MONDAY, DECEMBER 15.

HOUSE OF LORDS.

THIS day as ſoon as prayers were over, the Lord Chancellor adjourned the Houſe during pleaſure, in order to give an opportunity to ſome Lords who were expected to come down. Soon after four o'clock, his Lordſhip again took the woolſack, when

Earl Fitzwilliam roſe, and began with apologizing for the irregularity of bringing on a converſation, without intending to make a motion, or to ſtate any queſtion, that would render ſuch converſation agreeable to form and order; but irregular as he confeſſed it was, he truſted their Lordſhips would overlook it, on account of the momentous ſubject to which it referred, and the great delicacy that, every one of their Lordſhips muſt confeſs, ought to accompany all their proceedings, upon the preſent unfortunate and calamitous ſituation of affairs. Having thus beſought the indulgence of the Houſe, the Earl proceeded to explain the nature of the object which had induced him, thus irregularly, to addreſs their Lordſhips. In conſequence of diſcuſſions held elſe-where, a queſtion upon the rights of a moſt exalted Perſonage, was about to be agitated, a queſtion which he was thoroughly perſuaded could not be brought under diſcuſſion, without producing effects that every well meaning and conſiderate individual muſt wiſh to avoid. The public already had, in ſome meaſure, caught the alarm, and much uneaſineſs had been manifeſted upon the ſubject; he roſe, therefore, to deprecate the diſcuſſion of any ſuch queſtion in that Houſe, ſince he was perſuaded it would be infinitely more ſatisfactory to moſt of their Lordſhips, that the queſtion might not be agitated, and he the rather deprecated the diſcuſſion, as it could not be in the ſmalleſt degree neceſſary that it ſhould take place. It would, he ſaid, be a very great ſatisfaction to his mind, and to the minds of many who heard him, if any one of his Majeſty's Miniſters would riſe, and aſſure the Houſe that it was not their intention to bring any ſuch queſtion under agitation before their Lordſhips, as that to which he had alluded; and in the hopes that he ſhould be favoured with ſuch an explanation, he would, for the preſent, ſit down, and he truſted perfect unanimity would prevail in the endeavour to relieve us from our preſent difficulties.

The *Lord Preſident* came forward and ſaid, the moment in which he was ſpeaking, and indeed every moment at preſent, was a moment of great delicacy, difficulty, and embarraſſment: it behoyed his Majeſty's Miniſters therefore, to conduct themſelves with the moſt guarded and wary caution, and to take care that

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by any premature diſcloſure of what ſteps they meant to take in the preſent critical ſituation of affairs, they did not commit themſelves imprudently; but the candid manner which the noble Earl had explained what he had ſtated, demanded every polite and civil return in his power to make. At preſent, as the Houſe well knew, a Committee of their own had been employed in ſearching for all the precedents their records would afford, to guide their Lordſhips in ſuch proceedings, as they ſhould think it became them to take, upon the important ſubject, that had, ever ſince they met, engroſſed their attention. That 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 the noble Earl had a right to expect; but he thought he might venture to go one ſtep further, 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, would the noble Earl, 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, declare, that all queſtion of the Rights of Parliament was abandoned by them, and admitted to exiſt in full force?

Lord Carliſle ſaid, he had not conceived that any of the 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. His Lordſhip lamented the idea of bringing that into diſcuſſion, the deciſion of which could not be of any material conſequence, as all men's minds ſeemed to point to one end—unanimity was, certainly never more to be wiſhed for, than in the preſent inſtance; therefore, if any attempt ſhould be made to create a difference of opinion, it ought to be reprobated, and he truſted it would never

be countenanced in that Houſe. He could not ſee that his noble Friend's queſtion was at all improper, or premature, for if an end could be put to the buſineſs, and the executive power of the country reſtored to its priſtine vigour, why ſhould any kind of delay prevent it? Precedents were not wanting in caſes in which all were agreed, therefore, to wait for the report of the Committee, was as uſeleſs as introducing foreign queſtions might be dangerous.

Earl Fitzwilliam replied to the Lord Preſident, but all that could be gathered diſtinctly was, that, after having riſen to deprecate the diſcuſſion of the queſtion reſpecting the rights of another perſon, it could not be expected that he ſhould turn ſhort round, and admit the rights of others in oppoſition to thoſe rights.

Lord Camden, in reply, ſtill adhered to his poſition, that, according to uſage and parliamentary forms, no further ſteps could poſſibly be taken previous to the report of the Committee.

HIS ROYAL HIGHNESS THE DUKE OF YORK next roſe. He commenced his ſpeech with ſaying, that perfectly unaccuſtomed as he was to ſpeak before a public aſſembly, he ſhould not now have attempted to deliver his ſentiments before their Lordſhips, but that he felt the high importance and extreme delicacy of the occaſion, he could not remain ſilent on a topic ſo deeply intereſting to the nation, and during the diſcuſſion of a ſubject, in which perſons ſo dear to him were immediately concerned.—He begged leave to declare his entire concurrence in the opinion of the noble Earl (Fitzwilliam) and other noble Lords who had ſpoken on the ſame ſide of the queſtion, expreſſive of their anxious wiſhes to avoid any diſcuſſion of ſo fruitleſs and unneceſſary a queſtion as the abſtract right of the *Prince of Wales to the Regency*—In point of fact, no claim to ſuch a right had been aſſerted by the Prince, had ever been hinted at by him; and he felt a full and moſt aſſured confidence, that his Royal Highneſs underſtood too well the nature of, and too religiouſly reverenced thoſe 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*, that was not derived from THE AUTHORITY OF THEIR LORDSHIPS, and from the WILL of the PEOPLE, conveyed through their repreſentatives, in PARLIAMENT ASSEMBLED.

On this ground (added *his Royal Highneſs*) let me be permitted to indulge the pleaſing hope, that the wiſdom and moderation of all conſiderate men, at a moment when temper and unanimity are ſo peculiarly demanded from every well-wiſher to his country, on account of the dreadful calamity which every deſcription of perſons muſt, in common, lament, but which I, above all others, muſt feel in a particular degree, will incline them to avoid preſſing a direct deciſion on ſuch a queſtion, as that to which I have alluded.

alluded.—It was evidently not neceſſary to the attainment of the great act now to be done by their Lordſhips and the repreſentatives of the people, and could have no other effect, but that of adding, by the painful diſcuſſions that would attend it, to the calamities of a family, already ſufficiently agitated and afflicted by the dreadful calamity under which they laboured.

His Royal Highneſs concluded with ſaying, that what he had advanced on the preſent occaſion were the genuine dictates of an honeſt heart, equally actuated by the moſt devoted affection and duty to his Royal Father, and attachment to the unalienable and conſtitutional rights of his ſubjects; and he could affirm, with great truth, THAT IF HIS ROYAL BROTHER WERE TO ADDRESS THEIR LORDSHIPS IN THAT HOUSE FROM HIS SEAT IN PARLIAMENT, AS A PEER OF THE REALM, SUCH WOULD BE THE OPINION THAT HE WOULD DELIVER TO THEM, FOR SUCH HE KNEW TO BE THE SETTLED SENTIMENTS OF HIS MIND.

Their Lordſhips paid the moſt reſpectful attention to his Royal Highneſs throughout the whole of his ſpeech. His manner was at once modeſt, yet unembarraſſed; graceful, but animated; and he appeared univerſally to excite the moſt lively intereſt in the boſom of his audience.

The *Lord Chancellor* declared, that if it had been poſſible for him to have had a ſtronger wiſh for unanimity, and regret for ſo much having been ſaid upon a ſubject which had never been before the Houſe, and conſequently ought to have been avoided, it would have been effected by what had fallen from the illuſtrious perſonage. The ſentiments they had juſt heard, were certainly ſuch as ought to afford much ſatisfaction to their Lordſhips, and to the nation in general; to know that the mode they ſhould adopt on the preſent melancholy occaſion, would give the utmoſt pleaſure and ſatisfaction to the exalted perſonage, who muſt, neceſſarily, feel the greateſt intereſt in their deliberations and deciſions. The ſame motives which had occaſioned him to riſe on a former day, were now his inducements, namely, to prevent the diſcuſſion of that queſtion, which ſeems ſo much apprehended; at leaſt, to prevent its being then prematurely brought forward. Under a ſolicitude of not having it diſcuſſed, it was, ſome how or other, conſtantly on the brink of inveſtigation, and could not poſſibly, at preſent, anſwer any other purpoſe than heating the minds of individuals, and, perhaps, exciting animoſities in the breaſt of the people at large. He declared, 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 ſtrait path of the public good. His Lordſhip ſpoke

of Queſtions of Right as generally invidious, and often unneceſſary; and declared, that on the preſent critical ſubject, 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. Upon that Report their future Reſolutions muſt be founded, and therefore until it was brought up, nothing could be done. 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 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 malady, 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 melancholy 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 by themſelves, 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. As far as related to his own opinion, it was not perhaps ſtrictly adviſeable to declare it, in its full extent, without the moſt ſerious deliberation, as the public were naturally anxious upon the ſubject, and much advantage might be taken by miſrepreſentations. His Lordſhip again declared, it was nevertheleſs his opinion, as much as it was that of the noble Earl who had begun the converſation

verſation 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. He repeated his regret, that, in theſe debates, the ſubject ſhould conſtantly take ſuch an unlucky turn; but he could not ſee how any anſwer could be given to the noble Earl's queſtion, becauſe it might be conſtrued into an attempt to anticipate what would be the reſult of their Lordſhips' wiſdom and deliberations, which would be an unwarrantable liberty—it might be ſuppoſed to have ſome influence upon the deciſion of the other Houſe of Parliament, a circumſtance, that he was certain the noble Earl could not wiſh, nor be ſuſpected of having in view—the conſideration was now before the Houſe—two oppoſite opinions had been given, the ſubject therefore muſt be debated—muſt be inveſtigated.

Earl Fitzwilliam roſe again and ſaid, he conſidered himſelf as having as much perſonal reſpect, and as much loyalty to his Sovereign, as thoſe on whom honours had been laviſhed; but he reprobated the idea, that *private affection* ought to govern their Lordſhips in an important proceeding, on which the *public welfare* ſo eſſentially depended. His Lordſhip ſaid, he was perſuaded the Brunſwick family would conſider it as an ill compliment to them, to ground a proceeding of that magnitude, on the baſis of private and perſonal affection to the King.

The *Lord Chancellor* ſaid, the noble Earl had given an unfair interpretation of what he had ſaid. He had never meant to allude to the favours and confidence of his Sovereign, as the ground of his public conduct, but as animating his duty and loyalty with impreſſions of gratitude, which he never could forget. Their Lordſhips had heard him expreſsly declare it to be *their duty as ſubjects* to preſerve the rights of the King entire. Not that he would have any noble Lord or any man living imagine, that there was a ſhade of difference between the public allegiance and loyalty, due to the Prince, and the private affection and love his ſubjects bore him. His Majeſty, in a reign of twenty-ſeven years, had proved his ſacred regard to the principles that ſeated his anceſtors on the Britiſh throne, and his anxious deſire, on every occaſion to maintain and uphold in all its purity that Conſtitution, that made his ſubjects a free and happy people; there was no difference therefore whatever, between the public duty and private affection due to ſuch a Prince.

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; becauſe it ſeemed to be admitted on all ſides of the Houſe, that the Prince of Wales ought, and muſt be appointed to the ſole Regency. The difference therefore only was, whether he ſhould have it as a matter of right or favour. This certainly was of too little conſequence to prevent a coincidence taking place, for as he had before ſtated it as his opinion, (and that opinion was ſtill the ſame) the only way to proceed with propriety, was, for both Houſes of Parliament to preſent an addreſs to his Royal Highneſs, and require him to aſſume regal power, during his Majeſty's incapacity, that the legiſlature might be complete; for at preſent, he affirmed, that the two Houſes of Parliament had no power whatever. It had been ſtated, that he and thoſe whom he had the honour to agree with in opinion, had laid it down as a maxim, that during the incapacity of the Sovereign, the Heir Apparent had an *unlimited* right to *aſſume* of himſelf the reins of government, without any interference of Parliament; this he denied to be the fact. Every one of their Lordſhips, who were in the Houſe at the laſt debate, muſt remember, that both he and the learned Lord (whoſe abſence he had now to regret, eſpecially as it was occaſioned by family misfortunes) had uniformly inſiſted it muſt be with the advice and approbation of Parliament—thoſe who held a different language; thoſe who inſiſted that the Prince of Wales had no more right to the Regency than any other individual, muſt alſo maintain, that in caſes of incapacity of the Sovereign, the Regency became elective; of courſe they might have many candidates, might chooſe whom they thought proper, and doubtleſs having the power to chooſe, they had alſo the power to reject. In that caſe, the third branch of the legiſlature not being free and independent, it was entirely ſubject and dependent on the other two. He perfectly agreed with the noble and learned Lord, that it was highly to be regretted, that theſe opinions had ever been brought forward and agitated in that Houſe; it certainly deſerved blame, and blame doubtleſs ought to reſt on him who introduced it; 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 to him or to any one 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.

The word "unparliamentary" *being ſpoken with ſome energy, Lord Stormont* was called to order, and the Houſe was for ſome ſeconds thrown into confuſion, by different Lords riſing at the ſame time to ſpeak.

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The *Duke of Richmond* ſaid, he ſpoke to order, no queſtion was before the Houſe, he would therefore move, "that the Houſe do *adjourn*."

Lord Stormont ſaid, Lord Sydney had called him to order, and Lord Rawdon and ſeveral Lords near him, having repeated the words "Lord Sydney to order."

Lord Sydney roſe with ſome warmth, and ſaid, he was commanded by five or ſix Lords on the oppoſite bench, to ſpeak. He lamented, that the Houſe had already betrayed a temper that, in his mind, ill became the ſolemnity and importance of the ſubject that they were diſcuſſing. Such behaviour was not decent there. He knew not what offence he had given, that he ſhould receive a reprimand, but if any noble Lord had taken offence at him, he would have them know, from the noble Baron near him (Lord Rawdon) to the noble Viſcount on the other ſide, that there were other ways of ſettling differences between one Gentleman and another. His Lordſhip ſoon recovered his calmneſs, and ſaid, he thanked God warm as he was by nature, his warmth ſeldom laſted long. He had heard expreſſions which he thought diſorderly, and he of courſe as well as ſeveral other noble Lords, had called to order—this was nothing uncommon; he was not to be intimidated. Why he ſhould be thus ſingled out and called upon to come forward, he was unable to ſay. It was ſurely diſorderly to allude to any thing done in another place, and in his mind no leſs ſo to allude to a noble Peer, in the manner and terms which the noble Viſcount had done to the noble and learned Preſident of the Council.

Lord Rawdon avowed himſelf to be one who had called upon the noble Secretary of State to ſpeak to order; he did it becauſe he had ever underſtood, that whenever a noble Peer was called to order, it was a charge that he had done or ſaid ſomething improperly, and he wiſhed to know what it was his Lordſhip could lay to the charge of the noble Viſcount, having himſelf heard the learned Preſident of the Council introduce the ſubject, in his opinion, in a very unparliamentary manner. The noble Secretary of State had ſtated, he was not to be intimidated; he knew not whether his Lordſhip meant to allude to him, but he would aſſure that noble Lord if he did, that he was not to be browbeat. When he firſt heard the learned Preſident of the Council introduce this ſubject in the manner he did, he trembled for the conſequences; it was a matter, in his opinion, fraught with danger, and ſhould any miſchiefs ariſe, thoſe who had been the occaſion ought to be conſidered as anſwerable; it appeared to him as the very means of preventing the ſubject being conſidered with that coolneſs and temper the neceſſity of it required—inſtead of being confined to their Lordſhips, it was now become a common topic of converſation; nay, bills were poſted up at the

corner of almoſt every ſtreet, with partial quotations from the ſpeeches of two perſons in another place, inviting as it were the public at large to take part in the inveſtigation. Did the authors foreſee what evils might accrue from ſuch dangerous meaſures? —Such conduct having been purſued, it became the more incumbent on their Lordſhips to act with caution, and he hoped in God, that the utmoſt care would be taken on their part, that no inadvertency of theirs might give occaſion to the much to be apprehended ferment—whenever the populace took a matter in hand, it was a difficult taſk to wreſt it from them.—He lamented the indiſpoſition of his ſovereign, and he heartily wiſhed his reſtoration to health, but, till that bleſſing ſhould arrive, it was a duty they owed to the country, to preſerve harmony, and exerciſe every talent for her advantage.

