

that his Royal Highness was willing to accept the Regency on those conditions, whether, when the commission was issued, and the Prince might not chuse to have any thing to do with it, he would not be precluded from refusing, and be considered by his answer to have pledged himself to consent to all the subsequent proceedings relative to the appointment of the Regency?

The *Chancellor of the Exchequer* repeated, that his first object would be to carry up the Resolutions, and the other matters, such as the ordering a Commission to be issued in the King's name for the opening of the Parliament, &c. &c. would come under discussion hereafter. The *Chancellor of the Exchequer* moved to discharge the order of the day, and that the Committee on the state of the nation stand for Wednesday.

Mr. Burke said, as the Address to the Prince of Wales was to be moved only to-morrow, and it would be probably late in the evening, before the Address could be presented, there would scarcely be any time for receiving the Prince's answer, before they went into the Committee on the State of the Nation on Wednesday.

The *Chancellor of the Exchequer* said, he had named Wednesday as the nearest open day. That the House would, next day, be better enabled to judge, after the debate on the Address should be over, whether they ought to move the order for the Committee on the State of the Nation to a future day or not, and the whole matter would be at their disposal.

The House rose at Six o'clock.

TUESDAY, JANUARY 27.

HOUSE OF COMMONS.

ADDRESS TO THE PRINCE OF WALES.

ABOUT a quarter before five o'clock, the House being exceedingly impatient, had called repeatedly for the order of the day.

The *Chancellor of the Exchequer* having at length come down, the order of the day was read, for the House to consider of an Address to the Prince of Wales, praying him to take upon him the Government of the kingdom, consistent with those Resolutions which had passed both Houses of Parliament.

The *Chancellor* thought it necessary, before any steps were taken, to reduce the Resolutions into an Act of Parliament, that they

they ought to Address the Prince, to ascertain if he would accept the Government of the kingdom, subject to the principles contained in the Resolutions. If not, from what had fallen in the course of the conversation of yesterday, he could have no doubt but his Royal Highness would have accepted of a proposal so much for the benefit of the country. He was, however, so far from conceiving what possible opposition could take place on the part of the Prince, that he could not anticipate it, or combat it with any arguments on his part: he would, therefore, content himself with simply making a motion:—

“That a Committee be appointed to lay the Resolutions before his Royal Highness the Prince of Wales, which empower him, subject to the limitations and restrictions contained therein, as soon as an Act of Parliament is passed for that purpose, to take upon him the Government of the kingdom, and pray that he may be graciously pleased to accept the important trust.”

Sir Grey Cooper thought there was something exceedingly mysterious in the conduct of the Right Hon Gentleman, throughout the whole of the business. He had laid it down as a position, that the two Houses only had the power to legislate, and that these were the only two legal organs of the constitution now in existence. One of these seemed, he said, extremely out of tune; some few notes had come down the gallery, that destroyed the harmony of the whole; the masters had not previously agreed on what parts were to be performed, and by the occurrence of the present interlude, their whole plan was deranged, and there was no unison in their measures. As to addressing the Prince to accept of the Regency, as a preliminary step to bringing in a Bill, he thought it unnecessary and absurd. The Right Hon. Gentleman had been called on for papers, which he refused to produce, but which are since laid before the public; these papers shew us, that the Prince will accept the charge of the Government, shackled and insulted as he is; and they serve also to bring forward the splendid talents of his Royal Highness: they do more, they shew that he reveres the Constitution, and that his mental are not exceeded by his personal accomplishments.—In the letter he alluded to, it was evident, the Prince submitted himself totally to the wisdom of Parliament; where then was the necessity of taking this preliminary step in the introduction of a Bill, if the Right Hon. Gentleman did not doubt the veracity of his Royal Highness?—He advised him to desist from making any further experiments on the Constitution;—and to let the three branches of the legislature be complete before any Bill was attempted to be passed, which, as being deficient in the Royal Assent, would remain a precedent of a most dangerous and alarming nature. As to the latter part of the Address, it precluded the House from giving any future opinion on the Bill, and went to destroy the
privilege

privilege of debate: Addresses, he said, should always be watched with a cautious eye; for, in the hands of a designing man, they could easily be made instruments to impose on the House, and limit the powers of Parliament.

Lord Belgrave denied that the House was precluded from the privilege of debate, by the adoption of his Right Hon. friend's Address—he thought it essentially necessary to lay the Resolutions before the Prince of Wales, to know whether he would accept of the Regency on such conditions or not; for, if he did accept them, then the House would proceed as speedily as possible to finish the business; if he did not, then another mode must be adopted to complete the legislature—he thought it extremely disorderly, to bring into the subject of debate, any matter which had occurred out of doors; he judged from what had come before the House—he knew the worth and integrity of his Right Hon. Friend, who proposed the Address; and he was firmly of opinion, when he considered the calamitous situation of the nation, that the present was the proper stage of the business, to procure that necessary information, whether his Royal Highness would or would not coincide with the wishes of the people, in the acceptance of the Royal power and dignity.

Sir John Swinburne was of opinion, that the Prince conferred a very high compliment on the people, by accepting the Regency in the crippled and disgraceful manner in which it was offered to him, and he thought, that at least that return was due to his Royal Highness, that after he acquiesced in the desire of the House, that no alteration should take place, nor any new matter be introduced in the Bill, exclusive of what he is taught to believe, from the complexion of the Resolutions.

Hon. Dudley Ryder alluded to what had fallen from the Hon. Baronet; who, he said, seemed concerned that he should make any alterations in the Resolutions respecting his Royal Highness now, since he had not done so before. On this ground he would take upon him to prove the impropriety of the House pledging itself, that no new matter should be introduced in the Bill, which was to be founded on the principles of the Resolutions. By the Hon. Baronet asking the House to pledge itself, he certainly could not consider how far he extended his request: for, if the House could adopt such a measure, if there was a necessity to soften, he asked, what would the consequence be, if we were bound only to the present Restrictions; if any thing was introduced in the bill, favourable to the Hon. Baronet's sentiments, his approbation would, by his own act, in that case, be void.

Sir Charles Gould hoped, that, after the suffrage he had given, it would not be deemed personal in him to say, that he must consider Parliament without a Speaker; for, without the approbation of the Royal Authority, he did not think he was qualified to

fit in the House as Speaker, nor was the House competent to act. —He was, he professed himself, very averse to the treatment given to his Royal Highness, and the want of confidence betrayed in the Resolutions;—he knew there was no right existing in the Prince of Wales as Regent to succeed his Royal Father, without the approbation of Parliament; and if his Royal Highness had made such claim on the supposition, or for presumption of right, he would be the first, and as earnest to resist that claim as any of the 227 Members, who *imagined* they opposed it.—As there had been no ground for the rumour, that the Prince ever did make that claim, as a matter of right, and all his friends reprobated the idea, he must confess himself an enemy to the Restriction, and the principles of the Address.

Colonel Phipps insisted, there was absurdity and inconsistency in all the arguments which fell from the Hon. Baronet and his party; it was asserted on that side, that the Prince had a positive right, (a cry of *no, no*) he said, as the Right Hon. Gentleman who made the assertion was not in his place, he could not contradict—he was, for the present, content with approving of the mode of Address, and of the conduct of the Right Hon. Gentleman who had moved it.

Alderman Newnham called upon the Right Hon. Gentleman to state the whole of the Resolutions he meant to offer in the House, in the Address, that his Royal Highness might be fully apprized of every measure intended to be taken; as it was necessary, previous to his pledging himself to accept the Regency, that the whole Resolutions relative to it should be known. They ought not, the Alderman said, to proceed piece-meal, and make the Prince accessory to a Bill injurious to himself in points, on which he had received no previous information.

Mr. Grey alledged, that through the whole course of the Minister's unaccountable conduct respecting this business, whether it proceeded from disunion of sentiment in those with whom he acted, or from whatever cause, there was an absence of system and method, which was as difficult to be explained, as the measures themselves were incapable of being defended. The mode, such as it was, had been described by some as plain, simple, and direct; and, in this praise, he was ready to concur, if any one could prove to him, that intricacy was plainness; that embarrassment was simplicity; and that directness was to be traced in indecision and uncertainty. The order of a good plan was always to be found in its proportions and symmetry; but the disorder of a bad one, was evident in the absence of both. Nor did he see any one end the motion now before the House would tend to, except the introduction of delay. If such an Address was thought necessary to his Royal Highness, it should have been done previous to the discussion that the subject had undergone.

He

He admitted that the correspondence which the Minister, very singularly, called a *confidential* one, between him and the Prince of Wales, was not matter for the House to go upon; and when they were about to lay before him their plan, they ought certainly to submit the *whole* of it, which could not be done till the different provisions should be made in the Bill. If it was meant as matter of respect to the Prince, he could only wish that his Royal Highness had been treated with a little more of it in the course of these proceedings. He asked what would be the effect of the communication in the present stage? The Prince, by any answer he might give to these Resolutions, could not be supposed to bind himself to the acceptance of the Regency under such other limitations or alterations as they might undergo, when in the shape of a Bill; nor could the Houses so bind themselves to the precise circumstances contained in these words, as to preclude all further discussion of them in the subsequent stages.

One circumstance in particular had been started in the House, which seemed to have the countenance of persons in authority on a former day, which was to grant these limited powers only for one year. He did not know whether, under the unfavourable Limitations proposed, the Great Personage alluded to would accept of the Regency during the indisposition of the sovereign; but was not inclined to think that he could possibly accept it as an annual office. He believed him to have too great a regard for the principles of the Constitution over which he was to govern, to suffer himself to be made the instrument of converting a free Hereditary Monarchy into a Republican Office of annual election.

By an easy digression, he next got upon the subject of the sense of the people at large, as applying to the present question; and wished to know of Sir Joseph Mawbey, who first mentioned it the day before, whether he collected the favourable sentiments of the people respecting the Minister, from any late occurrences in Surrey, or from the present estate of his own popularity in that county? As to Addresses in general, he knew little of them but from the papers, with one exception to the county of Northumberland, which he represented, and in which the opinion of the electors were unanimously against the Minister.

He concluded by urging an expedient which, though he by no means approved, he was willing, from constitutional motives, to recommend, in preference to the proposed plan of Mr. Pitt. What he recommended was, that the Resolutions should be communicated first to the Prince, and an understanding take place, in which his Royal Highness should engage to give the Royal Assent to any Bill offered, for confirming the limitations in a formal and constitutional manner, when the Regency should be established,

Mr.

Mr. Brandling said, in the opulent and populous town which he represented, (Newcastle) they had held an assembly of 600 of the principal inhabitants, who, without a dissenting voice, voted an Address to the Right Hon. the Chancellor of the Exchequer, which Address was signed by upwards of 900 respectable persons. He was exceedingly happy to have that fact, which met with his warmest approbation, to state to the House, in contradiction to the Hon. Gentleman's assertion of no Address, excepting that from Devonshire, having been voted with unanimity. With respect to the opposition, the Address had met with, in the county of which the Hon. Gentleman was representative; he begged to say, that he knew, from the best authority, that it was in consequence of the High Sheriff's reprehensible—pusillanimous and contemptible conduct. [A cry of *order! order!*] He said, he begged to be heard, and he would explain what he meant—

Mr. Francis spoke to order! He said he knew nothing of the High Sheriff of Northumberland, but he considered it to be highly disorderly to brand with such unbecoming language, the name and character of any Gentleman in any county; it was language, he said, unfit to be suffered in any society of Gentlemen.

A general cry of order! order! was again called from all sides of the House, when

Mr. Bouverie rose to speak to order! and declared, he considered the present conversation as exceedingly improper, being totally irrelevant to the subject before the House.

Lord Belgrave also spoke to order, and desired the motion before the House might be read.

Mr. Brandling again rose, and said, he seldom troubled the House. It always distressed him to be interrupted, but still more to be interrupted in such a manner as he had been. He declared he meant no personal reflection on the High Sheriff of Northumberland, and was proceeding to state the history of the transaction to which he alluded, when he was again loudly called to order!

Mr. Bouverie spoke to order! and begged of the Speaker to prevent such disorder being repeated.

The *Speaker* expressed his concern on the disorderly turn of the debate; and declared, he would state why he had not interrupted the Hon. Gentleman. He said, he felt no part of his duty more irksome, than the extreme difficulty of interrupting Gentlemen when they went from the question, and had refrained at present on the ground of the House having suffered one Gentleman to speak on the subject.

Mr. Brandling again spoke, declaring he alluded to the High Sheriff's public conduct only, and nothing else. He said, the Northumberland meeting had been tumultuous, and the Address

Address prevented, by the riotous behaviour of about thirty persons, who had assembled round the chair, when a worthy magistrate, who had been many years chairman of the quarter session, was forced from the chair, so that he was scarcely able to save the parchment the Address had been written on.

Mr. Grey remarked upon the words *pusillanimous* and *contemptible*, which had been spoken by the Hon. Gentleman, and declared, if he was inclined, however, to use such language, he would not have taken the advantage of stating it in the absence of a person on whom it was spoken, and when he could not defend himself.

Mr. Brandling replied, that his conduct and character were equally respectable with those of the Hon. Gentleman, or any of his friends.

Sir Joseph Mawbey justified himself from *Mr. Grey's* attack, spoke of the approbation of his constituents of the measures of the hour, and declared, that his interest in the county of Surrey would not be easily shaken.

Mr. Bouverie again spoke to order! and said, so disorderly a conversation ought immediately to be stopped.

Mr. Martin conceived, it would have been more candid, for the Hon. Gentleman (*Mr. Bouverie*) to have proposed to stop the disorderly conversation at first, when it began, than at the present moment.

Sir Joseph Mawbey again spoke, and, after alluding to his popularity in the county he represented, declared the freeholders, who had assembled at the election of the noble Lord, lately chosen his colleague, had drank his health in a manner highly flattering to him. *Sir Joseph* agreed with the motion, conceiving it necessary, that the House should be authentically informed, whether his Royal Highness would accept the Regency under the Restrictions agreed upon or not.

Lord William Russell felt himself particularly called upon, in consequence of what had fallen from the Hon. Baronet, relative to the inhabitants of the county of Surrey being devoted to the Ministers of the hour. He was persuaded that the freeholders of Surrey were well acquainted with the principles of the family, to which he had the honour to belong, and he did not think there had been any thing in his conduct, that could make it doubted, that he would support the Constitution on the principles of his ancestors; he considered it as a reflection on the county of Surrey to say, that they supported the present Administration, and, he believed, that they would soon shew that they would not be attached to that man, who was, no doubt, attached to the Minister of the hour. His Lordship concluded with objecting to the motion, which he conceived tended to nothing but delay.

Sir

Sir Joseph Mawbey replied, and said, he had alluded to the measures, not the Ministers of the hour. He had never said the freeholders of Surrey were devoted to the Minister. He had sat for thirty years in that House, endeavouring faithfully to discharge his duty to his constituents. He had always voted as an impartial and disinterested man, and had no doubt of the approbation of his constituents, and the continuance of their partiality.

Mr. Christian called the attention of the House to the motion before them, and said, it was their duty to extinguish all party considerations.

Mr. Fitzherbert rose, and being an inhabitant and a freeholder of Surrey, was speaking on the subject of the Minister's influence in that county, when

Mr. Vyner rose to order !

The *Speaker* thought the debate had gone wide from the question, and lamented the time it had taken. He urged the necessity of confining the debate to the question before the House, and hoped to have the assistance of the House in preventing future disorder.

