adviſers might be come at.

Mr. *Pitt* wiſhed the Committee to come to a deciſion on the queſtion before the Houſe, and expreſſed his readineſs to meet the motion of the noble Lord afterwards.

The queſtion was then put, "That John Lord Archbiſhop of Canterbury, be one of her Majeſty's Council," and was carried without a diviſion.

Mr. *Pitt* next moved, "That Edward Lord Thurlow be one other of her Majeſty's Council."

Lord *North* roſe, and ſuggeſted the propriety of moving the names of the Princes before the queſtion on Lord Thurlow's name.

The Chancellor of the Exchequer objected to poſtponing the Lord Chancellor's name.

After ſome further debate, and the Committee had decided that the eight names propoſed by Mr. Pitt, ſhould ſtand as the names of eight members of the Council,

Lord *North* moved, "That his Royal Highneſs the Duke of York and Albany be a Member of the ſaid Council."

Mr. *Pitt* declared, that he was ready to ſtate his reaſons, why he thought it neceſſary to give

his

his vote againſt the motion. Poſſibly what he had to offer, as well as his conduct on that occaſion, might be placed in the catalogue of diſreſpect, and added to the other imputations ſo unjuſtly charged upon him of meaning to manifeſt a want of due attention and regard to the younger branches of the Royal Family; be that as it might, ſo long as he was conſcious of acting upon no other principle, than an anxious deſire to diſcharge his duty faithfully, in a moment of great arduouſneſs and difficulty, he ſhould firmly adhere to the rule of conduct that he had laid down for himſelf, as moſt advantageous to his country, and as beſt becoming his own character, perfectly regardleſs of any conſequences, however perſonally injurious they might be to him. The firſt matter to be conſidered was, he ſaid, the nature of the Council in queſtion, which was to be a Council of Advice, and a Council of Advice only. It had been ſaid to be a truſt, but the truſt was to adviſe her Majeſty in the care of his Majeſty's perſon. The noble Lord had propoſed that the Duke of York, the ſecond ſon of the King, ſhould be a member of that Council. Perhaps the reaſons aſſigned by a noble Friend of his, a noble Marquis, who ſpoke early in the debate, was of itſelf ſufficient to ſhew that the appointment of his Royal Highneſs to be a member of that Council, would be both unneceſſary and improper; his noble Friend's argument remained to

that

that moment unanſwered. Moſt certainly there could be no occaſion to put thoſe Princes of the blood, who were of courſe the natural adviſers of her Majeſty, into a reſponſible ſituation, and make them members of a Council, who were to adviſe the Queen when called on ſo to do, and were to anſwer for that advice. In the common tranſactions of the care of his Majeſty's perſon, her Majeſty would naturally conſult the perſons of her own family; but when an act was to be done of a much more important nature, ſhe would then call upon her Council, who ought to be perſons diſintereſted in the advice they might give, (farther than as their general wiſhes for the reſtoration of his Majeſty's health, which they muſt feel in common with the reſt of his Majeſty's ſubjects, ſhould make them otherwiſe) and who would neceſſarily be the beſt able to adviſe her Majeſty. Whatever, therefore, they might do in form, it was clear that in the appointment of the truſt, whatever the advice might be that was given, the authority to act upon ſhould be in a ſingle perſon. Another reaſon why it would not be right, in his mind, to name the Duke of York was grounded on thoſe general principles upon which it had been deemed improper to let the Prince of Wales have any concern in the care of his Majeſty's perſon. It was the ſituation and not the character of the Prince that precluded him from being

named to a ſhare in the office of the Committee of his Majeſty; he who was to be Regent ought not to have any concern with the care of the King, becauſe being next in ſucceſſion, he was not fit to interfere in that concern. If, therefore, the Prince of Wales was unfit for ſuch an interference, reſpect to him made it neceſſary to extend the ſame general principles to the Duke of York and the reſt of the Royal Family.

Lord *North* ſaid, the Right Hon. Gentleman had ſeemed to wonder that he had made the motion, without accompanying it with much argument; the reaſon was, his Lordſhip obſerved, becauſe he conceived he had argued it very ſufficiently when he had firſt riſen in that day's debate; if the Right Hon. Gentleman, however, thought it wanted argument, he would ſtate a few more reaſons why he thought the Committee ought to adopt it. The Right Hon. Gentleman had alluded to the ſpeech of a noble Marquis, and had ſaid it remained unanſwered. The noble Marquis had ſaid, the Queen might, if ſhe pleaſed, call for the Council of the Princes, and therefore there was no occaſion that they ſhould be members of the Council of Advice. The Queen might, his Lordſhip ſaid, if ſhe pleaſed, call for the advice of any one or all of the eight perſons named for her Council, juſt as much as ſhe ſhould call for it in their capacity of counſellors. The Privy Council was in a great meaſure a Council

of

of Advice. The Princes of the blood were members of the Privy Council, and when they attended a Privy Council called by the King, they attended a Council of Advice. The Council to be appointed under the authority of the bill was, his Lordſhip ſaid, not long ſince ſtated to be a Council of Advice, but afterwards to be ſomething more, becauſe they were to be partakers of the act of reſtoring his Majeſty to his government. The Right Hon. Gentleman had ſaid, that they ſhould not truſt the perſon of the King to the ſucceſſor of the Crown. That principle, his Lordſhip ſaid, went too far; it was a barbarous principle, that excluded every one of the Royal Family from thoſe councils and that advice. He contended that there was not any rule that could ſupport excluding the ſucceſſor from a Council to conſider what was beſt for the care of the health and the preſervation of his Majeſty.

Mr. *Addington* much doubted if there could be but one opinion in the country; whether or not that opinion was as the noble Lord had ſtated it to be, certain he was, that there were ſufficient reaſons why that ought not to be the opinion of that Houſe. The noble Lord had declared, that he conceived the principle of excluding the ſucceſſor to the Crown from the council to adviſe her Majeſty in the care of the King's perſon, was a barbarous principle; it was, nevertheleſs, Mr. Addington ſaid, the principle that governed

the practice of the firſt Court of Equity in this kingdom, in all caſes concerning perſons labouring under the malady with which his Majeſty was unfortunately afflicted. The rule was never to appoint the Heir Apparent, nor even the Heir Preſumptive, to have the care of the perſon indiſpoſed, but to take, as the moſt unexceptionable, the individual leaſt intereſted in the death of that perſon. The Queen ſtood preciſely in this predicament. Her Majeſty, for a thouſand reaſons, was the moſt proper to have the care of the King's perſon; and the Prince of Wales was, for a variety of very different reaſons, unfit to take any ſhare in that concern. The noble Lord, he obſerved, had ſaid, that in caſe of her Majeſty's death, the Council would have the care of the King's perſon. If the Duke of York, therefore, was to be of the Council, and the Prince of Wales were to die, the Duke of York ſtanding then as Heir Preſumptive of the Crown, would have the cuſtody of the King's perſon, which would be highly improper. When the death of the Queen ſhould happen, the bill had provided for the circumſtance. The only caſe in which the Queen ought to act under the bill by herſelf, was in regard to the reſumption clauſe, and the bill eſpecially defined what was to be the line of proceeding to be adopted. Mr. Addington aſſigned, as an additional reaſon why the Duke of York, and the other Princes of the blood,

ought

ought not to be of the Council, that their over anxious wiſhes for his Majeſty's recovery, might make them too zealous, and induce them to pronounce that his Majeſty was in a ſtate of ſanity, before his reſtoration to health was complete. Mr. Addington, before he ſat down, ſolemnly declared that in regard to the meaſures lately purſued in conſequence of his Majeſty's unfortunate illneſs, he had acted from principle; he had maturely conſidered every part of the ſyſtem; he had voted upon conviction in conſequence, and he felt a pride and a pleaſure in having given his feeble ſupport to his Right Hon. Friend.

Lord *North* roſe to explain. His expreſſion that excluding the ſucceſſor to the Crown from the Council, was puſhing a barbarous principle to a barbarous extent, was not his own expreſſion, but that of Lord Chancellor Macclesfield, in a ſimilar caſe to the preſent. The Hon. Gentleman, his Lordſhip obſerved, had argued thus: "Would you," ſaid the Hon. Gentleman, "truſt the Preſumptive Heir to the Crown with the care of the King's perſon?" The Duke of York, his Lordſhip obſerved, was not the Preſumptive Heir to the Crown, nor would he have, if named one of the Council, any ſort of controul over the Queen. He was only, as other counſellors were, recommended to adviſe her Majeſty, when ſhe called for that advice.

On the queſtion being put, there appeared,

Ayes 130; Noes 177.

His Royal Highneſs Prince William Henry was then propoſed, and the Committee divided:

Ayes 128; Noes 176.

His Royal Highneſs Prince Edward was negatived without a diviſion.

The Committee divided on the Duke of Glouceſter's name.

Ayes 129; Noes 170.

The Duke of Cumberland was negatived without a diviſion.

Wednesday, *February* 11.

Regency Bill.

Mr. *Pitt* moved the order of the day, and the Houſe reſolving itſelf into a Committee of the whole Houſe, that clauſe which relates to his Majeſty's reſuming his Authority, was read.

Mr. *Pitt* obſerved, that in conſidering this clauſe, it was neceſſary to advert to the ſubſequent ones, they being all connected together. The general principle of the clauſes he need not argue, as the proviſions for his Majeſty's reſumption of his government, aroſe out of every principle of regard to the Conſtitution, the law of the land, of the allegiance they all owed to that

their King, and out of the reſolutions themſelves, which were profeſſedly calculated for the interval of his Majeſty's indiſpoſition alone. The general principle felt by the public was, that the whole of this meaſure was calculated only for the duration of that neceſſity; in policy they were alſo bound to take meaſures that the Regency ſhould continue no longer than the happy moment of his Majeſty's capability to reſume his right; it could not be the wiſh for it to laſt any longer: the point they were then conſidering was, he ſaid, of the greateſt importance. It was his Majeſty's undoubted right to reſume the perſonal exerciſe of the Royal Authority as ſoon as he was capable of it. They were providing for that right; and in ſo doing, they ought to provide according to the conſtitution, that they ſhould not be thought to be trenching on royalty; and if they went any farther than the neceſſity of the caſe, they ſhould be *uſurping* to themſelves a privilege of transferring the King's undoubted right to another. As long as there exiſted the neceſſity of his Majeſty's remaining in the care provided for the royal perſon, they could not look for one royal act from him; the firſt preliminary, therefore, was, that previous to his Majeſty's reſuming the Royal Authority, the Queen and her Council muſt notify that the infirmity no longer ſubſiſted. And when the Queen and her Council ſuggeſted that the infirmity no longer exiſted, his Majeſty would have a clear, indiſputable right to

reſume his government: upon ſuch notification of the capacity of his Majeſty, he would not be able to do any act of royalty, but through ſome oſtenſible channel. It was then the duty of that Houſe to provide for his Majeſty that oſtenſible and fit channel, through which he would have to communicate his act to the Parliament and the people. In the doing which, they were to look to oſtenſible perſons, to the Privy Council; thoſe who might, on his Majeſty's recovery, be in executive departments, would by no means be fit perſons to conſider his Majeſty's capability of returning to his government; the mode therefore propoſed in the next clauſe was, that thoſe who ſhould be at the time, or ſhall have been, of his Majeſty's Privy Council, and who ſhould be ſelected by his Majeſty, to any number not leſs than *nine*, he meant to propoſe, ſhould be the channel of communication, and if *ſix* of ſuch Privy Council ſhould agree with the repreſentation of the Queen and her Council that his Majeſty's infirmity no longer exiſted, and ſhould have counterſigned the proclamation, they would be the channel through which his Majeſty would have to communicate to the public his recovery.

Mr. *Powys* warmly oppoſed this doctrine, as it was deſtructive of the rights of Parliament, and therefore he wiſhed to introduce ſeveral amendments; not that he believed they would be adopted, but to ſhew his deteſtation of the bill *in toto*.

Sir

Sir *Richard Sutton*, in anſwer to Mr. Powys, contended, that Parliament had no ſort of right to reſtore the exerciſe of power to the Crown;—for, the very moment his Majeſty was relieved from his preſent diſorder, that moment he was, by right of his Crown, entitled to reaſſume its power, and Parliament could not prevent him.—What! were the Houſe of Commons to examine whether his Majeſty had a right to ſit upon the throne? He truſted no ſuch prepoſterous idea would be entertained:—nor would it be proper in the Houſe of Commons, when their Sovereign claimed his right, to enter into a debate whether they ſhould admit him or not.

Mr. *Francis* could not comprehend Mr. Pitt; nor did he know what was meant by the word *channel*; which, he ſaid, the Right Hon. Gentleman had mentioned *fourteen* times.—As to the clauſe, he reprobated it entirely.

Mr. *Marſham* objected to any particular number of the Privy Council, and argued ſtrongly, that the ſame phyſicians, who had already attended, ſhould again be examined, whenever his Majeſty's faculties, were ſaid by thoſe about him, to be reſtored; and, when this was made out in a ſatisfactory manner, both Houſes ſhould wait on his Majeſty with an addreſs, requeſting him to reſume his former power. As this was his idea, he ſhould propoſe a clauſe, by way of amendment; which was, that, after it was noti-

fied that his Majeſty had recovered, the phyſicians ſhould be ordered to attend, within ſix days, at the Bar of the Houſe, to whom the following queſtion ſhould be put, in the moſt ſolemn manner,—"Is it your opinion that his Majeſty is now in ſuch a ſtate of health as to reſume the Royal Authority?"—On the anſwer to this in the affirmative, then Parliament were to go up with an addreſs, and all the powers of the Regency ceaſe.

Col. *Phipps* aſſerted the right of the King to reſume his government the moment his infirmity ceaſed to exiſt. He wiſhed the reſumption to be brought forward in the moſt eaſy, and at the ſame time in the moſt reſponſible manner; and, for that reaſon, he objected to the interference of Parliament, who, not being a reſponſible body, were improper ſo to act. He wiſhed they might keep within their own bounds, and look after the reſponſibility of others. He wiſhed them not to drag their Sovereign to their bar, to be examined as to his recovery; but to be aſcertained by thoſe who had ſeen the progreſs of his recovery. He ſaw the King was mending. Dr. Warren, he obſerved, had ſigned his name that his Majeſty was better. Dr. Warren, and the reſt of the phyſicians, and not the Houſe, would ſee the progreſs of his recovery. The Colonel animadverted on the ſpeech of Mr. Powys. That Gentleman had ſaid, the King, on his recovery, would

would aſk, Have my Parliament given me this power?—My children?—My brothers?—No.—The Parliament gave him the power, Col. Phipps ſaid, at the time of the Revolution. He declared he wiſhed them not to take upon themſelves the part of a Republic, and, when they thought proper, preſent a Crown; but to act as a Parliament, with a free Conſtitution at the head of it.

Mr. *Sheridan* ſaid, the real queſtion was the fact of his Majeſty's being reſtored, and capable of reſuming the Government, and the manner in which that ſhould be aſcertained, and the reſumption of his powers made. After paſſing that bill, the real queſtion would ſtand, that his Majeſty had no right, though his Majeſty would have an unqueſtionable right on his recovery.—But what were the proper means to aſcertain that recovery? By the mode propoſed for his Majeſty's reſumption of his government, it was to be under certain terms and conditions. Who, then, were to be the judges of thoſe conditions? Who ſo proper as the two Houſes of Parliament? There was no perſon, he ſaid, doubted the propriety of going into an examination to prove the incapacity; it was their duty to do ſo, and it was equally their duty to take care to provide againſt any act of his Majeſty until his capability was known. By the preſent clauſe, they were about to delegate the truſt that belonged to themſelves

to

to others, and thereby depart from the duty they owed their country, and degrade themſelves, by acknowledging, that theſe eight Counſellors of her Majeſty were more truſt-worthy than Parliament.

Mr. *Dundas* ſaid, it was neceſſary for the Parliament to aſcertain the incapacity of the King; becauſe, upon aſcertaining that fact, a right aroſe to them to provide for the defect in the perſonal exerciſe of the Royal Authority. But there was no reaſon why the two Houſes ſhould aſcertain the fact of the King's being able to reaſſume the Royal Authority; becauſe, on that fact, no right aroſe to the two Houſes of Parliament. He agreed with the Hon. Gentleman (Mr. Marſham), that they ſhould embrace the very firſt moment to approach the throne, and congratulate his Majeſty on his reaſſumption of his authority ariſing out of his right, when his ſtate of health was ſuch as to enable him to exerciſe it. But this was all the length he could go with the Hon. Gentleman. Would any man ſay, that it was proper that the King ſhould come down to Parliament, and, like a ſuppliant, claim his right from the Regent? This bill had provided ſuch checks as were proper to prevent any inconveniencies or danger to the country, from the mode therein preſcribed for the King being reſtored to his authority. Could any man in his conſcience believe, that the Archbiſhop of Canterbury,

bury, and the other reſpectable characters appointed to aſcertain this fact, would give an opinion of the King's recovery, if they were not ſatisfied that recovery exiſted? This was the feeling he had of it, and he was ſure it was the feeling of the public at large. It might be ſuppoſed, that the Queen, from a premature ſolicitude, might wiſh to produce the King to his loyal ſubjects; and he would not ſuppoſe the eight perſons who were to compoſe the Council had not the ſame feelings. Nay, if the whole Houſe of Commons were of this Council, they would all be actuated by the ſame feelings on this ſubject; but the feelings of theſe reſpectable characters would be guarded by their ſound diſcretion and judgment.

The King, by this bill, was left to his own feelings, and was not compelled to reaſſume the Royal Authority, but might do it, or not, as he pleaſed. The opinion of the King muſt be ſupported by ſix out of nine Privy Counſellors, before his Majeſty can declare to his ſubjects, *I am again your King*; I feel myſelf fit for the exerciſe of the Royal Authority. It had been aſked, to what reſponſibility the Queen's Council were liable?—They were ſubject to the ſame reſponſibility that any Member of the Privy Council was for any act of public detriment. If this Council did any thing raſhly, they were criminal, and puniſhable by Parliament. If this Council

abuſed

abuſed that truſt which was entruſted to them, the Parliament would exerciſe their controuling, puniſhing capacity, in bringing thoſe to puniſhment, for abuſing the truſt which had been repoſed in them.

After a conſiderable portion of debate, in which there was more perſonality and invective than ſound argument, Mr. *Sumner* requeſted that the Chairman would read the queſtion.

Mr. *Watſon* informed the Committee, that there was no queſtion before them.

Mr. *Pitt* ſaid, the queſtion was, to fill up the blank in the firſt clauſe; but that, at the deſire of the Committee in general, he had ſummarily ſtated the principles and arguments on which he reſted the whole of the regulation.

Mr. *Burke* took particular notice of Mr. Dundas's ſpeech. The Hon. and Learned Gentleman thought, that, to depoſe his Majeſty's Government, it was neceſſary to make an examination of phyſicians before that Houſe; but, to give it to him, it was not neceſſary for that Houſe to have any examination. The Hon. Gentleman aſked, what they had to ſay of the characters of the Officers of the Houſehold? He had nothing to ſay of them, but that, when they had accepted the truſt, they were not fit to hold it. He might adore the Duke of Montague, he might worſhip the Earl of Saliſbury; he knew thoſe—but he would not ſay what others, as great as they,

they, would not do in their places. The Houſe, he ſaid, had no ſecurity at all for the due performance of that important event that was to paſs through the hands of the King's Council. The Hon. Gentleman had ſaid, Would you have the King a ſuppliant to Parliament? Yes; he thought Parliament the proper Judge of Kings, and that it was for their honour that they ſhould be ſo. When he went to war with foreign powers, he wiſhed the King to be a ſuppliant to Parliament; when he entered into ſubſidiary treaties, he wiſhed him to be a ſuppliant; but he did not wiſh him to be a ſuppliant to his own menial ſervants, thoſe who ate his bread, and received his wages. If an examination by his Majeſty's phyſicians, when his incapacity was declared—if that were degradation, why did they make it a neceſſary proceeding? The Hon. and Learned Gentleman had ſaid, if the King is well, he ſhall come and claim. Why then did he not?—Oh no! he muſt have reſtraint; but it ſhould be any reſtraint rather than that of Parliament. Mr. Burke reaſoned on the neceſſary ſteps to be taken preliminary to his Majeſty's being ſuffered to reſume his authority. The firſt thing to be learnt, he ſaid, was, that the ſanity ſhould not be doubtful. Becauſe, to produce the perſon of a Monarch in ſuch weakneſs, might render him the tool of a faction, who would make him do what he could not undo. Had they forgot the caſe of

Charles the Sixth of France, who delivered all his power over to the hands of a faction, who ruined France. Charles the Sixth, previous to his viſitation by that dreadful calamity, was as enterprizing as any Monarch that ever ſat on the throne of France, and juſt before it pleaſed God to afflict him, the French had talked of invading England; but, after that period, England invaded France. The diſorder with which the Sovereign was afflicted was, he ſaid, like a vaſt ſea which rolled in, and, at a low tide, rolled back, and left a bold and barren ſhore. Mr. Burke ſaid, he had taken pains to make himſelf maſter of the ſubject; he had turned over every book upon it, and had viſited the dreadful manſions where thoſe unfortunate beings were confined. At one of them, the capital hoſpital for ſuch perſons, he ſaw the goodneſs of the proviſions, the cleanneſs of the houſe, the diſcipline throughout, and the wonderful order by which ſo many perſons were governed by a few. An author of great authority, Mr. Burke ſaid, having mentioned the uncertainty of the ſymptoms of ſanity, had declared, that, after having been kept a month, (and the rule was, he ſaid, at all the houſes he had viſited, though anxious to diſcharge the patients ſpeedily, as they all were, to keep them a month after their recovery, before they turned them out of the houſe,) they would ſometimes dread the day of their departure, and

relapſe

relapſe on the very laſt day, and the conſequences that had followed were of the moſt fatal kind. Mr. Burke read an extract from the volume he alluded to, which ſtated, that ſome of theſe unfortunate individuals, after a ſuppoſed recovery, had committed parricides, others had butchered their ſons, others had done violence to themſelves by hanging, ſhooting, drowning, throwing themſelves out of windows, and by a variety of other ways—

Here Mr. Burke was called to order, with no common indignation. But, no ſooner had this interruption ceaſed, than he roſe again, and, after having very finely painted the bad effects of a miſapplied delicacy, he returned to the ſubject, and ſaid he had read enough to give the Committee a ſenſe of the danger of an uncertain cure; arguing, from the great diſaſters that had followed in private life, that it was the more neceſſary to take care that a ſane Sovereign was put in the poſſeſſion of government. He drew a picture of the King's ſuppoſed return, which he deſcribed as moſt happy, if really cured; but as horrible in the extreme, in its conſequences, if a ſudden relapſe took place.

Sir *Charles Gould* declared he approved of the regulation, as he thought it favourable to the circumſtance of his Majeſty's being reſtored to his government on his recovery.

Mr.

Mr. *Sheridan* moved an amendment, which he explained to be introductory to a ſtill farther amendment meant to be propoſed afterwards, with a view to procure the object he aimed at, and thoſe who thought as he did, viz. that Parliament ought to be the medium of reſtoring the government to the King on his recovery.

Mr. Sheridan's amendment tended to oblige the Privy Council to take care that the inſtrument, ſtating his Majeſty to be recovered, that was to be ſent to the Lord Mayor of London, and inſerted in the London Gazette, be previouſly laid before Parliament.

The Chancellor of the Exchequer objected to the amendment; denying that his Majeſty could delegate his authority while he remained within the realm. There was, he ſaid, no power in the law of the country, by which the King could appoint a perſon to the royal authority; and as to the idea that his Majeſty might recover, and the very firſt act of his Government would be to diſſolve the Parliament, it was a notion too wild and extravagant for any man ſeriouſly to entertain.

The Attorney General ſaid, he did not think it poſſible for any Gentleman to get up and alarm them with the idea, that his Majeſty, on his recovery, could make a *Cuſtos Regni*, or *Cuſtodes Regni*, which of late years had been known by the more familiar name of Lords Juſtices, in

which

which caſe every act is done by the King in his own perſon. He had, on a former day, explained, Mr. Attorney ſaid, that the Lord Lieutenant of Ireland was, ſtrictly ſpeaking, a *Cuſtos Regni*; but, if the King was to ſet his foot in that kingdom, the Lieutenant's power would ſtop inſtantly, and his patent be void. Nothing could be more clear, Mr. Attorney ſaid, than that the King could not raiſe another royal perſon. A Regent, that they were then making, was a mere creature of Parliament, only recently thought of, and to be found recognized in no more than one or two modern ſtatutes.