He had heard from the noble Lord on the woolſack, (with great pleaſure) that nothing unneceſſary to the important buſineſs of ſettling the affairs of the nation, was to enter into their Lordſhips deliberations. That queſtion was, in his opinion, not only unneceſſary but dangerous; and, if it ſhould be brought forward, the blame would reſt with thoſe, not by whom it had been firſt mentioned, but with thoſe who, without neceſſity, and aware of the danger that muſt attend it, inſiſted on bringing it into diſcuſſion.

The *Lord Preſident* ſaid, 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, in a way not quite conformable to his uſual manner of expreſſing himſelf in that Houſe, 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 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 were 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 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 were 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 contradiſtinction 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.

Two different opinions on an important queſtion had been ſtated, and had gone forth to the public in newſpapers and hand-bills, before they were mentioned by him; and whatever impropriety there might have been, in diſtracting and inflaming mens minds by ſuch a queſtion, he apprehended no danger from the diſcuſſion, and ſhould not be afraid to meet it.

Lord Stormont ſaid, he was glad he had been interrupted, as he had heard ſo able an argument from the noble Lord near him (Lord Rawdon;) at the ſame time it gave him concern, that another noble Lord ſhould have taken offence at what he meant as a mark of perſonal reſpect. He had not had the honour of ſitting in the other Houſe of Parliament, but he had ever underſtood the being called to order, implied a parliamentary charge, and that the rule was for the perſon called to order to ſit down, and the other member to ſtate his charge of breach of order. With this view, when the noble Secretary of State had called him to order, he had ſat down and ſaid, "Lord Sydney to order." and had alſo interrupted a noble Duke, who, he ſaw, was not aware that the noble Lord, who called him to order, was upon his legs. By ſaying, it was not his intention to enter into the diſcuſſion of a queſtion, which he thought to be unneceſſary, or, to attempt following the arguments which a learned Lord, whoſe abſence he regreted, and the more ſo, as he believed it proceeded from a family misfortune, (*Lord Loughborough*) had formerly inſiſted on, with ſo much energy; much of their perſpicuity, and much of their force would be loſt, if he did; but he begged leave to ſtate to their Lordſhips, why he thought the two opinions, propounded in the laſt debate, might be reconciled. As it was then publicly known, what was the intention of government in regard to the Regency, which he reminded their Lordſhips, was a circumſtance not known to the Houſe, when they had laſt diſcuſſed the ſubject; his opinion was, that they ſhould proceed forthwith to declare the Prince of Wales ſole Regent. At preſent, with a diſmembered legiſlature, the country ſtood in a ſituation, in which it ought to be ſuffered to remain as ſhort a time as poſſible. As it was neceſſary, according to all their opinions, to proceed to *practical meaſures*, it ill became them to waſte the time in agitating *theoretical ſpeculations*. Of that nature was the queſtion

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of right, which, in his mind, it was equally idle and fruitleſs to diſcuſs.

From what he had heard, ſince he had formerly ſpoken on the ſubject, the difference in ſubſtance between thoſe who maintained the moſt oppoſite opinions, was too minute to be made the object of debate in a caſe of ſuch peculiar and general importance. It was univerſally agreed, that the Prince of Wales alone, and unfettered by any permanent council, ought to exerciſe the functions of government in the name of his father, till he, whoſe right they were, ſhould be able to reſume them; and whether he received that power by parliamentary appointment, by ſuch a right as he conceived him to have, by ſuch a right as others underſtood him to poſſeſs, or by an irreſiſtible claim, words which he ſhould have uſed before, if they had occured to him, it could do no good, but might do much harm to debate. He could not expreſs his regard for his Majeſty's perſon, his ſenſe of the goodneſs he had experienced from him, nor his ſorrow, or the affliction that had come upon him in ſuch eloquent terms as a learned Lord had done—*Nequeo monſtrare—ſentio tantum*; but he would do now, what he thought would be acceptable to his ſovereign, were he conſcious of what he did; what, he truſted, he would approve, when it ſhall pleaſe him, who viſits alike the cottage and the palace, to reſtore what he had taken away. Were the laſt ſcene cloſed, he would act as if he thought that a departed ſovereign felt an intereſt in the happineſs of the people whom he had governed, and could be gratified by looking down on the affairs of a terreſtrial kingdom. He had experienced, and therefore knew the feelings of a father for a ſon. He muſt wiſh, that the government of his ſon, whether as his ſucceſſor, or his *locum tenens*, ſhould be proſperous, and to be proſperous, it muſt be *ſtrong*. Let the heir apparent, therefore, be declared ſole Regent, in any way that could inſure unanimity, and let him not be circumſcribed in the exerciſe of that prerogative which they all knew to be neceſſary to a vigorous government, and the welfare of the nation. The powers of the prerogative were not a right for the benefit of the governor, but a truſt for the intereſt of the governed: they had been proved to be no more than ſufficient for that purpoſe, by long experience, and to abridge them would be to endanger the intereſt they meant to protect. Let them imitate the example their anceſtors had ſet them to their own immortal honour, and that of their poſterity, in the glorious æra of the Revolution, in every thing but one. Let them not procraſtinate and waſte time in uſeleſs diſputes about words and forms, when they were called on to decide on ſubſtance and eſſentials. They had never once thought, on that illuſtrious occaſion, of limiting or reducing the powers of the prerogative, but had tranſferred them entire and undiminiſhed; as well knowing that they were

were no greater than the ſafety of the kingdom, and the ſecurity of the government demanded; for, by the Bill of Rights, there was not a ſingle right eſtabliſhed, which, by the natural and clear conſtruction of the conſtitution, was not the right of the ſubject before that period. Let all theoretical queſtions be avoided. Let them not imitate thoſe philoſophers, who, when Conſtantinople was beſieged, inſtead of contributing to the defence of the city, employed themſelves in metaphyſical diſquiſitions; and when Mahomet the Second ſcaled the walls, and ſtormed the city, were found amuſing themſelves round a table with idle debates about idle ſubtleties. His Lordſhip laid much ſtreſs on the danger of continuing without a vigorous executive government. With regard to the ſafety of the State from foreign enemies, he looked to the vigilance of Miniſters, the force of the country, and the friendly diſpoſition of the neighbouring powers. His confidence in reſpect to danger from abroad, was further confirmed, and fortified in his knowledge, that moſt of the foreign powers were, at this time, under ſufficient circumſtances of difficulty and embarraſsment. But a variety of reaſons might be ſtated to prove the preſſure of the moment and the urgency of the caſe. He particularly pointed out the anxious and unpleaſant ſituation of Lord Caermarthen, as Secretary of State for foreign affairs, who, for ſeveral weeks paſt, had not been able to ſend a ſingle inſtruction to any of our Miniſters abroad, ſince, it was well known, all ſuch inſtructions were ſent in the name, and at the command of the King.

The *Lord Chancellor* once more came from the woolſack, to ſtate that Lord Rawdon had miſconceived him; he had merely ſaid, he ſhould be averſe to the diſcuſſion of *unneceſſary* queſtions. In ſettling what they were all ſo laudably anxious to ſettle, there was a line pointed out by the conſtitution to be purſued, and whatever tended to aſcertain that, muſt not be conſidered as unneceſſary. They were not to be guided merely by temporary convenience, but muſt neceſſarily have a view to poſterity, and adopt ſuch meaſures, as might provide a remedy for a ſimilar national calamity, ſhould any ſuch ever occur again. Many minute points would, of courſe, be brought forward, one by one, and rendered ſubject to diſcuſſion; but it would be in the power of any one Lord to provoke the diſcuſſions of points, which it ſeemed to be the general and anxious deſire of moſt of the noble Lords who had ſpoken that day, to avoid. It depended, therefore, on the diſcretion of the noble Lords themſelves, that their future deliberations ſhould aſſume a complexion of unanimity or otherwiſe. If ſuch topics as the noble Viſcount had referred to in the latter part of his ſpeech, were inſiſted on, they would unavoidably compel the Houſe to go into the diſcuſſion of every queſtion that had been ſtated to be unpleaſant, and likely to excite uneaſineſs, and difference of opinion.

Earl

Earl Stanhope, with great ſolemnity, expreſſed his anxious wiſh, that what the Houſe had that day heard from a noble Duke (the Duke of York) could have been given in any way in writing, ſo as to have been made, in ſome way or other, matter of record. It was too important a communication to be ſuffered to remain in fleeting words, which could not be handed down to poſterity for them to graſp, and quote as a proof of the exiſtence of an eſſential part of the conſtitution. Could that be done, he was of opinion, that any further diſcuſſion might be avoided.

The *Duke of Glouceſter* ſaid, he had now come into the Houſe, for the firſt time ſince the affliction which the royal family had ſuffered, and declared that it was only four hours ſince he had heard, that any thing was to be agitated upon the ſubject that day. He deprecated, with great energy and feeling, the diſcuſſion of a queſtion, ſo pregnant with delay, and which could only tend to produce the moſt miſchievous conſequences. He declared himſelf a meer 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, were 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 compel a deciſion on ſo delicate a queſtion.

Lord Cathcart roſe to ſtate, that the papers paſted againſt the walls of the public ſtreets, which had been alluded to by a noble Lord, were not the only attempts of the kind to inflame the minds of the multitude, but that other papers, replete with violence and falſehoods, and calculated to ſtate the conduct of Miniſters falſely, and make it appear, that one of them had ſet himſelf up as a competitor with the Prince of Wales, had firſt been paſted up and diſtributed through the cities of London and Weſtminſter. He wiſhed that the queſtion, to which they had related, had never been ſtarted, and that it might not now be further diſcuſſed.

Lord Cathcart concluded with moving to adjourn.

The *Lord Chancellor* then put the queſtion, and the Houſe adjourned till to-morrow, eleven o'clock.

TUESDAY,

TUESDAY, DECEMBER 16.

HOUSE OF LORDS.

THE Houſe having met at four o'clock, purſuant to the adjournment of yeſterday—

The *Earl of Abingdon* roſe, and expreſſed a wiſh to know, either from the Chancellor, or any noble Lord preſent, whether it were poſſible to form a probable conjecture, with reſpect to the diſcuſſion of the *Queſtion of Right*.

The *Lord Chancellor* informed his Lordſhip, that until the Report of the Committee of Lords ſhould be made, it would be totally impoſſible to gratify his Lordſhip.

The *Earl of Abingdon* again roſe, and addreſſed the Houſe as follows:

My Lords,

A noble Lord, in the converſation of yeſterday, having ſaid, that if the Queſtion of Right, reſpecting the Regency of the Prince of Wales, was brought forward in this Houſe, he would divide the Houſe againſt it, if he was the ſingle Lord to do ſo, in order that his conduct might remain upon record; I riſe to give notice to your Lordſhips, that it is my intention to bring forward the queſtion on any day in the next week, that your Lordſhips ſhall think fit to name, and to divide the Houſe upon it, if I am the ſingle Lord to do ſo; and for the very ſame reaſon that the noble Lord gives, that my conduct might appear upon record for having ſo done.

My Lords, it is a queſtion that the two Houſes of Parliament demand the deciſion of. It is a queſtion that the King calls for. It is a queſtion that the Lord Chancellor of England, as the keeper of the King's conſcience, is bound in duty to have brought forward. It is a queſtion that the nation demands. It is a queſtion due to poſterity. It is a queſtion I lament to find, that any part of the Houſe of Brunſwick ſhould ſhrink from.

The *Lord Chancellor* ſaid, it would be irregular to make any motion, until the Report had been received from the Committee.

HOUSE OF COMMONS.

☞ *Such was the ardour of curioſity excited by the expectation of the important Queſtion to be this day debated, that the members who were eager to witneſs the diſcuſſion, were not to be reſtrained by*

by the rules, which ſtrangers, who wiſh to gain admiſſion, uſually obſerve. The doors of the gallery gave way to their impetuoſity. Not only the ſeats, but all the paſſages leading to them, were crouded before ten o'clock.

THE Houſe being reſumed,

At half paſt four, the *Chancellor of the Exchequer* opened the buſineſs of the day, by moving that "*the Houſe do 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 examination of the King's phyſicians, and the Report of the Committee appointed to ſearch for, examine and report Precedents, &c. to the ſaid Committee, the Chancellor of the Exchequer moved, "that the Speaker do now leave the chair," which having been put and agreed to, *Brook Watſon*, Eſq. took the chair at the table.

The *Chancellor of the Exchequer* began his ſpeech with declaring, that the Houſe were then in a Committee, to take into conſideration the State of the Nation, under circumſtances the moſt calamitous and important, that had ever befallen the country at almoſt any period. It was then a century ago, ſince any thing 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, when his Majeſty's political capacity was whole and entire, and the throne conſequently full, although in fact all the functions of the executive government were ſuſpended, but which ſuſpenſion they had every reaſon to expect would be but temporary. There could, 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 the 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 indiſpenſible 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 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

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the hiſtory of former times, as were in any degree analogous to the preſent unfortunate ſituation of the country. 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 the 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 indiſpenſibly neceſſary, that the Queſtion of Right ought to 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 be aſſumed in the firſt inſtance, or as 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. He mentioned the difficulty and embarraſſment that had 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 it 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; he deſired it to be remembered, however, that he had not ſtirred the Queſtion of Right originally; if therefore any ſerious danger were actually to be

dreaded

dreaded by its being diſcuſſed and decided, that danger and its conſequences were ſolely imputable 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. An abſtract queſtion, in his conception of it, was a queſtion 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 proceeding, 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, the papers that had been referred to the Committee afforded, was that which he ſhould make the firſt reſolution, viz. 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 public 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 Majeſty's incapacity through indiſpoſition." He 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 Hon. Gentleman oppoſite to him, fairly.

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He wiſhed not to take 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 Hon. 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 Legiſlature. 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 Hon. Gentleman in that Houſe, to have exiſtence, was not meant to be urged by a great perſonage. He ſaid, he came that day confirmed in every opinion, that he had before ſtated, that no ſuch right or claim veſted 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, from the law, or from the ſpirit of the Conſtitution. He reminded the Committee that when the Right Hon. Gentleman firſt mentioned the right of the Prince of Wales in this particular, the Right Hon. Gentleman had declared he was willing to wave the Motion for a Committee to ſearch for Precedents, becauſe 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 which analogies might be drawn. He affirmed, that all Precedents of incapacity in the Sovereign, whether from illneſs, infancy, or abſence, were Precedents in principle, and applicable by clear analogy and logical inference; and he called upon the Right Hon. Gentleman oppoſite to him, to point out a ſingle caſe of the infancy, infirmity, or illneſs of a Sovereign, in

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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 agreeably to 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, tended certainly to elucidate it conſiderably. He ſaid, he would refer to ſome of theſe Precedents, and convince Gentlemen that their reſult formed clear, undeniable proof, that no ſuch right exiſted as had been pretended. The firſt Precedent was taken from the reign of Edward the Third, where 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 perſon to act for him, a clear proof that they conceived the power exiſted with 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 ſanctioned 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 perſons 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 ſaid, 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 that aſſertion would ſtand. It had been ſaid, 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 by 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 *Cuſtodes 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, had been occaſionally given to the *Cuſtodes Regni*, which ſhewed that their powers had been always ſubject to ſome limitation or other. After dwelling upon theſe proofs, that no Right to repreſent the Sovereign in his life-time had ever exiſted, as far as our Records could teſtify, he obſerved that in modern times, Lords Juſtices had been frequently appointed to the exerciſe of ſovereign authority, during the reſidence of a Prince of age in the country.