Mr. Bouverie then rose to speak to the question. He thought they ought to enter on the subject of appointing a Regent as soon possible. He was willing to agree with the Address, if no further Restrictions were meant to be incorporated in the bill than the House had agreed to, but if any additional Restrictions were intended, he should vote against them.

Mr. Sheridan said, he was not going to enter into that part of the debate that respected the question of order, nor to go at large into any argument to prove that there was an evident want of system, though, in that part, he must agree with his Hon. Friend near him, and likewise in his assertion, that the measures then proposed would cause delay.

There were two things, *Mr. Sheridan* said, that he owned would incline him to agree to the Address; one of these was, that it was understood that the idea, so hastily suggested on a preceding evening, of limiting the duration of the Regency, was abandoned, and the reducing the form of the Constitution to a Republic, by making the election of a supreme Governor annual, would no longer be insisted on. He declared, when this idea was first started, the Right Hon. Gentleman seemed to be ready to embrace it; he could not, therefore, but wonder at the sort of acquiescence manifested by the House, at a proposition of so monstrous a nature, pregnant with such extensive mischiefs, and tending, in the first instance, to change the form of the Constitution.

Mr. Sheridan reverted to what he had mentioned the day before, viz. that the Resolutions, upon the face of them, appeared to be final and permanent, since they contained nothing that

pointed

pointed out, that they were calculated merely to subsist for a limited time, and to answer an emergency of only a temporary nature, although upon that single ground, urged again and again by the Right Hon. Gentleman himself, and other Gentlemen, in debate, had the House been called upon to vote the Resolutions. He enforced the necessity of accompanying the Resolutions, when laid before his Royal Highness, with some intimation of this very material circumstance; and before he sat down, declared he would move an amendment to the Motion, in order to add words to that effect. Another point was, that the scheme of setting up what had been properly enough termed a phantom and a shadow to represent the third Estate, was to be abolished; if the fact were so, he should rejoice exceedingly, because he could not but regard the resorting to such a mode of obtaining the Royal Assent as a fallacy, and a violation of the Rights of the third Estate, by an assumption of the exercise of those rights in the two Houses of Parliament, to whom it did not constitutionally belong. The Right Hon. Gentleman over against him said, the House had already determined on that point; but he begged leave to say, that they had not determined it; they had, indeed, talked of it, and loose hints had been given, in the course of debate, of the nature of the thing intended to be put in practice; but all they had decided was, that it was necessary for the two Houses to *determine* on the means by which the Royal Assent should be given to a Bill; now there was a wide difference between resolving that it was necessary for the two Houses to determine on the means, and the means themselves.

Another matter, which as yet remained wholly unexplained, was the degree of state and attendance, which the Right Hon. Gentleman had said, he meant to move to be annexed to his Royal Highness the Prince of Wales, in the room of that power and patronage, which, by the fifth Resolution, he had proposed to take away from him. As the Right Hon. Gentleman seemed to mean to retain that office, and give up every other, he wished, at the same time, that the Restrictions were laid before his Royal Highness, the Right Hon. Gentleman would insert something in the Address to apprize his Royal Highness of the intention, that he might know what he was to expect would be contained in the Bill, and that it was to contain something else besides the Restrictions.

Mr. Sheridan added a few pertinent observations, and concluded with moving, by way of amendment, to add to the Motion, "That the Restrictions were formed on the supposition, that his Majesty's illness was only temporary, and might be of no long duration." These words, he said, he had taken out of the Right Hon. Gentleman's letter to the Prince of Wales, that was already before the public, and therefore he did not imagine, that

that any objection could be made to his amendment by the Right Hon. Gentleman, or any other Member, but that the amendment would be agreed to as a matter of course.

Sir James Erskine seconded the amendment, and it was then read from the Chair.

The *Chancellor of the Exchequer* said, he would first notice the Hon. Gentleman's ground for the amendment that he had moved. It was true, he had argued, that the Restrictions were such as were fit only to be applied for temporary purposes; but though the necessity for them was supposed to be only of a temporary nature, it was impossible to fix, before-hand, the precise time when the necessity for their duration should cease.

The Hon. Gentleman had stated, that he had selected the words of his amendment from a certain publication; but if he would refer to the publication in question, he would find that he had selected words from one part of it, which were followed by another, in which the idea was fully explained. He could not, therefore, avoid objecting to the amendment, as containing a partial selection of words from a publication, in which an explanation of that partial selection was to be found. The Hon. Gentleman, it was clear, had not heard the Motion that he had delivered to the Chair with attention, or had forgot the words of it, since, if it were examined, it would be found to contain words that expressly marked, that the Restrictions were only temporary. The Chancellor of the Exchequer read the part of the Motion to which he alluded, wherein it was stated, that the Restrictions in question were such as appeared to them proper to be adopted, under the *present* circumstances of the case. What could be so fair, as stating the Limitations and Restrictions to be framed on the principle of being such, as the occasion appeared at present to require? The Motion, therefore, in his opinion, was sufficiently expressive of all that need to be noticed, and of course precluded the necessity of the Hon. Gentleman's amendment.

The Chancellor of the Exchequer next took notice of Mr. Sheridan's having expressed his hopes, that the idea of limiting the duration of the Regency was abandoned. He reminded the House, that he had objected to any particular time being stated for the duration of the Restrictions, but an Hon. Gentleman then behind him [Mr. Pulteney] deservedly of great weight in that House, had proposed to limit the duration of the Bill, and upon its being objected to by a Right Hon. Gentlemen, not then present, who had stated, that such a limitation as went to the election of a Regent, from time to time, tended to create a Republic, and to alter the form of the Constitution; in answer it was said, that the period of limitation should extend to the power as well as the Restrictions; and he must confess, that he thought it less an evil, that limitations should be put on the whole,
than

than on a part of the plan. He had, himself, mentioned no limitation at all, but had thought it best left open for the House in future to judge of the nature and circumstances of the case, and therefore he had begged the Hon. Gentleman not to press them, at that time, a requisition, with which the Hon. Gentleman had concurred.

One of those champions of the Constitution, on the other side of the House, had thought no ties ought to be fixed to any part of the Bill. He must, however, repeat, that if it should be thought proper that any part were to be limited, the power should be limited likewise; because, otherwise they let the power of providing in future, as the nature of the case might require, go out of their hands, and the Prince of Wales would be bound only for a limited time, while they would be subject, not only to the inconvenience, but would lose the claim of being attended with all the convenience possible, because the convenience was, their reserving it in their own power to act upon their discretion, as the necessity of the case might demand. At present they did not know but the Bill might be objected to by the Prince, and if so, a very different mode of proceeding must be adopted; but if the Prince should agree to accept the Regency, on the conditions stated in the Restrictions, what then would be the consequence? The Bill would proceed after the Parliament should be opened. The House could not be pledged further than their honour and judgment had led them in framing the present Resolutions, and, on the other hand, he could not answer better than as an Hon. Friend of his behind him had expressed himself; if the Bill altered the conditions stated in the Restrictions, or superadded new ones, in that case the Prince could not be considered to be bound by his answer to the Restrictions then under their consideration, whatever that answer might be. But he would ask, which was most probable, after having voted the Restrictions; should they abide by them, or depart from them? If the House departed from them, they would lose the object they aimed at, and all they had hitherto done would be matter of fruitless labour and useless discussion. The spirit of the Resolutions contained every thing that appeared to him necessary to be decided, before they proceeded to the immediate step, of opening the Parliament, and moving a Bill; had any thing else occurred to him as necessary, he certainly should have proposed it. The spirit of those Resolutions was, that all the Royal Power should be exercised by his Royal Highness the Prince of Wales, in the name and on the behalf of his father, subject to the Restrictions that were specified. He hoped, therefore, that his Royal Highness would not object to the Restrictions, and that the House would not find any material inconvenience in presenting the Motion, with the Resolutions, to his Royal Highness; but

but if it should even prove a material inconvenience, he trusted it would be deemed an inconvenience necessary to be incurred; as it would ensure their future proceedings, and rescue them from the hazard of losing much time, and giving themselves much further unnecessary trouble.

He took notice of the charge of want of system, and want of method, and of intentional delay on the part of his Majesty's Ministers, that had been lightly and wantonly thrown out, but which, he said, had not been supported. He reminded them of the steps they had taken, as the best refutation of that charge, and said, that after having ascertained the fact of the King's incapacity, they had proceeded immediately to the object in view, but their progress had been interrupted by the assertion of a Right in the Prince of Wales to assume the exercise of the Sovereign Authority, an assertion which necessarily and unavoidably called for discussion and decision before they proceeded a single step. The ground cleared of that Question and the two Houses having resolved, that the right of providing the means of supplying the defect in the executive authority was in them, and that it was their duty to exercise it, a new delay was occasioned by a declaration, that it was necessary to have a further examination of his Majesty's Ministers, accompanied with such statements as made a further examination of the Physicians unavoidable; but it was to be remembered, that the delay originated not in his Majesty's Ministers, nor on that side of the House. That examination over, they had debated the Restrictions thought necessary to be agreed to by the Regent, under the present circumstances of his Majesty's probability of recovery, and were now arrived at the point, when it was necessary to lay their Resolutions before his Royal Highness the Prince of Wales, in order to know whether his Royal Highness would accept the Regency on those terms or not.

Having thus stated the outlines of the principal of their proceedings, it might possibly be said, that they had been too critical and too minute; in answer to that he would ask, could they be too critical and too minute in questions deeply and materially affecting the constitution of the country? Among other things which might console them for the time they had spent, he could assure the House, notwithstanding the mysterious insinuation of a want of harmony among those who ought, on such an occasion, to agree, made by an Hon. Baronet in the beginning of the debate, that no difference of opinion, however some Gentlemen might wish it, had prevailed. So far from it, he had great pleasure in telling the Hon. Baronet and the House, that there not only had been no interruption of harmony among those, whose task it was to co-operate in the present arduous situation of affairs, but the more they had thought of the plan of proceedings, that

that they had felt it to be their duty to propose, the more they were confirmed in their original opinion of it, and were the more determined uniformly to concur in completing it to the utmost, as an act of indispensable duty to their Sovereign and their country.

With regard to the charge of delay, likely to be occasioned by the present motion, in point of fact, he did not think it probable to be so great as the Hon. Gentleman had suggested; but, if the measure was, as he thought and stated it to be, a necessary measure, though he had all along been, as the House well knew, an advocate for dispatch, he should be of opinion, that, in so very important a point, doing the business well, was preferable to doing it speedily. The difference with regard to opening Parliament, however, could not be a week. If that House voted the two Motions for the four first Restrictions to be carried up to the Prince, and the fifth Resolution to the Queen that night, they would the next day carry them to the Lords, who would discuss the propriety of voting them, and probably might vote them the same day; in that case it was not impossible that they might receive his Royal Highness's answer on Thursday. And the execution of what had been called on the other side of the House a phantom, (but which, he trusted, when explained, would be found not to be an imaginary, incorporeal being, but of the solid and material substance of the Constitution) might, either in that House or the other, be entered upon the same day; if in that House first, the House of Lords might sit on Saturday, and the Bill be brought in and entered upon early next week, perhaps on Monday, and the whole system, as far as regarded that House, completed in the course of that week.

An Hon. Gentleman, he observed, had said, that he was no enemy to any mark of respect and attention being shewn to the Prince of Wales, but that, throughout the measure, there had been a manifest want of attention and respect to his Royal Highness.

The Chancellor of the Exchequer declared, he had never thought it necessary to take notice of the numerous anonymous libels, that had so industriously been put in circulation throughout the town, and throughout the country. To such libels, avowed by no person, it was impossible to give an answer; but if any man thought there had been real ground for a complaint of want of respect and attention towards the Prince of Wales, in any part of his conduct, he called upon that man, in truth and in fairness, to state the instance, and he would cheerfully meet the charge. He considered respect to his Royal Highness the Prince of Wales as one part of his duty to his Sovereign. It was inseparable from it. But though he should be extremely sorry to be deficient in that exterior and ceremonious respect,

that was justly due to the Prince of Wales, yet what he owed to his Sovereign, to the Constitution, and to the people of England, was paramount to any personal respect due any where. Though it was paramount, however, to all degree of personal respect, it was not inconsistent with such a compliance with decorum; he ever had, and he ever would, pay the same respect to his Royal Highness the Prince of Wales as to all the rest of the Royal Family, and to the Sovereign himself. The truest respect he could pay to all of them, was to cultivate the interests of that nation, which the ancestors of the present Royal Family were called upon to govern, and to watch over the safety of that Constitution, which his Royal Highness the Prince of Wales would one day be called upon to protect.

Mr. Grey rose as soon as the Chancellor of the Exchequer sat down, and said, he felt himself rather awkwardly situated, and the more so, as he could not bring forward any charge of the nature in question without appearing to speak from some authority; but as he had, undoubtedly, accused the Right Hon. Gentleman of having treated his Royal Highness the Prince of Wales, with want of respect and attention, he would proceed specifically and distinctly to make out what appeared to him to be sufficient grounds for that charge, being determined never to flinch from what he should at any time say in that House. Whether what he should offer might appear in the same point of view to the House, was not for him to determine, he only begged them beforehand to understand, that he spoke his own sentiments, without consultation with any one, and without the privity and concurrence of any individual whatever.

The Right Hon. Gentleman appeared to him to have shewn a manifest want of respect and attention to the Prince of Wales, in the first place, in the manner in which, when the Privy Council was summoned to examine his Majesty's Physicians, the intimation of its being convened, and the object of it was communicated to his Royal Highness, that being done by the same sort of ordinary summons as was sent to the other Members of the Council. This was, *Mr. Grey* said, either in the Right Hon. Gentleman, or the Lord President of the Council, a marked token of want of respect and attention to the Prince of Wales.

The next want of respect and attention to his Royal Highness, was the Right Hon. Gentleman's not having submitted the whole of his intended plan to his Royal Highness, before any of the proceedings of Parliament took place, and, indeed, previous to its public statement in that House, to which he conceived an Hon. Baronet, who had spoken early in the debate, had alluded, when he had said, they had been guilty of an indecorum, in not stating the Resolutions to his Royal Highness earlier.

Another

Another instance, he should mention, was chiefly grounded on public report, and that was the manner in which, when the proposed Restrictions were communicated to the Prince of Wales, that communication had been made. In that, as in the preceding instance, Mr. Grey said, he conceived there was a considerable portion of a reprehensible want of respect and attention to his Royal Highness.

With regard to the charge of a want of system in the whole of the Right Hon. Gentleman's proceedings upon the subject of the Regency, which the Right Hon. Gentleman had thought proper to say had been wantonly and lightly urged, and had not been supported; as the Right Hon. Gentleman had now heard from him, upon what the charge of having shewed a want of respect and attention to his Royal Highness the Prince of Wales was founded, so should he have the pleasure of hearing him restate the charge of want of system in his measures. The Right Hon. Gentleman seemed to consider his plan of proceedings, as perfectly regular, as if one part of it sprung out of another, and the whole was a system of harmony and order, which they must all admire for its symmetry and beauty. In order to prove this, the Right Hon. Gentleman had gone into a recapitulation of their proceedings, from the moment of their having ascertained the fact of his Majesty's incapacity. The Right Hon. Gentleman, however, had passed over one of these proceedings, and that an early one, of which he must beg leave to remind him, and that was, his second Motion,—that for a Committee to search for precedents,—which he had introduced with an argument that it was necessary for that House to have the advantage of the collective wisdom of their ancestors to guide and govern their conduct by, and yet, when that curious publication, then upon their table, was referred to, it would be found, that it was rather useful to teach them the errors of their ancestors, than to exhibit proofs of their wisdom, since the measures which the Right Hon. Gentleman had taken, were not grounded upon any one of the precedents contained in the Report, nor did they bear the smallest analogy to any one of those precedents. It was evident, therefore, that the Right Hon. Gentleman had not gone upon any one system, or method, he had no plan arranged by a combination of all its parts, constituting a regular and complete system, but had led them on, step by step, coming forward with separate and discordant propositions, just as the exigency of the day suggested.