Mr. *Sheridan* was not ſatisfied, and replied.

The Attorney General ſpoke again, and again explained the nature of commiſſions, particularly adverting to that commiſſion they lately ſaw on the Woolſack in the Houſe of Lords.

The Committee divided on the amendment,

Ayes 113 Noes 181

There was ſome farther converſation between Mr Pitt, Mr. Sheridan, Mr. Grey, Mr. Bouverie, and others.

At length, the clauſes being gone through, *the Chancellor of the Exchequer* brought up a new clauſe, to enable the Regent, notwithſtanding the reſtrictions reſpecting patent place offices for life, penſions, &c. in caſe any of the Judges, through age or infirmity, ſhould wiſh to reſign, to grant them penſions. Another object of the

clauſe was, to enable Parliament, if the occaſion of making a Chancellor ſhould occur, to paſs an act in this Seſſion of Parliament to enable the Regent to grant, in that caſe, a reverſion of ſome patent office, &c. to the perſon accepting the Seals.

Mr. *Pulteney* gave notice, that, on the third reading, he ſhould introduce a clauſe by way of rider, to limit the duration of the reſtriction which diſables the Regent from making Peers.

The Chancellor of the Exchequer deſired the report might be received immediately, as he intended to read the bill a third time on the morrow.

The Houſe having been reſumed, the report was made; and the amendments having been twice read, and the queſtion put on each, the bill was ordered to be engroſſed.

The Houſe adjourned immediately.

THURSDAY, *February* 12.

LIMITATION OF RESTRICTION OF POWER TO CREATE PEERS.

Mr. *Pulteney* roſe to move that clauſe of which he had given notice the preceding evening, viz. a clauſe to limit the duration of that part of the bill which reſtrained the power of the Regent in regard to the increaſe of Peerages. In order to explain

explain the principles on which he thought ſome limitation in that reſtriction neceſſary, he proceeded to call the attention of the Houſe to the degrees of check and controul which the different branches of the Legiſlature had upon each other; a ſyſtem wiſely provided by the Conſtitution, in order to keep alive that proper jealouſy, the conſtant attention to which tended ſo effectually to the preſervation of the Conſtitution itſelf.

The Sovereign of the Britiſh empire, as head of the Three Eſtates, had, he obſerved, a variety of prerogatives and functions, independent of the Two Houſes of Parliament, and eſſentially neceſſary to the conducting the legiſlative, as well as the carrying on of the executive government of the country; the two other Branches of the Legiſlature, in like manner, poſſeſſed rights, powers, and privileges, peculiar to themſelves, and equally requiſite for the maintenance of their independence, and the ſecurity of that independence from the encroachment of either of the other Two Eſtates. The Crown ſtood connected with both Houſes of Parliament in a peculiar manner, and each Houſe poſſeſſed powers of counteracting the Crown, to a reaſonable degree, whenever the Crown ſhould go beyond the conſtitutional limits of its prerogative. In that Houſe, as they well knew, whenever they thought it neceſſary ſo to do, they could controul the

Crown in many reſpects, and eſpecially by withholding the ſupplies, or refuſing to paſs the mutiny bill; but, if any improper uſe were made of their power, his Majeſty might diſſolve the Parliament, and ſend them back to their conſtituents.

Mr. Pulteney deſcanted on the great utility and importance of the power of the Crown to make Peers. Had not the Crown been able to exerciſe that power, ſome important acts would not have paſſed, and the union of Scotland could not have taken place. However opinions might have differed about the union, at the time, all men who felt for the intereſt of both England and Scotland, had ſince abundant reaſon to extol its wiſe principles, and to rejoice at its beneficial effects. The power of creating Peers, ſo properly lodged in the hands of the Crown, for the reward of merit, and the encouragement of virtuous emulation, in the ſervice of the country, was a power that had always been exerciſed ſparingly by the Princes who had ſat upon our Throne. Mr. Pulteney ſaid, he had a great opinion of the Houſe of Commons; but he did not therefore wiſh, that the Crown might not have the power of diſſolving Parliament.—He mentioned the hiſtorical fact of the Houſe of Commons, which, in the reign of Charles the Firſt, prevailed on that Monarch to paſs an act that they ſhould not be ſubject to diſſolution;

and

and declared that he did not believe either the Monarch, or the Members, had any idea, at the time, of the miſchievous conſequences that followed. As he wiſhed the power of diſſolving Parliament to remain in the Crown, in like manner, he never wiſhed to ſee powers given to the Houſe of Lords to reſiſt the conſtitutional conduct of the Crown: they knew not what operation the power of reſtraining the Regent from creating Peers might have on the minds of the Houſe of Lords. He only looked to that clauſe when the other Houſe might have an intereſt in oppoſing the repeal of the bill. They would now tell them ſo, truly, according to their preſent feelings and intentions; but there was no anſwering for human frailty. Ambitious men, intruſted with unlimited power, might grow fonder of it in proportion to the length of time they poſſeſſed it, and at laſt refuſe to part with it at all. Let them recollect the caſe of the republic of Rome, with regard to the Decemviri, who were magiſtrates appointed for the purpoſe of carrying the laws into execution for a year.—They were at firſt the wiſeſt and moſt able citizens of the republic, and all the executive power was intruſted in their hands for twelve months.—By degrees, the time they were choſen for was increaſed; firſt one year was added, and afterwards more, till at laſt they had attained to ſuch an enormous degree of abſolute power, that had

it not been for the miſconduct of one of them, the liberties of their country had been loſt for ever. They ought, therefore, to profit by paſt experience, and to guard againſt a ſimilar danger to their own country. He would not, by any means, adviſe the truſting ſo much out of their own hands, as to ſuffer the reſtriction on the Regent from making Peers to go out of the Houſe in the bill, without ſome limitation.—On theſe grounds, Mr. Pulteney ſaid he ſhould, as a rider to the bill, propoſe a clauſe for limiting that part of the bill which impoſed reſtrictions on the Regent with regard to the power of making Peers, and the time he meant to propoſe for that reſtriction to ceaſe and determine was three years; not that he propoſed that period under any idea that the Regency ought to continue the exerciſe of the Royal Authority under any reſtrictions, ſo long as three years; but, becauſe, if unfortunately they ſhould be diſappointed in their preſent hopes of his Majeſty's recovery, he thought three years the outſide of the time that, under any circumſtances, the reſtrictions ought to continue. Mr. Pulteney read his clauſe.

Mr. *Pitt* ſaid, he had liſtened to the Honourable Gentleman with that degree of attention that he was always deſirous to give to every ſuggeſtion that came from ſo reſpectable a quarter. If he were right in his ideas on the ſubject of limita-

tions of time, in reſpect to any of the reſtrictions impoſed on the Regent, the danger the Honourable Gentleman wiſhed to guard againſt, was more in theory, than likely to be carried into practice. That a majority of the Lords would wiſh to continue the reſolutions, whenever it ſhould be thought by that Houſe proper to reviſe their proceedings, and alter them as the circumſtances of the caſe might require; and that limitations ought to be fixed, was a propoſition firſt ſtarted on debating the reſolution in the Committee on the ſtate of the nation, and it had been ſuggeſted, that they ought to fix a permanent time. He had then thought, and he continued to think, that there was no ground, and that there could be no ground for the Lords to retain that power, whenever it ſhould be neceſſary to repeal it. The whole of the bill was a temporary meaſure, and calculated to laſt only during the continuance of his Majeſty's illneſs. —They muſt, therefore, be at a loſs what period of limitation to fix on, ſince they could not tell the preciſe period of his Majeſty's illneſs. For this reaſon he felt objections to limit the powers of the Regent to any time at all. And another reaſon was, becauſe, if his Majeſty's illneſs ſhould unfortunately continue to any length of period, ſo that his recovery would become a matter of doubt (a matter which, thank God, he had every day more and more reaſon to believe would

not be the caſe) a new Regency would then be to be ſettled, and that undoubtedly on very different principles. However, as the time taken for the limitation was three years, not, he conceived, with any view that the reſtriction in queſtion, or any other impoſed on the Regent, ought, under any circumſtances, to continue ſo long, but with a view to name three years as the extremeſt time to which, in any poſſible conſideration, any thing like a reſtriction could be ſuppoſed to be proper to extend; therefore, in a point of theory and of principle, he ſhould have no objection to the clauſe.

Mr. *Powys* ſaid, that the clauſe ſeemed to imply, that three years was, in the opinion of the Houſe, the period that the reſtrictions ought to continue. For his part, he wiſhed not to confine that reſtriction, with regard to the making Peers, to a limitation of time, becauſe he thought that no reſtriction whatever ought to exiſt. But, if there muſt be reſtrictions on the Regent, he thought a limitation of three years too long a period. An earlier period than three years would enable Parliament to examine and re-conſider the whole proceeding. The clauſe was read, and Mr. Pulteney moved, that the words, "Three Years," be inſerted in the blank.

Mr. *Sheridan* ſaid, he was of exactly the ſame opinion on the ſubject as his Honourable Friend, with reſpect to the probability of the Lords

refuſing to open the door to their Houſe, if by paſſing the bill, without any limitation of the duration of the reſtriction, in regard to the Regent's power to make Peerages, they ſuffered the power to paſs out of their hands.

Mr. Sheridan declared, he was ſurpriſed at what the Right Honourable Gentleman had ſaid of the idea of the improbability of the Lords ever wiſhing to continue the power, when they once got it into their poſſeſſion. The Right Honourable Gentleman ſeemed to have forgot that they had gone throughout the whole of their proceedings, not on probable danger, but on poſſible danger; and every danger that was morally poſſible to happen, had been moſt ſtudiouſly and cautiouſly guarded againſt. That ſuch an idea as the Right Honourable Gentleman had ſtated was implied by Parliament, was not, Mr. Sheridan thought, to be tolerated; the Right Honourable Gentleman, and the Gentleman behind him, ſeemed to have adopted a principle that might be extended for ſeven years, as well as three; and, therefore, not chuſing to lend his ſanction to the principle, that the executive power ought to continue maimed and crippled by uſeleſs and harſh reſtrictions for three years, he ſhould move to leave out the words, "Three Years," and that the words, "One Year," be inſerted in the blank.

Mr.

Mr. *Pitt* ſaid, the Honourable Gentleman who ſpoke laſt, ſeemed to have done him more juſtice than the Honourable Gentleman who ſpoke near him, becauſe he had expreſſly ſtated, that as they could not fix the preciſe period of the duration of his Majeſty's illneſs, he would agree to Three Years, a period the moſt extreme and diſtant that could be taken; but that, if his Majeſty ſhould not recover ſoon, the reſtriction ought to ceaſe within the period propoſed, and the Honourable and reſpectable Member, who had introduced it, had expreſſly ſtated a ſimilar ſentiment. How then could it be conſidered, that adopting the words, "Three Years," to fill up the blank, under the conſtruction that had been laid down, was making Parliament declare that its opinion was, that the reſtrictions ought to laſt for Three Years? With regard to the amendment propoſed, would not the Honourable Gentleman, by what he was doing, defeat his own purpoſe? The Honourable Gentleman had ſaid, he moved an earlier day, that it might not appear to be the opinion of the Houſe, that Parliament thought the reſtrictions ought to continue Three Years. He ſhould think the Honourable Gentleman would ſerve his purpoſe better, by withdrawing his amendment, and letting the original motion be put. If, however, the Honourable Gentleman ſhould perſiſt in his amendment, the Chancellor of the Exchequer ſaid,

ſaid, he ſhould certainly give that amendment his negative.

Mr. *Sheridan* ſaid, he wiſhed to propoſe an amendment in the body of the Bill. He would aſk a queſtion of the Learned Gentleman whom he ſaw oppoſite to him, the anſwer given to which would ſhew whether the amendment was neceſſary or not. His Majeſty had a power to grant a commiſſion for opening Parliament, and he deſired to know whether the King had not power to inveſt thoſe commiſſioners with full regal authority. He found, from the precedents with which they had been furniſhed, that in the caſe of Henry the Sixth, when the Duke of York was appointed to exerciſe the royal authority in Parliament, it might be done. What he wiſhed to know then was, whether the King could do the ſame thing by a general commiſſion, or whether, as in the caſe of Lord Hardwicke in the year 1754, he muſt iſſue a ſecond commiſſion to give the royal aſſent to any bill or bills?

The Maſter of the Rolls ſaid, if the Hon. Gentleman meant to enquire whether the King could delegate the whole of his authority by one commiſſion, he thought he could not do ſo; that was, he could not, for inſtance, make his Attorney General King. To make any man King by attorney, was a power that the King of England did not poſſeſs. With regard to the commiſſions iſſued in Henry the Sixth's reign, in the caſes of the

the Duke of Glouceſter in the commencement, and the Duke of York in a ſubſequent period; in both theſe caſes the commiſſions iſſued under the Great Seal, and were confirmed by Parliament. He then pointed out the difference of ſuch commiſſions and commiſſions iſſued by the royal authority.

Mr. *Sheridan* thanked the Learned Gentleman for anſwering him in part, but he had reaſoned rather than anſwered him entirely. He then proceeded to put his caſe again, and maintained that the commiſſion, appointing the Duke of Glouceſter to hold the Parliament and give the royal aſſent to bills, was a caſe in point; the King was then a minor, incapable of acting for himſelf, as our King was at preſent incapable, though from another cauſe. Was there not in the King a power, not only to iſſue a commiſſion inveſting commiſſioners with authority to open Parliament, but to give the royal aſſent to a bill, and to exerciſe, in every inſtance, the royal authority?

The Attorney General ſaid, he would anſwer the Hon. Gentleman in three words.—The King cannot. A kind of queſtion and anſwer converſation continued for ſome minutes, Mr. Sheridan perſiſting that he uſed ſound reaſoning, and the Maſter of the Rolls and Attorney General adhering to their doctrine, that a King of England had no power to delegate his whole authority.

At

At length the converſation was put an end to from the chair, as diſorderly.

Uniformity Clause.

Mr. *W. Smith* roſe to move an amendment in the uniformity clauſe. He ſtated the harſh, illiberal, ſevere and unjuſt penalties to which the Proteſtant Diſſenters, among a variety of deſcriptions of ſects, differing from the eſtabliſhed church, were liable by the ſtatute of Charles the Second. The chief of theſe penalties, he ſaid, were, and had long been deemed obſolete, but they had never been formally repealed; the Proteſtant Diſſenters lay therefore at the mercy of every informer. Mr. Smith ſtated ſome of theſe penalties and diſabilities, one of which was, that a Papiſt ſhould not practice the art of an apothecary in the city of London, under a heavy penalty. He ſaid ſurely ſuch diſability ought not to remain in the ſtatute book! He mentioned ſeveral others, and at length ſtated his amendment, the object of which was, no more than to prevent any difficulty being placed, by the Regency Bill, in the way of the repeal of the Teſt Act, if application ſhould be made for ſuch a repeal hereafter.

It might poſſibly, he ſaid, be aſked, why he had not propoſed the amendment in the Committee the preceding evening? He had been ready

to

to do it, he ſaid, but thoſe who would have felt it their duty to object to it, if they found it objectionable, had wiſhed for a proper opportunity of reading the act of Uniformity, in order to ſee if any part of that ſtatute would be trenched upon by the amendment. Thoſe perſons, he underſtood, had ſince read that ſtatute, and had found that the amendment was perfectly free from objection on any ſuch ground.

Mr. Smith moved the amendment, and Lord Belgrave ſeconded it.

The *Maſter of the Rolls* wiſhed the amendment had been opened the preceding evening, and not moved thus, on a ſudden, and at the very moment before the bill paſſed. It was true, he ſaid, that there were, in the ſtatute of Charles the Second, many ſevere penalties and unjuſt diſabilities, ſeveral of which had ſince been repealed by the act of Toleration in favour of the Proteſtant Diſſenters; and he thought there were others remaining that ought to be repealed; but then it ought to be done regularly, directly, and avowedly: and at a fit time he ſhould have no objection to aſſiſt in framing a proper Bill of Repeal. He then ſtated, that King William took an oath, that he would preſerve the eſtabliſhment of the church of England, and he was called upon by the church of Scotland to give a ſecurity that their eſtabliſhment alſo ſhould not be touched. The whole eſtabliſhment of the church was in the act,

act, and therefore he muſt object to the amendment *in toto*.

Mr. *Pitt* ſaid, he did not think the ſubject required the warmth that ſeemed likely to be applied to it. He profeſſed himſelf to be a zealous and firm friend to the eſtabliſhed church of England, and ſtated that the object of the Hon. Gentleman lay in a very narrow compaſs. He proceeded to deſcribe it, and to mention the general heads of the Uniformity Act. He alſo ſtated, that at the Reformation their anceſtors had not quite purged their liturgies (of which there had been two or three different ones) from the ſuperſtition of the Romiſh Church. The offences created by the different ſtatutes were, he ſaid, indefinite, but the puniſhment was definite, and to a great extent. He mentioned ſeveral, and ſeemed a friend to the motion.

Mr. *Smith* ſaid, as he perceived there was no deſire in the Houſe for a diviſion, he ſhould not preſs the motion then, eſpecially as another means of anſwering the ſame end had been propoſed.

Mr. *Alderman Newnham* ſaid, it would ſhew a want of ſpirit in him if he did not oppoſe the whole Bill, excepting only that part of it which declared, that the Prince of Wales ſhould be Regent. The Alderman ſaid, he thought the proviſions of the bill diſgraceful to the honour of his Royal Highneſs.

Mr.

Mr. *Alderman Watſon* gave his explicit approbation to the Bill itſelf, and to the various clauſes of the Bill, becauſe they were conſiſtent with his conviction, and that of his conſtituents. He took notice of an expreſſion which had, he ſaid, called that diſtinguiſhed claſs of men the merchants, traders, and bankers of London, paupers: at the time the expreſſion was uſed, the Alderman ſaid, he was in a ſituation which rendered it impoſſible for him to take notice of it without violating the forms and orders of the Houſe, in the chair of the Committee. The Alderman took notice, alſo, of another expreſſion which had fallen from Honourable Gentleman who had juſt left his place, (Mr. Powys). That Hon. Gentleman would not have dared to have ſaid thoſe words had he been at liberty to have anſwered him. He did not chuſe to call for the protection of the Houſe at the time, becauſe he was conſcious he could protect himſelf. The Hon. Gentleman had ſaid, that he muſt ſubmit to the *commands* of the Right Honourable Gentleman:—commands!—He deſpiſed the inſinuation;—he had voted with the Right Hon. Gentleman from conviction.

Mr. *Sheridan* ſaid, the worthy Alderman had inverted the old rule, and had proceeded to panegyrize the preſent and traduce the abſent. He defended his two Hon. Friends from the worthy Magiſtrate's charges, both of which, he ſaid, were founded in miſapprehenſion.

Colonel

Colonel *Phipps* ſaid, there needed not all the wiſdom and knowledge to be gleaned from the learned dialogue that the Houſe had heard between Doctor and Student, to furniſh an anſwer to the Honourable Gentleman's clauſe; he could not give him a reaſon why his clauſe ought not to ſtand in three words, but he believed he could do it in a very few ſentences. The Colonel ſaid, in the firſt place, no clauſe could poſſibly be received contrary to the general purview of a Bill, as expreſſed in the preamble: if the Hon. Gentleman would look to the preamble, he would not find a ſingle word about placing reſtrictions on his Majeſty's exerciſe of his royal authority, when he had undoubted right to exerciſe it.

The queſtion was then put on Mr. Sheridan's clauſe, and negatived.

A few words paſſed afterwards between Mr. Brandling and Mr. Grey; and after a ſhort ſpeech from Sir Charles Gould, the Bill paſſed, and was ordered to be carried up to the Lords.

A

B I L L,

INTITULED

An Act to provide for the Care of his Majeſty's Royal Perſon, and for the Adminiſtration of the Royal Authority, during the Continuance of his Majeſty's Illneſs.

WHEREAS, by reaſon of the ſevere indiſpoſition with which it hath pleaſed God to afflict the King's moſt Excellent Majeſty, the perſonal exerciſe of the Royal Authority by his Majeſty is for the preſent ſo far interrupted, that it becomes neceſſary to make proviſion for aſſiſting his Majeſty in the adminiſtration and exerciſe of the royal authority, during the continuance of his Majeſty's indiſpoſition, in ſuch manner, and to ſuch extent, as the preſent circumſtances, and the urgent concerns of the nation, require; *be it therefore enacted*, by the King's moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the authority of the ſame, That his Royal Highneſs George Auguſtus Frederick, Prince of Wales, ſhall have full power and authority, in the name and on the behalf of his Majeſty, and under the ſtyle and title of Regent of this kingdom, to exerciſe and adminiſter, according to the laws and conſtitution of Great Britain, the royal power and authority to the

" crown

crown of Great Britain belonging, and to uſe, execute, and perform all authorities, prerogatives, acts of government, and adminiſtration of the ſame, which lawfully belong to the King of this realm to uſe, execute, and perform, ſubject to ſuch limitations, exceptions, regulations, and reſtrictions, as are hereinafter ſpecified and contained.

And be it alſo enacted by the authority aforeſaid, That no acts of regal power, prerogative, government, or adminiſtration of government, of what kind or nature ſoever, which might lawfully be done or executed by the King's moſt Excellent Majeſty, perſonally exerciſing his royal authority, ſhall, during the continuance of the Regency by this act eſtabliſhed, be valid and effectual, unleſs done and executed in the name and on the behalf of his Majeſty, by the authority of the ſaid Regent, according to the proviſions of this act, and ſubject to the limitations, exceptions, regulations, and reſtrictions herein contained.

And be it further enacted by the authority aforeſaid, That the ſaid Regent, before he ſhall act, or enter upon his ſaid office of Regent, ſhall take the following oath of office:

" I Do ſolemnly promiſe and ſwear, That I will truly " and faithfully execute the office of Regent of the " kingdom of Great-Britain, according to an act of " Parliament paſſed in the twenty-ninth year of the " reign of his Majeſty King George the Third, inti- " tuled, *An act to provide for the care of his Majeſty's* " *royal perſon, and for the adminiſtration of the royal* " *authority, during the continuance of his Majeſty's illneſs*; " and that I will adminiſter, according to law, the " power and authority veſted in me by virtue of the " ſaid act, and will, in all things, to the utmoſt of my " power and ability, conſult and maintain the ſafety,

" honour, and dignity of his Majeſty, and the welfare " of his people. " So help me GOD."

Which oath ſhall be taken before his Majeſty's moſt honourable Privy Council, who are hereby required and impowered to adminiſter the ſame, and to enter the ſame in the books of the ſaid Privy Council.

And be it further enacted by the authority aforeſaid, That the ſaid Regent ſhall be deemed and taken to be a perſon having and executing an office and place of truſt within England, and ſhall take and ſubſcribe ſuch oaths, and make and ſubſcribe ſuch declaration, and do all ſuch acts as are required by the laws and ſtatutes of this kingdom to qualify perſons to hold offices and places of truſt, and to continue in the ſame, in ſuch manner as in and by the ſaid laws and ſtatutes are required, and under ſuch pains, penalties, forfeitures, and diſabilities, as are therein and thereby appointed and ordained.

And be it alſo enacted by the authority aforeſaid, That it ſhall be lawful for the ſaid Regent to take and ſubſcribe ſuch oaths, and make and ſubſcribe ſuch declaration, in and before his Majeſty's moſt honourable Privy Council; and that the certificate of his having received the Sacrament of the Lord's Supper in any of the royal chapels, ſigned by the perſon adminiſtering the ſame, ſhall be regiſtered in the books of the ſaid moſt honourable Privy Council; and that ſuch taking and ſubſcribing the ſaid oaths, and making and ſubſcribing the ſaid declaration, and taking the Sacrament of the Lord's Supper as aforeſaid, ſhall be, to all intents and purpoſes, as effectual as if the ſame had been reſpectively taken, made, and ſubſcribed in the manner now required by law for the qualification of perſons to hold offices and places of truſt, and to continue in the ſame.

And

And be it enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Regent, in the name and on the behalf of his Majeſty, to give the royal aſſent to any bill or bills in Parliament, for repealing, changing, or in any reſpect varying the order and courſe of ſucceſſion to the Crown of this Realm, as the ſame ſtands now eſtabliſhed in the illuſtrious Houſe of Hanover, by an act paſſed in the twelfth year of the reign of King William the Third, intituled, "An act for the further limitation of the Crown, and better ſecuring the rights and liberties of the ſubject;" or to any act for repealing or altering the act, made in the thirteenth year of the reign of King Charles the Second, intituled, "An act for the uniformity of publick prayers and adminiſtration of ſacraments, and other rites and ceremonies, and for eſtabliſhing the form of making, ordaining, and conſecrating Biſhops, Prieſts, and Deacons, in the church of England;" or the act of the fifth year of the reign of Queen Anne, made in Scotland, intituled, "An act for ſecuring the Proteſtant religion, and Preſbyterian church government."