He contended, that when the exerciſe of the Regal Authority by the Monarch was interrupted, it was preciſely the ſame to the claim of either the Heir Apparent or Preſumptive, whether the interruption or the incapacity proceeded from minority, abſence, or the effect of indiſpoſition, as was the caſe of his preſent Majeſty: and this appeared to be admitted in the corrected explanation of the right honourable member; for as he cantended, that the Right of exerciſing the Royal Authority attached upon the Prince, when the King's incapacity was declared, that incapacity may equally ariſe from infancy, abſence, or diſeaſe. In one ſituation of incapacity, namely, that of Abſence, there was one caſe preciſely in point, when a Prince of Wales was appointed in the Regency, with limited authority. There were many Precedents to be met with, beſide thoſe ſelected by the Committee, whoſe firſt caſe on the Report, was that of Edward III. This, as well as that of Richard II. being *Councils of Regency*, he ſhould not dwell upon as peculiarly applicable. To the reign of Henry VI. however, he ſhould have frequent occaſion to refer. That furniſhed a Precedent exactly in point. A Regency was then formed, in conſequence of the incapacity of the King, ariſing from indiſpoſition. There was alſo a Prince of Wales, who indeed was not of age; and yet the Precedent was not the more inapplicable. For though the ſpeedy recovery of the Monarch, prevented the execution of the proviſions made by the Parliament, yet in framing the Act of Regency, they anticipated the ſituation in which this country finds itſelf at the preſent moment; as if ſome fatality had ordained, that their conduct and principles ſhould direct the proceedings of the preſent period. In that Act, the Parliament looked ſome years forward, to the period when the Prince of Wales ſhould be of

age; and inſtead of ſtopping ſhort, in acknowledgment of the Right he ſhould then poſſeſs to govern, according to the modern ſyſtem, in the name, and with all the authority of his Father, the Parliament went on to ſettle what ſhould be his ſituation, and the extent of the powers with which he was to be inveſted. This was an inſtance, and a moſt indiſputable argument, that no ſuch Right was in the contemplation of that Parliament, as that which had lately been preferred; for though the Conſtitution, then, was not ſo well defined, or, of courſe, ſo well underſtood, as at the preſent period, yet they never loſt ſight of the maxim, that Kings, however liable in common with all mortal men, to perſonal affliction, and to perſonal incapacity, yet, in their political capacity, are always the ſame. This, to the perſon of the King who wears the crown, is certainly confined all the Royal Authority of the Conſtitution, and in his name, even during the exiſtence of a Regency, muſt all the public buſineſs be tranſacted. Such muſt be the principle of every free Government, and ſuch, particularly, is the Conſtitution of ours.

If no Precedent, contrary to thoſe he had ſtated to the Committee, could be advanced, he ſhould preſume, that it would be evident to the Committee, that no Right 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. In all caſes of a Regency, it was proved from Precedent, that the Heir Apparent or the Preſumptive Heir, when appointed to that truſt, was conſiderably abridged of the powers belonging to a monarchy, and there was no reaſon to think, that if they conſidered themſelves to poſſeſs an immediate *right* to *all* the authority, they would conſent to be appointed to part of it. He ſcrupled not therefore to declare, that no poſitive law, nor no analogy from any law, could be adduced to ſupport the doctrine of Right. An opinion had been ſtated by a noble Lord, in another place (*Lord Loughborough*) in contradiction to his aſſertion, that *The Prince of Wales had no more Right to aſſume the Regency than any other individual ſubject.* He ſaid, he underſtood in arguing that matter, ſome very extraordinary mode of reaſoning had been reſorted to. Among other proofs, that the Rights of the Prince of Wales were different from thoſe of other ſubjects, it had been ſaid, that the Prince of Wales was, in an old record, quoted by Lord Coke, pronounced to be *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

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to treat it with any thing like ſerioufneſs. 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 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 upon it.

A third argument urged in ſupport of the Prince's Rights 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 in that. 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 convincing 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 held in the name of the King, and therefore in his own courts it muſt be 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, That he had a Right to exerciſe the Sovereign Authority in his father's incapacity, without the conſent and declared approbation of the two remaining branches of the Legiſlature? No more, than a proof that a man had 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 reference to the point in diſpute, viz. 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.* Thoſe, he ſaid, 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; for little was left them to do, but 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 ſaid elſewhere by a learned magiſtrate, (who had choſen to force his own conſtructions 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; ſo far from leaving it to that learned Lord's wiſdom to interpret, it muſt, he ſaid, be believed 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, as different men choſe for different reaſons, to ſay, it ought to be 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 Prerogatives, on the interruption of thoſe powers, he ſaid, 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, 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. He deprecated the idea of avoiding the diſcuſſion of what limitations might be neceſſary, for inſuring 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 whatever. 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.

In the attention which he found it neceſſary to beſtow upon this ſubject, he was not content with ſuch opinion as he might be enabled to form for himſelf. He was ſufficiently clear, as far as precedent went, and the alledged right was perfectly done away in what he had already ſtated. There were other views, however, in which it might be argued and conſidered, that induced him to apply to the higheſt and beſt authorities, and by whoſe opinions he was confirmed in the concluſions he had drawn himſelf. Supported throughout by every precedent which hiſtory, or the records and journals of Parliament could furniſh, in oppoſition to this alledged right, he next proceeded to conſider, whether there

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appeared in its favour any thing of argument—any ſupport drawn from the genius of the conſtitution—or any analogy of law. When the ſubject was firſt mentioned in the Houſe, there was little reaſoning employed, and all that was ſaid, amounted to little more than different modes of putting the ſame aſſertion. There was, however, one aſſertion made by the Right Hon. Gentleman, which was worthy of notice, for, he maintained, that the Prince had the ſame right during the King's incapacity to exerciſe the Sovereign Authority, in the name of his father, which he would have to exerciſe it in his own, on the demiſe of the Crown; and the reaſon given for this was, that his Majeſty's preſent ſituation was a *civil death*. Though the law was a profeſſion to which he had once the honour to belong, yet ſo little did he feel himſelf qualified to diſcuſs ſubjects of that legal import, that whenever he had occaſion to do ſo, he did it with the utmoſt diffidence. He would leave it to perſons more converſant in the profeſſion, and certainly better qualified than he was, to diſcuſs ſuch ſubjects with the ability and ſcience they required; but the preſent argument was too abſurd to need any aſſiſtance to refute it. Referring to Mr. Juſtice Blackſtone, he ſhewed that there were but two kinds of civil death—the one legal, the other voluntary. The legal death was by baniſhment, from which a man could not be reſtored, and after which he could not recover his eſtates. The voluntary civil death is, when a man becomes a monk, by which he is dead in law, and can never after have any concern in temporal affairs. The firſt was an act which cut off a criminal from all ſociety within the realm, and the other was the voluntary act of retiring from the world. To conſider as analogous to this, the affliction with which it pleaſed Heaven to viſit his Majeſty—to conſider that ſituation as voluntary, or the infliction of legal puniſhment, was an idea as prepoſterous as it was impious. Would any perſon ſay that his Majeſty had been, by proceſs of law, diſabled, or, by his own voluntary act, rendered incapable of wearing the Crown? Would they aſſert, that acts of perpetual diſability were analogous to the viſitation of God, a ſtroke inflicted by the hand of Providence, which might, and probably would, be but temporary? Could it be pretended that they ought to be adduced as acts, to prevent his Majeſty from exerciſing, in future, thoſe powers which he never had forfeited, which he had never renounced. But there aroſe out of it another conſideration, ſtill more fatal to the argument. The examination of the phyſicians who attended at the Committee, whilſt it confirmed the deplorable fact of his Majeſty's diſorder, ſcarcely more calamitous to himſelf than to his people; yet afforded general and well-grounded hopes of his again being able to aſſume the reins of Government, which he had ſo long directed with the confidence and love of his ſubjects. He

hoped there were thoſe who heard him, that did cheriſh the hope that he would be reſtored as ſoon, or even ſooner, than was hinted in the moſt ſanguine expectations of the moſt ſanguine of his phyſicians. But what would this anxiouſly wiſhed-for recovery avail to the purpoſes of Government, or good of his people, if, by the *civil death*, which ſome would have him undergo, he ſhould be prevented from reſuming the throne of his realm?

That ſuch a thing could poſſibly happen, he did not mean to ſuggeſt; but it was ſufficient to demonſtrate the abſurdity of the argument. He expreſſed his hope, that however diſtant it may be, the Crown of Great Britain might yet, in the due courſe of nature, adorn the head of the illuſtrious and accompliſhed Prince, who was now the Heir Apparent; but that Crown could never deſcend to him, otherwiſe than by the natural demiſe of his father. If any farther refutation was neceſſary, for ſo futile an aſſertion, it would be only to obſerve, that by exerciſing the Royal Authority under the ſame right as a demiſe, or by *aſſuming* that right, unleſs appointed by the Parliament, the fatal conſequence would follow, that the care and protection of the King's perſon, would devolve to the very perſon who, in his name, and, in conſequence of his infirmity, was exerciſing the authority of a King. "God forbid" (exclaimed Mr. Pitt) "that any one ſhould be baſe enough to imagine that theſe obſervations, or this caution, could be in the moſt diſtant manner directed to the circumſtances now depending. God forbid alſo, that any delicacy towards perſons, however high and illuſtrious, or any confidence in character, however amiable and honourable, ſhould ever induce us to diſpenſe with the dictates of prudence, and the ordinances of our laws, ſo as to agree to the eſtabliſhment of a precedent, ſo fundamentally fatal to every principle of our conſtitution, and of a tendency ſo injurious to the welfare of our country. I cannot poſſibly apprehend, that, in the ſentiments I am expreſſing, I ſhould be repreſented to the Prince as undutiful or diſreſpectful. But were I even *ſure*, that *I ſhould be ſo repreſented, I feel that within, that prompts to what is right; and I will poſtpone every perſonal conſideration to my zeal and attachment to my Sovereign, and my duty to the Public.*"

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 they all

deplored,

deplored, would have gone near to diſſolve the conſtitution itſelf, yet, in this more happily tempered form of government, equally participating in 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 doctrine of the conſtitution. He ſaid, 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 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. Agreeably 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 upon ſuch power, and declared who, and in what manner the Royal Authority was to be exerciſed for and in the name of the King. Without paying any attention to the different names, by which this power was, at different times, denominated, whether Protector, Cuſtos Regni,, Regent, or Lord Commiſſioner, he was ready to prove, that in all ſuch caſes, it remained with the two Houſes of Parliament, to make ſuch proviſions as they thought ſuitable to the exigency of the time. Here again he recurred very particularly to the precedent of the reign of Henry the Sixth. The King, being a minor, and no Parliament in being, his uncle, the Duke of Glouceſter, as next of blood and Preſumptive Heir, after the elder uncle who was abroad, iſſued his writs for ſummoning a Parliament. —When they had aſſembled, they were very well aware that the conduct of the Preſumptive Heir was not warranted by law, and juſtified only in the exigency of the occaſion; for which reaſon they paſſed an act, legalizing the former proceedings, which they certainly

certainly would not have done, if the Preſumptive Heir was competent to convene them of his own authority. This he meant, in anſwer to an obſervation of the Right Hon. Gentleman, (Mr. Fox) that, had there been no Parliament, the Prince would have a right immediately to convene it. This was not all he had to deduce from the conduct of the Parliament now alluded to. There was much more in this precedent, applicable to the preſent caſe, and of more force than inference, or implication; for, ſome time afterwards, the Regent juſtly complained, that his power was too limited; the anſwer of the Parliament, which was by no means favourable, reminded him, amongſt many other things, that he had firſt claimed the ſituation as his Right, but which they would not acknowledge, not being acquainted with any other Right, but that of their Sovereign Lord the King, except ſuch Right as was derived from themſelves. This he thought fully in point, and fully concluſive of the Queſtion of Right not being in any perſon, but a truſt given by the appointment of the two Houſes of Parliament. If after this precedent, there ſhould be wanting any great law authority, there was that of Mr. Pym, who was allowed to underſtand the conſtitution of this country, as well as any writer on that ſubject, and he expreſsly declared, that any deficiency in the third eſtate, muſt be ſupplied by the other two. The ſame was the principle on which the Revolution was effected. And Coke, who was as great a lawyer as ever lived in any country, and infinitely ſuperior to all others in knowledge of the Engliſh laws, concludes his ſhort chapter on this ſubject, "*de cuſtodibus regni*," with ſaying, that "it was beſt they ſhould always be appointed by Parliament." The rights of Parliament were, he ſaid, congenial with the conſtitution. He referred the Committee to every analogy that could be drawn from the principles of the conſtitution, and the only right, he ſaid, it was clear, would be found to exiſt in Parliament, 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, 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

might be ſtated, as to the 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 intereſt of the nation were ſtarted, it was neceſſary, if the Houſe had a right to diſcuſs 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 the Right Hon. Gentleman had originally, in ſtrong and lofty terms, aſſerted the right of the Prince of Wales, as Heir Apparent, to *aſſume* the exerciſe of the Sovereignty; but that doctrine had ſince been *recanted*. (Here Mr. Fox, objecting acroſs the table to the word *recant*, Mr. Pitt ſaid, that the only thing he would recant, was the uſe of that expreſſion, and content himſelf with ſaying, that at leaſt he *diſavowed* it.) This reminded him of the precedent in the reign of Henry the Sixth, during which the Duke of Glouceſter quarrelled with the Biſhop of Wincheſter; 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. Though this charge, if proved, would have been high treaſon, the Biſhop deſired that it might go to the Judges, and the validity of it be enquired into. The quarrel, however, was compromiſed, on grounds of perſonal convenience, and the charge never came to a deciſion.

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 was no parliamentary grounds to go upon, that a right would not, at ſome future period of our hiſtory be attempted, either to be aſſumed or aſſerted. He declared, he ſaw no poſſibility of the Committee proceeding a ſingle ſtep further, without knowing on what kind of ground they proceeded, and, therefore, it was 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

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be done away by the deciſion, but the leaving it undecided and equivocal, would be highly dangerous.

He drew to a concluſion, by ſaying, that he wiſhed to impreſs the Houſe with a conviction, that if they had a *Right*, they had alſo a duty, and that a duty which neither their allegiance, nor their affection to the 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, and beyond the poſſibility of all queſtion hereafter, and be 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. He reaſoned againſt the probability of their deciſion, either cauſing a diſſention between the two Houſes of Parliament, or producing miſchievous conſequences of any kind. 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 had acted upon perſonal motives, rather than a due regard to the true intereſts of their country.

The *Chancellor of the Exchequer* here proceeded to read his three reſolutions, as follow:

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 Autho- "rity 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 Spiritual 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 Majeſty's ſaid indiſpoſition, in ſuch manner as the ex- "igency of the caſe may appear to require."

III. "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, ſhould determine on the means whereby the Royal "Aſſent may be given in Parliament to ſuch Bills 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 Ma- "jeſty's preſent indiſpoſition."

The firſt Reſolution was put, and carried unanimouſly.