The *Chancellor of the Exchequer* said, he should not notice the latter part of the Hon. Gentleman's speech, because all candid and impartial men might judge whether he had or had not proceeded on one regular and uniform system, and he was perfectly content to leave the whole to that decision. He would only no-

tice the charges of disrespect and want of attention manifested by him towards his Royal Highness the Prince of Wales, and so far was he from complaining of the Hon. Gentleman for having made the charges, that he acknowledged he felt himself highly obliged to the Hon. Gentleman, for having stated them so fairly and explicitly, as it afforded him an opportunity, which he could not otherwise have had of meeting them in the face of that House, and of the public, which was the only way in which he could have noticed them consistently, with what was due to himself and to the country. The first charge of disrespect was a failure of respect in the manner of sending notice of the meeting of the Privy Council to the Prince of Wales, a charge which he might easily have got rid of, by saying, that if it was proved an error, it was not his error, but that of the Lord President of the Council. He disdained, however, to avoid taking his share of the blame that might be thought imputable to any measure of that venerable and respectable personage, with whom it was the pride and happiness of his life to act, and if he had wished at any time to avoid such a participation of blame he was convinced from the degree of cordiality and confidence, in which the noble and learned Lord, and himself lived, it would, in point of fact, be utterly impossible for him to have an opportunity of being placed in such a predicament.

The first part of the charge was, that his Majesty's Ministers had not previously consulted the Prince of Wales, what steps they were to take in the difficulty in which they found themselves involved in the execution of the trust confided in them by the King. He owned the truth of this charge in that point; his Majesty's Ministers had not conceived it to be their duty to receive orders from the Prince of Wales, at a time that they were the servants of the Crown, and his Royal Highness was in no political capacity whatever, nor had any authority to give his Majesty's Ministers a single order of any description. They felt, that theirs was the responsibility for every step that they took, and they knew that theirs ought, of consequence, to be the discretion. With regard to the method of sending the summons, and the charge that his Royal Highness had received, no other than the ordinary notice sent round to every other Member of the Council, it was evident the Hon. Gentleman had been grossly misinformed in point of fact. So far from the event having passed as the Hon. Gentleman had stated, his Royal Highness received a special letter, written from the Lord President of the Council, stating the subject to be submitted to the Privy Council, and the business to be entered upon; his Royal Highness, therefore, had been summoned in a manner the most respectful, and totally different from that in which any other Member

ber of the Privy Council had been summoned, excepting only the other Princes of the Blood.

The next charge, the Chancellor of the Exchequer observed, was personally against himself; it was the charge of not having acquainted his Royal Highness the Prince of Wales, with the whole of his plan, previous to his opening it in that House. To the truth of the fact alledged he must also, in this point, submit; but he begged Gentlemen to recollect what had passed, and he believed it would be admitted, that the circumstances considered, it was a little hard, it should be made a matter of charge against him of want of respect and attention to the Prince of Wales. He had resolved, as soon as ever a plan should be adjusted, to communicate it to his Royal Highness the Prince of Wales, previous to his stating it to the House, but in the course of the debate in that House, when the Question of Right was preliminarily under discussion, Gentlemen would remember, that he had been called upon, particularly, by a Right Hon. Gentleman not then in his place, to state the general outlines of his plan, the Right Hon. Gentleman declaring expressly, that it was equally a matter of information desirable to him and his friends, to know in what manner he meant to proceed. In the moment that he was publicly called up, it was impossible for him to suppress the outlines of the plan, without offence to the House; he was under the necessity of giving them, and they were communicated to the Prince according to his commands, the next day after the debate. He had not, he said, mentioned the particulars of the plan till after the Question of Right was discussed; because as that question involved in it considerations, the decision upon which might supercede the necessity and propriety of that House deliberating at all upon any farther step to be taken, it was necessary to be discussed as a question preliminary to any other proceeding.

With regard to the disrespectful manner in which it was reported, that when the communication of the Restrictions, intended to be proposed to the two Houses, was made to his Royal Highness, report had gone to such an extravagant length, that he believed it had gained credit about town, and he was sure it had been circulated in the country, not only that a message had been sent by a livery servant, but that the message had been a verbal one. The truth, however, the public were now apprized, was, that the communication had been made respectfully in writing, and the letter had been sent, not by a livery servant, but by a messenger, dispatched for the especial purpose. Perhaps, the Chancellor of the Exchequer said, there might be a failure in point of respect in this mode of communication. No man, he owned, was more ignorant of etiquette than he was, but he was conscious of no intention to shew disrespect to his Royal High-

ness. He had repeatedly made communications to his Royal Highness before, in precisely the same mode, without its ever having drawn upon him the smallest animadversion for a failure in etiquette, or having been considered as an instance of disrespect; and during the five years that he had been in administration, he had never communicated any of the numerous papers, dispatches, &c. that he had, from time to time, had occasion to transmit to his Majesty, in any other manner; and he was sure he had not intended to have shewn a disrespect to the Prince of Wales, in the instance alluded to, more than he had ever intended to shew a disrespect to his Majesty, during the period that he had been honoured with his royal confidence.

The Chancellor of the Exchequer concluded with saying, that he trusted the explanation he had given of his conduct in those particulars, in which a want of respect and attention to the Prince of Wales had been imputed to him, would prove satisfactory to the House; and he was persuaded, that no Gentlemen would be more happy than those, who had conceived there had been some reasonable plea for the charge. He trusted, therefore, they would in future consider the grounds of rumours, before they hastily gave them credit, begging Gentlemen to reflect a little on the candour of all other public rumours, and to judge of them by the little degree of truth he had proved to exist in the rumours, that had been circulated so injuriously to his character, and so falsely at his expence.

Mr. Burke began a very long speech, by attacking the Chancellor of the Exchequer on the ground of *Mr. Grey's* charge. He said, he trusted, not to reports, he knew what the Right Hon. Gentleman's behaviour, conduct, and manners were, and he knew him to have shewn great want of respect and attention to the Prince in the whole course of the proceedings respecting his Royal Highness. The Right Hon. Gentleman had talked of etiquette, and had denied that he had been guilty, and called for the proof. If they had been accusing the Right Hon. Gentleman of a crime, they must have recourse to the laws; but it was a want of civility and good manners, where both were so eminently due, that they were charging him with, and that charge was easily made out.

The Right Hon. Gentleman had said, that to treat the Prince with disrespect, was to treat his Majesty with disrespect; the Right Hon. Gentleman was in that opinion correct, since those who injured the Prince of Wales, undoubtedly injured the King. That fact being admitted, what were they then to think of the Right Hon. Gentleman's not having consulted the Prince of Wales on the subject of convening the Privy Council, and the measures to be taken therein? The Right Hon. Gentleman had said, the King's servants were not to take orders from the Prince, but

but to consider him as any other member of the Council. Was every man, he would ask, to be considered as shewing the necessary degree of respect and civility to the Prince of Wales, who because he was not by law bound to take orders from him, therefore chose to pass him by without notice? In what a peculiar situation did his Royal Highness stand? A grievous calamity had fallen on his family, and he had been thereby freed from the protection of a father, who, if in a state of capacity, would have guarded him from the insolence of his servants. There was an evident and a gross want of attention and want of humanity in the Right Hon. Gentleman's conduct. Since, in the case of an affliction fallen on a father, who ought to be consulted as to what was necessary to be done, so soon as the eldest son? Was it not usual, in all cases of illness and disaster happening to the head of a family, to have recourse to the next person in it, as the one most interested in the event of the affliction.

Mr. Burke reasoned in this manner to some extent, and said, great incivilities, when premeditated, might pass into something of a higher nature than want of respect, and might be met upon other grounds; but, in considering that no more notice was due to the Prince of Wales than to any other member of the Privy Council, there had been a reprehensible want of attention. He proceeded next to notice, the Right Hon. Gentleman's having stated his plan in that House, before he had communicated the plan of his proceedings to the Prince of Wales.

The *Chancellor of the Exchequer* interrupted Mr. Burke, to remind him, that he had explained to the House, the manner in which that explanation had been called for, which made it impossible for him not to give it.

Mr. Burke said, he did not allude to that; he considered the Right Hon. Gentleman's explanation on that head as perfectly satisfactory, and had therefore passed it over. What he meant was, the Right Hon. Gentleman's having forced the House to debate the Question of Right, without having previously communicated to his Royal Highness, that a Right, in which his Royal Highness was so much interested, was about to be made the subject of discussion. That was, in his mind, a great indecency, and the more so, after the humble, satisfactory, respectful, but, at the same time, dignified manner, in which that discussion had been deprecated by the Duke of York, and a declaration made, that his Royal Highness the Prince of Wales, from a thorough regard to the Constitution, whatever right he might have, was willing to accept the Regency on such terms as the two Houses of Parliament should think proper to give it. He praised the fraternal affection manifested by the Duke of York, which, he said, proved his Royal Highness to be a wor-

thy person, and afforded well-grounded hopes that he would be ready and willing to assist his brother.

With regard to the manner of communicating the intended Restrictions to the Prince of Wales, Mr. Burke said, when papers were sent to his Majesty, the usual mode of transmission was by a black box, which was deemed respectful, the box being considered as marking the respect; he dwelt on the idea of the black box, and said, he would leave the degree of disrespect, manifested in this instance, to the judgement of the public, who would doubtless decide it in their usual manner. No doubt those who approved the Right Hon. Gentleman's conduct would have imitated it, had they been in his situation.

Having gone through the charges of want of respect and attention, as imputed to the Chancellor of the Exchequer, Mr. Burke proceeded to treat on other topics, and to speak more immediately to the question then before the House, and to argue that it was, as his Hon. Friend had stated it to be, nothing more than a direct endeavour to create unnecessary delay. He said, they had been taught the preceding day, to think that the business of the Address would have come on in the House of Peers; why it had not done so, he could not tell, but he saw no reason whatever for losing a week. The Hon. Gentleman had said, they could not receive the answer of his Royal Highness before Thursday, and that they could not sit on Friday. He asked, why not sit on Friday? Friday was the true day, the only day proper for such business—the day on which the nation was to commemorate the extinction of monarchy, which had not been effected without the spilling of blood, and therefore Friday was, of all days, the most fit for taking that step, which was to annihilate the Constitution, and change the form of our Government. Whether the putting off the business in the House of Lords the preceding day, had been owing to a difference among Ministers, he knew not, but there was a little bird, a small robin red-breast, which said, that something like it had happened; and when he talked of a little bird, he borrowed the idea from the Right Hon. Gentleman's father, who had said, a little bird told him, that the Lords of the Bedchamber were, at a certain time, disposed to exercise their influence in a manner not quite proper. The same bird, Mr. Burke said, had whispered him, that there was a reason for not proceeding as had been intended, and suddenly shifting the business upon their shoulders. Perhaps, he observed, the other House were not yet recovered from the effect of that extraordinary burst of the pathetic, that had been exhibited the other evening; they had not dried their eyes, and been restored to their former placidity, and were unqualified to attend to new business. The tears shed in that House, on the occasion to which he alluded, were not the tears of patriots for dying laws,

laws, but of Lords for dying places. The iron tears that flowed down Pluto's cheek, rather resembled the dismal bubbling of the Styx, than the gentle murmuring streams of Aganippe. In fact, they were tears for his Majesty's bread. Those who had been fed by the King's bounty, were supposed to have deserted him in his utmost need. There was, he said, a manifest difference between that House and the other; between Patricians and Plebeians. They, in an old fashioned Plebeian way, would have said, "if we can no longer serve the King, we will no longer receive his wages; we will no longer eat his bread,"—but the Lords of the Household held a different language, and pursued a different conduct; they would stick by the King's loaf as long as a single cut of it remained. They would fasten on the hard crust, and would gnaw it, while two crumbs of it held together; and, what was more extraordinary, they would proudly say at the time, that it was the honour of the service that they regarded, and the dignity of their offices; as to the emoluments they did not value the money *three skips of a louse*. This was gratitude, a degree of gratitude which courtiers never failed to exhibit! Under that roof they considered mankind as subject to human frailty, and dreading the effects of that infirmity, to which all human nature was equally subject, had tried to guard against it, by voting again and again, that officers of all and every description, should be disqualified from sitting in that House. But the Lords of the Household were a different order of beings; they were beyond the reach of influence; they were a set of saints and philosophers, superior to the lusts of the flesh and the vanities of the world.

After pursuing this irony to some extent, Mr. Burke took notice of the Right Hon. Gentleman's having called his honourable friends the Champions of the Constitution, and declared that they ought to be such—that they were placed there for that purpose, and they would abuse their trust, if they took powers which did not belong to them, in order to flatter another with a degree of authority that did not belong to him, or in order to deprive another of a right which did belong to him. The Right Hon. Gentleman was bound to shew, why he chose to prefer a limitation of the Regency in point of time, to a limitation of the Restrictions. His Right Hon. Friend who was absent, Mr. Burke said, had not declared that he approved of that limitation, but had said, if they meant to make a Republic, he should, in that case, approve of a limitation of the Regency, and an annual election. He should approve of it for the same reason. If they chose to make a Republic, why did they not make it in a manly way, and openly declare their intention? If he were asked, did he hate a Republican speculation? he would answer—No. But he knew a Republic could not be speculated upon, according

according to our Constitution. He loved, he revered, he adored the true principles of a Republic, but was that the mode of instituting a real Republic?—"Oh Republic! exclaimed Mr. Burke, how art thou libelled! how art thou prostituted, buffooned, and burlesqued! Oh fabrick! built after so many ages, and cemented by the blood of patriots, how art thou degraded?" As well might it be said, that the mutilated creatures of the Opera-house were the representatives of heroes, the true and perfect Cæsars, Catos, and Brutuses of Rome, as that strange and jumbled chaos, the representative of a real Republic. Such an attempt to establish a Republic as the present, was the certain way of having a monster set over them, and introducing the most hypocritical sort of government that could be resorted to.

Mr. Burke reprobated the idea of the fiction of law, that was to be made use of to open the Parliament, and said, he never had heard of a phantom being raised in a private family, but for the purpose of robbing the House. So far from being a representative of the forms of the Constitution, it was, he said, a masquerade, a mummery, a piece of buffoonery, used to burlesque the Constitution, and to ridicule every form of Government! A phantom conjured up to affright propriety, and drive it from our isle! An hideous spectre, to which, in the language of Macbeth to Banquo's ghost, it might be said,

*Avant and quit my sight! Let the earth hide thee!
Thy bones are marrowless, thy blood is cold;
Thou hast no speculation in those eyes,
Which thou dost glare with.*

and so, in fact, it was with this political spectre; its bones were marrowless, its blood was cold, and it had no speculation in its eyes! He reprobated it, therefore, as a chimera, a monster taken out of the depths of hell.

Mr. Burke spoke of the letter of the Chancellor of the Exchequer to the Prince, as conveying private intimations, which he would not publicly avow, and said, as to the Right Hon. Gentleman giving his word, he might do that as he liked; but if he did not agree to a special limitation of the Restrictions, his faith was broken; because, if they passed the bill, without any clause of limitation, they gave the lock and the key to the door of revision and limitation out of their own hands, and delivered both over to the other House. These were dangerous things, and he would say that they were illegal, and unfortunately without remedy. The people at large, who were deluded, and acted upon that delusion, could not be punished, because it would be a massacre; but what should they say of those who mislead the people, and under a pretence of an ardent zeal for the Constitution, endeavoured to advance the purposes of their own private ambition.

ambition. Mr. Burke added further remarks, and, in the course of his speech, introduced several apt and pertinent quotations from the ancients. Mr. Burke concluded with stating, that for the reasons he had mentioned, he should support the amendment of his honourable friend.