Provided alſo, and be it enacted by the authority aforeſaid, That if his ſaid Royal Highneſs George Auguſtus Frederick, Prince of Wales, ſhall not continue to be reſident in Great-Britain, or ſhall at any time marry a papiſt, then, and in either of ſuch caſes, all the powers and authorities veſted in his ſaid Royal Highneſs, by virtue of this act, ſhall ceaſe and determine.

Provided always, and be it enacted by the authority aforeſaid, That his Royal Highneſs ſhall not have or exerciſe any power or authority to grant, in the name and on the behalf of his Majeſty, any rank, title, or dignity of the Peerage of this realm, by letters patent, writ of ſummons, or in any other manner whatever, or

to ſummon any perſon to the Houſe of Lords by any title to which ſuch perſon ſhall be the heir apparent, or to appoint any ſuch rank, title, or dignity, which now is, or hereafter ſhall be, in abeyance to any of the co-heirs thereof.

Provided nevertheleſs, and be it enacted, That it ſhall be lawful for his ſaid Royal Highneſs to grant, in the name and on the behalf of his Majeſty, any rank, title, or dignity of the Peerage of this realm to ſuch of his Majeſty's Royal iſſue as ſhall have attained the full age of twenty-one years.

Provided alſo, and be it further enacted by the authority aforeſaid, That the ſaid Regent ſhall not have power or authority to grant, in the name and on the behalf of his Majeſty, any office or employment whatever in reverſion, or to grant for any longer term than during his Majeſty's pleaſure, any office, employment, ſalary, or penſion whatever: ſave only that it ſhall be lawful for the Regent to grant, in the name and on the behalf of his Majeſty, all ſuch offices and employments in poſſeſſion for the term of the natural life, or during the good behaviour, of the grantee or grantees thereof reſpectively, as by law muſt be ſo granted.

And be it further enacted by the authority aforeſaid, That the ſaid Regent ſhall not have power, in the name and on the behalf of his Majeſty, to make any gift, grant, alienation, leaſe, or other aſſurance, to any perſon or perſons, body politic or corporate, whatever, under the Great Seal of Great Britain, Exchequer Seal, Seals of the duchy or county palatine of Lancaſter, or any of them, or by copy of court roll, or otherwiſe, of any manors, meſſuages, lands, tenements, rents, tythes, woods, or other hereditaments, now belonging, or hereafter to belong, to his Majeſty, or to any per-

ſon or perſons in truſt for his Majeſty, in poſſeſſion, reverſion, remainder, uſe, or expectancy, whether the ſame be, or ſhall be, in right of the crown of Great Britain, or as part of the principality of Wales, or of the duchy or county palatine of Lancaſter, or otherwiſe howſoever, whereby any eſtate or intereſt whatſoever, in law or equity, ſhall or may paſs from his Majeſty; but that every ſuch gift, grant, alienation, leaſe, or other aſſurance, ſhall be null and void, without any inquiſition, *ſcire facias*, or other proceeding, to determine and make void the ſame, unleſs ſuch grant, leaſe, or aſſurance, ſhall be made of ſuch lands, tenements, and hereditaments, and none other, as have been uſually demiſed within the ſpace of ten years laſt paſt, or ſhall be made for the renewing of any grant, leaſe, or other aſſurance, now ſubſiſting, of the lands, tenements, or hereditaments aforeſaid, according to the ſeveral proviſions, regulations, and reſtrictions of an act paſſed in the year of the reign of Queen Anne, intituled, "An Act for the better ſupport of her Majeſty's Houſehold, and of the Honour and Dignity of the Crown:" Provided always, that this act, or any thing herein contained, ſhall not extend to diſable the ſaid Regent to make any grant or reſtitution of any eſtate or eſtates hereafter to be forfeited for any treaſon or felony whatever; or to diſable the ſaid Regent to grant, demiſe, or aſſign any lands, tenements, or hereditaments, which ſhall be ſeized or taken into his Majeſty's hands upon any outlawry, at the ſuit of his Majeſty or his ſubjects, in ſuch manner as hath been uſual; or any eſtate whatever, which is or ſhall be ſeized, extended, or taken in execution, for any debt owing or to be due to the Crown, as the ſaid Regent on the behalf of his Majeſty ſhall think fit; or to make any

grants or admittances, which of right or cuſtom ought to be made, of any copyhold or cuſtomary lands, tenements, or hereditaments, parcel of any manor or manors of his Majeſty.

And be it alſo enacted by the authority aforeſaid, That the ſaid Regent ſhall not have power to grant or alienate any part of the perſonal eſtate to his Majeſty belonging, but that every ſuch grant or alienation ſhall be void and of none effect: *Provided always*, That this act, or any thing therein contained, ſhall not extend to diſable the ſaid Regent from exerciſing, in the name and on the behalf of his Majeſty, all and every the rights, privileges, powers, and prerogatives, over the ſmall branches of his Majeſty's hereditary revenue herein after mentioned: that is to ſay, The monies ariſing by fines for writs of covenant, or writs of entry, payable in the Alienation Office; the monies ariſing by the poſt fines; the monies ariſing by ſheriffs proffers and compoſitions in the Exchequer, and ſeizures of prohibited and uncuſtomed goods, in like manner as the ſame are reſerved to his Majeſty, by virtue of an act made and paſſed in the firſt year of his Majeſty's reign, intituled, "An act for the ſupport of his Majeſty's Houſehold, and of the honour and dignity of the Crown of Great-Britain;" or to diſable the ſaid Regent from remitting, mitigating, or pardoning, in the name and on the behalf of his Majeſty, any penalty or forfeiture incurred, or to be incurred, of any ſum or ſums of money become, or which ſhall become, due or forfeited to his Majeſty, which by law may be remitted, mitigated, or pardoned: *Provided alſo*, that this act, or any thing therein contained, ſhall not diſable the ſaid Regent from iſſuing and applying all ſuch monies as now are or ſhall be applicable to the civil government of the realm, by virtue

of

of any act or acts of Parliament made or to be made.

And be it enacted by the authority aforeſaid, That the ſeveral letters patent, letters of privy ſeal, and all other lawful authorities, of what nature or kind ſoever, which have been granted or iſſued by his Majeſty, by virtue whereof any payments of any ſum or ſums of money are directed to be made out of the monies applicable to the uſe of his Majeſty's civil government, for the uſe of the Queen's moſt Excellent Majeſty, or for the uſe of any of the branches of his Majeſty's royal family, ſhall continue to be, and the ſame are hereby enacted to continue to be of full force and effect reſpectively, during the continuance of the Regency by this act eſtabliſhed; and that warrants ſhall be iſſued by the Lord High Treaſurer, or Lords Commiſſioners of the Treaſury, for the payment of the ſeveral ſums therein reſpectively contained; which warrants the ſaid Lord High Treaſurer, or Lords Commiſſioners of the Treaſury, are hereby reſpectively required to iſſue at the uſual and accuſtomed times, and in the uſual and accuſtomed manner.

And be it further enacted by the authority aforeſaid, That the Lord High Treaſurer, or the Lords Commiſſioners of the Treaſury, ſhall from time to time direct ſo much of the monies of the Civil Liſt revenues to be iſſued at the receipt of the Exchequer, as ſhall be ſufficient to pay the whole of the expences incurred in each quarter, and the ſeveral departments of his Majeſty's houſehold, in the ſame order, and in like manner as is directed by an act made in the twenty-ſecond year of his Majeſty's reign, intituled, "An act for enabling his Majeſty to diſcharge the debt contracted upon his Civil Liſt revenues, and for preventing the ſame from being in arrear

for

for the future, by regulating the mode of payments out of the ſaid revenues, and by ſuppreſſing or regulating certain offices therein mentioned, which are now paid out of the revenues of the Civil Liſt;" provided that the whole amount of ſuch expences, at the end of each quarter, ſhall not exceed by more than three thouſand pounds the amount of the expences of the ſaid departments at the end of the correſponding quarter, in the year one thouſand ſeven hundred and eighty-eight, and that the whole of the expence of any one year, from the fifth day of January to the fifth day of January in the ſucceeding year, ſhall not exceed the whole expence of the ſaid departments in the year ending on the fifth day of January, one thouſand ſeven hundred and eighty-nine.

Provided always, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid Regent, in the name and on the behalf of his Majeſty, to make any ſuch grant or grants of, or charge or charges upon, the ſeveral and reſpective duties and revenues which are payable to his Majeſty in that part of Great Britain called Scotland, as his Majeſty can now lawfully make of ſuch duties and revenues; ſave and except, that it ſhall not be lawful for the ſaid Regent to make any grant or grants thereof, or charge or charges thereupon, in the name and on the behalf of his Majeſty, for any longer time or term than during the pleaſure of his Majeſty.

And be it further enacted by the authority aforeſaid, That the Lord High Treaſurer, or Lords Commiſſioners of the Treaſury, ſhall direct, and they are hereby required annually to direct, on or before the 27th day of April, the ſum of ſixty thouſand pounds to be iſſued out of the monies of the Civil Liſt revenue, to

the

the keeper of his Majeſty's privy purſe for the time being; and that the ſaid keeper of his Majeſty's privy purſe ſhall be, and he is hereby authoriſed and directed, during the continuance of the Regency by this act eſtabliſhed, to iſſue and apply the ſum of twelve thouſand pounds in the year, in ſuch yearly, half-yearly, or quarterly payments, to ſuch perſons, and in ſuch manner, as he has iſſued and applied the ſame by the authority and direction of his Majeſty; and that he ſhall pay, and he is hereby authoriſed and directed to pay, the ſum of one thouſand pounds at the expiration of each and every quarter, to ſuch perſons as her moſt Excellent Majeſty the Queen ſhall, by an inſtrument ſigned and ſealed by her Majeſty, authoriſe and direct to receive the ſame, to be by her Majeſty's direction applied in ſuch gifts, charities, and allowances, as her Majeſty may judge the ſame would have been applied to by his Majeſty, and that the remainder of the aforeſaid ſum ſhall be inveſted by the ſaid keeper of his Majeſty's privy purſe in ſome of the public funds or government ſecurities, in the name of the keeper of his Majeſty's privy purſe for the time being, in truſt for his Majeſty; and that the net ſurplus of the revenues of the duchy and county palatine of Lancaſter ſhall be from time to time paid, under the order of the chancellor and council of the ſaid duchy, into the hands of the keeper of his Majeſty's privy purſe, whoſe receipt ſhall be a ſufficient diſcharge for the ſame, and ſhall by him be inveſted in ſome of the public funds or government ſecurities, in manner aforeſaid; and that the governor and company of the Bank of England ſhall place the ſaid ſeveral ſums on an account to be raiſed in the books of the ſaid governor and company, intituled, "The Account of the Keeper of his Majeſty's Privy Purſe;" and that upon the death,

death, reſignation, or removal of the preſent and every other keeper of his Majeſty's privy purſe, hereafter to be appointed, all and every the ſaid ſtock or ſtocks, and ſum or ſums of money ariſing from the dividends which ſhall accrue thereon, ſhall immediately veſt in the ſucceſſor of the preſent or any future keeper of his Majeſty's privy purſe reſpectively; and the keeper of his Majeſty's privy purſe for the time being, is hereby required to lay out and inveſt the dividends, ſo accruing as aforeſaid, from time to time, in the purchaſe of other ſtocks and ſecurities on the like account; and that the keeper of his Majeſty's privy purſe for the time being ſhall, from time to time, execute declarations of truſt of all ſuch funds and ſecurities, declaring that the ſame are held in truſt for his Majeſty, by inſtruments to be executed under his hand and ſeal, to be depoſited with her Majeſty.

Provided always, and be it enacted by the authority aforeſaid, that the ſaid keeper of his Majeſty's privy purſe ſhall, on or before the twenty-ſeventh day of April one thouſand ſeven hundred and ninety, and on or before the twenty-ſeventh day of April in every ſucceeding year during the continuance of this act, take an oath before the Barons of the Exchequer, or one of them, in the form following:

" I *A. B.* do ſwear, That, according to the beſt of " my knowledge, belief or information, no part of " the money which has been iſſued to me for the ſer- " vice of his Majeſty's privy purſe, by virtue of an act, " intituled, *An act to provide for the care of his Majeſty's* " *royal perſon, and for the adminiſtration of the royal* " *authority, during the continuance of his Majeſty's ill-* " *neſs*, between the day of

" and

" and the day of has been
" applied, directly or indirectly, for the benefit, uſe,
" or behoof, of any member of the Houſe of Commons,
" or, ſo far as I am concerned, applicable, directly or
" indirectly, to the purpoſe of ſupporting or procuring
" an intereſt in any place returning members to Par-
" liament.

" So help me GOD."

And whereas it is neceſſary that proper proviſion ſhould be made for the care of his Majeſty's royal perſon, during the continuance of his illneſs, and for the direction and government of his Majeſty's houſehold, in ſuch manner as the circumſtances of the caſe at preſent appear to require; *be it therefore enacted* by the authority aforeſaid, That the care of his Majeſty's royal perſon, during the continuance of his ſaid illneſs, and the diſpoſing, ordering, and managing of all matters and things relating thereto, and alſo the direction and government of his Majeſty's houſehold, ſhall be, and the ſame are hereby veſted in the Queen's moſt Excellent Majeſty; and that her ſaid Majeſty ſhall have the full and ſole power and authority, by an inſtrument in writing, ſigned and ſealed by her Majeſty, to nominate, appoint, or remove, the Lord Steward of his Majeſty's Houſehold, the Lord Chamberlain of his Majeſty's Houſehold, the Maſter of the Horſe to his Majeſty, and the Maſter of the Robes, and Keeper of his Majeſty's Privy Purſe, the Groom of the Stole, the Gentlemen and Grooms of his Majeſty's Bedchamber, and the ſeveral officers in the reſpective departments aforeſaid, whoſe appointment, nomination, or removal have been heretofore made by his Majeſty; and that the nomination and appointment of her Majeſty, in the manner

manner and form aforeſaid, ſhall be valid and effectual, to all intents and purpoſes, as if the ſame had been made or done by his Majeſty in the accuſtomed manner; and that the ſeveral perſons ſo appointed ſhall be entitled to the like precedence, privileges, ſalaries, wages, profits, and all other emoluments, as the ſeveral perſons now holding and enjoying the ſaid offices are reſpectively entitled to.

And whereas the execution of the weighty and arduous truſts hereby committed to the Queen's moſt Excellent Majeſty, in reſpect of the care of his Majeſty's royal perſon, and of the diſpoſing, ordering, and managing of all matters and things relating thereto, may require the aſſiſtance of a Council, with whom her Majeſty may conſult and adviſe in the diſcharge of the ſame; *be it therefore enacted* by the authority aforeſaid, That in order to aſſiſt and adviſe her ſaid moſt Excellent Majeſty in the ſeveral matters aforeſaid, there ſhall be, during the continuance of his Majeſty's illneſs, a Council, conſiſting of John Lord Archbiſhop of Canterbury, Edward Lord Thurlow, William Lord Archbiſhop of York, Lloyd Lord Kenyon; the Lord Steward of his Majeſty's Houſehold for the time being; the Lord Chamberlain of his Majeſty's Houſehold for the time being; the Maſter of the Horſe to his Majeſty for the time being; and the Firſt Gentleman of the Bedchamber and Groom of the Stole to his Majeſty for the time being; which Council ſhall, from time to time, meet as her Majeſty ſhall be pleaſed to direct; and if it ſhould happen that any of them the ſaid John Lord Archbiſhop of Canterbury, Edward Lord Thurlow, William Lord Archbiſhop of York, and Lloyd Lord Kenyon, ſhould depart this life, then, and in ſuch caſe, it ſhall be lawful for the Queen's moſt

Excellent

Excellent Majeſty, by an inſtrument in writing, ſigned and ſealed by her Majeſty, revokable at her will and pleaſure, to nominate and appoint ſome One perſon, being or having been a member of his Majeſty's moſt honourable Privy Council, to be a member of the ſaid Council, to adviſe and aſſiſt her Majeſty as aforeſaid, in the room and place of each and every of the ſaid Councillors ſo departing this life; which nomination and appointment ſhall be forthwith certified by an inſtrument in writing, ſigned and ſealed by her Majeſty, to the Lords of his Majeſty's moſt honourable Privy Council, and ſhall be entered in the books thereof.

And be it further enacted by the authority aforeſaid, That each and every ſuch Councillor ſhall, within the ſpace of one month after his appointment by virtue of this act, or by virtue of her Majeſty's nomination and appointment, in manner aforeſaid, take the following oath before his Majeſty's moſt honourable Privy Council; who are hereby required and impowered to adminiſter the ſame, and to enter the ſame in the books of the ſaid Privy Council:

"I *A. B.* do ſolemnly promiſe and ſwear, That I will truly and faithfully counſel and adviſe the Queen's moſt Excellent Majeſty, according to the beſt of my judgment, in all matters touching the care of his Majeſty's royal perſon, and the diſpoſing, ordering, and managing all things relating thereto.

"So help me GOD."

And be it further enacted by the authority aforeſaid, That the ſaid Council, or any three or more of them, ſhall have power and authority at all times, when they ſhall judge it neceſſary, to call before them, and to examine

amine upon oath, the phyſicians, and all other perſons attendant on his Majeſty during the continuance of his illneſs, touching the ſtate of his Majeſty's health, and all matters relating thereto; which oath any member of the ſaid Council is hereby authorized and impowered to adminiſter.

And be it further enacted by the authority aforeſaid, That if any perſon, being a member of the Houſe of Commons, ſhall accept of any office of profit from the Crown, by the nomination and appointment of her Majeſty the Queen, by virtue of this act, or by the ſaid Regent, in the name and on behalf of his Majeſty, during the continuance of the Regency hereby eſtabliſhed, his election ſhall be, and is hereby declared to be void, and a new writ ſhall iſſue for a new election in ſuch and the like manner as if ſuch perſon had been appointed to ſuch office by his Majeſty.

And be it further enacted by the authority aforeſaid, That if her Majeſty the Queen ſhall depart this life during the time that the care of his Majeſty's royal perſon ſhall be committed to her Majeſty, according to the proviſions of this act, the ſaid Regent ſhall forthwith order and direct a proclamation, under the Great Seal of Great Britain, to be iſſued and publiſhed, declaring the ſame; and, in caſe the Parliament then in being ſhall then be ſeparated by any adjournment or prorogation, directing that the ſaid Parliament ſhall forthwith meet and ſit; or, if there ſhall be no Parliament in being, then, and in ſuch caſe, directing that the members of the laſt preceding Parliament ſhall forthwith meet and ſit.

And be it enacted, That the ſaid members, ſo meeting and ſitting, ſhall be deemed and taken to be the Two Houſes of Parliament, to all intents and purpoſes,

as

as if the former Parliament had not been diſſolved; but that they ſhall not continue to ſit as the ſaid Two Houſes, or be deemed and taken as ſuch, for any longer time than ſix months after the day on which they ſhall ſo meet, and that they ſhall be ſubject to be ſooner prorogued or diſſolved.

And be it alſo enacted by the authority aforeſaid, That until due proviſion ſhall in ſuch caſe have been made by Parliament for the care of his Majeſty's royal perſon, all and every the powers and authorities in and by this act veſted in her Majeſty, touching the care of his Majeſty's royal perſon, and the diſpoſing, ordering, and managing of all matters and things relating thereto, ſhall be, and the ſame are hereby veſted in the Council in and by this act appointed to aſſiſt and adviſe her Majeſty in the execution of the truſts to her ſaid Majeſty committed by virtue of this act: Provided nevertheleſs, that in ſuch caſe nothing in this act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Regent, or the ſaid Council, to nominate, appoint, or remove any of the ſeveral officers of his Majeſty's houſehold herein mentioned, until due proviſion ſhall have been made by Parliament in that behalf.

And be it further enacted by the authority aforeſaid, That if his Royal Highneſs George Auguſtus Frederick, Prince of Wales, ſhall depart this life during the continuance of the Regency by this act eſtabliſhed, the Lords of His Majeſty's Moſt Honourable Privy Council ſhall forthwith cauſe a proclamation to be iſſued in his Majeſty's name, under the Great Seal of Great Britain, declaring the ſame; and, in caſe the Parliament then in being, ſhall then be ſeparated by any adjournment or prorogation, directing that the ſaid

Parliament ſhall forthwith meet and ſit; or, if there ſhall be no Parliament in being, then, and in ſuch caſe, directing that the members of the laſt preceding Parliament ſhall forthwith meet and ſit.

And be it enacted, That the ſaid members ſo meeting and ſitting, ſhall be deemed and taken to be the Two Houſes of Parliament, to all intents and purpoſes, as if the former Parliament had not been diſſolved; but that they ſhall not continue to ſit as the ſaid Two Houſes, or be deemed or taken as ſuch, for any longer time than ſix months after the day on which they ſhall ſo meet.

And be it further enacted by the authority aforeſaid, That when it ſhall appear to her Majeſty the Queen, and to five of the Council appointed by this act to aſſiſt her Majeſty in the execution of the truſt committed to her Majeſty by this act, that his Majeſty is reſtored to ſuch a ſtate of health as to be capable of reſuming the perſonal exerciſe of the royal authority, it ſhall and may be lawful for her ſaid Majeſty, by the advice of five of her ſaid Council, to notify the ſame by an inſtrument under her Majeſty's hand, and ſigned alſo by the ſaid five of her Majeſty's ſaid Council, and addreſſed to the Lord Preſident of his Majeſty's Moſt Honourable Privy Council for the time being, or, in his abſence, to one of his Majeſty's Principal Secretaries of State; and the ſaid Lord Preſident, or Secretary of State, ſhall, and is hereby required, on the receipt thereof, to communicate the ſame to the ſaid Regent, and to ſummon forthwith a Privy Council; and the members of his Majeſty's moſt honourable Privy Council are hereby required to aſſemble in conſequence of ſuch ſummons; and the ſaid Lord Preſident, or, in his abſence, the ſaid Secretary of State, is required, in the preſence of any ſix or

more Privy Counſellors ſo aſſembled, to cauſe the ſaid inſtrument to be entered on the books of the ſaid Privy Council, and immediately thereafter to ſend a copy of ſuch inſtrument to the Lord Mayor of the city of London, and likewiſe to cauſe the ſame to be printed in the London Gazette.

And be it further enacted by the authority aforeſaid, That if at any time after the ſaid inſtrument under the hand of her Majeſty, and of five of her ſaid Council, ſhall have been received and entered as aforeſaid, his Majeſty ſhall think proper, by an inſtrument under his ſign manual, to require the Lord Preſident of his Majeſty's moſt honourable Privy Council for the time being, or, in his abſence, one of his Majeſty's principal Secretaries of State, to ſummon a Council in his Majeſty's preſence, conſiſting of any number of perſons, not leſs than nine, whom his Majeſty ſhall name, not being members of the Council appointed by this act to aſſiſt her Majeſty, and who ſhall be, or ſhall have been, members of his Majeſty's moſt honourable Privy Council, the ſaid Lord Preſident, or Secretary of State, ſhall, and he is hereby required to ſummon ſuch perſons accordingly, and as well the ſaid Lord Preſident, or Secretary of State, as the other perſons ſo ſummoned, ſhall, and they are hereby required to attend at the time and place appointed by his Majeſty, and ſuch perſons ſo aſſembled ſhall be, and be deemed to be, a Privy Council for the purpoſe herein after mentioned.

And be it further enacted by the authority aforeſaid, That if his Majeſty, by the advice of ſix of ſuch Privy Council ſo aſſembled, ſhall ſignify his royal pleaſure to reſume the perſonal exerciſe of his royal authority, and to iſſue a proclamation declaring the ſame, ſuch pro-

clamation ſhall be iſſued accordingly, counterſigned by the ſaid ſix of the ſaid Privy Council; and all the powers and authorities given by this act ſhall from thenceforth ceaſe and determine, and the perſonal exerciſe of the royal authority by his Majeſty ſhall be, and be deemed to be, reſumed by his Majeſty, and ſhall be exerciſed by his Majeſty, to all intents and purpoſes, as if this act had never been made.