The ſecond being read,

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The *Maſter of the Rolls* (Sir Richard Pepper Arden) followed the Chancellor of the Exchequer, and began a very able argument, with declaring, that till within the laſt ten days he never had heard that there was any Right exiſting in his Royal Highneſs the Prince of Wales, either to aſſume (as it had been firſt ſtated) or that attached, (as it had been ſince explained) upon the declaration of the two Houſes of Parliament, of the temporary incapacity of the Sovereign to exerciſe the Royal Authority during ſuch incapacity. Sir Richard quoted a great variety of legal authorities to prove the reverſe to be the fact. He called 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 referred to ſeveral ſtatutes and law-books that were likely to have noticed it, if any ſuch Right had exiſted, but which were all of them completely ſilent on the ſubject. Sir Richard alſo obſerved, upon what had fallen from a noble and learned Lord in another place laſt Thurſday, reſpecting the Prince of Wales and his Majeſty being deemed *one and the ſame perſon* in a particular record. He ſaid he had read the Record, and he explained to the Houſe what its ſubject was, by quoting an extract from it. After a great deal of legal diſcuſſion, Sir Richard conſidered the precedent in the reign of Henry VI. and reaſoned upon it with conſiderable clearneſs, laying great ſtreſs upon its pointed analogous reference to the preſent caſe. Before he ſat down, he declared, 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. Sir Richard ſpoke very reſpectfully of the Prince in the courſe of his argument, and gave it as his opinion, that 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 ſaid, he deprecated needleſs contention on the momentous buſineſs before the Houſe, and profeſſed himſelf a ſtrong friend to unanimity, thinking it a moſt deſirable object to be obtained in the conduct of the preſent truly important proceedings. Mr. Loveden begged to be permitted to aſk the Right Hon. the Chancellor of the Exchequer two queſtions: one, whether, by the 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 Hon. Gentleman's ſpeech, relative to motives of private intereſt or convenience, the Committee were to underſtand, that ſuch Gentlemen as would not ſubmit to

vote for the Reſolution, would have their votes imputed to private intereſt and private convenience?

The *Chancellor of the Exchequer* ſaid, he ſhould be exceedingly happy to give any gentleman the fulleſt ſatisfaction, if he appeared to have miſunderſtood any part of what he had ſaid.

With regard to the firſt of the two queſtions, viz. 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 Friday laſt 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 regal 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 to leave it open for them to determine, in a ſubſequent ſtage, who the Regent ſhould be.

With regard to the Hon. Gentleman's conceiving that he had ſaid, thoſe who would not ſubmit to vote for the Reſolutions, would have their votes imputed to motives of private intereſt and convenience, he ſhould be heartily aſhamed if he could have been indecent enough to be guilty of ſo much rudeneſs to that Committee, or any individual members.

In mentioning the conſtruction the world might poſſibly put upon their conduct at that moment, and under the peculiar circumſtances of the caſe, he had ſaid, 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 of their duty, and that attention to the honour and ſafety of the Crown, as well 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 a wiſh to promote the public good; he roſe, therefore, without looking to the right or to the left, equally indifferent to both parties, earneſtly to intreat Miniſters, before they preſſed the Committee to come to a vote on the Queſtion, to conſider the conſequences it might poſſibly produce. He profeſſed himſelf anxiouſly deſirous, that there ſhould be unanimity in the progreſs of ſo important a buſineſs; and by unanimity he did not merely mean unanimity within thoſe walls, but unanimity between the two Houſes of Parliament. Should the Houſe of Lords decide differently from that, ſuch conſequences might ariſe, as he could not

reflect

reflect on without horror; it was by no means certain, that the other Houſe would adopt the ſame Reſolutions that were voted in that.

He aſked, what poſſible advantage could reſult from preſſing the Reſolution in its preſent form? He had heard a declaration made in another place, from the higheſt authority, that his Royal Highneſs the Prince of Wales never had made any claim of Right whatever on his part, and that he felt too much ſincere regard for thoſe ſacred principles which had ſeated the Brunſwick family on the throne of theſe realms, ever to aſſume or exerciſe any power, *be his claim what it might*, not derived from the will of the people, expreſſed by the Houſe of Lords and the Repreſentatives of the people in Parliament aſſembled. Why then ſhould a Reſolution be preſſed, where no claim had been made, and an aſſurance had been given, that no claim would be made?

Mr. Baſtard adviſed the leaving out the word *right*, and confining the Reſolution to the words, "that it was their *duty* to provide," which, he ſaid, would in effect anſwer the ſame end, and at the ſame time avoid the riſque of provoking a diſagreement between that and the other Houſe of Parliament. The circumſtances of a neighbouring kingdom, were alſo to be conſidered, which had Lords and Commons of its own, independent of this; and if a Queſtion of Right were to be declared here, they would alſo feel themſelves called upon, to declare a Queſtion of Right, and to be obliged, for the very purpoſe of ſhewing their independence, to decide on it, in a different way. If the Queſtion of Right muſt be decided, he ſhould not heſitate on what ſide to give his vote, but he ſaw no neceſſity for deciding on it at all, and wiſhed it to remain as it ſtood.

He ſaid, at preſent he believed the Right Hon. Gentleman at the head of the Exchequer, ſtood higher in the eſteem of the people, than the Right Hon. Gentleman on the ſide of the Houſe on which he then ſpoke; he hoped to God, therefore, a regard to his own credit, and the favour in which he ſtood with the public, would induce him to alter his motion, and prevent the poſſibility of provoking that danger which he had deſcribed, in the early part of his ſpeech; he ſaid, he urged this the more earneſtly, as he ſaw not the ſmalleſt poſſible advantage that could reſult from preſſing the queſtion, worded as it was, on the Committee.

Lord North ſaid, he ſhould not have troubled the Committee with his ſentiments at ſo early an hour, but that he ſhould not be able, he feared, to ſtay to deliver them at a much later. The ſame queſtion—what good can attend the deciſion of the Right? which had occurred to the Hon. Gentleman who ſpoke before him, occurred alſo to him, and he was not able to deviſe an anſwer to it, becauſe he ſaw no poſſible good that could reſult from

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it; on the contrary, he agreed with the Hon. Gentleman, that deciding the queſtion might lead to conſequences, which it ought to be their ſtudy to avoid incurring; it appeared to be a dangerous and pernicious queſtion. No perſonal or private motives, it was ſaid, were to have any weight; and of two oppoſite opinions that had been ſtated, in what reſpect could deciding which was preferable, conduce to the ſettlement of the important buſineſs they had in hand, which might be equally well ſettled without diſcuſſing either.

Having deſired to have the queſtion read, his Lordſhip ſaid, he felt moſt objection to the ſecond part of this queſtion, though he likewiſe felt much objection to the firſt part as well as to the ſecond. The Right Hon. Gentleman had ſaid, he was afraid, unleſs the Committee decided on that queſtion, and that in the way that he thought right, that the country would conceive they had been actuated by perſonal, inſtead of impartial motives. It did not ſtrike him, that by agreeing with the Right Hon. Gentleman, and voting that queſtion, they would appear to have acted with greater impartiality, or that the public would be convinced, that they had been actuated by motives leſs perſonal than if they did not vote it.

His Lordſhip ſaid, their much beloved Sovereign was at preſent in a melancholy ſtate of health, and they all hoped, by the bleſſing of God, that he would recover; but after the fact was eſtabliſhed, of the incapacity of their Sovereign to exerciſe his Royal Authority, they ought immediately to proceed to reſtore the third branch of the Legiſlature, and the ſooner they did that neceſſary act of duty, the leſs his Lordſhip ſaid, would their proceedings be liable to the imputation of their having acted from perſonal motives. He agreed with the Right Honourable Gentleman, that the two Houſes of Parliament were the true and lawful Repreſentatives of all the eſtates of the people: but he begged the Committee to conſider, that in conſequence of that melancholy misfortune which they all deplored, and which every man of feeling muſt deplore, they were ſitting, not indeed in the form of a Convention, (becauſe it happened that the two Houſes of Parliament had been regularly called together) but with not a whit more authority than a Convention poſſeſſed, to do that duty which the calamity of the moment called upon them to perform. Under ſuch circumſtances, ſitting there in a maimed and imperfect Legiſlature, they ought to confine themſelves ſtrictly to the neceſſity of the caſe, ſince every ſtep that they proceeded, beyond the neceſſity of the caſe, was a ſtep in error, and a ſtep which they ought not to take. In the calamitous ſtate of the Sovereign's health, and the conſequent unſettled ſtate of government, when ſuch important objects demanded

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their attention, why diſtract it from its proper courſe, by ſpeculative and unneceſſary queſtions.

Every ſtep they had hitherto taken, had been ſtrictly juſtified by the neceſſity of the caſe. Nothing but *neceſſity* could juſtify their proceedings. To act in the regular way, required a concurrence of the three eſtates, Kings, Lords, and Commons; therefore they ſhould proceed no further than abſolute neceſſity required. What occaſion was there for abſtract propoſitions, as to the declaration of the Parliament, that it was their *right* and their *duty* to chuſe and nominate the perſon who was to aſſume the executive power? Was not this *right* ſufficiently declared in their proceeding to exerciſe it?

Without the third branch of the Legiſlature, they had no power: they ought therefore immediately to proceed to fill the vacancy that unfortunately exiſted, and not enter into a diſcuſſion of abſtract and ſpeculative queſtions, which tended only to diſſention and miſchief. What good could ariſe from deciding the preſent queſtion? And if no good was likely to reſult from it, he hoped the Committee would go along with him in preventing the miſchief, and proceed immediately to the buſineſs, the only buſineſs before them, the filling up the third branch of the Legiſlature.

Had any claim been preferred? Had not a declaration been made elſewhere, that there never was an intention to urge a *claim?* Where then exiſted the danger to the Rights of Parliament, when no plea was offered in bar? Why then was it to be decided on at all? He could not therefore agree to vote the Right of the Lords and Commons, which the Reſolution contained, nor could he think that the declaration of an individual member of that Houſe, was ſufficient ground for voting any Reſolution.

How had thoſe great men thought it their duty to proceed, who ſettled the Revolution?—to declare a vacancy, and to fill it.—Had not old Maynard ſaid, "The Throne is *vacant*, but the Law and the Conſtitution remain; it is our duty to reſtore the regal Power, and render the Legiſlature complete."—That hint had been followed; they had not loſt time in diſcuſſing theoretical queſtions, on which ſome might adopt one mode of reaſoning, and ſome another; but they had at once declared the *Prince of Orange*, KING. In like manner now, inſtead of agitating the Queſtion of Right, where no queſtion had been formally made, and where ſuch a diſcuſſion could only lead to error and to difference of opinion; they ought to declare a Regent, and thus reſtore the third eſtate. They had eſtabliſhed the preſent temporary defect in the Conſtitution. by the Reſolution they had juſt voted. The next duty they had to perform was, without the loſs of a moment to ſupply the deficiency.

They were all agreed, that the Heir Apparent, whether from right or expediency mattered not, ought to be appointed Regent. Why then was the abſtract Queſtion of Right introduced? that being unanimous in the main point, they might quarrel about acceſſories. On the abſtract Queſtion of Right, ſome would be guided by one ſort of reaſoning, others by another. Some would hold with one opinion, that the Heir Apparent had an attached right to the Regency, others with another opinion, that all perſons had an equal right; and in that caſe, if they came to an election, their choice might fall on another great Prince, or a great Lord, or a great Commoner; but certain he was, that if they did not decide in favour of the Prince of Wales's right, however it originated, they would decide neither according to law, juſtice, nor political expediency. He ſuppoſed, however, the queſtion was only introduced to be over-ruled, and that, as they agreed on the eſſential points, the Right Hon. Gentleman was determined they ſhould not proceed from the firſt to that which ought truly to be the ſecond, without ſome altercation by the way. If there had been any queſtion as to who ought to be entruſted with the Regency, the Queſtion of Right might have been, with ſome plauſibility, brought forward.

Another objection his Lordſhip made, was this: the motion, he obſerved, called upon him to declare the Rights and Duty of the Lords Spiritual and Temporal. What right had that Houſe to interfere with the Rights and Duties of the other Houſe? The ſecond part of the propoſition, that which, they were told, was neceſſarily connected with the firſt, contained (his Lordſhip ſaid) a *project* of a very extraordinary nature, a project for paſſing a Bill, a project directly violating the fundamental principles of the Conſtitution, and which, for that reaſon, he could not agree to. It was ſaid, the Regent was not to be inveſted with all the authority of the prerogative, but receive it under certain reſtrictions and modifications; and in order to do this, a *project* was contained in the third Reſolution, for giving the form of the Royal Aſſent to ſuch reſtrictions; and by which, he was told, means were to be *deviſed*, a pretty *new device* he would take the liberty of ſaying [*His Lordſhip was here informed, that the words were* "*to determine on the means.*"] His Lordſhip ſaid, he wiſhed it had been *deviſe*; for that would have been peculiarly applicable; but whether they were to *determine* or *deviſe*, if they attempted to do any legiſlative act in the preſent circumſtances, they would uſurp on the Prerogative, and new model the Conſtitution. The *project* was to paſs a Bill. To paſs a Bill, was to do an act of Legiſlation, and to make a Law. Could that Houſe, which had not the power to receive a petition for a turnpike bill, proceed to legiſlate? Did they forget, that the two

Houſes,

Houſes were by ſtatute declared incapable of making laws? Did they mean then to take into their own hands, the dormant and ſuſpended rights of the crown? Would they aſſume the ſovereign authority, abandon all the principles eſtabliſhed in 1688, and *recaſt* the Conſtitution? While they were unneceſſarily jealous of their own rights, would they thus trample on the rights of the crown, and without either preferring a claim, or aſſerting a right, the exiſtence of which the plain language of the Conſtitution expreſsly denied, arrogate to themſelves the regal powers?

The plain road of proceeding was eaſy and ſhort; proceed directly to nominate a Regent, and then when the third branch was reſtored, and the Legiſlature was complete, they would become a Parliament perfect in all its conſtitutional forms, and they might legally paſs any laws either of limitation, reſtriction, or of any other kind. But to attempt to proceed otherwiſe, was to trench on the prerogatives of the crown, while they lay at their mercy. His Lordſhip ſaid, however reſpectable his Right Honourable Friend's opinions were, it was making him of more importance than he would wiſh to have annexed to him, to ground a publick proceeding of that Houſe on any opinion of his.

His Lordſhip, after recapitulating the heads of his ſpeech, returned the Committee thanks for their indulgence, and moved, "That the Chairman do leave the chair, and report progreſs," declaring, that he made that motion with a hope, that when the Committee ſat again, they would meet under the impreſſion of more conſtitutional ſentiments, and with a better regard for the principles eſtabliſhed at the Revolution, than they appeared to be, at preſent, impreſſed with.

Mr. Powys ſeconded the motion of Lord North, and ſaid, at ſuch a moment every Gentleman ought to come forward with an avowal of his opinion. He ſtated, that he was averſe to a declaration of the rights of that Houſe, when no claim had been made, that rendered ſuch a declaration neceſſary. Mr. Powys noticed the raſhneſs of aſſerting, that the Prince of Wales had no more right to the Regency than any other individual ſubject, and made ſeveral obſervations on the danger of broaching ſuch doctrines, which he urged might in its effects be more *calamitous* than the *very calamity* which was the occaſion of their proceedings; declaring, at the ſame time, that he did not mean any thing individual or perſonal in the references to ſuch an aſſertion, but merely to expreſs his opinion, that any man who made an aſſertion of that ſort, did not adopt a line of conduct likely to preſerve the temper and moderation that ought to mark their proceedings, on ſo ſolemn an occaſion. In ſeconding the motion of the noble Lord, he ſhould propoſe that the chairman,

after reporting progreſs, ſhould aſk leave to ſit again; which would ſurely ſatisfy the moſt ſcrupulous upon the other ſide, as it would clearly imply a right to go on with what they had begun, at the ſame time that it got over all the difficulties, that might be involved in it. His opinion was, on no account to diſmember the prerogative of the crown, but appoint his Royal Highneſs Regent, with full regal powers, and that immediately.