Mr. Pulteney rose to explain the motion which he did not make on a former day, but had only loosely stated to the House. When he had risen for that purpose, it was, *Mr. Pulteney* said, a very late hour, and Gentlemen, probably, were so fatigued, that they had not paid it that degree of attention, which they otherwise would have done; hence he supposed the tendency of the motion, was so much misapprehended, as he found it had been. Gentlemen talked of his motion having a tendency towards introducing a Republican form of Government. It had no such tendency, and he should have imagined that his principles were too well known, for any man to have supposed he was a favourer of Republican notions. He never had inclined to favour them, on the contrary, he was always an advocate for a limited monarchy.

Mr. Sheridan said, he wished to bring the debate to a conclusion, and should therefore propose a farther amendment, that he trusted would remove all the Right Hon. Gentleman's objections. The House might hereafter debate on the Right Hon. Gentleman's motion of limitation, which he must still contend was adverse to the interests of the country, and tending towards a Republican form of Government; consequently, could neither be advantageous to the present or future prospect of the Prince.

Mr. Pulteney interrupted *Mr. Sheridan*, for the purpose of declaring, that what he proposed was for the benefit of the Prince, and of the country, and not more for the advantage of the one than of the other.

Mr. Sheridan said, the House would then perceive the want of system. The Hon. Gentleman had, on a former night, suggested of a sudden, an intention to propose a limitation of the existence of the Regency, which he had just told the House he meant to persist in, and should state more fully hereafter. With that, the Right Hon. Gentleman had professed an acquiescence, and after having stated that his mode of proceeding, was a mode that was not to be changed; had, in a manner, agreed to receive the Hon. Gentleman's proposition, and to change it hereafter.

To what end then, vote the proposed Address to the Prince of Wales? If they adopted any additional regulation, or made any alterations, they would necessarily have to do the business they were now about, over again; and to send up a second Address to the Prince, to learn whether, in the altered state of the
 Restriction

Restrictions, his Royal Highness was yet willing to accept the Regency. Mr. Sheridan pressed this argument, and then said, that in order to obviate the Right Hon. Gentleman's scruples, he should propose an alteration to his amendment, which he did not think the Right Hon. Gentleman could object to. If he had understood what the Right Hon. Gentleman had said before upon the subject, he had signified that his objection to the amendment was, that it was what the Right Hon. Gentleman termed a *partial selection* from a paragraph in his letter to the Prince of Wales, and that he had left out certain words of importance. He could not, Mr. Sheridan said, consider these omitted words, in any other light than as words of superfluousness; but in order to satisfy the Right Hon. Gentleman, and to remove all his doubts, he had now taken these words of the Right Hon. Gentleman's letter, that the Hon. Gentleman had complained were omitted in the motion. The matter would then go clearly and without reserve to his Royal Highness, and they would see by his Royal Highness's answer what steps they ought next to take.

The words, Mr. Sheridan said, he meant to add to the motion were these, "but if unfortunately his Majesty's recovery should be protracted to a more distant period, than there is at present reason to imagine, it will be open hereafter, to the wisdom of Parliament to re-consider these provisions."

Mr. Sheridan read that part of the motion on which the Right Hon. Gentleman had relied, as marking in the Right Hon. Gentleman's mind, that the Restrictions were calculated merely for the present exigency, and were consequently only of a temporary nature. He asked, if those words conveyed so clearly, distinctly and intelligibly, that the Restrictions were permanent and not temporary, as the words of his amendment did? Why then, he said, would the Right Hon. Gentleman use dubious words, when he might speak plainly and directly? The Right Hon. Gentleman had before said, his letter was partially quoted. He had now taken the part that was omitted, and added it to the other; he did not therefore think the Right Hon. Gentleman would object to it, if he meant to do justice to the Public and the Prince.

Upon the question being put, that the House give leave that the first amendment might be withdrawn, in order to give Mr. Sheridan an opportunity to join the first and second amendment, and move both as one amendment, leave was given, and the question was then put on the whole of the conjoint amendment.

The strangers were ordered to withdraw, after which a desultory debate ensued, wherein Lord North, Mr. Fowys, Mr. Dempster, the Chancellor of the Exchequer, Mr. Wyndham, and Mr. Burke took part, and on which much was said on the different

different parts of the argument, as well regarding the mode of issuing a Commission under the Great Seal, as on the other particulars of the system of principles that the House had laid down.

Mr. Dempster stated to the Chancellor of the Exchequer, that there were two modes of exercising the Royal Authority, under a Commission; the one by a Prince of the House of Brunswick, the other by a subject. The former he should conceive to be the most proper one, but he appealed to the Right Hon. Gentleman which of the two would be most proper?

The *Chancellor of the Exchequer* said, he could not agree with the Hon. Gentleman, that the mode he had preferred was the best.

After about an hour's debate, *Mr. Sheridan's* amendment was negatived without a division, and the main question carried.

ADDRESS TO THE QUEEN.

The *Chancellor of the Exchequer* next moved an Address to the Queen, in order to know if her Majesty was willing to accept the care of his Majesty's Person, and the management and controul of the Household, as stated in the Resolutions?

The motion was as follows:

"That the Resolution which relates to the care of his Majesty's Person, and the management of his Majesty's Household being in the Queen, should be communicated to her Majesty, with an Address, humbly desiring her Majesty, to take under her care, those important trusts, as soon as an Act of Parliament can be passed for that purpose."

Mr. Burke spoke on this motion, and hinted at the necessity of moving certain restrictions and limitations on the powers to be vested in her Majesty by this Resolution.

At half after nine, the House voted the second motion, and a conference was ordered to be desired with the Lords this day, in order to deliver the two motions, and desire their concurrence.

The House adjourned till to-morrow.

WEDNESDAY, JANUARY 28.

HOUSE OF LORDS.

A MESSAGE was brought from the Commons, desiring a conference with their Lordships, and after the usual ceremonies observed,

observed, and the Commons were in the Painted Chamber; the Lords were acquainted therewith, by the Yeoman Usher of the Black Rod, and the Managers for the Peers went into the Painted Chamber, when Lord Belgrave delivered to the Lord President the Resolutions come to by the Commons, to which they desired their Lordships concurrence.

As soon as the Managers returned, the Lord President acquainted the House, that he had met the Managers for the Commons, and had received some Resolutions, which he desired might be read, and the same having been read by the Clerk, as follows :

“ That a Committee be appointed to attend his Royal Highness the Prince of Wales, with the Resolutions which have been agreed to by the Lords and Commons, for the purpose of supplying the defect of the personal exercise of the Royal Authority during his Majesty’s illness, by empowering his Royal Highness to exercise such Authority, in the name and on behalf of his Majesty, subject to the limitations and restrictions which the circumstances of the case appears at present to require, and that the Committee do express the hopes which the Lords and Commons entertain, that his Royal Highness, from the regard to the interests of his Majesty and the nation, will be ready to undertake the weighty and important trust proposed to be invested in his Royal Highness, as soon as an Act of Parliament has been passed for carrying the said Resolution into execution.” And

“ Resolved, That the Resolution agreed to by the Lords and Commons, respecting the care of his Majesty’s Royal Person, and the direction of his Majesty’s Household, be laid before her Majesty, with an humble Address, expressing a hope which the Lords and Commons entertain, that her Majesty will be graciously pleased to undertake the important trust proposed to be invested in her Majesty, as soon as an Act of Parliament has been passed for carrying the said Resolution into execution.”

The Lord President moved to agree to the said Resolutions.

The Duke of Northumberland rose, and conceiving it not decent to withhold from his Royal Highness any of the authority belonging to the Crown, without assigning some reason for so doing, moved, by way of amendment, to add to the Resolution the following words : “ That the Restrictions were formed on the supposition, that his Majesty’s illness was only temporary, and might be of no long duration.”

The amendment was negatived without a division.

Lord Kinnaird spoke warmly against the original motion, and in the course of his speech, laid some stress upon the amendment having

having been moved by a character of so much weight and authority, as the most puissant Prince, the noble Duke near him.

The *Earl of Carlisle* complained, of the contemptuous silence observed by his Majesty's Ministers, who had not deigned to favour that House with a single word of explanation on the subject of the question. Such treatment, he said, was unworthy the persons who held the high offices of state, and he doubted not would be felt as a species of disdainful neglect, if they were so treated when out of office, on subjects of such magnitude and importance, as those under consideration. His Lordship adverted to the speech of a noble and learned Lord (the Lord Chancellor) in a late debate; that noble and learned Lord, he said, it was well known had ability to catch at any argument that came within his reach. When, therefore, they heard that noble and learned Lord confine himself to a hard invective against that side of the House, and deal in declamation solely, it was fair to conclude, that he would not have rested on an appeal to the passions, if he had not found himself divested of argument, and that the cause which he rose to support, could not be attempted to be upheld by sober reason.

His Lordship argued upon the danger of pledging the House by the Resolution, and precluding them from the free exercise of their deliberative functions. He said, a hint had been given in that, as well as the other House, that the Prince of Wales was to have a household established, in lieu of the patronage taken from him; what that household was to consist of, ought to make a part of the communication then proposed to be made to his Royal Highness.

The *Duke of Richmond* assured the noble Earl, that it was not from any contempt for any noble Lord, who, like the noble Earl, had objected to the Resolutions, that he had forbore to rise before, and say a word or two in favour of the motion under consideration. It was merely from the impression, that both Houses having proceeded so far as to vote Resolutions, containing the general principles on which the bill to be brought in was to contain the detail. The natural step to be taken, as well out of respect to his Royal Highness as to the regularity of their proceedings, was to go up with the Resolutions to the Prince, and learn from his Royal Highness whether he was willing to accept the Regency on those conditions or not. With regard to the Resolutions having been debated as temporary in their nature, and that therefore there ought to be some words of limitation in the motion; he admitted that the Resolutions had been all along stated, to contain Restrictions fit only to be applied in a case of a temporary nature, and the reason why any words of special limitation were not necessary in the motion was, it did already specifically refer to such Restrictions as the circumstances of the

the case appeared at *present* to require. His Grace reasoned a good deal on the propriety of the measure then under consideration, declaring that it appeared to him highly respectful to his Royal Highness, as the House might, if they thought proper, proceed without taking such a step, and when the Bill had passed into a law, his Royal Highness would not have an opportunity of objecting, should any part of the Bill be found to contain clauses not agreeable to him.

Lord Stormont confessed his obligations to the noble Duke for having broken silence, since, had it not been for the condescension of his Grace, his Majesty's Ministers seemed all determined to have imitated the eloquence of Ajax; which, although it might be becoming that surly character, was not, in his opinion, a proper conduct to be observed by his Majesty's Ministers in a House of Parliament, when a great and important measure was under consideration. He said he would not detain their Lordships long, but would, as shortly as possible, offer a few observations that struck him on the moment.

In what he was going to state, if he should be wrong, the noble Duke would set him right. On Monday last, it had been understood, that the question then before the House was to have been moved; but, as it had been apprehended that there might be a difference of opinion on the subject, the intention was given up, lest there should be any ground for a charge of taking the House by surprise. Undoubtedly that idea was a fair one, but he, for one, had been a good deal mortified at the delay, because, by that means, the subject had been first agitated by their *good and gracious instructors*, the House of Commons, whose *obedient and very humble servants* they were, as had been sufficiently manifested ever since the House of Commons had kindly taken upon themselves the office of *directing* that House in their *duty*.

His Lordship said, it seldom happened that he troubled their Lordships with any motion, but he remembered that he had proposed one, when the Commercial Treaty was under discussion, declaring, that nothing contained in an Address then moved, should be held to pledge that House, so as to preclude the freedom of debate in the discussion of any of the steps to be subsequently taken in that business. A noble Lord, who was not then in the kingdom, had declared his proposition to be a truism, and had moved the previous Question upon it, which had been carried, under the idea that it was unnecessary to vote a truism. He hoped, therefore, that the same doctrine which had been then established, would prevail in the present instance; and that if the motion for carrying up the Resolutions should pass, it would not be considered that the House was precluded from the right to object to any part of the bill, which they all understood was grounded on those Resolutions.

His

His Lordship charged Ministers with having deserted the plain road to the object in view, and pursued a bye-way, which had caused much inconvenience and much delay. He expatiated on the evil consequences of that delay, and particularly enforced its mischievous effect on foreign affairs. He said, in all matters of communication, he took it to be a general rule, that if a communication had been made privately, and it was afterwards thought that such communication ought, for special reasons, to be publicly made, the terms of the public communication ought to be the same as those in which the private communication had been made. This rule, however, was departed from in the present instance; he held in his hand, his Lordship said, the letter which was stated to be the letter of the Minister to his Royal Highness the Prince of Wales, communicating the Restrictions that were, at the time they were sent, proposed to be submitted to the two Houses, and which had since been voted; in the letter were these words, "That the Restrictions were formed on the supposition, that his Majesty's illness was only temporary, and might be of no long duration." These words, his Lordship said, were written in the name of the Minister himself and his colleagues, and expressly stated to have been the whole foundation of the plan of proceedings, that had been adopted in consequence of his Majesty's illness. He asked, why those words had not made a part of the Resolutions, unless it was that the Minister, however he might have derived advantage in debate from repeatedly using such language, in fact meant a perpetual regulation, which he contended he must have meant, since the propriety of revising the Limitations and Restrictions imposed on the Regent, was to depend upon a circumstance which would never happen, viz. whenever his Majesty's Physicians should be so totally ignorant of their profession as to admit, what no man at any time could with certainty pronounce, namely, that his Majesty's disorder was incurable.

The *Lord Chancellor* left the woofsack, and declared, he thought it somewhat hard, to have it thrown out at every turn, that every thing that had been said, and had not been answered, shewed disrespect to the *Speaker*. His Lordship said, he well knew they were dust and ashes in comparison with the noble Lords who had chosen to call themselves one side of the House, and that when they addressed the House, they were subject to animadversion, and to have it imputed to them that they were not capable of arguing.

His Lordship reasoned upon the Resolutions and the Motion, observing, that as to any Limitation, the whole plan obviously formed a regulation, meant to cease when the occasion ceased, and when a new occasion offered, a new regulation would be to be made. With regard to the whole being a meditated plan to

throw a check in the way of a new government, he did not, in truth, believe that it was so felt. Certain he was, that if it was a meditated plan, he was a perfect stranger to it, and no party to that concert. He looked upon the amount of the Restrictions in a very different point of view, and conceived them to be so much more salutary, that if he had been to advise those, who were supposed to be in the confidence of his Royal Highness the Prince of Wales, he would have advised them, at the peril of his life, to have met them more than half way, with a view to provide for the safe return of his Majesty to his Government on his recovery.