And be it further enacted by the authority aforeſaid, That if the Parliament in being at the time of the iſſuing ſuch proclamation as aforeſaid, ſhall then be ſeparated by adjournment or prorogation, the ſaid Parliament ſhall forthwith meet and ſit; and if there ſhall be no Parliament in being at the time of iſſuing ſuch proclamation as aforeſaid, then, and in ſuch caſe, the members of the laſt preceding Parliament ſhall forthwith meet and ſit.

And be it enacted, That the ſaid members ſo meeting and ſitting, ſhall be deemed and taken to be the Two Houſes of Parliament, to all intents and purpoſes, as if the former Parliament had never been diſſolved; but that they ſhall not continue to ſit as the ſaid Two Houſes, or be deemed and taken as ſuch, for any longer time than ſix months after the day on which they ſhall ſo meet, and that they ſhall be ſubject to be ſooner prorogued or diſſolved.

Provided always, and be it enacted, That ſo much of this act as provides that the ſaid Regent ſhall not have power and authority to grant, in the name and on the behalf of his Majeſty, any office or employment whatever in reverſion, or to grant for any longer term than during his Majeſty's pleaſure, any office, employment, ſalary, or penſion whatever, may be varied or repealed by any act or acts to be made for that purpoſe in this preſent

preſent ſeſſion of Parliament, in ſo far only as relates to the granting of any office, employment, ſalary, or penſion, to any perſon appointed to the office of Lord High Chancellor of Great Britain; or to any perſon retiring on account of age or infirmity from the office of Chief Juſtice or Juſtice of the courts of King's Bench or Common Pleas, or Chief Baron or Baron of the court of Exchequer at Weſtminſter.

Provided alſo nevertheleſs, and be it enacted, That the ſaid limitation of the power of the ſaid Regent, with reſpect to the granting, in the name and on the behalf of his Majeſty, any rank, title, or dignity of the peerage of this realm, ſhall continue and be in force for and during the ſpace of three years from the commencement of this act, and no longer.

And be it enacted by the authority aforeſaid, That this act, and the ſeveral powers and authorities to be exerciſed by virtue of the ſame, ſhall commence and take effect from and after the eighteenth day of February one thouſand ſeven hundred and eighty-nine.

FRIDAY, *February* 20.

Mr. *Pitt* moved, " That the Houſe adjourn to Tueſday next."

Before the Speaker had finiſhed putting the queſtion,

Mr. *Vyner* roſe and ſaid, he gueſſed at the reaſon for ſo ſingular a ſtep, and if he was right in his conjecture, the reaſon was a moſt joyous one to that Houſe, and the country in general :— but he could not help wiſhing that they might have the ſatisfaction of hearing the reaſon ſtated by ſuch high authority as the Right Hon. Gentleman ; in order that they might be enabled to communicate it to their conſtituents with confidence and certainty.

No anſwer being given, the queſtion was put, and the Houſe adjourned accordingly.

After ſubſequent adjournments, the Houſe met on

THURSDAY, *March* 5.

When Mr. *Pitt* ſaid, the preſent happy ſituation of his Majeſty's health, enabled him to acquaint the Houſe, that he hoped to have the ſatisfaction of making a communication to them immediately from his Majeſty, on Tueſday next. He therefore moved, " that the Houſe, at its riſing,

riſing, do adjourn to Tueſday."—Agreed to *Nem. Con.*

TUESDAY, *March* 10.

The Gentleman Uſher of the Black Rod, with the uſual ceremonies, delivered a meſſage from the Lords, deſiring the attendance of the Commons in the Houſe of Lords. When they returned, the Speaker reported, that the Houſe had been to hear a commiſſion from his Majeſty, appointing certain Lords therein named, to communicate certain matters and reaſons for holding the preſent Seſſion of Parliament; and that, to prevent miſtakes, he had obtained a copy of the ſpeech delivered by the Lord Chancellor, as one of the ſaid Commiſſioners, which, with the leave of the Houſe, he would read. When this was done,

Lord *Gower* roſe, to move an addreſs. For five months, he ſaid, a melancholy interregnum had taken place, during which the State had been like a veſſel toſſed at ſea, and diſmaſted; but, the rudder remaining unimpaired, had at length been fortunately ſteered into port. Our moſt gracious Sovereign was now moſt happily reſtored to the ardent prayers and wiſhes of a loyal and grateful people; he ſhould therefore conclude with moving, that an humble addreſs be preſented to his Majeſty, which he then read.

Mr. *York* ſeconded the motion, and ſaid, that the joy he then felt, in common with his fellow citizens, inſpired him with a confidence, which he ſhould not have otherwiſe poſſeſſed, of addreſſing the Houſe. He then adverted to his Majeſty's Speech, and after paying ſeveral handſome compliments to the Miniſter, he concluded with hoping, that there would be no objection to any part of the Addreſs.

Mr. *Fox* ſaid, he ſaw nothing either in the Speech or the Addreſs which could create any difference of opinion. On the contrary, he found every thing in it worthy of commendation.

The Addreſs was agreed to *Nem. Con.*

The Marquis of *Graham* then moved a congratulatory Addreſs to the Queen, whoſe conduct had been the admiration of all Europe.—This motion was ſeconded by Mr. Hamilton.

Mr. *Fox* ſaid, he did not mean to object to the motion of the noble Lord, but he believed it was a very unuſual circumſtance; and he did not ſee on what principle an addreſs of congratulation to the Queen could be brought forward, without a ſimilar addreſs to the Prince of Wales. If the conduct of her Majeſty had been the admiration of Europe, the conduct of the Prince of Wales, who ſtood in as arduous a ſituation, had been equally ſo; and from it, the luſtre of his character had received a very conſiderable addition.

Mr.

Mr. *Pitt* ſaid, there were ſeveral precedents on their journals of congratulatory addreſſes to the Queen, and inſtanced the caſe of an addreſs to Queen Anne, on the recovery of the Prince of Denmark. The Addreſs to her Majeſty was agreed to.

The humble ADDRESS *of the* HOUSE *of* COMMONS *to the* KING.

"*Moſt gracious Sovereign,*

"WE your Majeſty's moſt dutiful and loyal ſubjects, the Commons of Great Britain, in Parliament aſſembled, beg leave to return your Majeſty our humble thanks for the Speech which has been delivered by your Majeſty's command to both Houſes of Parliament; and to congratulate your Majeſty on the happy event of your Majeſty's recovery from your late indiſpoſition, and on your being enabled to attend to the public affairs of your Kingdoms.

"We acknowledge, with the moſt heartfelt joy and gratitude, the goodneſs of Almighty God in reſtoring your Majeſty to the wiſhes and prayers of your faithful ſubjects; and earneſtly hope that your Majeſty may long continue to rule over an affectionate and grateful people.

"Permit us to lay before your Majeſty our dutiful acknowledgements of the favourable ſenſe which your Majeſty entertains of our affectionate attachment to your Majeſty's perſon, and of our

concern

concern for the honor and intereſt of your Crown, and the ſecurity and good government of your dominions.

" It will be our conſtant endeavour to merit your Majeſty's good opinion, by labouring to promote the happineſs of your people; and we will apply ourſelves, with as little delay as poſſible, to the different objects of national concern which require our attention.

" We beſeech your Majeſty to accept our humble thanks for being graciouſly pleaſed to order a copy of the treaty of defenſive alliance between your Majeſty and the King of Pruſſia to be laid before us, and to be aſſured that we are deeply ſenſible of your Majeſty's juſt regard to the intereſts of your ſubjects, and the peace of Europe, in your endeavours to prevent the extenſion of hoſtilities in the North, and your deſire to effect a general pacification. We learn, with great ſatisfaction, that your Majeſty continues to receive aſſurances of the favourable diſpoſition of the other courts of Europe towards this country.

" We ſhall not fail to proceed, with cheerfulneſs and diſpatch, to make the neceſſary proviſions for the ſeveral branches of the public ſervice.

" We ſhould be wanting to ourſelves, and to thoſe whom we repreſent, if we did not teſtify, in the warmeſt manner, the gratitude with which we obſerve the paternal expreſſion of your Majeſty's

jeſty's regard for the happineſs of your people, whoſe invariable ſentiments of zeal, loyalty, and attachment to your Majeſty, are animated and confirmed by the uniform experience of your Majeſty's virtues, and by the ſenſe of the bleſſings which they enjoy under your Majeſty's auſpicious government."

The Earl of *Courtoun* reported to the Houſe, that his Majeſty having been attended with their Addreſs of Wedneſday laſt, was pleaſed to receive the ſame very graciouſly, and to give the following Anſwer:

" *Gentlemen*,

" I thank you moſt cordially, for this loyal and dutiful Addreſs. Your warm expreſſions of congratulation, and the ſignal proofs which I have repeatedly received, of the ſincere and affectionate attachment of my faithful Commons, and of the nation at large, have made an impreſſion on my mind, which no time will ever efface."

DEBATES *in the* HOUSE *of* LORDS, *on the Subject of a* REGENCY.

THURSDAY, *November* 20, 1788.

AS ſoon as their Lordſhips had aſſembled,

The Lord Chancellor came forward and ſaid, that their Lordſhips had been called unuſually together, in conſequence of the laſt commiſſion for the prorogation of Parliament having expired: his Lordſhip added, that holding the office which he did, it would have been his duty to have received his Majeſty's directions reſpecting a further prorogation; but the reaſon of the omiſſion was, the ſeverity of the diſorder under which his Majeſty unfortunately labours, had rendered it impoſſible for him to approach his royal perſon, to receive thoſe commands.

Earl Camden roſe next, and ſpoke to the propriety of the day on which it would be proper to adjourn the Houſe. He obſerved, that it had been uſual to give forty days notice, but that the neceſſity of the times had often made it neceſſary to limit the period, and confine the notice to a much ſhorter duration: his Lordſhip inſtanced caſes of rebellion, invaſion, &c. as the circumſtances

circumſtances and ſituations of the country to which he referred; and having drawn a diſtinction with regard to the preſent caſe, concluded with moving to reſolve,

Firſt. "That this Houſe do, at the riſing thereof, adjourn to this day fortnight."

Second. "That the Lord Chancellor be directed to write to each and every Lord of that Houſe, deſiring their attendance on that day."

The Lord Chancellor then put the queſtions ſeparately, which were agreed to *nemine diſſentiente*, and the Houſe then adjourned to Thurſday the fourth day of December.

THURSDAY, *December* 4.

The Houſe met according to adjournment; and as ſoon as prayers were over,

The Lord Chancellor informed the Houſe, that in obedience to their commands, he had ſent letters to every Peer, earneſtly requeſting their attendance that day; and that he had received letters in anſwer from ſuch Lords as were then abſent, ſtating that their abſence was cauſed by illneſs, and that they hoped for their Lordſhips indulgence, on not ſeeing them that day in their places.

The Lord Preſident of the Council then roſe, and lamented that their Lordſhips had again been

obliged

obliged to aſſemble, without hearing a ſpeech from the Throne; a circumſtance occaſioned by the continued infirmity of his Majeſty, which ſtill rendered him incapable of meeting his Parliament, or attending to any public buſineſs whatever: by the abſence and incapacity of the King, the Earl obſerved, that the Legiſlature was defective and incomplete, whence all the functions of the executive government were actually ſuſpended; that it was impoſſible for the country to remain in that condition; and that in the maimed and diſmembered ſtate of the Legiſlature, it devolved on the two Houſes of Parliament to make ſome proviſion to ſupply that deficiency, and ſuch a proviſion as ſhould be competent to the neceſſity of the caſe: but before the two branches of the Legiſlature took any one ſtep on a ſubject of ſo truly delicate and important a nature, the neceſſity of the caſe muſt be proved. With that view, therefore, and with that view only, the Lords of the Council had called the five Phyſicians who attended his Majeſty during his illneſs, before the Board, and had ſeverally examined them on oath as to the ſtate of the King's health, and their opinion of the duration of his malady, and the probability of recovery. This, although the Lords of the Council had, as it were, loſt the ſpring and motion of moſt of their conſultations and functions, he conceived the Board might legally do, as the precedents of their proceedings,

proceedings, under former ſimilar ſituations of the country, ſufficiently evinced. It had not, he ſaid, been deemed wiſe or proper, that every queſtion that of a ſudden might ſtart into the head of any individual Lord of the Council, ſhould be put to the phyſicians, and therefore it had been ſettled what queſtions ſhould be put to them, and by whom, previous to their having been called into the Board-room, and a minute of the whole examinations had been taken down at the time. With the leave of their Lordſhips, he would preſent a copy of the minute of the queſtions that had been put to the phyſicians, and their anſwers, from which their Lordſhips would know authentically what was the ſtate of his Majeſty's health, and the opinion of his phyſicians, as to the probability of his recovery.

The queſtion having been put, " that the minute be preſented," and agreed to,

The minute was read; which contained the examinations of Dr. Warren, Sir George Baker, Sir Lucas Pepys, Dr. Reynolds, and Dr. Addington.

The firſt queſtion put to each of the phyſicians, was in ſubſtance, " Whether they thought his Majeſty's preſent indiſpoſition rendered him incapable of meeting his Parliament, or attending to any ſort of public buſineſs?" To which they all, in different words declared, that " he certainly was incapable." The other queſtions

went

went to their opinion of the probability of his recovery, and the duration of his illneſs, and to the grounds on which they founded their ſeveral anſwers, whether from any particular ſymptoms in his Majeſty's diſorder, from experience, or from both. They all aſſigned reaſons for thinking that his Majeſty was likely to recover, but could give no ſatisfaction as to the time of the duration of his Majeſty's illneſs; and declared their opinions were not founded on any particular ſymptoms in his Majeſty's caſe, but from their own experience, and the experience of thoſe phyſicians who had been accuſtomed more eſpecially to attend patients labouring under the ſame infirmity with which his Majeſty was afflicted, and who had made that branch of medicine the peculiar object of their practice.

Dr. Addington, in the courſe of his examination, ſpoke in very ſtrong terms of the probability of his Majeſty's recovery, grounding his opinion on his own experience in that peculiar branch of medicinal practice, from which he was enabled to pronounce, that unleſs the diſorder had been hereditary, there was every reaſon to expect a cure; and that, afterwards, his Majeſty would be in as good health, and as capable of attending buſineſs, as he was at any time previous to the commencement of his illneſs.

As ſoon as all the examinations were read,

The

The Lord Preſident moved, " That the minute do lie upon the table;" which, on the queſtion being put, was agreed to.

The Lord Preſident next moved, " that the ſaid minute be taken into conſideration on Monday next, and that the Lords be ſummoned."

This was alſo agreed to *nemine diſſentiente*; and the Houſe adjourned to Monday.

MONDAY, *December* 8.

Soon after the Lord Chancellor had taken his ſeat in the Woolſack,

The Marquis of Stafford roſe, and acquainted the Houſe with the indiſpoſition of the Lord Preſident; and ſaid, he ſhould, with ſubmiſſion, propoſe a few queſtions for their Lordſhips conſideration. His Lordſhip then obſerved, that the report of the minutes of Council, which had been preſented to that Houſe on Thurſday laſt, by the noble Earl then abſent, had been ordered to be taken into conſideration that day; but, before he ſubmitted any matter to the Houſe, he thought it his duty to acquaint their Lordſhips, that two other gentlemen of the faculty had been called in to attend his Majeſty on the preſent melancholy occaſion; and therefore ſome noble Lords might think it neceſſary that the examination of thoſe perſons ſhould likewiſe be taken.

This brought on a converſation, in which Lord Kinnaird, the Duke of Norfolk, Lord Derby, Lord Portcheſter, Lord Radnor, Lord Loughborough, Lord Carliſle, Lord Stormont, and Lord Fauconberg, ſaid a few words.

The Marquis of Stafford then moved,

" That a Select Committee be appointed to enquire into the preſent ſtate of his Majeſty's health."

" That the ſaid Committee do conſiſt of Twenty-one Lords."

" That each Lord do leave, with the Clerk at the Table, a liſt, containing the names of Twenty-one Lords."

The ſeveral phyſicians were, upon motion, ordered to attend the Committee.

THURSDAY, *December* 11.

As ſoon as the Lord Chancellor had taken the Woolſack, the report from the Committee, " appointed to examine the phyſicians who have attended his Majeſty, touching the ſtate of his health," was made by the Lord Preſident; which, upon motion, was read by the Clerk, and ordered to be printed for the uſe of their Lordſhips.

The *Lord Preſident* then obſerved to their Lordſhips, that the examinations that had been juſt read, ſufficiently evinced the melancholy ſituation

ſituation of his Majeſty's health; but, as his Majeſty's phyſicians could not give their Lordſhips any ſatisfaction as to the time when his Majeſty would recover, it was incumbent on the two Houſes of Parliament, in the preſent maimed, impotent, and defective condition of the Legiſlature, to proceed to make ſome proviſion for the purpoſe of ſupplying the deficiency, and reſtoring energy and exertion to the executive Government of the country. Before, however, they proceeded to that very important and neceſſary ſtep, he ſhould take the liberty of moving for a Committee to ſearch for and report precedents of the proceedings in ſimilar caſes, or caſes at all analogous to the preſent, in order that, having fully before them what the wiſdom of their anceſtors deemed neceſſary modes of proceeding, in caſes of difficulty and danger, they might meet the neceſſity of the moment under circumſtances of the greater ſafety. The propriety of ſuch a motion was ſo obvious, that he ſhould have conceived no poſſible objection could have been offered to it, but that it would have paſſed as a motion of courſe. He had, however, heard of an idea that had been ſtarted in another place, which had been declared to be founded in common law, and in the ſpirit of the Conſtitution. If ſuch was the common law, and ſuch the ſpirit of the Conſtitution, his Lordſhip declared it was wholly unneceſſary for the Houſe

to give themſelves the trouble of ſearching for a precedent; becauſe the idea to which he alluded, put an end at once to their power of deliberation on the ſubject. The idea was, that the Heir Apparent, being of age, had a claim to aſſume the regal authority, and take upon himſelf the adminiſtration of the Government, as a matter of right, during the period that his Majeſty laboured under the diſorder that rendered him unable to diſcharge the regal functions. If this was the common law, his Lordſhip proteſted it was a ſecret to him; he never had entertained any ſuch notion; nor had he, before the preſent occaſion, either met with it in any writer, or heard it laid down as a maxim by any lawyer whatever.—Thoſe who broached ſuch a notion, his Lordſhip ſaid, would have done well to have been ſure that they were right, before they hazarded ſo new and ſo extraordinary a doctrine; becauſe opinions of that tendency were much ſooner raiſed than laid, and might involve the country in infinite confuſion and diſorder. The aſſertion of ſuch doctrine, however, was as ſtrong an argument in proof of the expediency of the motion he meant to offer, as could poſſibly be urged; becauſe their Lordſhips, he conceived, had too much regard to their own dignity, to admit themſelves to be uſurpers of the rights of another, without ſearching and examining precedents that would convince them whether they were uſurpers

or

or not. Having made a prefatory ſpeech to this effect, the Lord Preſident moved, " That a Committee be appointed to examine and report precedents of ſuch proceedings as may have been had, in caſe of the perſonal exerciſe of the Royal authority being prevented or interrupted by infancy, ſickneſs, infirmity, or otherwiſe, with a view to provide for the ſame."

The Lord Chancellor read the motion.

Lord *Loughborough* then roſe, and went much at large into a diſcuſſion of the ſubject introduced by the Lord Preſident. In the early part of his ſpeech, he complained of the wording of the motion as vague and indefinite. It did not confine the Committee to ſearch for any diſtinct, preciſe line of precedents, but left them at large to examine general hiſtory, and report juſt as much, or as little, as they thought proper. The expreſſion, *or otherwiſe*, he ſaid, was ſo indefinite that no clear idea could be annexed to it; in his opinion, therefore, the motion ſhould have been differently worded, if the Houſe expected to derive any uſeful or material information from the inſtitution of the Committee. With regard to the idea which the noble and learned Lord had ſaid had been ſtarted in another place, he knew not whether the noble and learned Earl's information had been accurate, but he had heard of another aſſertion, a moſt extraordinary one indeed, that had been boldly, arrogantly, and

preſumptuouſly made elſewhere. The aſſertion was, " that the Prince of Wales, the Heir Apparent to the Throne, had no more right to take upon himſelf the Government, during the continuance of the unhappy malady that incapacitated his Majeſty, than any other individual ſubject." His Lordſhip commented on this aſſertion with much animation and argument, contending that it was founded on the idea that the Regency was elective, which he maintained could not be the caſe. He ſaid, by the ſettlement of the Conſtitution, and by various ſtatutes, the Crown of theſe kingdoms was hereditary; and that, by the 25th of Edward the Third, any perſon who ſhould, by ill-adviſed ſpeaking or writing, aſſert the contrary, was liable to be proſecuted, and to incur the pains and penalties of a *premunire*. There were not, he declared, but two poſſible caſes in which the Throne could become vacant, ſo as to make it the duty of the two Houſes of Parliament to provide for the exerciſe of the Regal Authority; the one, a total ſubverſion of the Government, by a breach of the original compact, as in the caſe of an abdication of the Throne; the other, when the Royal line becomes extinct, and the King upon his demiſe leaves no heir. The caſe at preſent was widely different. Having ſtated this, his Lordſhip proceeded to declare, that the aſſertion that the Heir Apparent had the right to take upon himſelf

ſelf the exerciſe of the Royal Authority, in caſe of the perſonal incapacity of his Majeſty, was a doctrine undeniably founded in law. To illuſtrate this, he pointed out the danger of conſidering the Regency as elective. Were the caſe ſo, he ſaid, the two Houſes of Parliament might ſet up a pageant of a Regent, and, in fact, aſſume the Government themſelves; becauſe a Regent, ſo elected, muſt neceſſarily be the ſlave of his electors. The ſingle precedent of a Regent having been appointed by an Houſe of Parliament to be found in our hiſtory was, he ſaid, the horrible precedent in the reign of Henry the Sixth: a precedent that led to the diſſolution and diſtraction of the country, and all the wars between the Houſes of York and Lancaſter. In that caſe, the Houſe of Lords named the Duke of York Protector, who was, of all others, the moſt unfit perſon to be inveſted with the power; but who had ſo many relations and adherents in that Houſe, that he procured himſelf to be appointed Protector. From that miſerable inſtance, their Lordſhips would ſee that the only branch of Legiſlature which had ever aſſumed the power of electing a Regent, was their own Houſe.—Were their Lordſhips prepared to follow the example, and would the other Houſe conſent that they ſhould arrogate to themſelves that power? He took notice of the Lord Preſident's having declared that the Legiſlature was maimed, im-

potent, and defective, at preſent; it certainly was ſo, wanting its invigorating head and ſpring. That was another reaſon which proved that the two Houſes of Parliament could not elect, nominate, or appoint a Regent. By the act that provides for ſecuring the Crown in the Proteſtant ſucceſſion, and by an act in the 13th of Charles the Second, the two Houſes are prevented from making laws of themſelves, or doing any one legiſlative act, without the conſent of the King.

There was no ſaying to what an extent of infringement of the Conſtitution the two Houſes might not proceed, if they once broke through the barriers which the Law and the Conſtitution had preſcribed. Beſides, was it remembered that a neighbouring kingdom was connected with us, and acknowledged allegiance to the Britiſh Crown; if once the rule of regular ſucceſſion was departed from by the two Houſes, how were they ſure that the neighbouring kingdom would acknowledge the Regent the two Houſes might take upon themſelves to elect? The probability was, that the neighbouring kingdom would depart from the rule of hereditary ſucceſſion, and chooſe a Regent of their own, which muſt lead to endleſs confuſion and embarraſſment. But it had been declared, that the Prince of Wales had no more right than any other individual ſubject. —Was the Prince of Wales a common ſubject? Did not the law deſcribe him to be one and the

ſame

ſame with the King? Lord Coke expreſſly ſtated it ſo. Was it not as much high treaſon to compaſs or imagine the death of the Prince of Wales as the death of the King? Was it high treaſon to compaſs or imagine the death of any other individual ſubject? His Lordſhip remarked, that it ſo happened that the two Houſes were, at that time, Houſes of a legal Parliament, legally ſummoned by the King's writs, and in conſequence legally aſſembled; but, ſuppoſing the caſe had occurred in the intermiſſion of Parliament, would any man ſay that it would not have been warrantable for the Prince of Wales, as Heir Apparent, to have iſſued writs, and have called the Parliament together? Upon this, and a great variety of other reaſoning, his Lordſhip maintained his poſitions, that the Regency was hereditary, and not elective; that the Heir Apparent had a right, during the interruption of the perſonal exerciſe of the Royal Authority, by his Majeſty's illneſs, to aſſume the reins of Government; but declared that he did not mean that the Prince of Wales could violently ruſh into the Government; but that, upon the authentic notification of the King's unfortunate incapacity to the two Houſes of Parliament, the Prince ought, of right, to be inveſted with the exerciſe of the Royal Authority. His Lordſhip referred the Houſe to Mr. Juſtice Foſter's Treatiſe on the Principles of the Revolution, Mr. Juſtice Blackſtone's Chapter of his

Commentaries that treated of Regal Power, and to the productions of other conſtitutional writers, as well as to the ſpeeches of Lord Somers, and others, who conducted the Revolution, as the authorities by which his arguments would be found to be ſupported.