Mr. Rolle roſe, and in compliance with the ſentiment of Mr. Powys, that every man ought to avow his opinion in ſuch a critical moment, declared, that he thought the Queſtion of Right indiſpenſably neceſſary to be diſcuſſed and decided, after what had paſſed in that Houſe and elſewhere; it was not merely the declaration of an inſignificant individual, thrown out on ſpeculation, but it was thrown out in a very dictatorial and peremptory manner, in the Senate of the nation, by a perſon believed to be in the confidence of his Prince, ſurrounded by others, his moſt confidential friends, not attempted to be contradicted, or explained away by any, but even ſupported by one (Mr. Sheridan) until they had conſulted their pillows, and met in convention at an appointed place. The mere effect of words was afterwards endeavoured to be done away, but the ſubſtance and principle remained as much at iſſue as ever it was. A deciſion, either way, Mr. Rolle thought leſs likely to inflame, than to permit the queſtion to float in ſuſpenſe. He ſaid, he always acted from the dictates of his conſcience, and delivered his ſentiments with the ſame indifference to parties, as his worthy colleague had declared he did. He had no doubt, whatever difference there might be in their opinions as to the means of obtaining the end, the object was the ſame, the real intereſt and happineſs of their country, the preſervation of the Conſtitution, and the juſt rights and privileges of the King, the Prince, the two Houſes, and the Public.

He had not, he ſaid, the ſame dread of a diſpute between the two Houſes of Parliament, nor with another kingdom; ſuch imaginary fears ought not to make this Houſe ſhrink from its conſequence, and from its duty. His worthy colleague was preſent, Mr. Rolle ſaid, when he told his conſtituents (in uniſon with whoſe ſentiments he ever wiſhed to act) that it was meaſures and not men which he ſhould look to for his public guide; and that ſo long as the Right Honourable Gentleman at the head of the treaſury appeared to him to be actuated by principles of loyalty to the King, and of zeal and regard to the intereſt of the nation, and the conſtitutional rights of the ſubject, he ſhould have his ſupport, and no longer.

He agreed with his colleague, that the conduct of the Right Hon. Gentleman, hitherto, had been ſuch as to entitle him to the confidence and applauſe of his country, which had gained

him a preference in the public opinion and wiſhes, to his opponent (Mr. Fox). He had reſtored our commerce, and exalted the national character, both of which were in a ſtate of ruin and degradation, when he was placed, by his Sovereign, with the general voice of the people, to conduct the moſt important intereſts of the Country. On the preſent occaſion, he appeared to be actuated by an anxious and ardent wiſh, to preſerve the Rights of the Crown ſafe and entire, in a moment of ſingular calamity and misfortune; therefore his endeavours ſhould have his moſt zealous and firm ſupport. Mr. Rolle profeſſed the higheſt reſpect for the Prince of Wales, declaring, no perſon wiſhed more fervently for his real intereſt and happineſs than he did; notwithſtanding, he would never allow him the inherent Right, independent of the two Houſes; yet, he was ready to admit, that a Prince of Wales, of full age and capacity, was the propereſt perſon to be appointed the Regent, provided he had not, by any illegal or unconſtitutional act, forfeited ſuch pretenſions. However brilliant might be his virtues, or illuſtrious his character, it ſhould never ſo far dazzle his eyes, as to make him loſe ſight of the duty he owed to a lawful and much beloved Sovereign, and to the people of England. If the Prince ſhould be the Regent, Mr. Rolle ſaid, he ſhould ever find him firmly attached to his true intereſts, and ever loyal and dutiful to himſelf and family. When the great Queſtion came, he would endeavour to diſcharge the great truſt, delegated to him by his Conſtituents, to the beſt of his judgment, faithfully and conſcientiouſly, without fear or partiality either on the one hand or the other.

The *Attorney General* next roſe, and ſaid, he had paid much attention to the ſubject of the preſent debate. He had now liſtened to the arguments of the noble Lord (Lord North) with all the reſpect due to his ability and experience, and he muſt ſay, that the noble Lord's acute diſcernment never appeared to him to have failed ſo much as on the preſent very important occaſion. The objects which the noble Lord was anxious to attain, were the very objects of the preſent motion—Expedition and conſtitutional certainty. 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, that ſuch a Reſolution was a neceſſary foundation for all their future proceedings, as well as to vindicate the rights of the whole community. He deſired, 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, for upon that diſtinction the whole rectitude of their proceedings depended. The *politic* capacity was *invulnerable*, the *natural capacity not ſo*. The former required no ſupply, the latter only, unfortunately did.

did. The mode in which the latter was ſupplied, in ancient times, 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. In what ſhape it was to be manifeſted, in the preſent inſtance, would be the ſubject of future conſideration. He admitted, with the noble Lord, that to act, and not to determine abſtract queſtions, was the duty of the Committee; but that it was impoſſible to conſider the explaining the principles upon which the Committee acted to the community at large, as an abſtract queſtion: on the contrary, it was a queſtion, which, for the benefit of that community, they were bound to determine. He begged leave to advert to the ſituation in which both Houſes of Parliament met, in obedience to the King's Writ of Summons, were then placed. They were the only poſſible Counſellors to adviſe the King's *politic* capacity, as to the mode in which the exerciſe of the *natural* capacity might be ſupplied, in the preſent ſituation of affairs. He dwelt for ſome time upon the diſtinction between the natural and politic capacity of the King, which conſtituted the difference between an abſolute vacancy of the Throne, (which exiſted at the Revolution) and a temporary ſupply of ſome of its natural functions. He then obſerved, that the queſtion had been greatly narrowed by the noble Lord's propoſing, in effect, that the preſent debate ſhould be put an end to, upon the ſuppoſition, that its continuation muſt be attended with public diſquietude, and that the Heir Apparent having tendered *no formal claim*, rendered it unneceſſary. He adverted to the perſon and the manner in which that claim had been introduced; not by a member of the Houſe caſually, and as it were by conjecture, but by a great ſtateſman, anxiouſly, ſtudiouſly, and upon full conſideration, deſiring to be underſtood to do it *in limine* of the whole proceeding, on the very moment of preſenting the Report of the Committee of enquiring into the ſtate of the King's health. He obſerved alſo, that a degree of acclamation had attended that propoſition, and proteſted, with ſome warmth, that ſo long as any one member in that Committee profeſſed himſelf to adhere to that propoſition, he ſhould himſelf take the ſenſe of the Houſe upon the preſent queſtion. That their anceſtors, and predeceſſors in that Houſe, had furniſhed them with two clear and perfect examples, nearly ſimilar at two different periods, at the diſtance of thirty-two years, in the reign of King Henry VI. founded, as the Parliamentary Records declare, on a ſearch of former precedents. From that time no precedent could be expected, as no occaſion

called for any ſuch proviſion till the reign of Henry VIII. when Regency Acts began, which had, from time to time, been renewed. It would, therefore, he obſerved, be *leaving* their anceſtors *in the lurch*, if the Committee deviated from thoſe examples founded on all preceding practice, which proved a Regent to be unknown to the common law of the land, and a mere creature of Parliament. He enforced this by adverting 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, as he contended, that, without a patent, the Prince of Wales, when of age, could not claim *as of right*, much leſs *aſſume*, the Regency of this realm. With reſpect to diſquieting the minds of the ſubjects of Great Britain, he inſiſted, that this great queſtion having been anxiouſly introduced by a Right Hon. Gentleman, it muſt now be ſettled for all poſterity. If the embers of that queſtion were ſuffered to remain ſmothering, they might hereafter burſt out in a conflagration, very, very difficult to extinguiſh; but it had been ſaid, that the preſent queſtion was entirely new, and he would, for the ſake of argument, take it to be ſo: at the ſame time denying that it was ſo. If new, this principle muſt be adverted to, which was the foundation ſtone of the liberties and privileges that Britiſh ſubjects enjoy: that although the neceſſity of ſome government amongſt human beings is as apparent as that of food or cloathing, yet that the powers of government muſt be derived from the community at large; and that it muſt be clearly and diſtinctly ſhewn, that they have parted with any ſpecific power claimed even by the Crown, much more by its ſubſtitute. The evidence of this could only be by uſage or written law; and he challenged the gentlemen of his own profeſſion to maintain, whether there exiſted one ſingle document, *dictum*, or ſyllable, which maintained the preſent doctrine, and whether there did not exiſt the moſt profound authorities to the contrary. He then enlarged upon the ſeveral ſpecies of property, in order to ſhew, that nothing could be derived from analogy to them, whether it conſiſted of perſonal or real property, of offices, or dignities, which could ſupport the argument againſt the preſent queſtion. He then conjured the Houſe not to *ſkulk* from the real and ſubſtantial queſtion of their Rights, under the ſhelter of a ſort of previous queſtion, but manfully to recollect that they were acting, not for themſelves perſonally, but for the people of Great Britain, and for the ſubjects of the empire, from the higheſt to the loweſt.

The Attorney General obſerved, that 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, how our anceſtors, when framing the coronation oath, the counterpart of the oath of allegiance, 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 pledge given to the people of the land, for the enjoyment of their rights, civil and religious. This dead 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 as if this had been done to preclude any claim of Right for ever, and hoped we ſhould profit by that leſſon this day.

Mr. Fox then roſe, and prefaced his ſpeech, by ſaying, it was impoſſible for him to ſit ſilent, although it had not been his intention to have troubled the Committee with much that day; and, indeed, if he had thought it neceſſary, after what the Houſe had before heard from him on the ſubject, to enter into any farther juſtification of his opinion, which he did not, he was not, from perſonal indiſpoſition, capable of doing that juſtice to its defence, which he was ſure it deſerved. Not thinking it neceſſary to make ſuch a defence, he ſhould treat the Queſtion only in a collateral way, and therefore ſhould not have occaſion to detain the Committee very long, nor was there danger of his injuring that cauſe which he had engaged in, by any deficiency of reaſoning reſulting from his preſent bad ſtate of health. He muſt reprobate, he ſaid, the inſidious mode, in which the Right Hon. Gentleman, who had moved the Queſtion, had choſen to bring on that diſcuſſion. He had founded a great conſtitutional queſtion on the opinion of an individual, more, perhaps, from motives of perſonal triumph, than from the idea of any neceſſity of coming to a determination. After an exordium to this effect, Mr. Fox ſaid, any man would imagine, that from the weakneſs of the arguments advanced on the other ſide, thoſe who had uſed thoſe arguments wiſhed to provoke him to debate the *Right* of his Royal Highneſs the Prince of Wales to exerciſe the Sovereign Authority, during the incapacity of the Sovereign. From the extreme futility of their reaſoning, from the glaring abſurdity of their inferences, the falſe premiſes that they had laid down, and the irrelevant and inapplicable precedents, which they pretended to rely on, they perhaps thought that they held out a temptation ſo ſtrong, *that fleſh and blood could not withſtand it*. He therefore truſted the Committee would forgive it, if he took up a little of their time, in expoſing and confuting the extravagant and ill-founded arguments, on which they had choſen to reſt their hopes, of inducing the Committee to agree to the Reſolutions which the Right Hon. Gentleman had brought forward. Could the Right Hon. Gentleman and his friends ſuppoſe, that the Com-

mittee would think them ſerious, in ſupporting the ſyſtem they meant to proceed upon in the preſent exigency, by producing the ſort of precedents to which they had referred? What a miſerable ſyſtem muſt that be, the prominent features of which were ſo diſgraceful? Was the practice of the preſent times, times ſo enlightened, and in which the principles of the Conſtitution were ſo well underſtood, to be grounded on precedents drawn from ſo dark and barbarous a period of our Hiſtory as the reign of Henry the Sixth? And were the Rights of that Houſe of Commons, and its proceedings in one of the moſt difficult moments, that had ever occurred, to be maintained and vindicated by the example of the Houſe of Lords; at a time when that Houſe of Lords had the complete dominion of the executive government, which they exerciſed with no unſparing hand; at a time that the Rights of the Commons Houſe of Parliament were ſo ill underſtood, or ſo weakly ſuſtained, that its *Speaker was actually in priſon*, on commitment of the Houſe of Lords; in priſon upon a judgment in favour of that Duke of York, whoſe meaſures Adminiſtration had avowed it to be their intention to imitate? Let the Committee reflect a moment on the period, the infamous tranſactions of which were choſen to be made the model of the proceedings of this day; that period which led immediately to the wars between the Houſes of York and Lancaſter, and was that melancholy æra, at which all the diſmal ſcene of anarchy, confuſion, civil warfare, and bloodſhed, that ſo long deſolated the kingdom, and reduced it to a ſtate of unparalleled diſgrace and diſtreſs, commenced. Were the Committee to ſelect their precedents from ſuch times, and to govern their conduct by ſuch examples? From a time too, when the Houſe of Commons was proſtrate at the feet of the Houſe of Lords, when the third Eſtate had loſt all energy and vigour, and when all the power lay wholly in the hands of the Barons. Precedents drawn from ſuch times, could not be reſorted to with ſafety, becauſe there was no analogy between the Conſtitution then, and the Conſtitution as eſtabliſhed at the Revolution, and ſince practiſed. All precedents taken from periods preceding the Revolution, muſt be precedents, that bore no analogy to the preſent caſe; becauſe, at no one period, before the Revolution, was civil liberty clearly defined and underſtood, the Rights of the different branches of the Legiſlature aſcertained, and the free ſpirit of our Conſtitution felt and acknowledged. The earlier periods of our Hiſtory were ſuch, as only ſhewed the changes of hands, into which power ſhifted, as the circumſtances of the times ordained. In one reign, the power would be found to have been in the King, and then he was an abſolute tyrant; in others, the Barons poſſeſſed it, and held both King and Commons in the moſt ſlaviſh ſubjection; ſometimes the democracy prevailed, and all the oppreſſions of a democratical

mocratical Government were practiſed in their fulleſt enormity. No precedent, therefore, drawn from times ſo variable, where right and wrong were ſo often confounded, and where popular freedom had neither an exiſtence nor a name, ought to be relied on. Amidſt all the precedents, either in the Hiſtory of Britain or the Records of Parliament, he deſired to know if they had found one of a Prince of Wales, of full age and full capacity, who had been denied the exerciſe of the Sovereignty, during the known and declared incapacity of the Sovereign? One of the precedents the Right Hon. Gentleman had mentioned leaned rather that way; he meant the precedent in the reign of Edward the Third, where the Prince of Wales, though a minor, was declared Regent in the abſence of his father. With regard to what the Right Hon. Gentleman had ſtated, of the quarrel between the Cardinal de Beaufort and the Duke of Glouceſter, was that at all in point to the caſe to which the Right Hon. Gentleman had ſo invidiouſly applied it? What was that charge?—A charge, that Cardinal de Beaufort had in the reign, and during the life-time of Henry the Fourth, adviſed the Prince of Wales, (afterwards Henry the Fifth) to take upon himſelf the exerciſe of the Sovereign Authority. Was there the ſmalleſt degree of analogy between the illneſs of Henry the Fourth, and the known cauſe of the incapacity of our preſent Sovereign? Henry the Fourth was afflicted with a languor, the natural concomitant of age; and in his caſe, the conſequence of a fever, and long ſickneſs; but was Henry the Fourth, therefore, incapacitated from the exerciſe of the Sovereign Authority? By no means; he might not be able to meet his Parliament, but moſt undoubtedly he was not diſabled from executing public buſineſs of any other kind. He was in full poſſeſſion of all his mental faculties, could iſſue his orders, and inſtruct his Miniſters, juſt as well as he could do either, in the fulleſt vigour of his youth. To adviſe the Prince of Wales, therefore, under ſuch circumſtances, to take upon himſelf the exerciſe of the Sovereign Authority, was to adviſe him to be guilty of high treaſon; and had the Prince of Wales been ſo adviſed, and followed the advice, he had no ſcruple to ſay, the Prince would have been guilty of high treaſon, and have ſubjected his life to forfeiture. It was no wonder, therefore, that Cardinal de Beaufort, feeling the weight of ſuch an accuſation, as that urged againſt him by the Duke of Glouceſter, and knowing the ſerious conſequences it led to, ſhould ſuch a charge be proved againſt him, acted wiſely in avowing his innocence, ſtanding upon his defence, and deſiring that the matter might be referred to the Judges, that he might be purged of the guilt imputable to ſo foul an offence.