His Lordship said, he could have invented a plan, that would firmly fix an authority, which, planted in so kindly a soil, could not have failed to have proved prosperous and flourishing. He could, he said, have chalked out, in his own mind, a plan that would have better pleased his judgment, than that which had been adopted; but the present, considering that other mens opinions were to be consulted, and different matters attended to, was, allowing for the clash of the times, the best, that under all the circumstances of the case, could be brought forward. His Lordship said, the Household of the Prince of Wales, was not then under consideration. Whatever it meant, he took it for granted, that from its nature, it must be something to be settled subsequent to the appointment of a Regent. He knew nothing of it; "sufficient to the day was the evil thereof." At present, the sole consideration before the House, was the motion to carry up the Resolutions to his Royal Highness the Prince of Wales. With regard to that measure, he denied that there was any want of respect to the Prince in going up with the Resolutions, on the contrary, the mode of proceeding was, in his mind, the most respectful that could be followed. He stated why he thought so, and took notice, that some stress had been laid in the course of the debate on the amendment having been moved by a most puissant Prince. That sort of distinction, he said, was what could not be endured in that House. There it was customary for all the Peers to be considered as equal; and though they well knew, the difference made by elevated rank, high station, ancient families, splendid fortunes, and exalted virtues, yet, in a parliamentary point of view, a motion was equally entitled to be respectfully entertained, whether it came from a Right Hon. Baron, or a noble Duke, who, in his title, was styled a puissant Prince.

The *Earl of Carlisle* rose to justify himself for what he had said in his former speech. His Lordship said, when a Lord of the noble and learned Lord's abilities addressed himself to the passions, he had a right to say he had no argument; and when they were told, in language of great force and eloquence, and consequently that could not fail to make a great impression on the noble and

and learned Lord's audience, that if they attempted to divide a motion, relative to the care of the King's Person, and to separate the patronage and controul of the Household, they were deserting the King like Darius, in his utmost need; did the noble and learned Lord think it was to pass without any animadversion? His Lordship said, that charging them with having abandoned their King, and left him

*Deserted in his utmost need
By those his former bounty fed,*

was treating them rather like Lazarus, who was fed by crumbs from the rich man's table, than like British Noblemen. His Lordship took notice of what the noble and learned Lord said, of the advice he would have given at the peril of his life, and argued, as if the Lord Chancellor had questioned the propriety of the Prince's conduct.

The Lord Chancellor rose to explain, declaring that he had never said a word about the conduct of his Royal Highness, which he did not presume to question, but had talked of the advice, which he would have given those, who were supposed to be his Royal Highness's Counsellors.

Lord Stormont rose shortly to animadvert on the noble and learned Lord's having said, "sufficient to the day is the evil thereof;" and declared that he knew nothing of the establishment of the Prince of Wales. His Lordship said, the Minister in another House had held triumphant language on the subject, and had declared when all his ministerial functions were resigned, he would take upon himself the odium of proposing that establishment. His Lordship referred the noble and learned Lord to a former debate in that House, when it had been expressly declared, that it was intended to give the Prince of Wales an establishment suitable to the dignity of the Regent. He asked, had the noble and learned Lord been so occupied since, by his various duties, that he had buried in the river of Oblivion what he formerly knew? All he said, who knew the Prince of Wales's sentiments, knew that it was repugnant to his mind, to form an establishment by an unnecessary expence to the country. His Lordship added other arguments of a similar tendency.

The Lord Chancellor said a few words in reply.

The Marquis Townshend, Lord Portchester, and Lord Fitzwilliam, severally spoke against the motion, as calculated to carry up imperfect and incomplete Resolutions to the Prince of Wales.

Lord Radnor asked, if voting the motion would preclude him or any other noble Lord from freely discussing and objecting to any

part of the Bill, that they might disapprove when it should come under consideration?

Lord Sydney said, undoubtedly every noble Lord would be at liberty to give a free opinion, and vote as he should think proper on any future measure relative to the subject.

The *Duke of Richmond* justified his former argument, which had been questioned by Lord Portchester and Lord Fitzwilliam. His Grace complained of Lord Stormont having produced a mutilated publication of the letters that had passed between the Minister and the Prince of Wales, and argued upon it. He asked, why were not two other letters that had made a part of that correspondence produced? The letter preceding that of the Minister, and the letter succeeding that of his Royal Highness. He defended the Lord Chancellor's speech of Friday, and observed, that noble and learned Lord had been said to have appealed to the passions. But it was to be remembered, that the noble and learned Lord had first offered arguments, and those of the strongest nature, and had then said, "If these arguments won't do, I'll not appeal to the passions, but to the feelings of the House." The Duke asked, what could be a more powerful appeal than to the feelings of their Lordships? He argued this very ably, and pointed out that a different reason was urged in the Protest, from that relied on in Debate, in objection to the restriction relative to making Peerages. In debate, it had been contended that the power was necessary to the Regent, to enable him to reward merit. In the Protest, the argument was, that the power of creating Peers, was the only branch of the Prerogative, sufficiently powerful to afford a remedy against a combination in that House. The secret, therefore, was out!

Lord Hay defended the Protest which he had signed.

Lord Fitzwilliam did the same.

Lord Hawkesbury stated, that such of their Lordships as had voted for the Resolutions, were bound, as men of honour and conscience, not to vote against measures grounded on those Resolutions on a slight reason, nor unless new matter was introduced into those measures.

At length, after several of the noble speakers had been up repeatedly, the question was called for and put, when the motion was agreed to without a division. The second motion was also agreed to, and a conference desired with the Commons to-morrow to acquaint them therewith.

The House then upon motion, it being Eight o'clock, was adjourned till to-morrow.

HOUSE OF COMMONS.

LORD BELGRAVE, according to order, waited on the Lords, to desire a conference, which being agreed to, and held, after some time the Managers (being the same as conducted the last conference) returned, and Lord Belgrave acquainted the House that he had delivered the Resolutions as he had been directed to the Managers for the Lords.

The Committee on the State of the Nation, which stood for this day, was put off till to-morrow.

THURSDAY, JANUARY 29.

HOUSE OF LORDS.

THIS day a message was sent to the Commons by two Masters in Chancery, to desire an immediate conference. The messenger being returned, and notice given by the Yeoman Usher of the Black Rod, that the Managers were waiting in the Painted Chamber, the Lord President, Lord Privy Seal, &c. were called over, and they withdrew to meet the Managers for the Commons, when the Lord President returned Lord Belgrave the Resolutions with the blanks filled up, (*Lords Spiritual and Temporal*) and as soon as the Lord President, and the other came back from the conference, Lord Sydney moved, "That the Lord President, and the Lord Privy Seal, do wait on his Royal Highness the Prince of Wales, with the Resolutions agreed to by the Lords and Commons."

It was afterwards moved, "That a message be sent to the Commons, acquainting them therewith, and to desire a proportionate number of names to be added thereto."

It was afterwards moved, "That the Earl of Aylesbury and Lord Waldegrave do wait upon her Majesty with the Resolutions and Address agreed to by both Houses." And

"That a message be sent to the Commons, acquainting them therewith, and to desire they would add a proportionate number of names to the same."

The messengers went to the Commons, and after some time returned, when Mr. Holford, Master in Chancery, acquainted the House, that the Commons had added the Chancellor of the Exchequer, the Master of the Rolls, Lord Frederick Campbell,

and the Secretary at War, to wait upon his Royal Highness the Prince of Wales with the Address and Resolutions.

That the Commons had also added the names of Lord Cour-
toun, Mr. Comptroller of the Household, Richard Howard, Esq;
and Lieutenant Colonel Manners, to wait on her Majesty with
the said Resolutions and Address.

Lord Sydney then rose and said, it was the intention of Mini-
sters, that the utmost dispatch should be given to the business now
before them, for which reason, and in order that no delay might
be imputed to them from another quarter, he thought it would
be proper to sit to-morrow, as there was business ready to be
brought forward; he, therefore, moved that the House be sum-
moned for that day, which, upon the Question, was ordered
accordingly.

The House then adjourned until this day.

HOUSE OF COMMONS.

A CONFERENCE was had at the desire of the Lords, and
when the Managers returned, Lord Belgrave acquainted the
House, that they had met the Managers for the Lords, who had
returned the Resolutions with the blanks filled up, as desired at a
former conference.

QUESTION OF ADJOURNMENT.

As soon as the last message from the Lords had been received,
and an answer given to the Masters in Chancery, who came as
messengers from that House,

The *Chancellor of the Exchequer* moved, "that the order of the
day for going into a Committee on the State of the Nation be
read," which being read accordingly, the Chancellor of the Ex-
chequer moved, "that the said order be discharged." This hav-
ing been agreed to, the Chancellor of the Exchequer moved,
"that the House resolve itself into a Committee on the State of
the Nation, on Monday next."

As soon as the Speaker had read the Question, *Mr. Sheridan*
said, before the Question was put, he could not help remarking on
the situation in which the House stood. The Right Hon. Gentle-
man had, on Tuesday last, declared, that there would not be the
delay which an Hon. Friend of his, as well as himself, had stated
in

in Debate, but that, on that day, the House would have to proceed in the Committee on the State of the Nation. They now found themselves no nearer to the object, than they were on Tuesday last. He wished, therefore, before the Question was put, to know from the Right Hon. Gentleman, why his word had not been kept, and why they could not proceed?

The *Chancellor of the Exchequer* said, he had certainly expressed a hope on Tuesday, of the House's being able to proceed as that day, in the Committee on the State of the Nation, and at the time he had expected, that his hope would have been fulfilled, but events had since taken such a turn, as rendered it impossible. The *Chancellor of the Exchequer* said, he could not, in a Parliamentary manner, communicate what those events were, but as he was anxious, at all times, to give the House every possible satisfaction, disorderly as it was, he would venture to mention, that, he believed, his Royal Highness had appointed the next day at three o'clock, to receive the joint Address of the two Houses, and that the House of Lords would sit on Saturday to take the next step, that of providing a commission for opening the Parliament, and, therefore, it would be to no purpose for that House to sit on the same day, and for the Members to be harrassed with an unnecessary attendance.

Mr. Sheridan said, certainly it was unparliamentary, to take any notice of what the Right Hon. Gentleman had said, but, as it had been expected last Monday, that the Address would have been moved in the House of Lords on that day, and one of his Majesty's Ministers had prevented it; the same thing might happen again in respect to the commission to be issued for opening the Parliament. On Tuesday last, the Right Hon. Gentleman had declared, that there existed the most perfect harmony and cordiality among his Majesty's servants, he hoped, therefore, the Right Hon. Gentleman would feel no difficulty in giving the House a positive assurance, that the business would be proceeded on in the House of Lords on Saturday, either by pledging himself for the fact, or stating that he really had good reason to believe it would so turn out; or, if he was unwilling to do so, that he would suffer that House to sit on Saturday, that they might enter upon the business in case the Lords should disappoint them, as they had done last Monday. He could not, *Mr. Sheridan* said, presume to say, that the Prince of Wales would have been ready to receive the joint Address, and to have given his answer that day, but would the Right Hon. Gentleman undertake to say, that his Royal Highness would not have received it that morning?

No answer being given, the *Speaker* proceeded to put the Question, when he was interrupted by

Mr. Grey who said, though he knew it to be very unusual to object to a Motion of the nature of the present, he was strongly induced to oppose the question. On Tuesday last, he had taken the liberty of stating, that a whole week would be lost, when the Right Hon. Gentleman had denied the fact, and said, that the House would that day be able to receive the Prince's answer, and that they might proceed in the Committee on the State of the Nation. What had since happened, *Mr. Grey* said, was a corroboration of his charge against his Majesty's servants, that their great object was delay, and that they proceeded on no sort of system, but went on in the dark, ignorant one day of what step they should take the next, and perfectly at a loss to what end they were aiming. *Mr. Grey* renewed his charge, and said, it stood confirmed by undeniable facts.

Mr. Steele rose to state from memory, what had been the language held by his Right Hon. Friend. His Right Hon. Friend had not declared positively, that they would be able to proceed that day, but in answer to the Right Hon. Gentleman's assertion, that a whole week would be lost, by adopting the mode proposed of addressing his Royal Highness, had argued, that there need not be a delay of more than a single day, because if the House of Lords should vote the Address the next day, [Wednesday] and the House should receive the Prince's answer on that day [Thursday,] in that case, one or other of the two Houses might sit on Saturday, and proceed with voting the Commission to open Parliament. This, as nearly as his memory would serve, had been the argument of his Right Hon. Friend, who had only said, that there need not be a farther delay than that of a single day, but had not undertaken to answer for events, obviously not within his power.

Mr. Grey said, he could not suffer the impression to go forth, that the delay had been occasioned by the Prince of Wales, which he conceived would be the case, if he did not call upon those on the other side the House to declare, whether his Royal Highness had manifested any disinclination to receive the address as that day? He was persuaded, the Prince of Wales had signified no such disinclination; he was therefore determined to take the sense of the House upon the question of the amendment.

He asked why was the raising the phantom (for so he should still continue to call it, notwithstanding the Right Hon. Gentleman's defence of its reality last Tuesday,) deemed a matter of such importance, that they could not proceed to the incantation without farther ceremony. Could they not conjure up that horrible spirit themselves as well as the House of Lords? *Mr. Grey* renewed his charge of delay.

The *Chancellor of the Exchequer* said, Gentlemen called upon him to say, whether the Prince of Wales would not have received

ceived the Address that day? They must know that it did not lay with him to fix the time when his Royal Highness would receive it.

Mr. Sheridan moved, as an amendment to the Motion, to leave out the word *Monday*, and insert the word *Saturday*. By sitting on Saturday, the House, he said, would, at least, have one advantage; if a part of Administration should prevent the business proceeding in the House of Lords on that day, as they had done, in the case of the Address, last Monday, that House could go on with it and thus prevent farther delay.

Mr. Jolliffe complained of the delay with which a business of such great importance had been conducted. He said, it had been put off from day to day, and nobody could tell when it was to come forward. He hoped, therefore, the House would sit on Saturday.

The *Chancellor of the Exchequer* said, he should object to the amendment on the very principle upon which the Hon. Gentleman had supported it, namely, because the business was of great importance, and therefore ought not to be agitated unnecessarily or prematurely. He had already said, he believed the House of Lords would proceed upon it on Saturday, and it was unnecessary to harass Gentlemen, by obliging them to come down to the House on a day, when no business was likely to be agitated, since it would be improper for the two Houses to have it under their consideration the same day.

Mr. Marsham said, he should certainly support the amendment. As long as he should have the honour of a seat in that House, *Mr. Marsham* declared, he should contend, that the House ought to do its duty directly and explicitly, without considering what the other House would do, or waiting for the chance of their taking it up one day or another. The Right Hon. Gentleman had talked of harassing Members, by obliging them to come down unnecessarily. If that consideration weighed with him, why had he on Tuesday last stated, that the Prince of Wales's answer would be received that day, and that they would proceed in a Committee on the State of the Nation? Had not such an intimation been given from such authority, *Mr. Marsham* declared he should not have come down, nor did he believe there would have been so full an attendance, as there had been that day.

Lord Milbourne said a few words on the same side of the question, but we did not distinctly hear his Lordship.

Mr. Martin said, he agreed perfectly with the Hon. Gentleman who had spoken last but one, that it was the duty of every Member to attend to the public business, without considering whether the other House would or would not proceed with the same business; and, if on the present occasion, he thought the
public

public would derive any advantage from sitting on Saturday, he would vote for the amendment, but he really did not believe that any such advantage would result from it, and therefore he should oppose the amendment.

Mr. Rolle said, he could exculpate his Right Hon. Friend from the charge of having harrassed the Members, by bringing them down that day, because, whether they were to have gone into a Committee on the State of the Nation or not, the House must necessarily have sat that day, to receive the message from the Lords, and to have held their conference, or a well-founded charge of intentional delay would have been imputable to Ministers.