The Lord Chancellor left the Woolſack, and expreſſed his diſſatisfaction, that, in the progreſs of a buſineſs peculiarly grave and important in its nature, there ſhould have occurred any thing like a difference of opinion, or unpleaſant altercation. Had their Lordſhips waited till the ultimate queſtion came under diſcuſſion, in all probability there would not have been found much diſagreement on any ſide, and, conſequently, much of what had been ſaid that day might have been ſpared.

His Lordſhip declared, all he had that day heard had not ſatisfied his mind. He wiſhed, therefore, before he was to give his opinion upon ſo delicate a ſubject, to have the full advantage of every information, and every precedent that could be found, that bore any ſort of analogy to the preſent unfortunate and calamitous ſituation of the country. With regard to the doctrine that had been maintained by the Noble and Learned Lord who ſpoke laſt, he could only ſay, that it was perfectly new to him, and that he had not heard it before.

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The Noble and Learned Lord, he obſerved, had remarked, that, in the eye of the law, the Prince of Wales and the King were one and the ſame. Would their Lordſhips take a metaphorical expreſſion, and force a literal meaning upon it? Although his Royal Highneſs the Prince moſt certainly was peculiarly diſtinguiſhed by his rank, birth, and dignities, it ought to be recollected, that he was, nevertheleſs, a ſubject. The Noble and Learned Lord had, in the courſe of his argument, put the caſe in two different points of view. He had ſuggeſted, that his Majeſty's unfortunate illneſs might have happened in the intermiſſion of Parliament, as well as having happened as it had done, while the Two Houſes of Parliament met in the uſual and regular way; and the Noble and Learned Lord had ſaid, in the caſe of an intermiſſion of Parliament, would not the Heir Apparent have been warranted in taking upon himſelf to iſſue writs, and call the Two Houſes together?

The fact, his Lordſhip ſaid, had actually happened in the reign of Henry VI. when the Heir Apparent did iſſue writs, and call the Parliament together. But what was the firſt proceeding of that Parliament? They paſſed an act of indemnity for thoſe who adviſed the meaſure of putting the Great Seal into the hands of an infant only nine months old. Having explained this hiſtorical fact, his Lordſhip took notice of what had

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fallen from Lord Loughbrough reſpecting Ireland, and lamented that it had been dropped, ſince it was *ſpargere voces in vulgum ambiguas.* Such vague and looſe ſuggeſtions, he ſaid, could anſwer no uſeful purpoſe, but might produce very miſchievous conſequences. He declared he had every reliance on the known loyalty, good ſenſe, and affection of that country, and felt no anxiety on the danger of Ireland's acting improperly. He ſaid, he ſhould purpoſely avoid entering at all into the diſcuſſion of the important topics that had that day engaged ſo much of their Lordſhips attention; becauſe he conſidered ſuch a diſcuſſion as premature, and did not think the queſtion ought, in any degree, to be pre-occupied. Indeed, he ſaw no other end that could ariſe from it, but affording a ſubject for a frivolous paragraph in a news-paper, to ſet idle people talking upon which ſide of the argument this or that Noble Lord ſpoke; while the ſenſible byeſtander would obſerve, that their Lordſhips had begun at the wrong end, and were diſcuſſing the concluſion, before they had ſettled the premiſes. His Lordſhip ſaid, it was unneceſſary for him to uſe any arguments in juſtification of the motion, as no objection had been made to it. He complimented Lord Loughborough on his having ſpoken of a Prince of Wales in the abſtract, without affecting, in the treatment of ſuch a delicate ſubject, to riſk any part of his

argument

argument on the perſonal virtues of the preſent Heir Apparent, who, he ſaid, ſhould always have his applauſe, when the expreſſion of it would not be an act of impertinence. His Lordſhip ſpoke of the impoſſibility of ſeparating the natural and political character and capacity of the King; and ſaid, while the Crown remained firmly fixed on his Majeſty's head, the difficulty lay in appointing a proper Regent.

Earl Stanhope ſaid, he was in the country when the news reached him of his Majeſty's unfortunate illneſs, and he came to town with no other ſentiment than a determination to oppoſe the propoſition of ſaddling the Regent with a permanent Council, if any ſuch propoſition ſhould have been made:—but that he could not ſit ſilent, and hear it denied to the Two Houſes of Parliament, that they had the power, in caſe of a vacancy on the throne, or the interruption of the perſonal exerciſe of the royal authority, to make proviſion to ſupply the deficiency. His Lordſhip addreſſed his argument chiefly to what had fallen from Lord Loughborough, and read an extract from the bill of rights, touching the conditions on which the Prince of Orange and the Princeſs Mary were offered and accepted the Crown. That declaration, he obſerved, was the act of the Two Houſes of Parliament. He next aſked, how the Hanover family came to the throne? and ſtated different inſtances of the Two

Houſes

Houſes interfering with regard to the ſucceſſion to the Crown, to prove that their interference was conſtitutional.

The Duke of Norfolk obſerved, that the greateſt part of what had been ſaid was foreign to the motion before the Houſe, to which he wiſhed to confine himſelf. His Grace argued againſt the introduction of the words *infancy* and *or otherwiſe*, and wiſhed it had been limited to *ſickneſs* only; becauſe he was ſure then, that no precedent whatever could have been produced, and that ſuch muſt have been the report of the Committee.

The Lord Preſident juſtified the wording of the motion, and declared, that his head muſt be ſtrangly illogical, if the term *infancy* was not peculiarly in point to the preſent occaſion.

Lord Stormont ſupported the arguments of Lord Loughborough, and added ſeveral others in confirmation. His Lordſhip ſaid, by the approbation that had been ſignified when the declaration that the Prince of Wales had no more right to exerciſe the royal authority, during his Majeſty's unfortunate illneſs, than any other individual ſubject, was alluded to, he was perſuaded it was a favourite doctrine with noble Lords of a certain deſcription, and that it was thrown out with a view to feel the pulſe of the nation. He contended againſt the idea of a Regency being elective; and argued, that, if that doctrine were admitted,

mitted, it muſt lead to a Republic. He reminded Lord Stanhope, that his arguments on the Bill of Rights and the Revolution were irrelevant, in anſwer to what had been ſaid by Lord Loughborough; that Noble and Learned Lord having expreſsly mentioned, that the Two Houſes of Parliament could legally provide a ſucceſſor to the throne only in two inſtances; one of which was, when a ſubverſion of the Government took place by a breach of the original compact between a Sovereign and his ſubjects, which was preciſely the caſe at the Revolution. He complimented the Noble Earl, however, on his objections to ſaddling the Regent with a Permanent Council, and inſtanced the caſe of Poland to prove, that the moſt diſtinguiſhed abilities in an elective Monarch could not prove advantageous to his people, or render his Government either beneficial or glorious, while he was fettered with a Permanent Council. His Lordſhip declared, in the name of the Peers of Scotland, that, if the Two Houſes took upon themſelves to depart from the rule of ſucceſſion, and elect a Regent, the Nobles of his part of the realm would conſider the Act of Union as ſuſpended.

After ridiculing the idea of ſetting up a competitor with the Prince of Wales, mentioning the caſe of the Duke de Guiſe, who boldly uſurped the Regency of France; and, ſpeaking in terms of affectionate ſorrow for his Majeſty's ill-

neſs,

neſs, his Lordſhip concluded with earneſtly recommending, that an addreſs of the Two Houſes, entreating the Prince of Wales to aſſume the exerciſe of the royal authority, and hold it during his Majeſty's incapacity, ſhould be voted and preſented to his Royal Highneſs.

Lord Sydney avowed it to be his opinion, that, during the interruption of the preſent exerciſe of the royal authority, occaſioned by his Majeſty's illneſs, no perſon, however high his rank, however diſtinguiſhed his birth, had a legal claim to aſſume it, as a matter of right.

Lord Portcheſter ſaid, the ſecrecy with which every ſtep in relation to his Majeſty's illneſs had been taken, the confining the examination of the phyſicians to a Committee of twenty-one, and, although five days were allowed, after laying the minute of the Privy Council on the table, the calling upon him and other Lords, in five minutes after the examinations of the phyſicians before the Committee of twenty-one had been read, to vote for a Committee to ſearch for precedents, made him regard the proceedings of Miniſters on the ſubject with an exceeding jealous eye. His Lordſhip referred to the reign of Edward III. when that King's ſon, a minor, (afterwards called the Black Prince) was declared Regent by his father, during his abſence—and reaſoned much at large upon that and other precedents.

The Earl of Hopetoun made a ſhort ſpeech.

At length, the queſtion was put, and agreed to.

FRIDAY, *December* 12.

As ſoon as the Lord Chancellor had taken the Woolſack, a Committee was appointed to inſpect the liſts delivered in at the table, of twenty-one Lords, to be appointed as a Committee "to examine and report precedents of ſuch proceedings as may have been had in caſes of the perſonal exerciſe of the royal authority being prevented or interrupted by infancy, ſickneſs, infirmity, or otherwiſe, with a view to provide for the ſame."

After ſome time, the *Lord Preſident* came into the Houſe, and informed their Lordſhips, that the Committee had met, and inſpected the ſeveral liſts, and had deſired him to report the following names as a Committee, viz.

Archbiſhop of Canterbury
Lord Chancellor
Lord Preſident
Lord Privy Seal
Duke of Richmond
Duke of Portland
Earl Derby
Earl Coventry
Earl Dartmouth
Lord Radnor
Lord Chatham
Earl Bathurſt
Lord Stormont
Biſhop of London
Lord Oſborne
Lord Sydney
Lord Loughborough
Lord Walſingham
Lord Grantley
Lord Hawkeſbury
Lord Kenyon.

The Lord Preſident then moved, "That the ſaid Committee, or any eight or more of them, do meet the next day in the Prince's Chamber."

"That no Lord but thoſe of the Committee be preſent."

Lord Hopetoun moved, "That the report from the Committee appointed to examine the phyſicians who had attended his Majeſty, touching the ſtate of his Majeſty's health, be printed;" which, upon the queſtion being put, was ordered accordingly.

The Houſe then adjourned till Monday.

MONDAY, *December* 15.

Earl Fitzwilliam enquired of his Majeſty's ſervants, whether they intended to bring forward any motion on the report of precedents? There was but one opinion, he ſaid, on the meaſures neceſſary to be taken in the preſent ſituation of Government, and that was, that a Regent ſhould be appointed, and that the Prince of Wales ought to be the Regent. It would, he ſaid, be a very great ſatisfaction to his mind, if his Majeſty's Miniſters would aſſure the Houſe, that they did not mean to agitate any queſtion relative to the right of the Heir Apparent to take upon him the Regency of the country.

Lord

Lord Camden replied, that the Committee had not yet been able to make their report, previous to the receipt of which it was utterly impoſſible to proceed a ſingle ſtep. When the report ſhould come, it would be neceſſary to move to have it printed for the uſe of their Lordſhips, and then time muſt be allowed for their Lordſhips to make themſelves maſters of the various precedents it contained, previous to their grounding any proceeding upon it. Were he to ſay no more, the Lord Preſident declared, he ſhould conceive he had given the noble Earl as ſatisfactory an anſwer as he had a right to expect; but he thought he might go one ſtep farther, and ſay, that it was not the wiſh of Miniſters to agitate more queſtions than were abſolutely neceſſary. The rights of the two Houſes of Parliament had been queſtioned, and two noble Lords, an illuſtrious and learned Baron, not then preſent, and a noble Viſcount, had argued very much at large, and with great authority, againſt the exiſtence of thoſe rights. It became therefore abſolutely neceſſary that rights ſo eſſential and important ſhould not be left unſettled and undecided, before they proceeded to the other neceſſary ſteps in the providing a Regency. But as the Noble Earl had put a queſtion to him, would he, in turn, give him leave to put a queſtion to him? Would the Noble Earl, and the other Noble Lords who acted in concert with him, de-

clare, that all queſtion of the rights of Parliament was abandoned by them, and admitted to exiſt in full force?

Earl Carliſle ſaid, he had not conceived that either of the two Noble Lords alluded to had queſtioned the Rights of Parliament; becauſe, if their arguments had borne that tendency, he ſhould have imagined they would have objected to the appointment of a Committee to ſearch for precedents as altogether unneceſſary, and that the Houſe would have found itſelf in a very different ſtage of the buſineſs from that in which it ſtood at preſent.

The Duke of York next roſe. His Royal Highneſs began by declaring, that, perfectly unuſed as he was to ſpeak in a public aſſembly, he could not refrain from offering his ſentiments to their Lordſhips on a ſubject in which the deareſt intereſts of the country were involved. He ſaid, that he entirely agreed with the Noble Earl (Lord Fitzwilliam) and other Lords, who had expreſſed their wiſhes to avoid any queſtion which tended to induce a diſcuſſion on the rights of the Prince. The fact was plain, that no ſuch claim of right had been made on the part of the Prince; and he was confident that his Royal Highneſs underſtood too well the ſacred principles which ſeated the Houſe of Brunſwick on the throne of Great Britain, ever to aſſume or exerciſe any power, *be his claim what it might*, not derived

derived from the will of the people, expreſſed by their repreſentatives, and their Lordſhips in Parliament aſſembled.

On this ground, his Royal Highneſs ſaid, he muſt be permitted to hope, that the wiſdom and moderation of all conſiderate men, at a moment when temper and unanimity were ſo peculiarly neceſſary, on account of the dreadful calamity which every deſcription of perſons muſt in common lament, but which he more particularly felt, would make them wiſh to avoid preſſing a deciſion which certainly was not neceſſary to the great object expected from Parliament, and which muſt be moſt painful in the diſcuſſion to a family already ſufficiently agitated and afflicted.

His Royal Highneſs concluded with ſaying, that theſe were the ſentiments of an honeſt heart, equally influenced by duty and affection to his Royal Father, and attachment to the conſtitutional rights of his ſubjects; and that he was confident, if his Royal Brother was to addreſs them in his place as a Peer of the realm, that theſe were the ſentiments which he would diſtinctly avow.

The *Lord Chancellor* left the woolſack to declare, that what they had juſt heard, muſt make a ſtrong impreſſion on the minds of their Lordſhips, and that it could not but be extremely gratifying for them to know, that the mode that they ſhould adopt on the preſent melancholy oc-

caſion, would give the utmoſt pleaſure and ſatisfaction to the exalted perſonage who muſt neceſſarily feel the greateſt intereſt in their deliberations and deciſions. He declared, for one, that no man could be more determined than he was, to avoid having any queſtions brought forward that were unneceſſary, and that he was ready to bind himſelf by any words, or phraſes, however ſtrong, not to vote for any queſtion, that took any other direction than the ſtreight path of the public good. His Lordſhip ſpoke of queſtions of right as generally invidious, and often unneceſſary, and declared, that in their preſent critical ſituation, no queſtion ought to be brought into agitation, that the nature of the ſubject did not actually and abſolutely demand to be diſcuſſed. He reminded their Lordſhips of the ſteps they had hitherto taken in the important buſineſs before them, and of the ſtage at which they had arrived, obſerving that they had followed the ſame line with the Houſe of Commons; but it had ſo happened, that the Houſe of Commons were in a more advanced ſtage of the buſineſs. At preſent their Lordſhips' Committee were employed in ſearching for precedents, and had not yet been able to make their report: when that report ſhould come before them, they would be enabled to ſee what ſtep ought farther to be taken, with a view to do that which they muſt all wiſh to ſee done, viz. to reſtore vigour and

efficacy

efficacy to the executive government of the country, and he ſhould ſuppoſe, above all things, to take care faithfully to diſcharge the duty of ſubjects, and preſerve the Rights of the King entire, ſo that when God ſhould permit his Majeſty to recover from his preſent melancholy illneſs, he might not find himſelf in a worſe ſituation than he was in before his infirmity, or diſabled from the full exerciſe of all his rightful prerogatives. His Lordſhip took notice of the eloquent and energetic manner in which a noble Viſcount had, in their laſt debate, expreſſed his feelings on the preſent diſtreſſing ſituation of his Majeſty; feelings rendered more poignant from the Noble Viſcount's having been in habits of perſonally receiving various marks of indulgence and kindneſs from the ſuffering Sovereign: his own ſorrow, his Lordſhip declared, was aggravated from the ſame circumſtance; his debt of gratitude alſo to his Majeſty was ample for the many favours his Majeſty had graciouſly conferred on him, which, when he forgot, *might God forget him!* His Lordſhip took notice, that in the laſt converſation that had taken place in that Houſe upon the ſubject, two opinions, different from each other, had been propounded; as theſe opinions ran in oppoſite lines, and could not be brought to one and the ſame point, ſome path between the two, he conceived, muſt be chalked out; what that path was, remained for their

Lordſhips to find, and poſſibly they would be aſſiſted by ſome communication from the other Houſe. His Lordſhip again declared, it was nevertheleſs his opinion, as much as it was that of the Noble Earl who had begun the converſation that day, that no queſtion that was not abſolutely neceſſary ought to be agitated; and that, if it could be done, the proceeding with perfect unanimity was moſt deſirable. His Lordſhip ſpoke of their not being ripe for any deciſion yet, and urged the little uſe of debating before the report was made from the Committee, and further proceedings had thereupon.

Lord Stormont ſaid, he agreed in many points with the noble and learned Lord who had left the woolſack; he would therefore only detain their Lordſhips with ſtating in what he differed from that noble and learned Lord. The noble and learned Lord had ſtated, that two opinions had been propounded in the laſt debate, that ran in parallel lines, and could not be reconciled and brought to one and the ſame point. So far from this being the ſtate of the caſe, he thought nothing could be more eaſy than to reconcile the one to the other; his Lordſhip then begged leave to remind the Houſe of what he had in his ſpeech on Thurſday laſt repeatedly mentioned, viz. that the agitating the ſubject that day diſcuſſed, and which gave occaſion for the two oppoſite opinions to be ſtated and inſiſted upon, was not imputable

putable to him, or to any Noble Lord who had ſpoken on his ſide of the queſtion. Their Lordſhips muſt all remember, that the ſubject had been introduced by the Lord Preſident of his Majeſty's Council in a moſt extraordinary, and he would ſay, diſorderly and unparliamentary manner.

Lord Stormont was here called to order, and ſome interruption took place, which being compoſed:

Lord Camden roſe again and declared, that he could not ſit ſilent, and hear himſelf charged with having been guilty either of a crime, or, at beſt, a very high and cenſurable act of indiſcretion. A noble Viſcount had ſaid, that he, in a manner equally extraordinary, diſorderly, and unparliamentary, had introduced the topic on which they had diſcourſed laſt Thurſday. He was ready to confeſs that he did take notice of what had paſſed *in another place*, in the courſe of his opening ſpeech; but he denied that, from the general words he had uſed, any noble Lord was warranted to fix on him a charge of having ſpoken in a diſorderly or an unparliamentary manner. Not that he meant to deny, that by *the other place*, he did mean the Houſe of Commons: he certainly did; and if the queſtion was put to him, whether any alluſion in that Houſe to what had paſſed in the other, was diſorderly and irregular, he ſhould admit that it was. But

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ſuch alluſions, they all knew, though in ſtrictneſs irregular, were made every day and overlooked; or if noticed, done ſo by ſtating that they were diſorderly, in ſo good-humoured a tone, that no party felt uneaſy. The noble Viſcount had that day uſed the word *unparliamentary* with ſo angry and vehement a tone, that it ſeemed as if they were determined to proceed with a degree of paſſion and animoſity that was exceedingly to be lamented. He muſt, however, in juſtice to himſelf, deny that he was that wicked and bad man who had broached the doctrine of the Rights of the Prince, in contradiction to the Rights of the two Houſes of Parliament. He did not firſt broach the doctrine, and therefore he did not hold himſelf anſwerable for the conſequences. Having been broached, it muſt be noticed, becauſe they were engaged in a proceeding that would materially affect the liberties of poſterity, and therefore nothing dark or doubtful ought to be ſuffered to remain untouched and undecided in the adjuſtment of ſo momentous a concern.

Lord Stormont, after ſpeaking to the circumſtance of his being called to order, argued very ſtrongly againſt agitating theoretical ſpeculations, and on the neceſſity of coming at once to practical meaſures. After ſome further obſervations had been made by the Chancellor and Earl Stanhope,—

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The Duke of Glouceſter roſe; and after ſtating the peculiar unpleaſantneſs of his own ſituation, and declaring that it was only four hours ſince he had heard that any thing was to be agitated upon the ſubject that day, deprecated, with great energy and feeling, the diſcuſſion of a queſtion which could only tend to produce the moſt miſchievous conſequences. He declared himſelf a mere individual, not influenced by party, but actuated by a ſincere love of his country, and a ſtrong ſenſe of what he knew would be his Majeſty's feelings, was he happily to recover from his preſent lamented indiſpoſition. His Royal Highneſs truſted, that the good ſenſe and loyalty of a majority in each Houſe, would yet prevent the threatened deciſion on this point. Perſeverance in it was miſchievous to the laſt degree, and could not be meant for the public good: for his part, his Royal Highneſs added, he felt ſo ſtrongly on the ſubject, that if the attempt was perſiſted in, and the queſtion brought before that Houſe, he could only ſay, that he believed he ſhould not dare to truſt himſelf to come forward and ſpeak his ſentiments on the extraordinary conduct of thoſe, who were unneceſſarily inclined to compel a deciſion on ſo delicate a queſtion. The Houſe then adjourned.

WEDNESDAY,

WEDNESDAY, *December* 17.

The report from the Committee appointed to examine and report precedents, &c. was brought up, read, and ordered to be printed.

TUESDAY, *December* 23.

Sir *Francis Molyneux* informed their Lordſhips that there was a Meſſage from the Commons.

The Meſſage was, that the Commons had agreed to thoſe reſolutions already ſtated.

Lord *Camden* moved, that thoſe reſolutions ſhould be referred to a Committee of the whole Houſe, on Friday next.

The motion was put, and ordered accordingly.

Lord *Camden* then moved, " That the Report from the Committee appointed to examine and report Precedents of ſuch proceedings as may have been had in the caſe of the perſonal exerciſe of the Royal Authority being prevented or interrupted by infancy, ſickneſs, infirmity or otherwiſe, with a view to provide a remedy for the ſame, be referred to the ſaid Committee of the whole Houſe on Friday next."

The Chancellor put the queſtion on this motion, when

Lord

Lord *Loughborough* begged the attention of their Lordſhips to the ſubſtance of this motion, before they gave it their aſſent. He had a few words to offer on the ſubject, and ſhould take care that thoſe words ſhould not lengthen out the converſation by any intention of his to create a debate. The noble Lord took up the wide field of the Hiſtory of England, and entered into the ſtory of battles and ſieges, depoſings and coronations, open murders, private aſſaſſinations, ſtate cabals, political intrigues, uſurpations of unconſtitutional power, and all its attendant conſequences. His Lordſhip, upon the whole, promiſed, or rather pledged himſelf, to prove the inaccuracy of the report, by ſubſtantiating that many matters were cited as precedents which were not in point, and that others were brought forward without the neceſſary attendance of truth.

Lord *Hawkeſbury* replied to what his Lordſhip advanced by obſerving, that it was ſomewhat extraordinary, the learned Lord ſhould make ſo violent an objection to the report of that Committee of which he was a member. The members ſelected to ſearch for thoſe important precedents, were compoſed of the firſt abilities in the Houſe —and among thoſe was the noble and learned Lord, the abſence of whoſe aſſiſtance was to be lamented, becauſe that neglect of his duty to the Committee, was the cauſe of the complaints which were now made againſt the inaccuracy of its report.

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This was not a time to enter on a diſcuſſion of the wide ſubject ſtarted by the learned Lord—and therefore, he had only to ſay, that he was certain, when the objections mentioned by the learned Lord were taken properly into conſideration by thoſe members who compoſed the Committee, they would be able to juſtify themſelves in the report they had made, and fully reply to all that his Lordſhip had now, or might hereafter allege on the ſubject.

Earl *Camden* then moved his queſtion again, which was put, and ordered.