On the preſent occaſion there had been, he obſerved, two aſſertions of poſitive Right on both ſides the Houſe. On his ſide, the

the aſſertion of the *Right* of the Prince of Wales, being Heir Apparent, and of full age and capacity, to exerciſe the Sovereign Authority during his Majeſty's infirmity. On that of the Right Hon. Gentleman, the aſſertion that the Prince had *no more Right* to exerciſe the Sovereign Authority, under ſuch circumſtances, than any other individual ſubject. He did not underſtand the invidious dignity he had been exalted to on this occaſion, nor could he admit what the Hon. and learned Gentleman, who ſpoke laſt, had been pleaſed to lay ſo much ſtreſs upon, that any opinion delivered in that Houſe by ſo humble and inſignificant an individual as himſelf, or by any member of what rank and degree ſoever, ought to be made the ground of a proceeding of the Houſe. But ſince the Right Hon. Gentleman was determined to make it a *perſonal queſtion* between them, ſince he condeſcended to conſider himſelf his rival, and choſe to have recourſe to his majority, why would he not try his opinion, and let the queſtion be, "That it is the opinion of this Committee, that his Royal Highneſs the Prince of Wales, being Heir Apparent, and of full age and capacity, *has no more right to exerciſe the Royal Authority, during his Majeſty's incapacity, than any other individual ſubject.*" The Right Hon. Gentleman well knew, he durſt not venture to ſubject ſuch a queſtion to debate. He well knew, that with all his majorities, he could not riſque it; he well knew, that if he could have ſo far loſt ſight of prudence, as to have hazarded ſuch a queſtion, notwithſtanding his high character, and his known influence within thoſe walls, there would not have been twenty members who would have ſupported him in it. In fact, he well knew, that the moment he let ſuch an opinion eſcape his lips, it was execrated by all who had heard it, and that it had been ſince execrated by all who had heard of it out of doors. What had been the conſequence of this? Conſcious of his error, and conſcious that ſo monſtrous a doctrine as he had ſuffered himſelf, in an evil hour, to deliver, had revolted the public mind, the Right Hon. Gentleman had ſeized on the firſt moment that offered, to qualify what he had ſaid, by unneceſſarily coming forward with a declaration that, though he would not admit the Prince of Wales's *Right* to exerciſe the Sovereign Authority, during the incapacity of his father, yet he confeſſed, that on grounds of expediency, and as a matter of *diſcretion*, the perſon to hold the Regency ought to be the Prince of Wales, and no other; that it would be wrong to appoint any other perſon than the Heir Apparent to the Regency; but the Houſe had certainly no idea of poſſeſſing a *Right*, which, if exerciſed, became *Wrong*. He had acknowledged, that the exerciſe of this *Right*, which he had inſiſted belonged to the two Houſes of Parliament, would be a breach of duty to their conſtituents; yet he would

would not give up the Right, but vindicated its propriety, from his *diſcretion* in the uſe of it.

This mode of argument, Mr. Fox ſaid, reminded him of what had paſſed in that Houſe about thirteen years ago, between an eminent Crown lawyer, now the firſt law character in the kingdom (the Lord Chancellor) and himſelf. At the time to which he referred, the argument had been the Right of this country to tax America, when he had contended, "that Great Britain had an undoubted right to tax her American colonies, but that the exerciſe of that Right would be in the higheſt degree unjuſtifiable on the part of Great Britain." In anſwer to this, the great lawyer, with a quaintneſs peculiar to himſelf, had ſaid, "I ſhould be glad to know what that *Right* is, which, when attempted to be exerciſed, becomes a *Wrong*." In the preſent caſe, the Right Hon. Gentleman had acted upon the converſe of the great lawyer's maxim; he had pronounced the *Right* a *Wrong*, and having done ſo, he had immediately proceeded to exerciſe it in the moſt effectual manner. It was (Mr. Fox maintained) the ſupreme legiſlature alone had power to do wrong. In one point of view, and, in one point of view only, could he imagine the exiſtence of a *Right*, which, when exerciſed, might become a *Wrong*, and that was this: the three branches of the legiſlature, conſiſting of King, Lords, and Commons, had a right to authorize and act *a moral evil*. They might ſet aſide the ſucceſſion, and deprive the Prince of Wales of his Hereditary Right to ſucceed his preſent Majeſty; but this enormity could not of right be practiſed by the two Houſes of Parliament, independent of the conſent of the Sovereign, any more than the Miniſter could ſet himſelf up in competition with the Prince of Wales, and conteſt with him as a claimant for the Regency. He repeated his opinion, that a Right attached to the Prince of Wales, as Heir Apparent, to exerciſe the Sovereign Authority, upon the King's incapacity being declared by the two Houſes of Parliament; the Prince's Right, however, being all along conſidered as ſubject to the adjudication of the two Houſes of Lords and Commons. This opinion he had not changed, nor did he feel the ſmalleſt diſpoſition to change it, and indeed the Hon. and learned Gentleman who ſpoke laſt, ſeemed to be ſo much of his opinion, that he had, if he underſtood him rightly, expreſsly declared, that in caſe of the demiſe of the Crown, nothing ſhort of an act of excluſion could prevent the Prince from ſucceeding to the Throne, and that even nothing ſhort of ſuch conduct as would deſervedly warrant an act of excluſion, ought to ſet a Prince of Wales, of full age, and full capacity, aſide from the Regency. The counter opinion to his was fraught with ſo many, and ſuch enormous evils, that he was perſuaded, no moderate man, who conſidered the ſubject with the degree of attention, that it moſt undoubtedly merited,

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would, for a moment, maintain it, either on the ground of right, of diſcretion, or of expediency.

Whatever his opinion was, why ſhould that right be diſcuſſed, which had been neither claimed, nor was intended to be claimed?

That this was the preciſe ſtate of the fact, was not to be doubted, ſince the declaration that had been ſo graciouſly communicated from the higheſt authority in another place. Of the manner in which that communication had been made, and the commendation that was due to the exalted perſonage who made it, he would not ſay one word, becauſe he would not run the riſque of having what was due to merit, miſtaken for fulſome adulation, and ſervile flattery. But the claim thus diſavowed, how muſt the preamble of a bill run, truly to deſcribe the caſe as it ſtood at preſent? "Whereas his Royal Highneſs the Prince of Wales "has never claimed a Right to the Regency, it becomes ne-"ceſſary for the Lords Spiritual and Temporal, and for the Com-"mons of England to declare, that his Royal Highneſs has no "right, and we, therefore, do hereby declare, his Royal High-"neſs Sole Regent of theſe kingdoms."

Mr. Fox reaſoned on the abſurdity of a bill ſo worded, and contended, that it muſt be ſo worded, unleſs they falſified the fact, and made a courſe of law the ground-work of the bill. He obſerved, that all this difficulty and embarraſſment was created, when there was not the ſmalleſt occaſion for it, ſince it was the concurrent opinion of all mankind, that the Prince of Wales ſhould be the Regent; why then would the Right Hon. Gentleman thus agitate the matter, unleſs it were for the little purpoſe of perſonal triumph?

He condemned the blaſting language that had been held on this occaſion of gratitude to the Sovereign, and the ſtrong aſſertions that had been made, that ſuch gratitude ſhould be exemplified by the conduct of thoſe, who confeſſed themſelves under perſonal obligations to the Sovereign. Perſonal attachment, he contended, was no fit ground for public conduct, and thoſe who had declared they would take care of the rights of the Sovereign, becauſe they had received favours at his hands, betrayed a little mind, and warranted a concluſion, that if they had not received thoſe favours, they would have been leſs mindful of their duty, and have acted with leſs zeal for his intereſt, than if they had not been indebted to him for any favours. He owned himſelf indebted to the Heir Apparent, for having been for ſeveral years favoured with his confidence, but neither had that flattering mark of diſtinction been made the ſubject of his ſpeeches in that Houſe, nor had he ever conſidered it as a proper motive for his public conduct. He was, and always had been ready to avow his attachment; and, when he mentioned his regard for the Princes of

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the Houſe of Brunſwick. it was not to ſuperinduce obliquely his own praiſe, in the confidence which they placed in him. That was a narrow principle, which he ſhould ever hold in diſdain. Neither on the preſent occaſion, nor at any time, if he thought the objects of his Royal Highneſs incompatible with the public intereſts, ſhould he think he paid a compliment to the Prince, any more than he ſhould think, he acted conſiſtently with what was due to his own character, in ſuffering the conſideration of the terms on which he lived with his Royal Highneſs, to bias him in the ſmalleſt degree, or induce him to act contrary to what he, in his conſcience, thought moſt likely to promote the welfare of the public. Whereas the Right Hon. Gentleman appeared to act upon a very oppoſite principle, and repeatedly introduced the name of the Sovereign, though ſeldom for any other purpoſe, than an oſtentatious diſplay of the confidence repoſed in himſelf. He rarely mentioned the Royal Family, or the Royal Perſon, but it terminated in an oſtentatious diſplay of his own merits, in an indirect encomium on himſelf. To the Houſe of Brunſwick this country ſtood in an eminent degree indebted; indeed, few Princes ever deſerved the love of their ſubjects more than the Princes of that Houſe. Since their acceſſion to the Throne, their government had been ſuch, as to render it highly improbable, that there ſhould ever be ground for an act of excluſion to paſs, to ſet aſide one of their heirs from the ſucceſſion, or that ſuch a circumſtance ſhould ever become a neceſſary ſubject of contemplation. If the Princes of the Houſe of Brunſwick had at any time differed with their ſubjects, it had been only on collateral points, which had been eaſily adjuſted in Parliament. No one of the Princes of that Houſe had ever made an attempt againſt the conſtitution of the country, although, had ſuch a miſchievous deſign been meditated, there had, at moſt times, been a party exiſting, that would have been ready to abet them in any ſcheme, the blackeſt and moſt fatal that ever tyrant deviſed againſt the liberties, or the happineſs of his ſubjects. The love, therefore, of the people, was due to the illuſtrious family on the Throne, in ſo peculiar and eminent a degree, that every thing that looked, as if it could, at any diſtance, endanger the hereditary right of the Houſe of Brunſwick to the ſucceſſion, ought to be guarded againſt with peculiar jealouſy, and peculiar caution.

Excluſive of the concurrence of the public voice, not only the ſpirit of the conſtitution, pointed out the Heir Apparent as the fitteſt perſon to be Regent, but the Act of Settlement might be defeated, if his Royal Highneſs were paſſed by, and the doctrine of the Right Hon. Gentleman carried into effect. In adhering to the principles of the Act of Settlement, there could be no ill.

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If, as the Hon. and learned Gentleman had ſaid, there ſhould be a Prince of Wales, whoſe political principles were ſo depraved, that in oppoſition to his own natural intereſts, he ſhould follow the example of Charles the Firſt, and James the Second, either in the one inſtance, indicating a determination to become a tyrant, and deſtroy the liberties of his ſubjects, by ſubverting the conſtitution, or, in the other, ſhould ſo connect himſelf with France, and the political enemies of his country, that every thing fatal was to be dreaded from his government; ſuch a Prince of Wales ought to be excluded from the Regency, in like manner as he undoubtedly would be excluded from the Throne, on the natural demiſe of his father, or predeceſſor. But then the Bill of Excluſion to paſs in ſuch caſe, muſt be the work of the legiſlature complete, and not the act of the two branches of the legiſlature only.

Let the Committee conſider the danger of making any other perſon Regent beſides the Prince of Wales! If the two Houſes could *chooſe* a Regent, they might chooſe whom they pleaſed; they might chooſe a foreigner, a catholic, (for the law deſines not the Regent) who, while he held the power of the third eſtate, might prevail on the other two branches of the legiſlature to concur with him, alter, or ſet aſide the ſucceſſion, and turn away the Houſe of Brunſwick, and put them in the ſituation of the Houſe of Stuart. He ſaw this doctrine was deemed extravagant, but he meant to put an extravagant caſe; he did not, however, put an impoſſible one; and he had the ſame right with numbers on the oppoſite ſide, who, in all their reaſonings, argued the danger, or the inconvenience they apprehended, on *poſſibilities* only. Let them turn to the favourite period of our hiſtory, favourite at leaſt with the other ſide of the Houſe that day, the reign of Henry VI. and they would find that Richard, Duke of York, took advantage of his power as Protector of the kingdom, actually diſinherited the Prince of Wales, and the whole line of Lancaſter, though they were more nearly allied, and had much better pretenſions to the Crown than the Houſe of York.

The ſame diſmal ſcene that had diſgraced our annals, at that period, might be acted over again, if the two Houſes of Parliament ever concurred to ſubvert the conſtitution, by aſſuming to themſelves the exerciſe of the Royal Prerogative, and arrogating the right to legiſlate, and make law, in the teeth of the ſtatute of the 13th of Charles the Second, which he had, on a former day, had occaſion to mention, and which not only declared, that the two Houſes of Parliament could not make laws without the conſent and concurrence of the King, but alſo declared, that whoever ſhould preſume to affirm the contrary, ſhould be

be guilty of high treaſon, and incur the pains and penalties of a *premunire*.

To make a law for the appointment of a Regent, he conſidered, as far as it went, as a converſion of the ſucceſſion of the monarchy, from hereditary to elective; and what ſort of a conſtitution that was, which had an elective monarchy, Poland, and the miſerable condition of its ſubjects, ſufficiently evinced. The right to make laws, reſted only in the legiſlature compleat, and not in the concurrence of any two branches of it. Upon that very principle was our conſtitution built, and on the preſervation of it, did its exiſtence depend. Were the caſe otherwiſe, the conſtitution might be eaſily deſtroyed, becauſe, if the two branches could aſſume the power to make law, they might, in that law, change the genius of the third eſtate.

The preſent ſituation of affairs had, he ſaid, been compared to the Revolution, but, in fact, it was no ways ſimilar. The Throne had then been declared *vacant*, and the reſt of the conſtitution remained; now the Throne was declared *full*, but its authority was ſuſpended. At the period of the Revolution, the Convention that was then aſſembled, conſcious that they could not make any change in the genius of the monarchy, until they had a head, firſt reſtored the third eſtate, and then defined its power. Whereas the Committee were called on to proceed in a different way, firſt to new-caſt the office, and then to declare the officer.

He aſked, what muſt be the ſituation of a Regent elected by that Houſe? He muſt be *pageant*, a *puppet*, a creature of their own, *ſine pondere corpus*, an inſult and a mockery; an inſult on every maxim of government! He defined the nature and character of the three eſtates. The conſtitution not only ſuppoſed each of its three branches to be independent of the other two, but actually hoſtile; and if that principle was once given up, there was an end to our political freedom.

Suppoſe that the Crown, and Houſe of Lords, could make laws without the concurrence of the Houſe of Commons, or the Crown and the Commons, independent of the Lords, or the two Houſes of Parliament without the Crown. In either caſe, the conſtitution was gone. The ſafety of the whole depended on the jealouſy of each of the other; not on the patriotiſm of any one branch of the legiſlature, but rather on the ſeparate intereſts of the three, concurring through different views to one general good—the benefit of the community. This jealouſy was reaſonable, was well-founded; it was founded on a knowledge of the human mind, which was prone to the extenſion of its own power, and to the depreſſion of a rival. All theſe principles and arrangements would be deſtroyed by the preſent project, which would

would radically alter the government, and, of conſequence, overturn the conſtitution.

He explained the particular powers of the Crown to defend itſelf againſt any encroachment on the part of the Commons, or to reſiſt any faction in the Houſe of Lords. In the one caſe, by a diſſolution, the King might repel the attempt on his prerogative, and by an increaſe of the Peerage, he might quell the other. He argued alſo on the power of giving either an *aſſent* or *diſſent* from any bill, a power which operated equally againſt the ſingle deſign of one, or the confederate union of both Houſes, to trench on the conſtitutional rights of the Crown, and pointed out the diſadvantage of ſubjecting the Sovereign to ſuch difficulties, as it would be liable to encounter, were the power of diſſolution, encreaſe of Peerage, and right of giving the aſſent or diſſent to bills taken away.