Mr. Grey recapitulated what had passed last Monday, when after finding, contrary to the general expectation, that the business of voting the Address was put off in the House of Lords, because a distinguished Member of Administration would not suffer it to be brought on; the Right Hon. the Chancellor of the Exchequer had himself moved to postpone its coming on in that House till the next day (Tuesday.) *Mr. Grey* said, he had reluctantly concurred in the Motion for its being postponed till the next day, because he saw the House was so thin, owing to the idea that had prevailed, that no business of importance was to come on that day. The whole of the proceedings of his Majesty's Ministers, *Mr. Grey* said, had been uniformly and undeniably calculated for delay, and that he would certainly take the sense of the House on the amendment.

The Chancellor of the Exchequer begged to remind Gentlemen, that he had never intimated in that House, that the Question of the Address was to be agitated, till he gave notice of it last Monday for the next day's discussion, neither had he given the House to understand, that it was likely to come on in the House of Lords last Monday.

At length the Question was put, and the House divided, that the words "Monday next" stand part of this Question.

Ayes	—	70
Noes	—	51
Majority	—	19

The Main Question was then put and agreed to.
Adjourned to Monday next.

FRIDAY,

FRIDAY, JANUARY 30.

THIS day the Lord President of the Council, attended by the other Members of both Houses, who were of the Committee, went in procession to the Prince of Wales, at Charleton House, with the Resolutions concerning the Regency. His Royal Highness received the Address in form, seated in a Chair of State, with the officers of his household all in waiting.

The Earl of Alesbury, and other Members of the Committee, also waited on the Queen at Kew, to Address and deliver the Resolution of both Houses, relative to the case of the King's Person. They were graciously received.

SATURDAY, JANUARY 31.

HOUSE OF LORDS.

Earl Bathurst sat as Speaker for the Lord Chancellor, who was indisposed.

ANSWERS OF THE PRINCE OF WALES AND THE QUEEN.

The *Lord President of the Council* read the answer, which his Royal Highness had been pleased to give to the Address from both Houses of Parliament. As soon as the Earl had read the contents of the Prince's answer, it was repeated audibly by the reading Clerk, and was as follows :

" My Lords and Gentlemen,

" I thank you for communicating to me the Resolutions
 " agreed upon by the two Houses, and I request you to assure
 " them in my name, that my duty to the King my Father, and
 " my anxious concern for the safety and interests of the people,
 " which must be endangered, by a longer suspension of the ex-
 " ercise of the Royal Authority; together with my respect for
 " the united desires of the Houses, outweigh, in my mind, every
 " other consideration, and will determine me to undertake the
 " weighty and important trust proposed to me, in conformity to
 " the

“ the Resolutions now communicated to me. I am sensible of the
 “ difficulties that must attend the execution of this trust, in the
 “ peculiar circumstance in which it is committed to my charge,
 “ of which as I am acquainted with no former example, my
 “ hopes of a successful Administration cannot be founded on any
 “ past experience. But confiding that the limitations, on the
 “ exercise of the Royal Authority, deemed necessary for the
 “ present, have been approved by the two Houses only as a tem-
 “ porary measure, founded on the loyal hope, in which I ar-
 “ dently participate, that his Majesty's disorder may not be of
 “ long duration, and trusting, in the mean while, that I shall
 “ receive a zealous and united support in the two Houses and in
 “ the nation, proportioned to the difficulty attending the dis-
 “ charge of my trust in this interval, I will entertain the pleas-
 “ ing hope, that my faithful endeavours to preserve the interests
 “ of the King, his Crown, and people, may be successful.”

Lord Waldegrave then read the Answer given by her Majesty
 the Queen, to the message of the two Houses, which was after-
 wards repeated by the Clerk, and was as follows :

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

Lord Southampton rose as soon as the reading Clerk had fi-
 nished, and moved, that the answer of his Royal Highness the
 Prince of Wales be printed, that the public might be apprized of
 the sentiments and principles of his Royal Highness.

Lord Hawkesbury said a word or two about printing all the pa-
 pers, and then

The *Earl of Rando* regularly moved, that her Majesty's an-
 swer might also be printed.

Both answers, with the Addresses, containing the Resolutions
 submitted to the Royal Personages, were ordered to be printed.

ORDER FOR COMMISSION TO BE ISSUED TO OPEN THE
SESSION OF PARLIAMENT.

The order of the day having been read, that the Lords be summoned, and that the House resolve itself into a Committee on the State of the Nation.

The *Lord President* rose, and began with reminding their Lordships, of the several progressive steps they had taken, which naturally led to the important crisis of their carrying up the Resolutions voted by the two Houses to his Royal Highness, whose gracious answer their Lordships had just heard, and which could not but give the House general satisfaction. Much, his Lordship observed, might be said, on what had occurred in the progress of their proceedings, but as the great step of ascertaining his Royal Highness's determination, as to acceptance of the Regency on the conditions expressed in the Resolutions, had been taken, it was unnecessary for him to add a single syllable upon what had passed, and therefore he would quit that part of the subject. The next necessary step to be taken fell under the second Resolution, that by which the House had decided, that it was necessary to determine on the means whereby the Royal Assent may be given in Parliament to such Bills as may be passed by the two Houses, respecting the exercise of the Powers and Authorities of the Crown, in the name and on the behalf of the King, during his Majesty's indisposition.

The business of that day, therefore, was to open what the measure was, by which his Majesty's Ministers proposed to carry those means into effect, in order to *appoint* and *elect* a Regent. That explanation it was his duty to make, and he begged to be understood, as having undertaken it, under the impression of a thorough conviction, that, amidst a choice of evils, the means he should propose appeared to him to be least objectionable and most fit to be adopted, because the most reconcileable to the principles of the Constitution; but, that what he had to propose, he submitted with great deference to their Lordships better judgment. His Lordship said, he was aware that the means that had already been more than hinted at in debate, by which, under the practice of the second Resolution, it was intended to proceed to open the Parliament, and to rescue the two Houses from their present maimed and imperfect state, and to rescue the country also from the miserable condition in which it had so long remained, and of which the people began to feel the effect, and to complain, viz. that of having no Government whatever, had been made the subject of much ridicule. 'It had been called a phantom, a fiction, that by a variety of other contemptuous

names ; if there should be those, however, who should object to the proposition he had to offer, he thought it right to declare, that he held it to be the duty of the persons who so objected, to suggest the mode of proceeding that they thought more expedient, more wise, and more practicable.

The delay that had already taken place, from various unavoidable causes, had revolted the public mind ; the people were impatient, and justly so, for a restoration of the Constitution to its complete form, that of three estates, from the co-operation of which, the government derived its energy, and all its operations proceeded with vigour and with effect. In the present melancholy situation of affairs, his Lordship said, the incapacity of his Majesty to exercise the royal functions was severely felt. It was necessary that Parliament should interpose its authority ; but Parliament could not take a single step, circumstanced as it was at present ; without the King, it was a mere headless trunk, perfectly inanimate and incapable of action ; no legal step could be taken by the two Houses, that assumed the character, or aimed at the efficacy of legislation, without the King at their head to substantiate the act, and give it constitutional currency. The King must be upon his throne in that House, or by some means or other signify his sanction to their proceedings, or notwithstanding the steps they had already taken, all their time would have been wasted, and all their pains thrown away. After what had passed, the first step that was next to be taken, was to open the Parliament, and to do it by the King's authority. The law declared, that in one mode or other, the King must be there to enable them to proceed as a legislative body. That his Majesty, from his illness, could not attend personally, was a fact too well known to be disputed. The next consideration, therefore, was, by what means the King exercised his Parliamentary prerogative, when he did not exercise it personally. The legal and constitutional mode was, his Lordship said, by issuing Letters Patent under the Great Seal. In the present dilemma, consequently the most safe means of opening the Parliament was, by directing Letters Patent to be issued in the King's name under the Great Seal, authorizing a commission to open Parliament in the name of his Majesty. He must take the liberty of saying, that those who treated the means he should propose, with ridicule, were ignorant of the laws of their country. A fiction those means might be termed, but it was a fiction admirably calculated to preserve the Constitution, and, by adopting its form, to secure its substance. This fiction, in the first place, kept the throne entire, if the King should be living, but, in his natural character, incapable of exercising the Royal Authority. Secondly, no bill that had not the King's name at the head of it, and therefore purported to be of Royal Authority, could have a legal

legal effect, a deficiency which this fiction would cure. Thirdly, if a King should, for a time, be deprived of the power of exercising his royal prerogatives personally, either from not being of age, or from being rendered incapable of attending Parliament from illness or any other cause, on his return to his power of action as a Sovereign, he would see all his Prerogatives had been carefully preserved, and that they all stood minuted down upon record.

His Lordship remarked, that a Sovereign's sentiments were known only by record, and reasoned upon the absolute necessity of issuing a Commission to open the Parliament, and if that ground were denied him, which, he conceived, could not well be denied, he asked, by whom was a Commission, such as he had described, to be directed? Would it be said, that his Royal Highness the Prince of Wales could command the Lord Chancellor to put the Great Seal to such a Commission? His Royal Highness had not the smallest pretence to assume such an authority; both Houses had recently voted that the Prince had no such right. Would the Lord Chancellor himself venture to do it by his own accord. Undoubtedly he would not. The Commission must be issued by some authority, and being once issued, with the Great Seal annexed to it, it must enforce obedience. He thought it was in the power of the two Houses to direct the Great Seal to be put to the Commission, and in their power only. After expatiating on this point at some length, his Lordship remarked, that the Great Seal was the high instrument by which the King's *fiat* was irrevocably given; it was the mouth of Royal Authority, the organ by which the Sovereign spoke his will. Such was its efficacy and its unquestionable authority, that even if the Lord Chancellor should put the Great Seal by caprice to any Commission, it could not be afterwards questioned; though a misdemeanor in effect, yet it could make Letters Patent of such validity, that the Judges themselves could not call them in question. If an Act of Parliament passed by authority of a Commission issued under the Great Seal, and was indorsed with a *Roi le veut*, it was valid. It must be received as a part of the statute law of the land, and could not be disputed.

His Lordship enlarged on the admirable operation of this phantom, or fiction, as it had been termed, and reminded the House, that they had already gone so far, that they could not go back; they must either resort to the fiction, that had been treated with so much ridicule and contempt, or they must resort to something else. He was aware that it had been said, that it had been a proceeding of barbarous days. Undoubtedly, the Precedent was to be looked for in the reign of Henry the Sixth, but he begged the House to recollect, that it was those barbarous ancestors who made the Constitution. It was to them that we owed the
Common

Common Law of the land, which had been handed down from age to age, invariably, from their time to the present period. It was upon them that Lord Coke had founded himself in every part of his works. The present race, therefore, would betray great ingratitude, if they forgot their obligations to the reign of Henry the Sixth; a reign in which, as sound lawyers, as able statesmen, and as honest magistrates lived, as in any subsequent period of our history. They were not, perhaps, as well read in Latin and in Greek, and as much familiarized with the luxuries of the present times, as our lawyers are, but it was not, therefore, to be supposed, that they did not possess as sound understandings, were not gifted with as much good sense, and had not as clear a conception of the Constitution, its principles, and those of the law, as both then stood, as any lawyers at any period. His Lordship said, he adverted to the first twenty years of Henry the Sixth, than which there never was a period of greater tranquillity and peace. In illustration of his argument, his Lordship recapitulated all the events, (so often stated in both Houses during the discussion on the subject of the Regency) of the Lord Chancellor of that day, surrendering the Great Seal into the hands of the infant King, its being afterwards taken by the Duke of Gloucester and other great men, and committed to the custody of the Master of the Rolls, who was directed to put the Great Seal to a variety of Commissions, &c. the Duke of Gloucester's conduct, the mode in which Parliament assembled, the authority under which it from time to time acted, the part taken by the Duke of Bedford, &c. &c. After circumstantially entering into the detail of all these historical facts, and reasoning pertinently upon each, particularly observing, that Henry the Sixth was as incapable of putting his sign manual to the Commission, for calling the first Parliament that assembled in his reign, or writing his signature, as his Majesty was at present, the Lord President said, he thought it fair to apprize their Lordships, that at a subsequent opportunity, when the bill appointing a Regent (and enacting the limitations and restrictions, which the two Houses had already agreed on, and had communicated to his Royal Highness) should have gone through all its forms in the two Houses, it would be necessary to affix the Great Seal to another Commission, giving the royal assent to such bill.

The mention of this second Commission, brought his Lordship to a renewal of his reasoning, in proof of the absolute necessity of having recourse to some expedient to open Parliament, declaring, that so thoroughly convinced was he of the necessity, that he would apply the maxim on this occasion of *aut inveniam aut faciam*; and as a farther confirmation, that the means proposed were constitutional, his Lordship adverted to a Precedent that had occurred in 1739, in the reign of George the Second, when

when Lord Hardwicke had been Chancellor. He said, he had well known that noble Lord, and a Judge of more prudence and caution, and, at the same time, of more firmness, had never existed. Lord Hardwicke, his Lordship explained, had put the Great Seal to two separate Commissions in the King's name, when the King was ill, and thought to be in danger. He dwelt for some time on this circumstance, and relied on it, as an argument strongly in favour of the doctrine he had laid down and maintained. He said, one great reason, among others, that ought to weigh with some of their Lordships in favour of opening the Parliament, and passing a Regency bill, was, that if such a bill did not pass, the present Ministers would, of necessity, be obliged to retain their places, because without such a bill, they could not possibly resign their offices. His Lordship concluded with moving, "that it was expedient and necessary, that a Commission for opening the Parliament, be issued under the Great Seal in the form following: [The form that followed, was the customary one of all Commissions issued under the Great Seal of a Parliamentary nature, with the difference only of the object.]

As soon as the motion had been read at length by Mr. Arcott, and put from the Chair,

Lord Portchester rose, and began by stating, that, in his mind, it would be a sufficient answer to all the noble and learned Lord had said, to ask if it were indispensably necessary to put the Great Seal to such a Commission as was now proposed, why had not the proposition been made two months ago? But he would not content himself with that short reply; the proposition was so objectionable, that he would just state a few observations that occurred to his mind upon it. The two Houses had been obviously mispending their time, and drawing down ridicule on their own authority, by the manner in which they had proceeded. They had been induced to resolve, that it was their right and their duty to supply the defect in the exercise of the Royal Authority, and now they were told by those, who had persuaded them to vote such a Resolution, that it was necessary to open the Parliament, and that a Regent could not be made but by an Act of Parliament. Another Resolution they had voted, stated, that it was with a view to keep the Royal Authority whole and entire. And how had that object been fulfilled? By taking a portion of the Royal Authority into their own hands, by parcelling out another portion of it to the Queen, and by delivering over the remaining portion to the Regent, thereby enfeebling and maiming the necessary powers of Government, and rendering it absolutely impossible, that the Country should be well governed, or governed with any degree of energy and vigour.

His Lordship warmly reprobated what he termed the folly of this system, and observed, that the perfection of the political capacity of the Crown, was what the Lawyers affected to adore, and to hold up as incapable of diminution; and yet in the teeth of that doctrine, the two Houses had crippled and maimed that political perfection of the Crown, and were about, by their mode of proceeding, to send it down to Westminster-hall, not such a deity as the Lawyers professed to worship and adore, but an idol mangled and defaced, stript of its proportions, and deformed by the hand of illegal innovation and unconstitutional violence. Such an Act as they meant to pass, his Lordship said, would be disputed in the courts of law, and could therefore answer no wise purpose, because it must necessarily carry a forgery on the face of it. His Lordship, in proof of this doctrine, referred to the 33d of Henry the Eighth, whereby it was declared, that to pass a bill legally, the King must either be present on the throne, and signify his consent to the same in person, or signify it by Commissioners, authorized to declare it under Letters Patent, sealed with the King's sign manual, and subscribed with his name written by his own hand. This, his Lordship contended, was clear indisputable law, and as a proof that it was so, he produced and read an extract from an Act of the first of Philip and Mary, passed for the purpose of taking off the attainder of the Duke of Norfolk. He explained, that during the last illness of Henry the Eighth, while the King was incapable of any act of Royal Authority, an Act was passed by the two Houses, attainting the Duke of Norfolk, which Act, for the reason stated, received the Royal Assent by a Commission, that was issued under Letters Patent, wanting the King's sign manual and signature. The Act of Philip and Mary, his Lordship said, was a public Act, being declaratory of the law of the land, and therefore it was to be relied on as indisputable authority.