The next motion was, that " This Houſe do reſolve itſelf into a Committee of the whole Houſe on Friday next, to take into conſideration the ſtate of nation."—Ordered.

His Lordſhip then moved, " That all the Lords be ſummoned for Friday next;" which was likewiſe ordered. The Houſe adjourned to that day.

FRIDAY, *December* 26.

The ſeveral orders of the day being read, and the queſtion put, " that the Houſe do reſolve into a Committee of the whole Houſe, on the ſtate of the nation, the ſame was ordered; and Lord Onſlow ſat as chairmain."

Lord *Hopetoun* roſe in defence of the propriety of adopting thoſe meaſures, which had been ſo

maturely diſcuſſed in another place; not that he wiſhed the Houſe haſtily, or on the faith of the Commons to come to any deciſion. It was requiſite to deliberate on this moſt weighty meaſure with caution, and even with diſtruſt, that the world might ſee, and the people be convinced of the rectitude of both Houſes in a caſe of ſuch magnitude as the appointment of a proper perſon to execute the official duty of the firſt branch of the Legiſlature. The multiplicity of arguments which had been uſed, and the unfairneſs with which the premiſes in general were ſtated, to prove that the *right* lay with his Royal Highneſs, called for the fulleſt confutation which the Houſes of Lords and Commons could give them. Indeed there was one, a moſt authentic document, to ſhew its nullity; which document was, the aſſertion of the Prince's brother, in the Prince's name, that he never did look up to any ſuch right, as a right of inheritance, and that he would be guided by the ſenſe of the repreſentatives of the people, and accept ſuch power as they might conſtitutionally offer him. His Lordſhip took a ſhort view of the precedents by which their Lordſhips would certainly be guided; commended the prudence with which they had proceeded, and gave it as his opinion, that the reſolution ſhould be agreed to.

The *Earl of Abingdon* maintained that it was highly proper to aſcertain the queſtion of *right*, as a precedent for poſterity.

Lord

Lord Rawdon combated the propriety of going at all into the merits of the queſtion of right; which, he ſaid, was not a matter within the conſtitutional juriſdiction of the Houſe to decide, and therefore highly improper to become the ſubject of debate. It had been laid down, that there were precedents to warrant the Houſe in the mode they were adopting. This might hold good, ſo far as the *mode* went; but he thought he might take upon him to ſay, that there was no caſe on the records or rolls of Parliament which could direct their Lordſhips how to act in the incapacitated ſtate of a King, when the Heir Apparent was of full age, and good diſcretion. It was this which ſtruck his mind more forcibly, and which directed his judgment to tell their Lordſhips, that, at ſuch a criſis, there was but the one ſafe, eaſy, and he would ſay, conſtitutional road for them to tread, which road was to the Heir Apparent,—to the inheritor in expectancy—to the perſon whoſe right, on the demiſe of his father, the crown conſtitutionally deſcended. His idea, however, was, to preſent an addreſs to the Prince, that he would be pleaſed to take upon him the office of Regent during the incapacity of his father; and that this ſhould ſtand by way of amendment, in place of the firſt reſolution, by which all the others would become a nullity of courſe.

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The amendment being read by the Clerk, and put, it called up

Lord Camden, partly in reply to Lord Rawdon, and partly in defence of the precedents. He called what the laſt noble Lord had advanced, a moſt improper mode of proceeding—ſomething bordering on the ridiculous;—it went to the purpoſe of telling the Houſe, that every ſtep which they had taken, every motion which their Lordſhips had unanimouſly agreed to, were ſo many *blanks*—were a heap of abſurdities, which it was requiſite for them to do away by a vote which rendered the whole of the proceeding a nullity. Could any thing in nature be more abſurd? Was it poſſible to conceive a more inconſiſtent act? Their Lordſhips, however, had more regard to their dignity—more reſpect to the importance of the ſubject which had taken up ſo much of their attention, than to ſweep it all away in a moment, without even allowing that it was right to take it firſt into conſideration. The noble Lord ſurely forgot, that in all caſes of this nature, it was requiſite to take the ſenſe of both Houſes; and if ſuch neceſſity exiſted, that it followed, as a matter of courſe, to take it into deliberation, and when taken, it was natural to have a reſult. It was in fact a fair logical poſition of the premiſes, and the concluſion—but the order of which the noble Lord totally ſubverted, by allowing the premiſes, and denying the concluſion

—that concluſion which muſt be the effect of ſuch premiſes. He truſted, he ſaid, that the Houſe would not agree to ſuch a ſtrange doctrine, and that the matter of right would be fully and ably diſcuſſed before the Houſe broke up, in order to give that conſequence—that weight to their Lordſhips proceedings, which the magnitude of ſuch a matter demanded.

The learned Lord then entered upon the ſubject of the precedents, and beginning with that of the firſt year of Henry the Third, he regularly proceeded to the Revolution of 1668.

Having minutely ſtated all that came under the head of *infancy* in the firſt and third of Henry the Third; the third of Edward III. the firſt, ſecond, third, tenth, and thirteenth of Richard the Second; the firſt, ſecond, third, fourth, fifth, ſixth, eighth, ninth, eleventh, and thirteenth of Henry the Sixth; the firſt of Edward the Fifth; the firſt and third of James the Sixth of Scotland; and then, with the ſame accuracy and judgment, going through the precedents of *ſickneſs* and *infirmity*, found in the rolls of Parliament, reſpecting the fiftieth and fifty-firſt of Edward III.; the thirty-firſt, thirty-ſecond, thirty-third, and thirty-fourth of Henry VI.—he came to the caſes of *abſence*, "or otherwiſe," and deduced from the whole, that in every ſituation where the ſovereign power in the life of a King was executed by a Regent, or Protector, or Lieutenant, the whole

of the authority under which ſuch Regent, Protector, or Lieutenant acted, was derived from the Houſes of Lords and Commons, and not exerciſed or even claimed as a matter of right by the Heirs Apparent, or the Heirs in Expectancy. Indeed ſo far from ſuch a claim being made, it was laid down as a fundamental maxim, that whilſt the King lived, although he was an infant or incapacitated by ſickneſs, no hereditary right could interfere either to deprive him of his Crown, or ſeize upon the executive powers of government. The people were always jealous, always careful of their rights in ſuch caſes, which was that of appointing the perſon or perſons to whom that authority ſhould be delegated; and in the precedents which the noble Lord quoted, he proved moſt clearly that the law and cuſtom of this country always were, in caſes of neceſſity, for the two Houſes of Parliament to take upon themſelves the Supreme Authority, ſo far as it went to the appointment of a Regent. He dwelt with peculiar force on that of Henry the Sixth, both in the ſtate of infancy, and when he lay incapacitated in the 32d year of his reign at Windſor, by the viſitation of a malady that made him inſenſible to all tranſactions, and deprived him of the power of diſtinguiſhing even his moſt intimate attendants. In this caſe, it was thought provident by Parliament to appoint a Regent; and leſt any miſchief might enſue from the poſ-

ſeſſion of too much power in the perſon of the King's uncle, he was ſaddled with a numerous Council, under whoſe direction he was to act. The ſame was the caſe in the King's infancy, and indeed in every time when a Regent was appointed. There was no ſuch thing as a ſole unlimited power in any one *Viceroy*: it was a thing unknown to the conſtitution, unthought of until the preſent moment, and which never could be. He beſought their Lordſhips not to depart from the wiſdom of their anceſtors, to introduce a new power into this country, however they might be convinced of the honour, the wiſdom, and the conſtitutional principles of the perſon to whom it was delegated;—and who, himſelf, ſaw the impropriety of ſuch a meaſure, as was evinced by what his royal Brother had ſaid in the Houſe. The Prince appeared to underſtand the matter of right; but as the people, or at leaſt a certain deſcription of them differed about it, there was a very urgent neceſſity for the Houſe to debate the queſtion. Having, with peculiar energy, dwelt on this part of the ſubject, and delivered it as his opinion, that nothing but the Lords and Commons could, without a ſubverſion of the conſtitution, appoint a Regent, and arrange the powers to be given to that Regent, he mentioned that the limitations which would be propoſed to reſtrain the Regent, would be but few, and would not interfere with doing every thing that

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was actually requiſite for the true intereſt of the ſtate during the incapacity of the King.—More it was impoſſible to expect, unleſs the preſent King was depoſed;—and the abſence of all power from a Monarch, is, in fact, the depoſing of him. If, therefore, the Prince, or any other perſon was appointed Regent, with all the powers of monarchy, what would become of the Crown? Would it not be *vacant*? or rather would it not be uſurped, and torn from the head to which it was fitted for life?—Theſe were conſiderations of great moment. Whatever might be the ſituation of the King, he was not yet dead; and his preſent unhappy ſtate was the buſineſs to which their attention was peculiarly requiſite. His Crown was their moſt careful object—and it was the duty of their Lordſhips to guard it, with all poſſible care, againſt uſurpation or encroachment. Holding the argument in this light, he ſhould give the motion of the amendment his moſt hearty negative.

Lord Stormont entered very fully into the queſtion: he obſerved, that many of the precedents did not at all apply to the preſent inſtance, which was new in the hiſtory of this country; he was clearly of opinion, that the moſt conſtitutional way of proceeding at preſent, was by an humble addreſs to the Prince of Wales, to take upon him the adminiſtration of the executive government of the kingdom during his Majeſty's illneſs,

and no longer. The mode of giving the Royal aſſent, mentioned in the third reſolution, was unconſtitutional, and fraught with danger which their Lordſhips could not poſſibly foreſee, and of which they might be afterwards aſhamed. He ſaid, that although the Great Seal, in common caſes, was evidence of the Royal aſſent, yet, in the preſent caſe, it would be a forgery: and for the two Houſes of Parliament to take upon them to ſupply, in this manner, the defect in the legiſlature, was a groſs violation of the rights of Majeſty. It was as arbitrary and unconſtitutional, as it was for the Houſe of Commons, in the year 1648, to aſſume to themſelves the power of making laws, without the conſent of the King and the Lords. The Prince was now of full age, and entitled to the exerciſe of the whole regal power during the melancholy diſorder of his Majeſty, which he hoped would be only temporary, and that the King would ſoon be able again to take upon him the management of public affairs. He conjured Noble Lords to conſider this important buſineſs fully and deliberately, before they came to a determination.

The Duke of Richmond ſubmitted to the Houſe whether this addreſs to the Prince of Wales would not be as much an act of legiſlation, as any that could be imagined. As to the right which, it had been ſaid, his Royal Highneſs had to exerciſe the Royal authority, during any tem-

porary

porary indiſpoſition of his Majeſty, he ſhould be glad to know from whence it was derived, and upon what principle it was founded; he could not ſee a ſhadow of ground for any ſuch right; if any ſuch right exiſted, what were the natural and legal conſequences of it? they were various, and deſerved the moſt ſerious conſideration of their Lordſhips. In the firſt place, if his Royal Highneſs really had this right, the firſt conſequence was, that all the King's perſonal property went to the Prince along with this right. The moment he ſucceeded to the regal power, at the ſame inſtant he had a right to all the King's perſonal property. Now, it was probable his Majeſty had very conſiderable perſonal property, from the Electorate of Hanover, &c. for the ſupport of his very numerous family;—was all this to fall into the hands of the Prince when he became Regent? Another right that devolved on his Royal Highneſs, the inſtant he ſucceeded to the exerciſe of regal power, was the care of his Majeſty's perſon. The Prince might diſmiſs every ſervant from about his Majeſty's perſon, from the two Noble Lords who carry the white ſtaves, down to the meaneſt page. No Noble Lord would ſay that this was proper. He would not pretend to ſay that his Royal Highneſs would exerciſe any ſuch acts, but this was ſetting a precedent to future generations. No man, he ſaid, in that Houſe had a greater reſpect and reverence

for the perſon of the Prince of Wales than he had. The Noble Duke concluded, by expreſſing his perfect agreement and concurrence to the three reſolutions that had paſſed in the Houſe of Commons.

Lord Loughborough, in a very long ſpeech, took a view of the ſeveral precedents, and endeavoured to ſhew that there was not the leaſt analogy between them and the caſe before their Lordſhips. He inſiſted upon the incapability of the two Houſes to do any act which conſtituted the powers of Parliament. He combated the three reſolutions that were paſſed in the Houſe of Commons, and endeavoured to ſhew that they were nugatory, unconſtitutional and abſurd.

The Lord Chancellor denied all the doctrine laid down by the Learned Lord, as totally unfounded in law. To prove this, he laid it down as his poſition, that the motion made by Lord Rawdon was not to be ſupported on any grounds of reaſon; for if the Houſe was incompetent to appoint a Regent under certain reſtrictions, it was incompetent to addreſs any man to become a Regent. This was an argument which could not be controverted. The matter on which the Houſe was to decide came to this point;—have we, or have not any powers? If we poſſeſs authority, let us go on;—if we do not, it is idle and nugatory to debate any longer. This, he believed, would require very little deliberation; and, as he conceived,

ceived, muſt be determined in favour of the right. His Lordſhip declared it as his opinion, that from all he had read—from all he had heard of—and from all the principles of conſtitutional juſtice which he could conceive, the Houſes of Parliament were authoriſed, in the preſent caſe, to appoint a Regent. In reſpect to the Prince of Wales, he muſt ſay, that his Royal Highneſs was the moſt proper perſon to be appointed: but in ſaying that, he denied any ſort of *legal* claim in the Prince, he believed he proved himſelf a much better friend to that perſonage, than thoſe who pretended to have his intereſt more at heart. Thoſe who contended for the juſt authorities of the Crown, to which that illuſtrious Gentleman was Heir Apparent, ſhewed their loyalty much better than thoſe who were for curtailing its due rights and prerogatives, and the Prince would derive more ſolid advantages from the former than the latter.

Having placed this idea in various points of view, he again mentioned the futility and the abſurdity of the motion before the Houſe: it was an amendment, that deſired their Lordſhips finally to determine a queſtion which they had no right to debate; or, in other words, to create a new appointment, at the very time they were to avow their incapacity to do ſo. This ſurely was the pinnacle of nonſenſe, and broached ſuch a doctrine as the wiſdom of the Houſe would never ſubſcribe to.

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The Houſe then divided on Lord Rawdon's amendment.

Ayes, 66——Noes, 99.———Majority, 33.

The three reſolutions, in their original ſtate, were then put and carried without a diviſion.

MONDAY, *December* 29.

The Order of the Day for taking into conſideration the report of the Committee on the ſtate of the nation being moved, the three reſolutions voted on Friday were read: the two firſt were agreed to without any debate; and on the third being read,

Lord Kinnoul roſe, and proteſted againſt it, as inimical to the conſtitution, as it tended to create a fourth eſtate, and to deſtroy that equipoiſe of the three branches of the legiſlature, which had cauſed this country to flouriſh for ages. He admitted the propriety of referring to precedents; but contended that the circumſtances of the times in which they took place, rendered them altogether inapplicable to the preſent occaſion. His Lordſhip inſiſted that the Prince of Wales, for every reaſon, ought to be entruſted with the full powers of the prerogative during the continuance of his Majeſty's illneſs.

Lord Kinnard complained, that the meaning of the reſolution was obſcure, and wiſhed that ſome Noble Lord, whoſe official ſituation gave him an opportunity of underſtanding it, would explain the nature of thoſe meaſures which were to be grounded

grounded upon it. No explanation being given, his Lordſhip proceeded to conſider the reſolution in various points of view, and affirmed that their Lordſhips proceedings, in conſequence of it, could be reconciled neither to the principles of the conſtitution nor to the law of the land.

The *Earl of Suffolk* alſo oppoſed the reſolution, and quoted *De Lolme* on the neceſſity of preſerving the counterpoiſe and independency of the three eſtates of Parliament; and concluded with cautioning their Lordſhips againſt ſupporting any limitations which would render the Regency unfit for a gentleman to accept.

The *Duke of Norfolk* wiſhed to be made acquainted with the nature of the proceedings which were to follow the reſolution.

The *Duke of Richmond* ſaid, he could only explain, as an individual, what he himſelf underſtood by it; which was to put the Great Seal to a commiſſion for repreſenting the King in Parliament, and to another, for giving the Royal Aſſent to ſuch bills as ſhould be agreed on by the two Houſes for ſettling the Regency.

Lord Portcheſter obſerved, if the Keeper of the Great Seal was to be empowered to ſignify the will of the King, he might differ in opinion from the two Houſes; and, in that caſe, he was well aſſured, from his knowledge of the Noble Lord's integrity, he would not aſſent to any bill that might be paſſed. They were, therefore, under

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the neceſſity of owning, after having declared the right, that they had no ſuch right.

Lord Stormont ſaid, there was a reaſon for the ſilence of the Miniſters which they did not chuſe to publiſh. They could not undertake to ſay what farther was intended, till they received their inſtructions from the Houſe of Commons. It had been underſtood on Friday, that the third reſolution was to be debated on the report; but ſince Miniſters choſe to make no reply to the arguments urged by the Noble Lords near him, he would not go at large into the queſtion.

Lord King ſaid a few words in ſupport of the queſtion for receiving the report; which was at length carried without a diviſion.

TUESDAY, *January* 20.

Several reſolutions of the Houſe of Commons were preſented to the Lords, which having been read, Lord Camden moved, "That this Houſe do, on Thurſday next, reſolve itſelf into a Committee on the preſent ſtate of the nation," which was agreed to.

THURSDAY, *January* 22.

STATE OF THE NATION.

The Houſe reſolved itſelf into a Committee of the whole Houſe, and the Order of the Day being

ing called, the reſolutions from the Houſe of Commons were read.

Earl Camden obſerved, that the buſineſs had taken up more time than was neceſſary in point of debate; for the principle of the proceeding was juſtified by neceſſity, and the ſpirit of the conſtitution; and the proceedings, had they not been thwarted by an unwarrantable oppoſition, would long ſince have terminated in the very manner in which it was likely they would now end. Their Lordſhips were in poſſeſſion of every fact relative to the unhappy ſituation of the King; and Parliament, in conſequence, had thrown the weight of ſupplying the vacancy of the executive government on the Miniſters as they now ſtood. In obedience to what Parliament had directed, the buſineſs had now arrived to the period of appointing a Regent; and, with great propriety, the firſt reſolution for their Lordſhips conſideration, was that of veſting his Royal Highneſs the Prince of Wales with ſovereign authority, to which he was certain no man could or would object: but to come more immediately to the ſubject under conſideration, and as it was, on all hands, admitted, that the two Houſes of Parliament, and they only, could appoint a Regent, the reſolutions now read were offered to their Lordſhips as the ultimate ſentiments of the Houſe of Commons. In thoſe reſolutions there were certain reſtrictions on the Regent which had

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his full approbation. The firſt was, that he ſhould be limited as to the creation of Peers; and when their Lordſhips fully conſidered this point, they would certainly agree in the propriety of ſuch a meaſure. The creation of nobility was one of the moſt ſplendid privileges of the Crown; it enabled the Sovereign to confer honours on any perſon and his poſterity for ever, and to give them a ſeat in that Houſe. This was a matter of right in the Crown, which it would be dangerous, without the accompaniment of that Crown, to transfer to another; and, therefore, in all appointments of perſons to act during the incapacity of the King, this privilege had been wiſely withheld: there was but one inſtance, and that ſingly, in the reign of Henry VI. where the Regent or Regency acted otherwiſe.

His Lordſhip was well aware of what might be ſaid in oppoſition to ſuch a reſtraining clauſe at this day. It would be ſaid, no doubt, that a Regency, thus ſhackled, could not effectually carry on the buſineſs of the ſtate; and that he who in expectancy was lawful heir to the Crown, would take care that the peerage ſhould not be ſullied by the introduction of any improper perſons. This, however, was not an argument which could now be eſtabliſhed; as, in the preſent inſtance, Parliament was to conſider the Prince as a ſubject, and that the delegation to him was in that capacity, and not to the Heir

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Apparent of the Crown: his title had nothing to do with the preſent appointment, and therefore the Houſe was to conſider him in a view totally abſtracted from all expectant claim to the ſceptre; hence it was, that the reſtrictions took place:—for if his Royal Highneſs was to be conceived in the capacity wherein a Learned Lord had placed him, the Regency would be a *matter of right*, and the interference of Parliament an inſult; but as the caſe was otherwiſe, it was deemed prudent to prevent that being done during the ſhort interval of his Majeſty's illneſs, which, when he recovered, could not be undone; and it was the duty of the preſent ſervants and well-wiſhers to his Majeſty, to take eſpecial care that ſuch proviſions ſhould be carried into execution. The mild and benevolent temper of the Prince, with his wiſh to oblige and make every man his friend, might, and no doubt would, lay him open to the wiles and ſnares of that certain political combination of men, who, in every reign, as well as the preſent, are graſping at power, and who care not what ſacrifices they make, ſo their own ends are obtained: and as the period, by all accounts of the phyſicians, would be ſhort, when the health of our Sovereign would be reſtored, decency, as well as political juſtice, demanded the very reſtrictions contained in thoſe reſolutions. It was poſſible, and it was to be expected, that thoſe who now looked with ſuch eager eyes for power,

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and who dreaded that his Majeſty had too many well-wiſhers in the preſent ſtate of the Houſe, to watch againſt and prevent the ambitious views of thoſe who were deemed not to be either his friends, or friends to the Conſtitution,—would ſnatch the firſt opportunity of thronging that reſpectable aſſembly with as many new faces as were requiſite to give them ſuch a majority as ſhould anſwer every purpoſe they meant to carry into execution. This was a fact well known, and therefore, for the ſafety of the ſtate, for the honour of the Prince, for the character of the Peerage, and for the dignity of the Crown, it became their Lordſhips to accede to this reſtriction.

The next points which met objection, as he had been given to underſtand, were, the appointment of the Houſehold remaining with her Majeſty, and the prevention of granting penſions and places for life, or on reverſion:—but if the argument for limiting the Peerage held good, ſo muſt this. They ſtood in one reſpect on ſimilar grounds. It would be doing that which could not be undone; and it would be affording ſuch latitude to thoſe in power for the time of his Majeſty's illneſs, that the wiſe and excellent equilibrium, which at preſent exiſts, would be no more. He beſeeched noble Lords to conſider what would be the ſituation of their unhappy Sovereign coming back to the Throne, and finding

ing the advantage taken of his temporary illneſs. —The idea was ſufficient to tell every noble Lord how he ſhould act, ſo as to prevent ſuch a national cataſtrophe. The Reſtriction could do no injury—the latitude teemed with miſchief.

As to the idea of the ſupport given by the Lords of the Bedchamber, it might be called an unconſtitutional one by certain perſons in the other Houſe, and they might ſay, ſuch Peers were ſubſervient to the Members—but he held a quite different doctrine. They were, indeed, his Majeſty's moſt intimate friends—thoſe with whom he converſed in the hours of relaxation, and to whom his private thoughts were communicated: they, therefore, naturally were of his way of thinking on many political ſubjects, but were men of too high birth—too noble in their principles, and had too much regard for their honour to do an improper action.—Theſe noblemen it would be unjuſt to remove from their preſent ſituation—they always held them, let what might be the changes of adminiſtration—they were employed as the domeſtic friends, and not the political appendages of Royalty.

Were any new adminiſtration to be formed, it was probable, if the Regency was reſtricted, theſe Noblemen would be inſtantly removed, from the rancour that was expreſſed againſt them for their ſhare in ſaving this nation from ruin, on the India bill. Let any noble Lord picture to him-

ſelf what would be the ſentiments of his Majeſty when he recovers. He would ſee a parcel of faces as Lords of his Bedchamber whom he never ſaw before, and probably whom he never wiſhed again to behold. Did their Lordſhips think it prudent to give exiſtence to a cauſe that might produce ſuch an effect?——Surely not.

In reſpect to the influence that this eſtabliſhment might create—it was not natural to ſuppoſe, that her Majeſty would enter into a political confederacy againſt her ſon, merely to carry the purpoſes of a new Oppoſition into effect; but it was very proper to imagine if all the power, and all the influence of the Crown were given to the Miniſters of the Regent, and that the Lords of the Bedchamber were nominated by them, that there would be more than ONE OFFICIAL SPY to watch all that was going forward, for the purpoſe of reſtoring his Majeſty to his health, and more than ONE OFFICIAL INTERPOSITION to derange and make irkſome the affection of an afflicted wife, and the duty of faithful ſervants to their Sovereign; nay, that very power might ſnatch from her Majeſty the care of the Sovereign, thinking that he would be better attended, and ſaying that he would be more ſpeedily reſtored to ſanity under their direction.