If there was to be a Monarch, he concluded, that the Monarchical Power ought to be entire, declaring, that the name and rank of a King, without the poſſeſſion of regal powers, was a being that did not come within the reach of his conception. All the metaphyſical ſuppoſitions of the law, which mentioned the Crown with ſo much ſanctity and reſerve, were certainly not intended to guard an empty name, but an eſſential ſubſtance. They were ready to allow, there were many political capacities in the King; but then, he could not exerciſe them. It ſurely was a great advantage, that he was poſſeſſed with faculties he was not to exert, with energies that he was not to put in motion. If it appeared to the Houſe, that the Royal Prerogative ought to be circumſcribed, let them inveſt a proper perſon with it, and then openly and manfully contend for the circumſcription or diminution of its powers; but, to aim at an adverſary incapable of reſiſtance, was neither brave nor noble. In the way in which they propoſed to treat it, it would ſtand a defenceleſs butt, expoſed to the ſtroke of every weapon that might be levelled againſt it. An hereditary monarchy was juſtly looked upon as the happieſt monarchical inſtitution. We gloried in the circumſtance of our government being free; we alſo thought ourſelves fortunate, that the ſucceſſion of the Crown was *hereditary*, and not *elective*.

He pointed out the danger of making the Regency elective, and of the two Houſes ſetting aſide the Hereditary Right to it, inſiſting that the poſſeſſion of the Crown, and of the executive authority, muſt, in the nature of things, be governed by the ſame principles. In order to illuſtrate this, he put the caſe of a Polander aſking an Engliſhman whether the monarchy of Great Britain was *hereditary* or *elective?* Any man, familiar with the theory of the conſtitution, would naturally think, that the ready anſwer would be, that it was hereditary. But if the doctrine of that day prevailed, the anſwer muſt be, "I cannot tell; *aſk his*

Majeſty's phyſicians. When the King of England is in good health, the monarchy is *hereditary*; but when he is ill, and incapable of exerciſing the Sovereign Authority, it is *elective*.

The aſſertion, that the Britiſh monarchy was *elective*, was, however, ſo palpably hoſtile to the principles of the conſtitution, that it would not be tolerated for a moment.—How then was the difficulty to be ſurmounted?—A ſubtle and politic lawyer might be found, who would plauſibly advance, that though it muſt be allowed, that the monarchy was *hereditary*, the Executive Power might be *elective*. Thus the Crown and its functions might be ſeparated, as if they were in their nature diſtinct, whereas, the one was the eſſence, and the other the name.

He purſued his argument in an hypothetical dialogue between the Engliſhman and the Pole, with the occaſional aid of the politic lawyer, to reconcile contradictions, and explain apparent impoſſibilities, very forcibly holding up to ridicule the argument of the gentlemen of the long robe, that the political, as well as the natural capacity of the King, remained whole and entire, although he was declared incapable of exerciſing his legal functions.

If the Crown was to have new functions, why there ſhould be a King, was beyond his imagination to diſcover. The legal metaphyſics which diſtinguiſhed between the Crown and its functions, were to him unintelligible; they ſhould be *Schoolmen*, and not *Stateſmen*, fitter for colleges of diſputation, than a Britiſh Houſe of Commons, if a queſtion that ſo deeply involved the exiſtence of the conſtitution, were to be thus diſcuſſed. He aſked, where was that famous *dictum* to be found, that declared the Crown to be guarded by ſuch ſanctity, and left its powers at the mercy of every aſſailant.

After expoſing what he termed the abſurdity of legal metaphyſics, and calling upon the Gownſmen to ſhew him the *dictum* that ſupported the oppoſite aſſertion, viz. "*that the Prince of Wales had no more Right to exerciſe the Sovereign Authority during his Majeſty's incapacity, than any other individual ſubject.*"

Mr. Fox proceeded to notice that part of the argument advanced againſt him, that he had deſerted the cauſe which he had, heretofore, been ſuppoſed to claim the peculiar merit of ſtanding forth, on all occaſions, to defend; the privileges of the Houſe of Commons, againſt the encroachments of the prerogatives of the Crown. He ſaid, his own reſiſtance of the latter, when it had been thought encreaſing unconſtitutionally, were well known; the influence of the Crown had been more than once checked in that Houſe, and, he really believed, to the advantage of the people. Whenever the executive authority was urged beyond its reaſonable extent, it ought to be reſiſted, and he carried his ideas on that head ſo far, that he had not ſcrupled to declare, that the ſupplies ought to be ſtopped, if the royal aſſent were refuſed

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to a conſtitutional curtailment of any obnoxious and dangerous prerogative. Moderate men, he was aware, thought this a violent doctrine; but he had uniformly maintained it, and the public had derived advantage from its having been carried into effect. He deſired to aſk, however, if this were an occaſion for exerciſing the conſtitutional power of reſiſting the prerogative, or influence of the Crown in that Houſe? He had ever made it his pride to combat with the Crown in the plenitude of its power, and the fulneſs of its authority; he wiſhed not to trample on its rights, while it lay extended at their feet, deprived of its functions, and incapable of reſiſtance. Let the Right Hon. Gentleman pride himſelf on a victory obtained againſt a defenceleſs foe, let him boaſt of a triumph where no battle had been fought, where no glory could be obtained! Let him take advantage of the calamities of human nature, let him, like an unfeeling lord of the manor, riot in the riches to be acquired by plundering ſhipwrecks, by rigorouſly aſſerting a right to the waifs, eſtrays, deodands, and all the accumulated produce of the various accidents that misfortune could throw into his power. Let it not be my boaſt, (exclaimed the orator) to have gained ſuch victories; obtained ſuch triumphs, or advantaged myſelf of wealth ſo acquired.

After putting this, with peculiar force and animation, Mr. Fox recurred to the main argument, and declared, that all the labour of the Committee, appointed to ſearch for precedents, had been fruitleſs, for that not one of the precedents applied. If they tended to prove any thing, it was to eſtabliſh the Prince's Right; ſince, in all of them, the neareſt relative to the Crown, if in the kingdom, had been appointed the Regent; eſpecially a Prince of Wales. In the reign of Edward the Third, his ſon, commonly called the Black Prince, was declared Regent, at only thirteen years of age, during the invaſion of France, by his father; and afterwards, during the abſence of Edward and the Prince, his brother, Lionel, Duke of Clarence, was appointed. The Regencies, in the reign of Henry the Sixth, proved the right of the Prince of Wales the more fully, becauſe, in that reign, the right of the Prince of Wales was recognized (although he was not a year old) in the very patent that appointed the Duke of York Protector.

Mr. Fox took notice of the remark made by an Hon. Gentleman in his ſpeech (Mr. Baſtard) that the Right Hon. Gentleman oppoſite to him, ſtood higher in the opinion of the public at preſent, than he did. He ſaid, before any Gentleman took upon himſelf to advance ſuch an opinion, he ought to be ſure he was right in his aſſertion. He had every reaſon to believe the Hon. Gentleman was miſtaken in what he ſaid, having lately had an opportunity of meeting his conſtituents, and having then received the moſt unequivocal and flattering proofs of their kindneſs and

confidence. He agreed, however, moſt cordially with that Hon. Gentleman in every obſervation that he had made of the probable effects of the preſent motion, if perſiſted in, with regard to Ireland, and the creation of a difference between the two Houſes of Parliament. With reſpect to Ireland, he ſaid, if the two Houſes of the Britiſh Parliament, named the Prince of Wales as Regent of Right, moſt probably the Parliament of Ireland would do the ſame—if they ſpeculated, the Parliament of Ireland would alſo ſpeculate. Decide wiſely, and their deciſion would be held an example. Set the queſtion of right afloat, and it was impoſſible to ſay to what extent it might be carried.

He once more queſtioned the neceſſity for the preſent proceeding, and urged the fallacy of pretending, that the opinion *he*, a private member of that Houſe had delivered, and the opinion a noble and learned friend of his had delivered elſewhere, made it neceſſary. He reprobated the indecency of ſelecting the arguments of his noble and learned friend, and falſely applying them, merely for the purpoſe of placing them in a ridiculous point of view. The Right Hon. Gentleman muſt have known, that the arguments of his noble and learned friend were arguments, merely advanced to prove, that the Prince of Wales, as Prince of Wales and Heir Apparent, had Rights peculiar and diſtinct from thoſe of ordinary ſubjects, and not with a view to prove his Right to exerciſe the Sovereign Authority. The manner, therefore, in which the Right Hon. Gentleman had anſwered thoſe arguments, betrayed a narrowneſs of mind, that he had not imagined the Right Hon. Gentleman would have condeſcended to have acknowledged. Having diſmiſſed this part of the ſubject, Mr. Fox deſired to know the uſe of bringing forward a Queſtion of Right, when the expediency of conſtituting the Prince of Wales Regent, was, on all hands, agreed to.

He charged the Chancellor of the Exchequer with a determination to legiſlate, without the power to do ſo effectually; which would alter the genius of the third eſtate, without any crime alledged againſt either the Sovereign, declared, for the preſent, incapable to exerciſe the Royal Authority, or the intended Regent. He ſaid, if they could make whom they pleaſed Regent, they could appoint the Regent for a day, a month, or a year; turning the Monarchy into a Republic, as had been the caſe with Rome. And while the Right Hon. Gentleman denied, that the Prince of Wales had any more Right than he had, it would be a breach of duty to think of any other Regent; and all this for a paltry triumph of a vote over him, and to inſult a Prince, whoſe favour, he was conſcious, *he had not deſerved*. Mr. Fox declared, that he was ready to admit, that the Right Hon. Gentleman's adminiſtration had been, in ſome reſpects, entitled to praiſe; he was ready to ſay what were the parts that moſt deſerved commendation,

mendation, and as willing to give them his applauſe as any man could be. What he alluded to, were the meaſures adopted to detach Holland from its connexion with France. The whole conduct of that tranſaction, as well as its iſſue, was wiſe and vigorous, laudable and effectual; and he was happy to take that opportunity of delivering his ſentiments upon it. Of other meaſures of the preſent adminiſtration, he certainly entertained a very different opinion. The Right Hon. Gentleman appeared to have been ſo long in the poſſeſſion of power, that he could not endure to part with it; he had experienced the full favour of the Crown, and had the advantage of exerting all its prerogatives; and finding the operation of the whole, not too much for the ſucceſsful carrying on of the government, he had determined to cripple his ſucceſſors, and deprive them of the ſame advantages that he had enjoyed, and thus circumſcribe their power to ſerve their country, as if he dreaded that they would ſhade his fame. Let the Right Hon. Gentleman for a moment ſuppoſe, that the buſineſs of detaching Holland from France, or any contingency of equal importance, remained to be executed; he muſt know, there would be no power in the country to ſeize the advantage, if the Right Hon. Gentleman's principles were right.

Mr. Fox forcibly called upon every honeſt member of that Houſe, not to vote without perfectly underſtanding what the queſtion went to, as well as the other reſolutions. With regard to the Right Hon. Gentleman's motives, he knew not what they were, but if there was an ambitious man in that Houſe, who deſigned to drive the empire into confuſion, his conduct, he conceived, would have been exactly that, which the Right Hon. Gentleman had purſued.

Mr. Fox ſaid, he conſidered the reſolutions moved, as inſidiouſly calculated to convey a cenſure on the opinion that *he* had delivered; while they ſerved as an inſtrument of evaſion of an aſſertion, highly revolting to the public mind, made by the Chancellor of the Exchequer. This he repeated as a pitiful ſhift, totally irreconcileable with the confidence which the Right Hon. Gentleman placed in the expectation of a majority. In majorities, he declared, he had no great truſt. For more than eighteen years of his political life, had he been obliged to ſtem the torrent of political power, and ſometimes he had enjoyed the ſatisfaction of finding himſelf in a majority of the ſame Parliament, of which, in the proſecution of the ſame principles, and the declaration of the ſame deſigns, he had only been ſupported by a minority before. Whether he was, therefore, in a majority or a minority, was the ſame thing to him. He would never inſidiouſly, take advantage of the one to carry any 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.

At the ſame time, he gloried as much in the attachment of his friends, who honoured him with their ſupport, as the Right Hon. Gentleman, or any other perſon could do.

The Chancellor of the Exchequer roſe, and in reply to Mr. Fox's ſpeech, ſaid, That the Right Hon. Gentleman had thought proper, particularly in the latter part of his ſpeech, to digreſs from the queſtion before the Houſe, the queſtion of *Right*; in order to enter into the queſtion of *Expediency*: and that, not ſo much for the purpoſe of diſcuſſing that expediency, as to take an opportunity of introducing an attack, of a perſonal nature, on him. The Houſe would recollect, whether the manner in which he (Mr. Pitt) had opened the debate, either provoked or juſtified this animoſity. The attack which the Right Hon. Gentleman had juſt now made, he declared, to be *unfounded*, *arrogant*, and *preſumptuous*. The Right Hon. Gentleman had charged him as acting from a miſchievous ſpirit of ambition, unable to bear the idea of parting with power, which he had ſo long retained; and not expecting the favour of the Prince, which he was conſcious he had not deſerved, was therefore diſpoſed to obſtruct the credit of thoſe who were to be his ſucceſſors. Whether to *him* belonged that character of miſchievous ambition, which would ſacrifice the principles of the Conſtitution to a deſire of power, he muſt leave to the Houſe and the Country to determine. They would alſo judge, whether, in the whole of his conduct, during this unfortunate criſis, any conſideration which affected his own perſonal ſituation, or any management, for the ſake of preſerving power, appeared to have had the chief ſhare in deciding the meaſure he had propoſed.

As to his being conſcious that he did not *deſerve* the favour of the Prince, he could only ſay, that he knew but one way, in which he, or any man, could deſerve it; by having uniformly endeavoured, in a public ſituation, to do his duty to the King his father, and to the Country at large. That if, in having thus endeavoured to deſerve the confidence of the Prince, it ſhould, in fact, appear that he had loſt it; however painful and mortifying that circumſtance might be to him, and from whatever cauſe it might proceed, he might indeed regret it; but he would boldly ſay, that it was impoſſible he ſhould repent it. A Regent with temporary powers, he contended, ſtood in need of every conſtitutional advice, that the wiſdom of the Legiſlature ſhould think expedient to adminiſter.

Mr. Pitt then proceeded to remark, on the Right Hon. Gentleman having announced himſelf and his friends to be the ſucceſſors of the preſent Adminiſtration. He did not know on what authority the Right Hon. Gentleman made this declaration; but he thought, with a view to thoſe queſtions of expediency, which the Right Hon. Gentleman had introduced, both

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the Houſe and the Country were indebted to him, for that reaſonable warning of what they would have to expect. The nation had already had experience of that Right Hon. Gentleman and his principles. 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, which that branch of the Legiſlature had wiſely provided. Without meaning to uſe terms of reproach, or to enter into any imputation as to his motives, it could not be denied, that they had openly and profeſſedly acted on the ground of availing themſelves of the ſtrength of a party, to *nominate* the Miniſter of the Crown. That they maintained it as a fundamental principle, that a Miniſter ought, at all times, ſo to be nominated. He would, therefore, ſpeak plainly. If perſons who profeſſed theſe principles were, in reality, likely to be *the adviſers of the Prince*, in the exerciſe of thoſe powers, which were neceſſary to be given during the preſent unfortunate interval; it was the ſtrongeſt additional reaſon, if any were wanting, for being careful to conſider, what the extent of thoſe powers ought to be. That it was impoſſible not to ſuppoſe, that, by ſuch adviſers, thoſe powers would be perverted to a purpoſe, which, indeed, it was impoſſible to imagine, that the Prince of Wales could, if he was aware of it, ever endure for a moment; but to which, by artifice and miſrepreſentation, he would unintentionally be made acceſſary, for the purpoſe of creating a permanent weight and influence in the hands of a party, which would be dangerous to the juſt Rights of the Crown, when the moment ſhould arrive (ſo much wiſhed, and perhaps ſo ſoon to be expected) of his Majeſty being able to reſume the exerciſe of his own authority. The notice, therefore, which the Hon. Gentleman, in his triumph, had condeſcended to give the Houſe, furniſhed the moſt unexceptionable reaſon for them, deliberately to conſider; leſt in providing the means for carrying on the adminiſtration, during a ſhort and temporary interval, they might ſacrifice the permanent intereſt of the country, in future; by laying the foundation of ſuch meaſures, as might for ever, afterwards, during the continuance of his Majeſty's reign, obſtruct the juſt and ſalutary exerciſe of the conſtitutional powers of Government, in the hands of its rightful poſſeſſor, the Sovereign, whom they all revered and loved.