He condemned the proposed second Commission, for giving the Royal Assent to a bill, by the two Houses in the King's name, as an attempt to assume the exercise of the Royal Authority, and as something worse than nugatory, and insisted upon it, that whoever put the Great Seal to a Commission, without the King's special authority, would be guilty of an illegal act. The noble and learned Lord, he said, had himself confessed, that the Lord Chancellor did not dare to put the Great Seal to such a Commission on his own accord. [*On the Lord President's shaking his head*] He said, the noble and learned Lord had expressly declared, that the Lord Chancellor would not venture to take such a step himself. After urging this very forcibly, his Lordship recurred to the Precedent of the early part of Henry the Sixth's reign, and said, the noble and learned Lord had forgot the Precedent. It stated, that the Duke of Gloucester applied

to Parliament to know, what powers he had in Parliament? when the answer was, "You have no right do interfere, the King being in Parliament, and of years of *meet discretion*." His Lordship insisted much upon this part of the Precedent, and contended, that the grounds upon which the answer rested, was the circumstance of the King (Henry the Sixth) having been brought down to his Parliament at six years of age, and seated on his throne. After reasoning for some time on this point, his Lordship said, unless they meant to become a Republic, the doctrine laid down that day, was the most dangerous that could be broached. There was, he observed, another mode of proceeding, which, although he did not wholly approve, was far preferable to that proposed; and that was, to order a Commission to issue under the Great Seal, appointing a Regent, and thus, without delay, restoring the Royal Authority. This mode would, at least, be free from all the other objections, that the mode proposed would be liable to; it would save the Royal Prerogative from being invaded, and keep the Legislative Rights of the Crown sacred. His Lordship stated, that there was an Act on the Statute Book, passed in a reign many years antecedent to that of Henry the Eighth, which stated, that there should be no alteration of the Prerogative. The Act he alluded to was, he said, the sixteenth of Edward the Second. He reminded their Lordships also, that a declaration was entered on the Journals of the House of Commons, which expressly maintained the same doctrine. After laying considerable stress on this, his Lordship concluded his speech with declaring, that notwithstanding all the noble and learned Lord's arguments about the absolute necessity of the measure, he was convinced the end would be more constitutionally attained without it, and therefore he never should vote more heartily, or with more detestation of a proceeding, than he should that day give his vote against the motion proposed.

The Lord President rose again, and said, he begged pardon of the Committee, for having omitted to mention the Acts of Parliament alluded to by the noble Lord. It really had been his intention to have taken some notice of them, but in the course of his speech, they had escaped his memory. With regard to the 33d of Henry the Eighth, upon which reliance had been placed, he took that statute to be merely *affirmative*, and that the sole object of it was to declare, that the King might signify his royal assent to a bill, by a Commission, issued under the authority of letters patent, signed by the King's sign manual, and subscribed with his royal signature; but that it by no means warranted an inference, that therefore the royal assent could not be signified by any other means. With respect to the Precedent of the conduct pursued in regard to the Duke of Gloucester's

appeal to the Parliament, in the early part of the reign of Henry the Sixth, his Lordship said, he construed that part of it very differently from the noble Lord. He considered the passage of "the King being in Parliament, and of years of *meet discretion*," to mean, that the Parliament declared, that when the King was in Parliament, and of years of *meet discretion*, then the Duke of Gloucester would have no authority to interfere in Parliament, otherwise than as an individual Peer of Parliament. A Commission passed in the King's name, under the Great Seal, his Lordship contended, had the same force as if the King himself had authorized the act it tended to sanction. A Precedent directly contradicting the noble Lord's inference, had, he said, been put into his hands since he came into that House. He could not, therefore, vouch for its authority, although he had no doubt it might safely be relied on. The Precedent stated, that in the 28th of Elizabeth, an Act had passed by a Commission issued under the Great Seal, but without the sign manual of the Queen, or the royal signature.

Lord Portchester persevered in his constructions of the Precedent of Henry the Sixth, and having desired that the Precedent might be read, maintained, that the true sense of the words was that he had put upon them.

The *Duke of York* rose unexpectedly at this moment, and said, he had not been informed, that it was intended to insert his name in the Commission, and therefore it had not been in his power to take any steps to prevent it. He could not sanction the proceedings with his name, not wishing it to stand upon record, and be handed to posterity, as approving such a measure. His opinion of the whole system adopted, was already known; he deemed the measure proposed, as well as every other that had been taken, respecting the same subject, to be unconstitutional, and illegal. He desired, therefore, to have nothing to do with any part of the business, and requested that his name, and that of his brother, the Prince of Wales, might be left out of the Commission.

The *Lord President* said, upon a requisition thus communicated, there could be no hesitation. He should not for a moment resist the Royal Duke's desire, but would readily agree to omit his Royal Highness's name, and that of his Royal Highness the Prince of Wales.

The *Duke of Cumberland* next rose, and desired that his name, and that of the Duke of Gloucester, might also be omitted.

Some little difficulty here arose, as to the mode of complying with their Royal Highness's requests. Lord Walsingham suggested, the regular Parliamentary form of proceeding, that of reading the passage of the Commission desired to be omitted, and putting the question, "That these words stand part of the motion."

tion." This being admitted to be proper, his Lordship put the question in form, on the passage that described his Royal Highness the Prince of Wales, and declared, " that the *Not Contents* had it," which of course, in a due parliamentary form of proceeding, would have left the words out of the motion. But no sooner was the question decided, than *Lord Fitzwilliam* rose, and remarked, that if the means of leaving out his Royal Highness's name that had been resorted to, were suffered to go upon the Journals, it would convey a marked disrespect to his Royal Highness.

This gave rise to some altercation, in which *Lord Kinnaird*, *Lord Portchester*, and *Lord Derby* took part.

The *Earl of Derby* animadverted on the present difficulty, which he charged to have arisen from the reprehensible conduct of Ministers, who, he declared, had all through the business proceeded without plan or system of any kind whatsoever. His Royal Highness the Duke of York had desired that neither his name, nor that of the Prince of Wales, might stand in the Commission, now moved to be issued by the authority of the two Houses under the Great Seal for opening the Parliament. It was astonishing to him, that the noble and learned Lord should not have been aware so lately, as the preceding day, that it was intended to move for such a Commission. He conceived it to have been impossible for the noble and learned Lord, to have come forward and stated it to that House, without having first consulted his Royal Highness the Prince of Wales upon the subject. The noble and learned Lord had the preceding day had an opportunity of communicating with his Royal Highness. Why had he not communicated the next step that was to be taken? If the noble and learned Lord had done this, the House would not have been involved in their present awkward and embarrassing situation. His Lordship declared the measure, to which their Lordships were called upon to give their consent, to be wholly unnecessary, and said, it was a fresh instance of disrespect to the Prince of Wales, added to the several others that had preceded it.

The *Lord President* rose to exculpate himself from any intention to shew disrespect to the Prince of Wales, the Dukes of York, Gloucester, or Cumberland, by the insertion of their names in the Commission under consideration. His Lordship said, it was the usual and uniform practice to insert the names of all the Royal Family who had seats in that House, in every Commission that had any relation to Parliamentary transactions. To have omitted the names of the Prince of Wales, the Duke of York, and the two other Royal Dukes, would therefore have been a marked disrespect to their Royal Highnesses, and would, with great justice, have been urged as matter of complaint, and

of censure, against his Majesty's Ministers. Being upon his legs, and speaking on that topick, his Lordship said, he would say a word or two touching a charge of disrespect to his Royal Highness the Prince of Wales, that had, he understood, been imputed to him in another place. No man that knew him, his Lordship trusted, would think it possible, that either in the instance of the Commission then before their Lordships, or in any other, he could have intended the smallest degree of disrespect to his Royal Highness. He was sure he had never meant any thing like it, but least of all was it chargeable to him in the instance in which it had been imputed elsewhere, viz. that of summoning his Royal Highness to the Privy Council, convened to enquire into the state of his Majesty's health, previous to the meeting of the two Houses after their first adjournment. On that occasion, as President of the Council, he had thought it his duty to enquire of Mr. Falconer, what was the usual distinction paid to the Royal Family in desiring their attendance? He had been given to understand, that the only difference made between summoning the Royal Family and other Privy Councillors was, the enclosing the summons, signed by a Clerk of the Council, under a cover, and leaving it at their house. That did not satisfy his mind, nor did he think it sufficiently respectful; he therefore wrote his Royal Highness a letter, and signed it, which he enclosed in a cover, and transmitted to Lord Southampton at night, not by an ordinary but by a special messenger, desiring to know, if that was the most respectful mode of addressing his Royal Highness, and the answer was, that it certainly was the most respectful. Lord Southampton, the Earl observed, was present in the House, and would doubtless rise and set him right, if he had mistated any particular. If therefore it were a fit subject for boasting, his Lordship said, he might fairly boast of having been the first Lord President of the Council, who had distinguished himself by going out of the usual way, in order to pay his Royal Highness more than ordinary respect. His Lordship pressed this argument upon the Committee, as an undeniable answer to the charge of intended disrespect to the Prince of Wales on his part.

The *Earl Fitzwilliam* insisted upon it, that what had fallen from the noble and learned Lord, was no proof that disrespect had not been shewn to the Prince of Wales in the instance alluded to. The Earl contended, that when it was resolved to convene a Privy Council, his Royal Highness ought to have been apprized, that such a step was in consideration, and it ought to have been explained to his Royal Highness, upon what principles it was deemed proper. It was in that omission that the disrespect consisted, not in the mode of summoning his Royal Highness to the Council. In the present instance, the Earl said, his Majesty's

jeſty's Miniſters had offered the Houſe a commiſſion, in which his Royal Highneſs had been included, and they had never acquainted him, with their intention of doing ſo.

Lord Stormont roſe, and another noble Lord riſing at the ſame time, Lord Stormont ſaid, he would not detain their Lordſhips many minutes from the pleaſure of hearing the noble Lord. He roſe to ſuggeſt, that the Archbiſhop of Canterbury ſhould ſtand as the firſt named Commiſſioner, omitting the whole ſentence that preceded his Grace. His Lordſhip obſerved, that the noble and learned Lord had ſaid, that in all commiſſions, the names of the Royal Perſonages ſhould be inſerted. Here, therefore, lay the miſtake. The difference had not been obſerved between the commiſſion then propoſed, and the commiſſion that ordinarily iſſued. This difference was ſurely enough to have ſtarted a doubt in the minds of his Majeſty's Miniſters, and to have induced them to have aſked previously, whether their Royal Highneſſes would or would not have choſen to have had their names inſerted in ſuch a commiſſion. Having ſtated this, his Lordſhip ſaid, when he heard a noble and learned Lord claim merit, for having put a ſummons under a cover, and ſent it to his Royal Highneſs the Prince of Wales, he could not but queſtion the ground upon which that claim of merit reſted. What ! was it reſpectful to his Royal Highneſs, when they were to diſcuſs the moſt melancholy ſubject that could come under conſideration, an enquiry into the ſtate of his father's health, to omit conſulting his Royal Highneſs, whether he thought ſuch a ſubject proper for the diſcuſſion of the Privy Council ? Would any one of their Lordſhips ſay, that they would not have done that for the Prince of Wales, which they would have done for a common individual ? When they were going to inſtitute an enquiry, that concerned the Prince of Wales more immediately, and more peculiarly, than any other individual in the kingdom, would they not in decency aſk, whether his Royal Highneſs had any objection to ſuch an enquiry ? His Lordſhip contended, (upon the ground of Mr. Burke's argument in the Houſe of Commons of Tueſday laſt) that the conduct purſued by Miniſters had been ſingular, diſreſpectful, and improper.

Lord Radnor roſe to ſtate, that he preſumed, it would be more regular and more ſatisfactory to his Royal Highneſs the Prince of Wales, and the other Royal Perſonages, who deſired their names to be omitted in the commiſſion, that the motion ſhould ſtand as it was originally moved, and that they ſhould annex a note, that his Royal Highneſs the Duke of York being preſent, when the ſaid motion was made, and expreſſing a deſire, that his name, and that of his Royal Highneſs the Prince of Wales be omitted, and his Royal Highneſs the Duke of Cumberland being alſo preſent, and having expreſſed a deſire that his name, and that of his Royal brother the Duke of Glouceſter be omitted, leave was given to omit the

same accordingly. This proposition, his Lordship conceived, would obviate all possible appearance of disrespect to the Prince of Wales, or either of the Royal Dukes.

Lord Radnor's suggestion gave rise to a short conversation, in which the Duke of York expressed his concurrence with the noble Earl's proposed amendment, and declared, that although he had no direct authority from his brother, the Prince of Wales, to signify his desire, that his name might be omitted in the intended commission, yet, as his Royal Highness and himself had entertained one and the same opinion respecting all their proceedings in this business, and considered the whole of the system adopted, as unconstitutional and illegal, he would take-upon himself to answer for the Prince of Wales, and to declare, that his Royal Highness would not wish to have his name inserted in the Commission.

At length it was settled, that the motion should stand as it did, and that when reported to the House, Lord Radnor should then move his amendment, that it might appear on the Journals, that it was at the desire of their Royal Highnesses the Dukes of York and Cumberland, being present, that their names, and those of the Prince of Wales and Duke of Gloucester were omitted in the Commission.

Lord Stormont rose just as Lord Walsingham was putting the Question, and declared it had not been his intention to have troubled their Lordships thus early in the debate; he said, he always rose with diffidence, but he then desired their Lordships attention, under circumstances of peculiar difficulty and embarrassment, on account of the absence of the two noble and learned Lords, whose abilities were, at all times, of the highest advantage to their Lordships, but whose professional knowledge was, upon a question of that sort, peculiarly necessary.

The noble and learned Lord had complained of delay; he begged to ask the noble and learned Lord, to whom they ought to ascribe that delay? Let the noble and learned Lord prove, why it was necessary to discuss the Question of Right before they proceeded to make a Regent. Had not that discussion been unnecessarily obtruded upon them, they might have made a Regent six weeks ago. With regard to the two commissions intended to be issued under the Great Seal, he had a strong objection to both, but a much stronger to the second, than to the first. The second, he had the authority of the law of the land to pronounce *illegal*, and the first was clearly *informal*; not that he meant to rely much on the informality of the commission now proposed; it certainly was not a strong ground of objection, because, it must be admitted, that no mode of opening the Parliament could be adopted, that was perfectly free from that objection.