As to the beſtowing of places for life, that was not a proper power in a Regent, for they could not be given, in the ſhort interval of time mentioned

tioned for eminent ſervices to the State; they muſt be with a political view in the Miniſters, who, as he ſaid before, would make the moſt of their time. Indeed, thoſe places often gave birth to *ingratitude*; the perſon ſo honoured, and ſo benefited, ſometimes forgetting the benefactor, and not only baniſhing the obligation from his memory, but exerciſing every talent he poſſeſſed, to convince the world that the remembrance of a favour died with the impoſſibility of retracting it.

Again he ſhould trouble the Committee with a few words on influence. The Gentlemen who expect to come into authority ſay, that, by withholding from them the creation of Peerage—and the command of the Houſhold, they will not have INFLUENCE enough to carry their plans into execution. Theſe are the very men who but a ſhort time ſince voted the influence of the Crown, to be too great—but the principles of that party were now ſo jumbled into a COALITION with another party, that their arguments and politicks were guided by their own intereſt alone. It was now pretty evident they had nothing elſe in view. Was it poſſible now to ſuppoſe, that if their intentions were good, the patronage of the Church, the Army, the Navy, the Law, the Revenue, the Exciſe, the Cuſtoms, the Eaſt-Indies, the Weſt-Indies, and Ireland, did not afford ſufficient influence to create a majority to ſupport their

meaſures—if theſe could not effect their intentions—then their intentions muſt be bad indeed.

But as they were *patriotic* men—men who looked ſo much to popularity—what had they to do with influence? If they wanted ſupport to carry their meaſures into execution, let them look to the nation for it—let them increaſe the revenue—give reſpectability to their adminiſtration, ſtrengthen the kingdom by foreign alliances—make trade flouriſh—extend commerce, leſſen the public debt, and enrich the merchant and the manufacturer. Let them do theſe things, and they will want no influence by the Lords of the Bedchamber—no ſupport by the creation of new Peers. They will then have the voice of the kingdom on their ſide, echoing thanks to them from every quarter, as it now does to that Right Honourable Gentleman, whoſe claim to ſuch honour is founded in a peculiar manner, on what his own abilities, and his own integrity have done for this country.

His Lordſhip added, that he was now an old man, and the taſk of the preſent buſineſs rather more than he could well execute—but as it was the laſt of ſuch importance he ſhould probably during the remainder of his life trouble them with, he of courſe ſhould not again ſtand in need of making an apology. He then moved, that their Lordſhips agree to the firſt reſolution.

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The *Biſhop of Landaff* ſaid, the ſubject now under their conſideration was confeſſedly of the greateſt importance; and when he ſpoke upon any philoſophical or political queſtions, he wiſhed rather to be diffident than dogmatical.—He by no means thought that their proceedings in appointing a Regent, had been regular or conſtitutional. The only proper way, he conceived, of filling up the third branch of the Legiſlature, was, not by cloathing his Royal Highneſs the Prince of Wales with the whole of the regal power, but by firſt giving him the power of Legiſlation, and then, thoſe reſtrictions which they had heard of, might have been propoſed. This, his Lordſhip conceived to be the method the two Houſes of Parliament ought to have followed, in appointing a Regent. He ſaid, he ſhould beg leave to ſtate a propoſition, in which, he hoped, all their Lordſhips would concur: it was this,—that the power of the King was originally delegated from the people, and when the King was unable to exerciſe this power, it returned back to the people again; ſo that they had it in their own hands, and might give it to any perſon they pleaſed. Upon ſuch a general principle as this, the determination of the Houſe of Commons, that the Prince of Wales had no better right to the Regency than any other perſon, might be juſtified. But he begged leave to ſay, that this principle was not true, when ap-

plied to our Government, becauſe the law and the conſtitution ſay, when the King dies, his power does not revert back to the people, but goes to the next heir—he has a right to ſucceed to it. Although a great deal had been ſaid about the word "Right," in theſe proceedings, yet he did not recollect that any noble Lord had given a definition of it. He ſaid, he ſhould mention that of *Grotius*, who defined "Right" to be the morally poſſeſſing a thing in conformity to law. There was another definition of this word, by an Author of no leſs authority than that of Grotius, which was, that "Right" was the morally poſſeſſing a thing not inconſiſtent with law. His Lordſhip ſaid, he ſhould be glad to hear of any law that was inconſiſtent with the Prince of Wales being Regent, or that would be violated by ſuch an appointment. He might compare a kingdom to a private property—though he by no means meant to inſinuate, that a King might uſe his kingdom in the ſame manner, or to the ſame purpoſes, as a private individual could appropriate his property; yet, they would bear compariſon in this reſpect—if a man was incapacitated from ſickneſs, or otherwiſe, for the management of his eſtates, who ſo proper as his eldeſt ſon to be entruſted with it, who was one day to ſucceed to the whole fortune; in like manner, in the preſent calamitous ſituation of his Majeſty, who, with ſo much propriety, could

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ſupply the defect of the royal authority, as the Prince of Wales, who, in the natural courſe of events, would ſucceed to the Throne of theſe kingdoms? As they meant to entruſt his Royal Highneſs with all the regal power, except what was mentioned in the reſtrictions, he could conceive no reaſon whatever, why he ſhould not be entruſted with the whole of the royal authority. When he conſidered the public character of thoſe who propoſed this plan, he could not doubt but they had proper grounds for their conduct; he ſtill, however, was under the neceſſity of ſaying, that he could not perceive them.

With reſpect to his Majeſty's Houſehold, he conceived the greateſt part of it was uſeleſs. He ſaid, our feelings ſometimes got the better of our reaſon and judgment, and that this was the caſe at preſent; for, although this was his opinion, yet he ſhould not like to ſee the office of the houſehold annihilated; and that their unhappy Sovereign, upon his recovery, might have reaſon to complain that they had taken the advantage of the hour of his diſtreſs, to ſtrip him of his houſehold: this he could not approve of, loaded as the nation was with taxes. But he ſaw no end to theſe limitations: for upon the ſame principle that they were made they might make others, and even annihilate the whole regal power. That his Majeſty' Houſehold was neceſſary to a King he entertained not a ſhadow of doubt; for ſub-

ordination was abſolutely neceſſary to the peace and happineſs of every community; and thoſe external enſigns of royalty, which all ranks were capable of perceiving, and were deeply impreſſed by them, were of no ſmall importance for attaining this deſirable end. If this power was neceſſary to a King, then ought it not to be tranſferred to a Regent? The preſent ſubject was not a party queſtion. It was not whether this man or that man ſhould be Miniſter, but what was moſt conducive to the public good, and agreeable to the Conſtitution. If it ſhould be ſaid, certain powers were withheld from the Prince, becauſe it would have been unſafe to have entruſted them with him, this was at once confeſſing that he was unfit for the office. But if he was to be truſted with thoſe powers that were now intended to be committed to him, he ſaw no reaſon why he ſhould not be entruſted with the whole of the regal power. A venerable common lawyer had deſcribed two bodies that belonged to a King, a natural body, that was ſubject to paſſions, and a political body, that was free from paſſion, and immortal. The natural demiſe of the King by death, was the ſeparation of theſe two bodies from each other: and he contended from analogy, that, on the preſent occaſion, although the political capacity of the King remained entire, his natural capacity was gone, and that there was a temporary demiſe. But, although the

Prince

Prince had no ſtrict right to ſucceed to the regal power during the incapacity of his father, becauſe there was no law that expreſſly ſaid ſo; yet, from analogy, he had ſuch a claim as he could not be diveſted of, but for reaſons which would juſtify his being excluded from the Throne. He ſaid, if there was any weakneſs in the reaſoning of this venerable common lawyer, it was, that the caſe he probably had under conſideration (for he was not certain) was a natural demiſe; but ſtill it applied ſtrongly to the preſent caſe.

It had been hinted by a noble and learned Lord (Lord Camden) that unleſs theſe reſtrictions had been put upon the Prince, his Majeſty, when he recovered, and came down to that Houſe, might ſee faces which were new to him, probably ſuch as he would not like to ſee, and that he might find himſelf ſurrounded by his enemies. His Lordſhip ſaid, he did not wiſh to uſe any aſperity of expreſſion, but he could not help thinking this was highly illiberal, for he was ſure the King had no enemies. It was paying but a poor compliment to the two Great Perſonages. He was certain the Prince of Wales would have no friends but thoſe of his family, and of the Conſtitution; and he was as certain, that his Majeſty would not be offended in ſeeing thoſe men in that Houſe. He ſaid he was ſenſible that friendſhip could only ſubſiſt among equals, and therefore he did not pretend to be a friend to

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the Prince of Wales; but he conſidered himſelf as a friend to the whole Houſe of Brunſwick, becauſe they had been friends to the conſtitution of this country, and had maintained the rights and liberties of the people. He ſaid, he believed no man in that Houſe uttered any propoſition which he did not believe. He had taken the liberty to ſubmit theſe obſervations to their Lordſhips, as ſober enquiries, and he was fully perſuaded of their truth. *He declared* himſelf to be of no party, and concluded with giving it as his decided opinion, that his Royal Highneſs the Prince of Wales ought to be entruſted with the whole of the royal authority.

Lord Sandwich complimented the Rev. Prelate on his able and eloquent ſpeech. He ſaid the manner in which they were proceeding to chooſe a Regent, might anſwer the views of certain ambitious perſons, but was directly contrary to the good of the nation. The object of the limitations was to procure a weak government, and a ſtrong oppoſition. At the ſame time they were appointing the Prince of Wales Regent, and authoriſing him to act in the name of his father, during his illneſs, they muſt conſider him ſomething held up to ſhew, as coming in place of the King, without his power. Although from the report of the Phyſicians, he was as much diſpoſed as any man to hope that his Majeſty would recover, yet this was by no means certain; and

therefore

therefore he ſhould move that theſe reſtrictions *ſhould only be for a limited time.*—Theſe words, his Lordſhip moved, might be added to the end of the reſtriction preventing his Royal Highneſs from creating Peers.

Lord Sydney oppoſed this amendment, as he thought it was extremely probable his Majeſty would recover within a reaſonable time, and that therefore this amendment was totally unneceſſary. If his Majeſty's recovery became leſs probable, the two Houſes might then take off the reſtrictions as they ſaw proper. This power they had at all times in their hands, and he entertained no doubt but they would exerciſe it on all proper occaſions.

Lord Fitzwilliam ſaid, the doctrine which had been advanced by a learned and noble Lord, ſhocked his feelings, and gave a direct ſtab to the conſtitution under which he had been born and bred, and which he had always admired. The noble and learned Lord had taken from the King, one of the nobleſt parts of the royal prerogative, and had reſted it in the two Houſes of Parliament.

Lord Porcheſter lamented the delay that had been occaſioned in ſettling the government of this country. He ſaid, within the three laſt days, *two convicts who had been executed, had been in fact butchered*, as they were deprived of the poſſibility of the royal mercy : there were likewiſe two other

convicts

convicts who had been executed under the ſame circumſtances in Scotland, though it was ſuppoſed probable that one of the witneſſes was guilty. His Lordſhip obſerved, that a learned commentator on the laws of this country (Blackſtone) had ſaid, that even after trial and conviction, if a perſon became inſane, his execution was reſpited, becauſe it was ſuppoſed, if he had retained the uſe of his faculties, he might poſſibly have ſuggeſted ſome reaſon why execution ſhould be ſtayed. He ſaid, the whole conteſt between them at preſent was about places. His Lordſhip likewiſe obſerved, that at preſent there were no Miniſters, and that thoſe who ſtiled themſelves the confidential ſervants of the Crown, had *uſurped their places as Miniſters;* they might be juſtly called uſurpers, as they had ſeized upon what belonged to others; for it was plain that when that power ceaſed to act from which their authority originated, that authority ceaſed of courſe, and therefore they were uſurpers.

Theſe ſentiments called forth the ſevereſt reprehenſion of the Lords Kenyon and Thurlow—and after ſome further debate, in which the Lord Chancellor replied, in a very powerful manner, to Lord Stormont and the Biſhop of Llandaff, the queſtion was put on the amendment of Lord Sandwich.

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Majority 26.

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The original motion was then put.

Contents 94. Non Contents 63.

Majority 31.

FRIDAY, *January* 23.

The Houſe reſolved itſelf into a Committee of the whole Houſe, and the reſolution for reſtraining the Regent from granting penſions, reverſions, &c. being read,—

Lord Stormont ſaid, that, as the ſpirit of the reſolution was ſimilar to that which had been agreed to, the preceding evening, he ſhould move an amendment ſimilar to that propoſed in the reſolution of yeſterday, by adding the words, *for a limited time.*

Lord Cathcart, in a ſpeech of ſome length, ſupported the reſolution.

Lord Rawdon ſaid this reſolution ought to be divided.

The Marquis of Carmarthen juſtified the ſeveral reſolutions upon the principle of political neceſſity.

The Duke of Chandos conſidered the reſtrictions as highly neceſſary, and conſiſtent with the powers that ought to be granted to a Regent during the natural life of the King.

After a few obſervations from Lord Kinnaird and Earl Camden, the queſtion on this reſolution was carried without a diviſion.

The

The reſolution to reſtrain the Regent from any controul over the eſtates belonging to the Crown, being next read,

Lord Loughborough begged to know of their Lordſhips, what neceſſity there was for this reſolution, or how it was connected with the office of Regent? As to the King's real property, he conceived that it was perfectly ſecured by the Civil Liſt Act paſſed in the reign of Queen Anne, or by the Civil Liſt Act paſſed in the commencement of the reign of his preſent Majeſty; and the greateſt part of his Majeſty's real property was ſecured by both theſe acts, which prohibited him from diſpoſing of what he poſſeſſed *jure coronæ*. This reſolution, therefore, muſt be conſidered as mere tautology, and uſeleſs, when applied to the King's real property. And as to his perſonal property, did it follow that although ſome part of it came into the hands of the Regent, that this amounted to a power of diſpoſing of it? He thought this reſolution perfectly nugatory, and could only deceive the public, by holding out to them the idea, that the Prince might poſſibly be guilty of ſome improper practices.

Lord Kenyon ſaid, if he could ſee with the noble and learned Lord, that this reſolution was either uſeleſs, or reflected upon the honour and dignity of the noble perſon alluded to, he ſhould willingly vote againſt it. But, if he could put poſſible caſes, probable caſes, and caſes now exiſting,

iſting, where the King might diſpoſe of his real property, he hoped the noble and learned Lord would not perſiſt in his oppoſition. He ſtated eſcheats and forfeitures as property which the King might diſpoſe of, as they were not comprehended under the acts of Parliament that had been mentioned. He ſaid, the King could not poſſeſs a copyhold eſtate *jure coronæ*, but in his natural capacity as a man, and therefore this ſpecies of real property he might diſpoſe of if he pleaſed.

After ſome further converſation, this reſolution was put and carried without a diviſion.

The reſolution was next read, inveſting the care of the King's perſon in the Queen, aſſiſted by a Council; together with a power of removing houſehold officers, and appointing others in their ſtead.

Lord Rawdon ſaid, this reſolution contained three diſtinct propoſitions, and he ſhould move to have them ſeparately and diſtinctly conſidered. This was merely to anſwer the purpoſe of convenience, and to throw more light upon this reſolution, which was complex and intricate. He ſaid, the firſt propoſition contained in this reſolution was, that the care of the King ſhould be entruſted to the Queen's moſt excellent Majeſty. 2dly, That ſhe ſhould have the power of removing and appointing thoſe perſons who were to fill the offices in his Majeſty's houſehold. And

3dly, that ſhe ſhould have the advice and aſſiſtance of a council. It would be extremely convenient to have the ſenſe of their Lordſhips on each of theſe propoſitions.

Lord Loughborough ſeconded this motion, and conceived, that the proper way of taking the ſenſe of their Lordſhips upon this point, was by putting it by way of queſtion to the Committee.

The Marquis of Stafford obſerved, that any noble Lord, who objected to this laſt reſolution, ought to ſtate that part to which he ſo objected, to the Committee, who would decide upon it.

The Lord Chancellor ſaid, there never was ſuch a motion as this made either in this Houſe, or any other Houſe of Parliament. If any reſolution or queſtion that came before the Houſe appeared to be complex and intricate, the only way of dividing it, agreeable to the forms of the Houſe, was to ſtop at the end of thoſe words that were conceived proper, and then to put the queſtion, whether the words excepted to ſhould ſtand part of this reſolution. Every one who was in the ſmalleſt degree acquainted with the forms of Parliament, muſt ſee this was the only way in which they could divide a ſubject.

Lord Loughborough ſaid, it ſeemed to be confeſſed on all hands, that it was proper to divide an intricate ſubject, though this did not prove that the reſolution now, under their Lordſhips conſideration was complex. He ſaid, the diſ-

advantage

advantage of this mode of diviſion, that was pointed out by the noble and learned Lord, was, that after it had been determined, that any part of a reſolution ſhould not ſtand as part of it, that part could not be inſerted into the reſolution again; and therefore no noble Lord could deliver his ſentiments, or give his vote upon it.

The Lord Chancellor wiſhed ſome noble Lords to explain a little, how it was poſſible to ſeparate the firſt and ſecond propoſitions contained in this reſolution. They were willing to intruſt the care of the King's perſon to the Queen's moſt Excellent Majeſty, but were unwilling to allow her Majeſty the care and ſuperintendance of his Majeſty's houſehold; and how was it poſſible for her Majeſty to take care of the King's perſon, without the means neceſſary for that end? Did they mean that his Majeſty ſhould be *reduced* to a *poor, wretched, bereaved ſituation?* Did they mean that he ſhould be put out at *board wages?* If this was to be the caſe, all care of the King's perſon was gone. Then his Majeſty would be brought low indeed. And when he recovered from his preſent infirmity, it would be in vain to attempt to replace him upon the throne. For her Majeſty to be entruſted with the care of the King's perſon, under theſe circumſtances, would mortify her feelings. It ought to diſtreſs her feelings, when ſhe conſidered him as her huſband, under

whoſe ſhade ſhe had been honoured and protected. It was certainly never intended that the Queen ſhould only have the phyſical care of his Majeſty's perſon, and ſee that proper medicines were applied for his recovery; this was the low, mean, wretched ſtate of an obſcure man, without name, without honour, without reputation: and was the Sovereign of this country to be reduced to this abject ſituation?—No, ſaid the Lord Chancellor, I claim for the King the rights of a King who is ſick; I claim for the King every mark of royalty which this country has deemed neceſſary to the ſituation of a King; I inſiſt upon the rights of the King; and is there any noble Lord preſent who dares refuſe them? I *proteſt before* GOD, *I could not have believed there was a noble Lord in this Houſe, who wiſhed to ſtrip his* MAJESTY *of every mark of* ROYALTY, and to reduce the KING to an *abject* and *forlorn* ſituation, while he is labouring under a misfortune, equal to any that ever was, ſince misfortune was known in the world. A King—" deſerted in his utmoſt need, " by thoſe his former bounty fed."

After ſome further debate, in which Lord Stormont, Lord Loughborough, Lord Rawdon, the Duke of Richmond, and the Chancellor took a part, the Committee divided.

Contents 68. Non Contents 91.

Majority 23.

The original motion was then put, and carried without a diviſion.

MONDAY,

MONDAY, *January* 26.

A Meſſage was ſent to the Commons, deſiring a conference in the Painted Chamber; this being agreed to, a Committee was appointed, and their Lordſhips concurrence with the reſolutions ſent up to the Commons, was communicated in the uſual form.

SATURDAY, *January* 31.

Earl Camden reported, that the Prince of Wales had been waited on by the Committee appointed to preſent the addreſs and reſolutions voted by the Houſe, and alſo the anſwer of his Royal Highneſs.

Earl Waldegrave reported the ſame of the Queen. The addreſſes and anſwers were then ordered to be printed.

The Order of the Day being then read, and the Houſe having reſolved itſelf into a Committee on the ſtate of the nation,

Earl Camden ſaid, that the anſwers of the Queen and the Prince of Wales being now before the Houſe, it remained to conſider the means of reviving the legiſlative power of Parliament, and giving regularity to their future meaſures. His Lordſhip obſerved, that it was an eſtabliſhed principle in the conſtitution of Great Britain, that

the two Houſes of Parliament, without the preſence of the King, either in perſon, or by a commiſſion, by letters patent under the Great Seal, could do no legiſlative act. The Noble Lord then entered into a diſcuſſion of the diſtinction between the political and perſonal capacity of the King; and after adverting to the lamentable calamity which had deprived them of the aſſiſtance of the Sovereign in his natural capacity, obſerved, that they were under the unavoidable neceſſity of having recourſe to his political capacity, of which they could not be deprived. They had already declared, that it was the right and duty of the Lords and Commons to provide a remedy for the natural incapacity of the King, and the declaration implied that they poſſeſſed the means. The means he conceived to be, to order letters patent to be iſſued under the Great Seal, in his Majeſty's name, appointing a commiſſion to open the Parliament in the uſual form. Such a commiſſion had, indeed, been ridiculed as a phantom; but thoſe who had been ſo liberal of their ridicule were, in his opinion, ignorant both of the law and the conſtitution. In proof of this, his Lordſhip quoted many precedents, but inſiſted principally on thoſe of Henry VI. His Lordſhip then proceeded to recapitulate the tranſactions which immediately took place on the death of Henry V. Certain Lords met at Windſor, the Chief Officers of State and the Lords of

the Council, he conceived them to have been, and ordered the Great Seal to be put into commiſſion for aſſembling and holding a new Parliament in the name of the infant King. In this Parliament they ſettled the Regency, and the Duke of Glouceſter gave the Royal Aſſent to their acts for two years. After that time, conceiving his ambition to be dangerous, they did not entruſt him any more with the exerciſe of that power, and appointed a commiſſion to give the royal aſſent in the preſence of the King, as if that aſſent had been his own act and deed. In the ſixth year of the King's reign, the Duke of Glouceſter appealed to the two Houſes, touching his authority in Parliament as Lord Protector of the Realm. It was anſwered, after ſolemn deliberation, that he had no more power or authority than any other Peer. His Lordſhip enlarged on the application of theſe precedents, quoted the authority of Chancellor Hardwicke as having adviſed and countenanced proceedings of a ſimilar nature, and concluded with moving, "That it was expedient and neceſſary that letters patent ſhould paſs under the Great Seal, &c." *What followed, was a tranſcript of the writ uſually iſſued under the ſign manual for empowering certain commiſſioners to open and hold a Parliament, except that, towards the end, were inſerted the words,* "by and with the advice of the Lords and Commons:" *the Commiſſioners were the ſame as in other Commiſſions;—the*

Prince of Wales, the Peers of the Blood Royal, the Archbiſhop of Canterbury, the Great Officers of the State and of the Houſehold.

After Lord Portcheſter had given his oppoſing arguments to the meaſure,

The *Duke of York* ſaid, that he had already given his opinion on thoſe proceedings; his name ſtood recorded on the journals of the Houſe, as having diſapproved of them, and he could not ſuffer it to be tranſmitted to poſterity in any manner that might imply a ſubſequent acquieſcence in the meaſures againſt which he had ſolemnly proteſted. He was authoriſed to ſay, that the ſentiments of his Royal Uncle, the Duke of Cumberland, were the ſame; and although he had received no preciſe inſtructions from the Prince of Wales or the Duke of Glouceſter, yet he was convinced that their ſentiments coincided with his own.

The names of the Prince of Wales and the Peers of the Blood Royal, were, on motion, withdrawn from the commiſſion, and the Houſe adjourned.

MONDAY, *February* 2.

In a conference between the two Houſes, the Marquis of Stafford informed the Commons that the Houſe of Lords had come to certain reſolutions

tions reſpecting the Commiſſion Bill, to which their Lordſhips deſired their concurrence.

TUESDAY, *February* 3.

The Commons having deſired a conference with the Lords, the reſolutions of the Lords were returned, agreed to by the Commons. A meſſage was then ſent down to the Commons, deſiring their immediate attendance to hear the commiſſion read. The Lords Commiſſioners, who ſat in their robes to receive the Commons, were, the Archbiſhop of Canterbury, Earl Bathurſt (who officiated as Speaker for the Lord Chancellor) the Lord Privy Seal, the Marquis of Carmarthen, Lord Sydney, and the Lord Chamberlain of the Houſehold. When the Speaker came to the bar with the Commons, Earl Bathurſt ſtated, that the illneſs of his Majeſty had rendered it neceſſary that a commiſſion, in his name, ſhould paſs the Great Seal, which they would hear read.—The clerk then read the commiſſion, when Earl Bathurſt addreſſed both Houſes as follows:

" *My Lords and Gentlemen,*

" In purſuance of the authority given to us by his Majeſty's commiſſion under the Great Seal, which has been read, amongſt other things, to declare the cauſes of your preſent meeting, we have only to call your attention to the melancholy

circumſtances of his Majeſty's illneſs; in conſequence of which, it becomes neceſſary to provide for the care of his Majeſty's royal perſon, and for the adminiſtration of the royal authority, during the continuance of this calamity, in ſuch manner as the exigency of the caſe ſeems to require."