The Chancellor of the Exchequer then proceeded to ſtate, what appeared to be the reſult of the debate. The noble Lord in the blue ribband, he ſaid, as moſt gentlemen, who had ſpoken on that ſide of the Houſe, had argued, not againſt the truth of the Reſolutions, but the propriety of coming to them, and had waved any diſpute on the Queſtion of Right. The Right Hon. Gentleman, though he affected alſo to object to the propriety of coming

coming to this Reſolution, had directed his whole argument (as far as it went) to combat the truth of the propoſition, and to maintain his former aſſertion, as to the exiſting Right of the Prince of Wales. That this line of argument, ſupported by ſuch authority, was itſelf an anſwer to thoſe, who doubted the propriety of any Reſolution. With regard to the particulars of Mr. Fox's argument, he obſerved, on the manner in which he (Mr. Fox) ſuppoſed him to have declined maintaining his former aſſertion, "That the Prince of Wales had no more Right to the Regency, than any other ſubject in the country," and had added, that he did ſo, from believing, that not twenty perſons would join in ſupporting the propoſition. The Chancellor of the Exchequer ſaid, that he did not retract one word of that aſſertion.

Gentlemen might quarrel with the phraſe, if they thought proper, and might miſrepreſent it, as the Right Hon. Gentleman had done, in order to cover the arguments uſed by a noble Lord in another place. But he was in the recollection of the Houſe, whether, when he firſt uſed the expreſſion, he had not guarded it, as meaning to ſpeak *ſtrictly of a claim of Right*, not of any reaſons of preference on the grounds of diſcretion or expediency. He was alſo in their recollection, whether the Right, he ſpoke of, was any other than the *ſpecific Right in queſtion*, namely, *the Right to exerciſe the Royal Authority under the preſent circumſtances*. He had maintained, that the Prince *had no ſuch Right*. If the Prince had not the Right at all, he could not be ſaid to have any more Right than any other ſubject in the country. But was it any anſwer to the aſſertion, that, *as Prince of Wales, he had no Right to the Regency*; to ſay that he had other rights different from the reſt of the King's ſubjects, but which had nothing to do with the Regency? Yet all the Rights of the Prince of Wales, which had been mentioned by the noble Lord alluded to, were of this deſcription. It would be juſt as reaſonable, if the queſtion were, whether any perſon had a right to a particular eſtate in Kent or Surry? to argue, Yes, he has, for he has ſuch and ſuch an eſtate in Yorkſhire and in Cornwall. With regard to the queſtion, whether twenty perſons did or did not agree in his denial of the Right of the Prince of Wales, he would put the whole on that iſſue, that if the Prince of Wales had any ſuch Right, the Reſolution, he had moved, could not be true; and he conſidered every perſon, who differed from his aſſertion on that ſubject, as bound to vote againſt the preſent motion. He then obſerved, that Mr. Fox, in diſcuſſing the Queſtion of Right, had gone on to obſerve, that the Right of the two Houſes, and the Right of the Prince of Wales, were to be conſidered as two *rival Rights*, and that the only queſtion was, in favour of which, the arguments preponderated.

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The Chancellor of the Exchequer obſerved, that he ſhould be perfectly ready to meet the queſtion on this iſſue, if it were the true one; for that the Right of the two Houſes was clearly ſupported by precedent and uſage in every ſimilar caſe, by expreſs declarations of Parliament, and by poſitive authority of law; but the Right of the Prince of Wales was not even attempted to be ſupported on any of thoſe grounds, but on pretended reaſons of expediency, founded on imaginary and extravagant caſes. That, however, in fact, this was not the fair iſſue of the argument. The Right of the Prince of Wales was not to be conſidered as a rival Right, to be argued on the ſame grounds as the other. It was a Right which could not exiſt, unleſs it was capable of being *expreſsly* and *poſitively* proved; whereas the Right of Parliament was that which had exiſted of *courſe*, unleſs ſome other Right could be proved to exclude it. It was that, which, on the principle of this free Conſtitution, muſt always exiſt, in every caſe, where no poſitive proviſion had been made by law, and where the neceſſity of the caſe, and the ſafety of the country, called for their interpoſition. That the *abſence* of any other Right was, in itſelf, enough to conſtitute the Right of the two Houſes; and that the bare admiſſion, that the Right of the Prince of Wales was not clearly and expreſsly proved, was, in fact, an admiſſion of every thing then in debate.

Mr. Fox roſe again, to deny that he had *inſinuated* that he was to have a ſhare in the new government. As there were appearances of a probable change of men and meaſures, there was, he admitted, a *probability* of his having a ſhare in the executive government of the country; but he had never taken upon him to affirm it as a poſitive fact. He might, however, venture an aſſertion, that if the Right Hon. Gentleman was not certain of a change, if he had been aſſured of the contrary, there would have been *no limitation* to the power of the Regent. He cautioned the Houſe againſt a miſrepreſentation of the queſtion. He ſaid, that they were going to be *entrapped* into a *deciſion* of an *abſtract nature*, which might afterwards prove dangerous to the conſtitution. In the preſent ſtate of the buſineſs, he wiſhed as much as poſſible to avoid all ſpeculative alluſion, as to the nature and extent of thoſe reſtrictions, which the wiſdom of the Legiſlature ſhould think proper to adopt; but the diſcretion of Parliament, he conceived, would not overlook the neceſſity of reſtraining the Regent from altering the right of ſucceſſion to the crown.

The *Lord Advocate of Scotland* ſaid, that he did not ſee how the general Queſtion of Right could be waved, unleſs both Houſes were ready to declare, 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

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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 would take the liberty of aſſerting, with equal confidence, that the propoſition had no real foundation. It was true, that by the law of that country, the right of *private* guardianſhip did, in certain circumſtances, attach upon the neareſt male kinſman by the father's ſide, aged twenty-five; and in the earlier periods of the Scottiſh monarchy, little diſtinction ſeemed to be made between the ſituation of a private guardian, and that of the perſon who acted for the king in his nonage, inſomuch that ſome law authorities of great reſpectability had laid it down, that the powers of a Regent were merely *tutorial*, and it had been determined by the Parliament of Scotland, in the reign of James the Firſt, that the Duke of Albany, when Regent, could neither reſtore a perſon forfeited for treaſon, nor grant lands which had fallen to the crown by baſtardy. It was well known, that the powers of a private guardian were of the moſt confined nature, as going no further than the exigency of the caſe required, and merely for the purpoſe of ordinary management. But he thought it wrong to compare that caſe with the government of a kingdom, where powers of a very different nature were neceſſary to be given. 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, 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 ſucceſſors, 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 the Third, ſix regents were appointed. In the infancy of James the Second of Scotland, there was a regency of three. In that of James the Third, a Regency of ſeven. In that of James the Sixth, the

Duke

Duke of Chatelrault, 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, afterwards others; none of whom were in the 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 24 Geo. II. and 5 Geo. III. without ſeeing clearly, that no *right* of adminiſtration was then ſuppoſed to attach upon any individual. As to the idea of a *civil demiſe*, it was totally inapplicable to ſuch a caſe as the preſent. A perſon was held to be civilly dead, when he had loſt the rights of a citizen, as in the caſe of attainder; but was it ever thought that an *infant* was civilly dead? It would be a little hard, when he was but juſt born. An infant could hold property, could acquire, and had every civil right entire. A perſon incapable from infirmity to manage his own affairs, was exactly in the ſame ſtate. He could not therefore have a ſucceſſor while he was alive, and in the full poſſeſſion of his rights. In a word, the Lord Advocate contended, that neither the Prince of Wales, nor any other individual, had a legal right in this caſe to be Regent; though in point of fitneſs and propriety, he ſuppoſed not a man in the kingdom would think of any other than his Royal Highneſs.

Mr. Milne (the member for York) reprobated the conduct of Mr. Fox and his adherents, declaring, that it amounted to an abandonment of thoſe conſtitutional principles, hitherto the theme of univerſal admiration, by ſacrificing the rights of the two Houſes of Parliament to the claims of an individual. From the ſort of argument that they had adopted and maintained, on this great and truly important occaſion, if they did ſoon come into power, as the Right Hon. Gentleman had that day given the Co[illegible] to expect; inſtead of a Whig adminiſtration, and a mild government, which it had been their practice to hold out, as what would be their true character and conduct when in office, the country had every reaſon to dread the moſt arbitrary and oppreſſive ſyſtem of meaſures that had ever diſgraced miniſters, and harraſſed the ſubject in the worſt periods of our hiſtory.

The *Solicitor General* roſe. He ſaid, no man could vote on the preſent queſtion without conſidering his allegiance to the Sovereign. He ſaid, they were all agreed that his Royal Highneſs ſhould be Regent, but differed in opinion as to the right. He corroborated 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 his ſucceſſor, about whoſe rights they were then contending. [*Here he was called to order.*] The King, who acceded to the throne in 1761, is ſtill on the throne in this 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. With regard to what had been advanced by the Right Hon. 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 there was ſtill a King, he thought that the powers of a Regent ought to be circumſcribed.

Sir W. Maleſworth regretted, that the ſubject ſhould have been ſo much enlarged on.—As a friend to his country he recommended ſuch meaſures as would produce unanimity. If there was any right on the part of the Prince, it had never been urged: if the Houſe had a right, there was no neceſſity for declaring it, and if they had no right, he did not ſee that entering a reſolution on their journals, in their preſent circumſtances, could give them any. It was completely againſt the *wiſhes of the royal family, that it ſhould be agitated in either Houſe*; therefore the leſs altercation that occurred, the more regard would be paid to the refined feelings of the illuſtrious perſonages alluded to.

Mr. Drake ſolicited the attention of the Houſe, though he was conſcious he did not merit it. The Miniſter had his ſuffrage; and for the glory, honour, proſperity, and ſplendor of the empire, he profeſſed his attachment to the Right Honourable Magnanimous Chancellor of the Exchequer; who, although of *him* he knew *but little*, he aſſured the Houſe Mr. Pitt knew of him *leſs*.

At half paſt two in the morning, the Houſe was in a univerſal clamour for the diviſion.

Againſt the motion of Lord North, for the chairman leaving the chair,

The numbers were,	268
For it - - -	204
Majority for the Miniſter	64

The original propoſitions were then carried without a diviſion.

Adjourned to Thurſday.

THE

THE Importance of the Queſtion, which was the Subject of the preceding Debate, and the various Sentiments which are entertained reſpecting the Propriety or Impropriety of the Motion of the Chancellor of the Exchequer, which gave Riſe to it, affords Reaſon to ſuppoſe, that the following Liſt of the Members, who voted on each Side, cannot but be acceptable to the Reader:

A CORRECT LIST OF THE SEVERAL MEMBERS, WITH THE PLACES THEY REPRESENT, WHO SUPPORTED OR NEGATIVED MR. PITT'S MOTION, BY VOTING FOR OR AGAINST THE PREVIOUS QUESTION MOVED BY LORD NORTH.

London, ALDERMAN WATSON, in the Chair.

AGAINST *the Previous Queſtion.*	FOR *the Previous Queſtion.*
	Abingdon.
	E. L. Loveden, Eſq;
	Agmondeſham.
William Drake, Jun. Eſq;	
	St. Alban's.
William Grimſton, Eſq;	William Charles Sloper, Eſq;
	Aldborough, Suffolk.
	P. C. Creſpigney, Eſq;
	Samuel Salt, Eſq;
	Aldborough, Yorkſhire.
Sir Richard 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 Offory
	Hon. St. Andrew St. John

AGAINST *the Previous Queſtion.*	FOR *the Previous Queſtion.*
	Bedford.
Samuel Whitbread, Eſq;	—William Colhoun, Eſq;
	Bedwin.
Marquis of Graham	|
Lieutenant-Colonel Manners	|
	Beralſton.
	| Lord Viſcount Fielding
	Berkſhire.
George Vanſittart, Eſq;	|
Henry James Pye, Eſq;	|
	Berwick.
	| Hon. General Vaughan
	| Sir Gilbert Elliot, Bart.
	Beverly.
Sir James Pennyman, Bart.	|
	Bewdley.
Lord Weſtcote	|
	Biſhop's Caſtle.
	| William Clive, Eſq;
	| Henry Strachey, Eſq;
	Blechingly.
	| John Kenrick, Eſq;
	| Sir Robert Clayton, Bart.
	Bodmyn.
	| Sir Thomas Morſhead, Bart.
	| Thomas Hunt, Eſq;
	Boroughbridge.
Sir Richard Sutton, Bart.	| Viſcount Palmerſton
	Boſſiney.
Matthew Montagu, Eſq;	|
Hon. Charles Stuart	|
	Boſton.
	| Sir Peter Burrel
	Brackley.
Col. 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;	|

AGAINST *the Previous Queſtion.*	FOR *the Previous Queſtion.*
	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 Earl of Euſton	
	Cambridge, Town of
Francis Dickens, Eſq;	
	Camelford.
	James Macpherſon, Eſq; Sir Samuel Hannay, Bart.
	Canterbury.
George Gipps, Eſq; Charles Robinſon, Eſq;	
	Cardiff.
	Sir Herbert Mackworth, Bart.
	Cardiganſhire.
	Earl of Liſburne
	Cardigan.
	John Campbell, Eſq;
	Carliſle.
John Chriſtian, Eſq;	Rowland 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 Appſley Richard Maſter, Eſq;	
	Clitheroe.
	Thomas Liſter, Eſq; John Lee, Eſq;

Against *the Previous Queſtion.*	For *the Previous Queſtion.*
	Cockermouth.
	J. Clarke Satterthwaite, Eſq;
	Humphrey Stenhouſe, Eſq;
	Colcheſter.
	Sir Robert Smyth, Bart.
	Corff Caſtle.
John Bond, jun. Eſq;	
Henry Bankes, Eſq;	
	Cornwall.
Sir William Lemon, Bart.	Sir Wm. Moleſworth, Bart.
	Coventry.
Sir Sampſon Gideon, Bart.	
John Wilmot, Eſq;	
	Cricklade.
Robert Nicholas, Eſq;	John Walker Heneage, Eſq;
	Cumberland.
	Sir Henry Fletcher, Bart.
	William Lowther, Eſq;
	Dartmouth.
Richard Hopkins, Eſq;	
	Denbighſhire.
	Sir Watkin W. Wynn, Bart.
	Denbigh.
	Richard Myddleton, Eſq;
	Derbyſhire.
	Lord George Cavendiſh
	Edward M. Mundo, Eſq;
	Derby.
	Lord G. A. H. Cavendiſh
	Edward Coke, Eſq;
	Devonſhire.
John Rolle, Eſq;	John Pol. Baſtard, Eſq;
	Dorſetſhire.
Francis John Browne, Eſq;	
	Dorcheſter.
	Hon. George Damer
	William Lower, Eſq;
	Dover.
Robert Preſton, Eſq;	
	Downton.
Robert Shaftoe, Eſq;	Hon. W. S. Conway
	Droitwich.
	Hon. 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. Henry Lambton, Eſq;