The uſual orders at the opening of the ſeſſion were then moved and ordered.

MONDAY, *February* 16.

Lord Sydney moved, that the Bill intituled, "An Act to provide for the care of his Majeſty's Royal Perſon, and for the Adminiſtration of the Royal Authority, during the continuance of his Majeſty's Illneſs," be read a ſecond time. The bill was accordingly read and committed.

TUESDAY, *February* 17.

The Lords were employed in debating ſeveral clauſes of the Regency Bill.

WEDNESDAY, *February* 18.

Their Lordſhips continued their progreſs in debating the clauſes of the Bill.

THURSDAY,

THURSDAY, *February* 19.

The *Lord Chancellor* informed the Houſe, that ſince his Majeſty's phyſicians had pronounced him to be in a ſtate of convaleſcence, the accounts of his Majeſty's progreſſive improvement had increaſed from day to day, and the intelligence from Kew was that day ſo favourable, that he conceived every Noble Lord would agree with him in acknowledging, that it would be indecent and improper to go on with the proceedings in which they were engaged, under the preſent circumſtances, when the principle of the Bill might poſſibly be entirely done away. Every one of their Lordſhips, he was perſuaded, would entertain the ſame ſentiment on the ſame ſubject, and amidſt the general joy that the happy and reaſonable expectation of his Majeſty's ſpeedy return muſt occaſion, he had no doubt that the Houſe would agree with him, that it would be better to wait a few days, to ſee what progreſs towards a perfect and complete recovery was made in his Majeſty's health, before they went further with the Bill appointing a Regency.—Congratulating their Lordſhips and the Country, therefore, on the favourable proſpect of that event, to which the wiſhes and prayers of all his Majeſty's ſubjects were directed, he would humbly ſubmit to their Lordſhips the propriety of the Committee's being adjourned till Tueſday next;

next; and by his Majeſty's then ſituation in point of health, their Lordſhips would be enabled to judge how far it would be neceſſary or proper to go on with the proceeding.

After ſome obſervations from Lord Stormont,

The *Duke of York* roſe, and delivered himſelf as follows: " I truſt your Lordſhips will do me the juſtice to believe, that no perſon in the Houſe could feel equal pleaſure with myſelf from the favourable account which the Noble Lord on the Woolſack has given, and the motion he has made to the Houſe, in which I entirely concur. I ſhould have had great ſatisfaction in making the ſame communication to the Houſe, if I had been enabled to do it from any certain information. I thought it my duty yeſterday, upon the favourable reports given to the public, to requeſt to be admitted to his Majeſty perſon. From reaſons, very juſtifiable, I have no doubt, it was not thought proper that I ſhould have that ſatisfaction.

" From the knowledge I have of my brother's ſentiments, though I can have had no immediate communication with him upon the ſubject of this motion, I am convinced that he will feel equal, if not greater pleaſure than myſelf, at the hopes of his Majeſty's recovery; as it muſt relieve him from the embarraſſment of the ſituation in which the Bill would have placed him, which

nothing

nothing but a ſtrong ſenſe of his duty to the public would have induced him to undertake."

The Committee was adjourned to Tueſday, and the Houſe roſe immediately, having alſo adjourned to that day.

TUESDAY, *February* 24.

The *Lord Chancellor* ſaid, that the progreſs which his Majeſty made towards recovery, continued to be ſo favourable from day to day, that he preſumed their Lordſhips could have no objection to adjourn for a few days longer. He therefore moved to adjourn to Monday next.

MONDAY, *March* 2.

The *Lord Chancellor* ſaid, the accounts of his Majeſty's health being every day more and more favourable, he ſhould content himſelf with reminding their Lordſhips, that the late adjournments had been propoſed on the principle of bringing the preſſure of public affairs as gradually as poſſible under his Majeſty's view; and, therefore, on the ſame principle, he ſhould move, "That the order of the day be adjourned to Thurſday next."

THURSDAY,

THURSDAY, *March* 5.

The *Lord Chancellor* acquainted the Houſe, that his Majeſty found his health ſo much better, that it was probable he would be able to make ſome communications to their Lordſhips relative to public buſineſs on Tueſday next. He moved, therefore, that the Houſe ſhould adjourn to Tueſday.

TUESDAY, *March* 10.

The Lords having met according to adjournment, a commiſſion from his Majeſty, appointing certain of his Privy Counſellors, or any three of them, in his Majeſty's name, to deliver to both Houſes of Parliament a ſpeech from his Majeſty, was read. The Commons were accordingly ſummoned to attend, and on their coming to the bar, the Lord Chancellor acquainted both Houſes with the reaſon of their being called together, viz. that a commiſſion had paſſed the Great Seal, with his Majeſty's ſign manual, which he directed to be read by the clerk.

The ſpeech which the Lord Chancellor then read to both Houſes, has been given at the concluſion of the debates in the Houſe of Commons.

On the Lord Chancellor's reporting his Majeſty's ſpeech, Lord Cheſterfield moved an humble

ble Addreſs in anſwer to the ſame, which was ſeconded by Lord Cathcart, and the queſtion being put, the Addreſs was agreed to *nemine diſſentiente*.

Lord *Morton* afterwards moved a congratulatory meſſage to the Queen, which was ſeconded by Lord Hawkeſbury, and their Lordſhips directed to wait upon her Majeſty with the ſame.

Lord *Hawkeſbury* afterwards moved the order of the day, for the Houſe to reſolve itſelf into a Committee on the further conſideration of the bill, intitled, "An Act to provide for the care of his Majeſty's Royal Perſon, and for the Adminiſtration of the Royal Authority during the continuance of his Majeſty's illneſs." His Lordſhip then moved to diſcharge the order; which, upon the queſtion, was ordered. His Lordſhip obſerved, that as his Majeſty's happy recovery, and the proceedings of the day, had entirely done away the object of the bill, he ſhould move, "that the bill be rejected."—The queſtion being put, was agreed to by the Houſe.

After this, the Addreſſes to their Majeſties, voted by the Houſe, were preſented, and moſt graciouſly received. But, being of a ſimilar tendency with thoſe of the Commons, and ſimilar Anſwers being returned, we have thought it unneceſſary to inſert them.

LIST

LIST

OF THE

DIVISION *in the* HOUSE *of* LORDS,

On FRIDAY *the* 26*th of* DECEMBER, 1788,

On the Queſtion of the Amendment to the Reſolutions moved by Lord RAWDON.

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Bolingbroke
Maynard
Hampden

Lords
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St. John
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Pelham
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Marquis of Lothian

Earls of
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SCOTCH PEERS.

Earls of
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Moray

Earls of
Gallaway
Hopetoun

Lords
Elphinſtone
Cathcart

Archbiſhop of Canterbury

Biſhops of
London
Durham
Bath and Wells
Carliſle
Saliſbury
Peterborough
Worceſter
Cheſter
Lincoln
Bangor
Glouceſter
St. David's.

GENERAL

GENERAL OBSERVATIONS.

THE leading circumſtances of this important period, are involved in the proceedings of Parliament; and to examine the great political features of it, we muſt have recourſe to the Houſes of Lords and Commons. It remains for us to give a ſketch of the general effect which the ſingular ſituation of the country produced on the inhabitants of it, and to delineate the State conduct and principles of the two parties, whoſe conteſts occaſioned what ferment there was among the people.

The illneſs of his Majeſty had been the cauſe of much public uneaſineſs for ſome days, in the beginning of November, though the real ſtate of it, by no means, tranſpired; and ſo myſterious were the precautions employed to conceal the affecting circumſtances beneath which the King laboured, that on the ninth of November, being Lord's Mayor's day, it was generally believed, throughout the metropolis, that he was no more; and that the event of his death was withheld from public notification, in order to give time for the Lord Mayor elect of London to be ſworn into his important office, previous to the proclamation of George the Fourth. This general apprehenſion was done away on the morrow, and the deplorable nature of his Majeſty's diſorder being at length made known, gave a new

object to the ſorrow of his people.—Yet, in the midſt of its affliction for the lamentable ſituation of its Sovereign, the nation appeared to find ſomewhat of a melancholy conſolation. The KING LIVED; and the public examination of royal and conſulting Phyſicians, before the Privy-Council, encouraged the people to hope that he would regain the perfect uſe of his reaſon, and be reſtored to all his former capacity to govern his kingdoms. But, however probable a cure might be, the utmoſt ſagacity and experience of phyſic did not attempt to decide upon the period of reſtoration; it was, therefore, moſt eſſentially neceſſary that ſome plan ſhould be adopted to ſupply the immediate deficiency in the executive government of the country; and, though a Regency was recurred to as the beſt and only means to be employed on the ſad occaſion, both by the ſervants of the afflicted King, and the party which oppoſed them, the manner of forming and appointing it, occaſioned that violence of political contention which ſucceeded.—Of theſe two oppoſing parties ſomething muſt be ſaid.

The Miniſter, at this extraordinary period, poſſeſſed, in the higheſt degree, the confidence of the nation. The public prepoſſeſſion to the name he bears, was grown into great popular regard, from his having conducted himſelf, according to the general opinion, in a manner that added new honours to it. The nation was recovering, under his adminiſtration, from the ruin-

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nous conſequences of the late war; the meaſures of government were almoſt univerſally thought to be framed with wiſdom, and the energies of it employed with ſpirit, and with judgment;—while the honour, the dignity, and reſolution with which our Court acted towards foreign powers, had replaced Great Britain in the predominant ſituation which ſhe formerly poſſeſſed in the eyes of Europe. The Party in oppoſition, were, at this time, very low in the public opinion, and in their own. They certainly did not feel any the leaſt probability of an immediate return to power, nor could the moſt penetrating ſpirit among them, diſcover any object floating in the political atmoſphere, which might yield them advantage. During the preceding winter, the more active leaders of the band had found employment for their ſuperior talents and eloquence, in the proſecution of Mr. Haſtings; and, at the moment, when the King's illneſs gave new life to their hopes, they were engaged in purſuits which had no connection with the government of an Empire.—Mr. Fox, who was the ſoul of the party, and without whoſe abilities, it could not have hung together for a day, was enjoying the pleaſures of foreign travel, from which he was recalled in the utmoſt haſte, to give life and energy to the political cohort that waited to be directed by him. But neither the ſuperior talents of that Gentleman, nor all the weight of the houſes of Norfolk, Cavendiſh, and Ruſſell, which

ſupported him, could have elevated the Party to a ſituation that would have qualified them to have made a plauſible ſtruggle for power, if they had not been aſſured of the decided favour and perſonal ſupport of the Prince of Wales. But ſuch protection, they were willing to believe, would ſtand in the ſtead of public confidence, if it could not command it.

Many people indeed, had formed a fond hope, in ſpite of the vauntings of Oppoſition adherents, that the Prince of Wales would not ſtep from an inactive and neutral ſituation, while any hopes remained of his Royal Father's recovery. His real friends had formed ſuch a flattering expectation from the amiable demeanour of his Royal Highneſs, while his Majeſty remained at Windſor. During that period, he appeared to treat the ſituation of his father with a becoming reſpect, and his afflicted family with conſolatory attentions. At this time he had frequent communications with the King's Miniſters, and it was thought that his underſtanding, under the awful circumſtances around him, might be ſo enlightened as to ſee the direct path of his duty; that by frequent intercourſe with Miniſters, he might be weaned from his ſuppoſed prejudice againſt them; and that, while the King's recovery was a matter of any expectation, he would not, for their own ſakes at leaſt, elevate a ſet of men to power, whom that event would diſmiſs at once to their former ſituation.—But this was the idle dream

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of a patriot imagination, that was ſoon deſtined to paſs away. From the earlieſt apprehenſion of danger to the King's life, or the loſs of his underſtanding, his Royal Highneſs had certainly determined upon the line of his political conduct;—he immediately fixed upon Mr. Sheridan to be his ſtationary confident, and the organ of his intentions to the principal perſons of the party he was determined to ſupport. Thus the nation ſaw him place himſelf, as it were, at the head of it, and employ one of its moſt active partizans, as his confidential friend. But, in ſhort, he appeared to take poſt in the very camp of Oppoſition; and the Duke of York, with his Uncles of Glouceſter and Cumberland, immediately repaired to join his ſtandard. The nation beheld this arrangement with no common concern, and felt an additional impulſe in their prayers for the recovery of the Sovereign.

We acknowledge, without heſitation, that the poſſeſſion and the attainment of power were the reſpective objects of the two contending parties. The Miniſters of the afflicted King, influenced by the hopes that were held out to them of his recovery, conceived it to be their duty to retain the ſituation in which he had placed them, till the affairs of the nation ſhould require their departure from it: while the party in oppoſition appeared to be in a ſtate of anxious haſte to enter into office, even to enjoy the ſhort-lived advantages which might reſult from the moſt brief

poſſeſſion of it, leſt the reſtoration of the King's health ſhould exclude them from any advantage at all. We do not mean to expreſs a party, but an unbiaſſed opinion, when we declare it to be our ſentiment, that the Miniſter and his Colleagues, acted through the whole of this buſineſs, in a manner congenial to the Conſtitution, and ſuitable to the dignity of the afflicted Monarch, as it was followed by the general applauſe of the nation: while, on the contrary, the Oppoſition manifeſted a moſt indecent hurry to poſſeſs themſelves of power—conducted themſelves with an apparent view to their own perſonal advantage, and held forth the protection of the future Regent, as a reaſon for acting againſt the ſenſe of a very predominant majority of the people.

At the moment when it pleaſed heaven to deprive the King of his right underſtanding, he enjoyed as great a ſhare of popular affection as he had at any time known ſince he ſucceeded to the Britiſh Crown: and, from the ſenſibility of a generous people, that popularity was encreaſed to the higheſt degree of national affection, from the very circumſtance of his being in a ſituation that rendered him inſenſible to it. The Miniſters, therefore, who were known to have been honoured with his partial favour and unlimited confidence, would naturally find the political merit they might poſſeſs, to be greatly enhanced, on that account, in the public opinion. While the people looked with an unfavourable eye on

the expected elevation of a ſet of men, whoſe unpopularity would be naturally encreaſed, from owing their riſe to power to no other circumſtance whatever, but an event that cauſed the affliction of the whole Empire. We write with the freedom of hiſtory, and, we truſt, without offence; but we are under the neceſſity of obſerving, that the great perſonage, into whoſe hands the Regency of the country was about to be delivered, was not, at this time, a popular character in the nation he was about to govern. He is known to poſſeſs many amiable qualities, and an underſtanding far above the level of common men; and the errors of royal youth, would ſoon have been forgotten in the contemplation of princely virtues.—But it appears that his Royal Highneſs yielded himſelf up to the affections of his heart, and left his underſtanding unconſulted;—in the amiable ardour of providing for thoſe, of whoſe zeal for his perſon he was convinced—of whoſe ſuperior talents he was perſuaded, and in whoſe political ſentiments he acquieſced, his Royal Highneſs did not manifeſt a diſpoſition to coincide with the wiſhes of the nation. The generous temper of an unſuſpecting young man, might be eaſily worked upon by the arts of intereſted people, to appear at the head of a party, when he ſhould be waiting in a dignified acquieſcence with the proceedings of Parliament, to place him at the head of an Empire. His Royal Highneſs might be, and probably was,

convinced, that the men he ſhould take with him into power, were the beſt qualified in the kingdom, to direct the government of it; and having no doubt, as to the happy fruits of their adminiſtration, he might yield to no other impulſe but that of his own partiality, in making them Miniſters.

While the arrangement of the Regency was agitating in Parliament, and had attained ſome degree of advancement, an opinion very generally prevailed, that the moſt diſtinguiſhed characters of Oppoſition, though treated with the utmoſt exterior reſpect, were not honoured with the greateſt ſhare of the Prince's real confidence. It was ſuſpected, and with ſome degree of reaſon, that the politics of Carlton-Houſe, required an acquieſcence to certain propoſitions, and an engagement to forward certain meaſures, which, under any circumſtances, would be very unpopular; and under thoſe of the moment, would require the moſt active, and perhaps artful exertion of power, to bring into effect:—it might, therefore, be natural for thoſe who manifeſted a promptitude to gratify any and every wiſh of their royal patron, to receive an adequate return of confidential favour. The calm integrity of the Duke of Portland, would not knowingly ſtoop to any act inconſiſtent with it; and the towering ſpirit of Mr. Fox, would never be induced to attain its moſt favourite ends by little means. The intereſted views of favourite but needy aſſociates, or the

ambitious projects of a predominating female influence, would have to look for support from men of inferior character; and it was to such inferior characters that the Prince was supposed to discover an infatuated prepossession. The Duke of Portland wished to repress, in some degree, the ardent spirit which manifested itself in the Party to possess themselves of power; and Mr. Fox was obliged, from illness, accompanied, as it has been thought, with no small degree of secret dissatisfaction, to retire, for a time, from the public contest of it. But when Mr. Sheridan dared to utter his taunts to the Minister for retaining his official situation; and when Mr. Burke was so vehemently affected at the delay of Ministers in offering their resignation, that he appeared to have lost his own reason, in describing the malady which had preyed upon that of the King, we discover the men in whom the desire of sharing the good things of government was the most ardent; and who, at the same time, possessed the insidious faculty of persuading the Prince, that the violence of their zeal in hastening the gratification of their own interested ambition, was nothing more than ungovernable ardour for his honour, and the good of their country.

In this contest, the King's Ministers maintained the confidence, and received the applause of the people.—The first opinion of the physicians, especially that of Dr. Addington, had strengthened

ened the reſolution of Adminiſtration, checked the ardour of Oppoſition, and flattered the hopes of the nation. The ſecond examination of the King's medical attendants, on which both parties ſeemed to place a very great reliance, and from whence they afterwards drew their reſpective concluſions, confirmed the idea, that there was a probability of his Majeſty's recovery: while Dr. Willis, who had been called to attend on the King, from his long and ſucceſsful practice in that particular diſorder with which he was afflicted, declared an aſſured confidence, that the royal mind would be reſtored to its former ſtate of reaſon and intelligence.

The general hope, founded on the teſtimonies of the phyſicians before the Committee of the Houſe of Commons, tended in equal proportions to ſtrengthen the Miniſter, and to weaken Oppoſition;—while the public execration that followed certain perſons, who left what they thought a falling, to hail a riſing power, helped to animate the friends, and to diſpirit the enemies of Adminiſtration. Hence it was, that the party eſpouſed by the Prince, though he was thought to be on the very verge of regal power, could not carry a ſingle point againſt the Miniſter in his arrangements to prevent the abuſe of it. At length, however, the bill for ſupplying the deficiency of the executive government had paſſed the Houſe of Commons, and was in a progreſſive ſtate in the Houſe of Lords. The Prince of

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Wales had conſented to receive the Regency on the terms propoſed in the bill, and was preparing to enter upon the adminiſtration of government, with a Miniſtry of his own appointment, conſiſting of many of the moſt unpopular men in the kingdom:—while the ſervants of the King, were, of courſe, on the eve of quitting power, with the moſt ſincere regret and confirmed approbation of the whole kingdom; and armed with ſuch powerful means of oppoſing the new adminiſtration, as to beget a general doubt, whether, without ſome alteration in his arrangements, the Regent would be able to proceed in the government of the country.

The nation, indeed, ſeemed to tremble at the conſequences which might reſult from ſuch a poſition of public affairs. Mr. Pitt had, indeed, pledged himſelf by an unequivocal declaration in the Houſe of Commons, that he would, on no account, give a wanton oppoſition to the future meaſures of the Regent's Miniſters:—but a very general apprehenſion prevailed, that, in caſe the new adminiſtration ſhould call forth the neceſſary and predominant oppoſition of the late Miniſter and his adherents, the interruptions of government might amount to a ſtagnation of it:—and as the Regent was generally believed to entertain a perſonal diſlike of Mr. Pitt, and the moſt rooted prepoſſeſſions in favour of his own Miniſtry, it was apprehended that ſuch a ſcene of confuſion might enſue, as would threaten the nation with

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a ſtill greater calamity than that beneath which it already laboured.

But, at this moment, when apprehenſion lay very heavy on the public mind, it pleaſed heaven, whoſe deſign appears to have been to correct, and not to deſtroy us, to reſtore our beloved Monarch to himſelf and his people. The former order of government was maintained, the executive power reſumed its place in the conſtitution, and the nation was, for ſome time, inſenſible to every thing but joy, and active in nothing but the means of making it known to earth and to heaven.

But although, amid this ſcene of general exultation, diſappointment did not dare to avow its feelings, it failed not to diſſeminate ſecret inſinuations, that the public joy was chargeable with prematurity and inconſiderateneſs—that, in certain diſorders, a relapſe was no uncommon event, and that a mind which had been once violently afflicted with derangement, ought to be truſted with heſitation, as it ſeldom recovered the due vigour of its former ſtate. The neceſſary caution with which his Majeſty was adviſed to act after ſuch a ſevere illneſs, was aſſigned as a reaſon for believing that his cure was, by no means, a ſubject of reliance; and to falſe arguments drawn from real facts, the emiſſaries of faction added falſehoods of every kind, in order,

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if poſſible, to create a popular incredulity as to the abſolute recovery of the Sovereign.

To have engaged at once in the fatigues of public buſineſs, would have been a greater proof of inſanity in the royal mind, than any it had diſcovered during the malady with which it had been ſo ſorely afflicted;—and, if it had been poſſible for his Miniſters to have adviſed ſuch a proceeding, they would have belied, on his Majeſty's reſtoration to health, the dignified affection which they had manifeſted towards him, in his ſtate of infirmity. Beſides, the King himſelf, though by no means indiſpoſed to perform the neceſſary functions of ſovereignty, though he did not ſuffer the requiſite buſineſs of the ſtate to be any longer delayed, by his abſence from it, he was ſenſible to the religious, as well as political impreſſions of his ſituation;—and his mind, ever ſeriouſly diſpoſed to public acts of divine worſhip, now felt an indiſpenſable obligation to connect a public tribute of his gratitude to heaven, with the firſt perſonal tribute he ſhould receive of the affection of his people. He communicated with his Miniſters of State, preſided at councils, performed the buſineſs of the cabinet, received addreſſes, and gave audience to particular perſons; but, very ſoon after his reſtoration to health, he declared it to be his intention, to make his firſt appearance in public an act of grateful devotion to heaven, by going in ſtate

to the Cathedral Church of Saint Paul's, on the day appointed to celebrate the national thankſgiving for his recovery. This extraordinary and affecting ceremonial took place on the 23d day of April, and offered a ſpectacle to the metropolis of the Britiſh Empire, which far exceeded whatever is recorded of the ceremonies of Pagan adoration, the games of poliſhed Greece, and the triumphs of imperial Rome. It was the mind of the firſt nation in the world, co-operating with that of its Sovereign, in a public act of thankſgiving to heaven for the preſervation of a good King, and the proſperity of a loyal people.

His Majeſty appeared, on the occaſion, under a deep impreſſion of thoſe feelings which became him. He wore a ſolemn demeanour ſuited to the circumſtances and duty of the day; in which, however, there was nothing to give faction an hope, or loyalty a fear. But ſtill the guileful tongue of political calumny ſpit forth its falſehoods, and a factious ſophiſtry continued to employ its wicked but unſucceſsful efforts, to propagate doubts, as to the real ſituation of the Sovereign's health. The promiſed appearance of his Majeſty at Court, on his Birth-day, was, however, to confirm what was generally wiſhed, and very little doubted—that he was in ſuch a ſtate, as might juſtify the national hope, that he would be long continued as a bleſſing to his people.—His abſence, however, from the Drawing-

ing-room, on the 4th of June, though it did not deprive loyalty of its confidence, occaſioned it to ſtagnate, till his Majeſty's intention of meeting his Parliament on the Tueſday following, to receive the new Speaker of the Houſe of Commons, was authentically made known. On that day the King went, in the uſual ſtate, to the Houſe of Lords, was ſeen once more on the Throne of the the Britiſh Empire, and appeared, to his loyal people, in ſuch a ſtate of health and animated ſatisfaction, as to afford them the happieſt of all proſpects,—that of enjoying, under his benign reign, a long continuance of national proſperity.

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