The noble and learned Lord had, he observed, stated the 33d of Henry the VIIIth, to be merely an *affirmative* statute. Let the noble

noble and learned Lord recollect a subsequent Act of Parliament, that had passed in the first year of Philip and Mary, the object of which was to take off the Attainder, attempted to be passed in the last year of the late King, on the Duke of Norfolk, and which declared the Act authorising that Attainder to be of none effect. His Lordship produced, what, he said, he considered as an authentic manuscript copy of the statute, for, although it was, to all intents and purposes a public act, it was most unaccountably not to be found among the printed statutes. His Lordship read the enacting clause, and contended, that it amounted to a direct contradiction to the noble and learned Lord's assertion, that the 33d of Henry the VIIIth, was merely an *affirmative* statute. Having laid considerable stress on this authority, Lord Stormont adverted to the commission, which the noble and learned Lord had informed them, was hereafter to be issued, and which was, he said, neither more nor less than an attempt to make an Act of Parliament by the two Houses, through the means of the fiction, and without the actual exercise of the Royal Prerogative. He would ask the noble and learned Lord, whether, *pro hac vice*, the negative of the Crown, that essential barrier of regal Authority, was not to be suspended? The noble and learned Lord must answer in the affirmative, because the Commissioners had no power to dissent from the Bill proposed.

He adverted to the speech of the Lord Chancellor on a former occasion, and said, it was an encomium by anticipation, a kind of funeral oration on the departing Prerogatives of the Crown. The plain fact was, that by the second commission intended to be issued, the two Houses assumed the Legislative Authority into their own hands, in defiance of the statute of Henry the VIIIth, in defiance of the known principles of the Constitution. It had, he observed, been asserted, that necessity warranted that mode of proceeding, and that what the necessity of the case required, necessity justified. He subscribed fully to that doctrine, but he denied its application in the present instance, because there were other modes of proceeding, that might have been resorted to, less dangerous, less unconstitutional. Was there not a mode, within their reach, consistent with all the limitations? What prevented them from adopting this mode:—to address the Prince of Wales to take upon him the exercise of the whole legislative authority of the Crown? His Lordship reasoned on this proposition, and urged its expediency and its safety, repelling every suspicion that the Prince would not have sanctioned a bill, containing the Limitations and Restrictions, by asking, if it were possible to imagine his Royal Highness to have been so ill advised, as to refuse his assent to a Bill, without the passing of which he could not have been Regent.

It was, he said, an unmanly proceeding, to assume the power of the Crown, while it lay prostrate at their feet. Let the Committee recollect, that when they were called upon to strike at the legal constitutional right of the Crown, the Crown was utterly incapable of defence. His Lordship declared, that the proceedings of the two Houses had tended more, within the last three months, to introduce and sanction Republican principles, than they had ever done since he was in the political world. He said, he railed not at Republican principles; he knew a Republic was beautiful in theory, but, in the nature of things, incompatible with the practice of our Constitution; he was not, however, so ignorant of what passed in his own country, and in other parts of the world, but that he could see Republican principles made a greater progress than ever.

A Philosopher, he observed, had existed, who stated it to be a misfortune, that Englishmen were accustomed in their early years to classical studies, which were supposed to strengthen youth, to benefit our maturer, and to solace and support our declining age, and that such a mode of education prevailed in this country, because, said the Philosopher, it gave the young men of England too early a love for Republican principles, and too strong an idea of the independance of man. The system of British education, his Lordship said, certainly produced the effect complained of by the Philosopher in question. His Lordship argued upon this collaterally, and, after adding some farther reasons, why he should strenuously oppose the second Resolution, whenever it should be brought forward, said, he should certainly vote against the motion.

Lord Hawkebury began with lamenting the absence of the two noble and learned Lords, which, had it not happened, would, he said, have saved their Lordship the trouble of hearing him upon a question, which was not only of most serious importance, but he must say of great legal nicety. The noble Viscount, and other noble Lords, had complained of the delay, that had occurred in the course of their proceedings; that delay undoubtedly would not have taken place, had not the Question of Right been started, which was no sooner started, than it became absolutely necessary for the two Houses to discuss and decide upon it. The noble Viscount, he observed, had talked much of Republican principles, and asked, whether studying the authors of Greece and Rome did not incline the youth of this country too much towards those principles? He wished the youth of Great Britain to study the constitution of every other country, that they might learn the defects of each, and, by that means, be the better enabled to judge of, and admire the beauties and benefits of their own Constitution. The measure now proposed was, his Lordship said, governed by the necessity of the case, and so it ought to be, but
sure

sure he was, that it did not exceed it. Necessity, he was aware, was generally deemed the tyrant's plea, but that was a pretended, not a real necessity. He declared, he knew not where to resort to, to find a case like the present, or to learn from what already happened, what were the steps that ought now to be taken. From the books of Mr. Justice Fortescue and Mr. Justice Blackstone, he knew that the name of a Regent, the power of a Regent, and every idea of Limitation and Restriction, were wholly unknown to the common law of this country. His Lordship here adverted to the Revolution, and went over the same ground as to its inapplicability as had been used in the House of Commons. With regard to the objections to the present proposal, as a means of opening Parliament, let the Committee recollect that there was nothing for law to operate upon but a mere form; and if they held the doctrine that had been advanced that day, they must remain where they were, without being able to proceed to any one act of the Legislature whatever. His Lordship alluded to the doubt that had been seriously entertained in the reign of Henry the VIth, whether Henry the Vth could make a will, and thereby appoint his successors to different parts of his dominions. His Lordship reasoned upon that fact, and then reverted to our own history, declaring, that he could trace two memorable instances, in which commissions were held, and acts passed, without the Royal signature, and those were the instances referred to by the noble and learned Lord, who opened the debate, and which happened in the reign of George the IIId. His Lordship explained the principles on which Lord Hardwicke had put the Great Seal to those Commissions, to guard against the danger of the King's death. His Lordship added other arguments in support of the motion.

The *Earl of Carlisle* declared, it had not been his intention to have troubled their Lordships that day, but, what had fallen from the noble Lord who spoke last, made it necessary. His Lordship said, the noble Lord had desired them to recollect, that the delay complained of on all sides the House, had been occasioned by the Question of Right having been agitated. He declared he would not suffer such an assertion to pass, without desiring their Lordships to recollect, who it was that started that Question in the most unprovoked manner. Let them read the declaration of his Royal Highness on that point, which proved the discussion of that Question to have been wholly unnecessary. With regard to the early part of the reign of Henry the VIth, the noble Lord had not more respect for that period than he had, but, let their Lordships recollect, that the Bishop of Durham, at that time Lord Chancellor, resigned the Seal into the hands of the infant King, and that the great men of that day, directed the Master of the Rolls to put the Great Seal to various commissions, and that one
single

single person was appointed to hold the Parliament, viz. the Duke of Gloucester, who was the nearest a kin of any person in the realm to the King; by the same mode of argument, the Earl contended, that the Prince of Wales was the proper person now to be appointed to exercise the Royal Authority. His Lordship remonstrated against the mean, cowardly system then proposed of attacking the Crown when it was defenceless, of maiming and mutilating the prerogatives of his Majesty, and cutting off the hairs of his strength, while his head lay in their lap. He said, such a plan could only be founded on a low suspicion, that if the Prince of Wales were appointed Regent, he would not give his assent to the Bill of Limitations and Restrictions, proposed by the two Houses; an apprehension which no man dared to avow.

Lord Hawkesbury explained, that the Duke of Gloucester had been named Protector in the reign of Henry the VIth, by the Parliament, and by a commission to which the Great Seal was affixed by their authority, and not by that of any other power.

Lord Osborne (Marquis of Carmarthen) said, the noble Earl seemed to have stated, that the question proper to be adopted was, whether it was not more advisable to appoint one person to open the Parliament, than to name Commissioners for the purpose, if he could guess from a circumstance that had occurred in the debate that day, the difficulty would not have been diminished. His Lordship spoke of the Princes of the blood, in terms of great respect and affection, and said, no man was more ready than he was to declare, that he had not the most distant suspicion, that if his Royal Highness the Prince of Wales were, in the first instance, declared Regent, that his Royal Highness would not refuse his assent to a Bill of Limitations and Restrictions on his Regency, but he could not consent, that in a Question of that kind, the House ought to be governed by personal confidence, because, if that were the case, the great barriers of the Constitution might one day be thrown down, in compliment to the personal virtues of an individual. Some of the harsher arguments of noble Lords who had spoken against the Question, (for several of whom, the Marquis declared, he entertained great private friendship, and very great regard) he attributed rather to the accidental heat of debate, than considered as the serious result of their sober judgment. His Lordship observed, that he and his colleagues had been accused of favouring Republican principles, and of curtailing the Prerogatives of the Crown, in a moment when the Crown was defenceless, and thus taking advantage of the King's incapacity. Those noble Lords who held this doctrine, talked as if the Throne was vacant, as at the time of the Revolution; a distinction which the noble Lord who spoke last, had very clearly, and in his mind, unanswerably pointed out. His Lordship added other sensible and pertinent remarks, paying several compliments to the House of

Brunswick, but declaring, that no private predilection ought, in his mind, to be suffered to have any influence in a discussion on a great constitutional Question.

The *Earl of Carlisle* took notice of what Lord Osborne had dropped, relative to the Duke of York, and the Duke of Cumberland, having desired their names, and that of his Royal Highness the Prince of Wales, and the Duke of Gloucester, to be struck out of the commission, a proceeding which, he contended, *was* in every point of view, justifiable. His Lordship also disdained the idea of the Prince of Wales desiring that House to pay any compliment to him on the principle of personal confidence.

Earl Fitzwilliam made a short speech against the motion, observing that the two Houses had resolved, that it was their right and duty to supply the defect of the Royal Authority, and that they immediately followed it, by resolving, that that defect could not be supplied otherwise, than by the authority of an Act of Parliament.

The *Earl of Hoptoun* rose next, but his Lordship spoke in so low a tone, and the House were so impatient for the Question, that it could not be collected what his Lordship's arguments consisted of.

The Question was then put, and carried without a division.

It was next moved, that the Resolution be immediately reported to the House, which was done as soon as the House was resumed, and the House agreed to the Resolution.

Lord Radnor moved his amendment, which was also voted.

The blank in the commission was then filled with the words, "Tuesday, the 3d of February," and the House having resolved, that a conference be desired with the Commons on Monday, and the said Resolution reported to them, and their concurrence desired, the House rose, it being half after Eight o'clock, and adjourned to Monday.

MONDAY, FEBRUARY 2.

HOUSE OF LORDS.

THE Lord Chancellor continuing indisposed, Lord Bathurst again presided for him.

Upon motion, the Masters in Chancery were sent down to the Commons, to desire a conference in the Painted Chamber; which being

being agreed to, the following noble Peers were appointed to manage it on the part of their Lordships :

The Marquis of Stafford,	Lord Amherst,
Bishop of Salisbury,	Lord Pomfret,
Bishop of Exeter,	Lord Sydney,
Bishop of St. David's,	And Lord Dover.

The conference was held for the purpose of informing the House of Commons of the Resolution for appointing a Commission to open Parliament, which they had passed on Saturday.

Their Lordships being returned, the House instantly adjourned.

HOUSE OF COMMONS.

THE *Chancellor of the Exchequer* having come down to the House about half after four o'clock, presented the answer given by his Royal Highness to the Address, which was ordered by the House to be read.

Lord Courtoun also presented the answer given to the Address of the House to his Majesty, which was also received and read.

[*Both these Addresses are the same, which precede the Debate in the House of Lords on Saturday.*]

Immediately after the above answers had been read, a message was announced from the Lords, demanding a conference, and the same Gentlemen who managed the last conferences, being appointed to confer with their Lordships, and having waited on them in the Painted Chamber for that purpose, returned to the House with the Resolution of their Lordships, for the purpose of discussion.

The Clerk read the Resolution, which was a transcript of the writ usually issued under the sign manual, empowering Commissioners to open and hold the King's Parliament at Westminster, &c. The Commissioners nominated in their Lordships Resolution, were the Archbishop of Canterbury, the Lord Chancellor, the Lords President and Privy Seal, Lords Weymouth, Chatham, and some other Officers of State.

The *Chancellor of the Exchequer* moved, that the consideration of their Lordships Resolution, he referred to the Committee appointed to sit on the State of the Nation; being seconded,

Mr. Brandling rose to express his concern, that any thing which had dropped from him on a former debate, should give rise to the many unhandsome reports, which had gone abroad to his disadvantage

vantage. He confessed it was exceedingly improper to make use of any expressions that deserved, in the least degree the censure of the House. As a man of honour, he had the feelings of one; and, as a Member of Parliament, he knew what was due to that situation, and at the same time that he apologized for any inadvertent conduct of his on a preceding evening, he also complimented the generous conduct of a certain Hon. Gentleman (we suppose Mr. Grey) who rose in vindication of the High Sheriff; still he did not mean to retract those expressions which he had bestowed on a man capable of breaking his promise.

The order of the day being read, for the House to go into a Committee on the State of the Nation, and

Mr. Brook Watson having taken the Chair,

The *Chancellor of the Exchequer* was of opinion, that during the suspension of the Royal Authority, no person had a right to act in the operative capacity, without the approbation of the two Houses of Parliament; and this opinion, he declared, to be the sentiment of a large majority of the House. The rights and duty of both Houses being thus constitutionally and justly ascertained, it must be admitted, that, for the welfare of the State, it was essentially necessary, that the defect in the executive branch of the Government should be immediately supplied; on this subject two questions would naturally arise. The first was respecting the passing of a bill without the Royal Assent—and the second question was, how that assent was to be procured. In the first instance, the absolute necessity of taking such a step qualified the measure; and, as to the second, the Great Seal, he insisted, in the present situation of public affairs, was the highest organ to be consulted to insure the harmony of public measures. If, during the health of the King, the Lord Chancellor had made an improper use of the Great Seal, contrary to his Sovereign's wishes, still the act would be binding by law; and though he may be punished by Act of Parliament, still the instrument would not be invalid.

If then, this was the case, how could it be objected to, when the Throne was not vacant, to have it applied to an use the most conducive to the welfare of the State. The Throne, he insisted, was full, and that by the appointment of the Prince to the Regency, the House only supplied the intermediate dignity of the Royal Authority; but it could not, in justice, place a King upon the Throne; as then the Great Seal was allowed to be substantially a legal organ, there could be no doubt but that it would be better to make it the instrument to give the last sanction to the Bill, than make the Representative of the King give the Royal Assent to a Bill, to qualify himself to fill the deficiency in the executive branch. The Chancellor of the Exchequer, after proceeding at large on the question, and entering into a repetition of

of those arguments which have been already repeated to the public, moved, "That it was the opinion of the House, that it should agree to the Resolution which had been referred to them by their Lordships."

Mr. Dempster said, the Resolution before the House only went to empower the opening of Parliament, and wished to know, was there not to be another commission issued to give the Royal Assent to the Bill, and thereby deprive the Regent of exercising that branch of his prerogative. From what dropped from the Right Hon. Gentleman, he thought the question almost needless, though he had not avowed his intentions.

The *Chancellor of the Exchequer* admitted, that a second commission was in contemplation.

Mr. Dempster condemned the mode proposed, as going a step beyond the necessity of the case, and therefore unnecessary and unconstitutional; he considered it as an ungenerous and an unmanly attack upon the prerogatives of the Crown, when there was no one to defend them; the mode pointed out by justice and the constitution, he conceived to be an Address to the Prince to take upon himself the exercise of the Regal Authority; they ought, therefore, as a necessity existed to put the Great Seal to a Commission, to appoint, by such Commission, the Prince of Wales Regent, with the full powers of assent and dissent, and all the other prerogatives of the Crown; if they did not do this, there was, he said, nothing to hinder them from continuing the session, till God should please to recover the King, for Commission after Commission might be issued, in the King's name. The Prince of Wales, *Mr. Dempster* contended, ought to have been chosen alone.

The *Master of the Rolls* desired, if any amendment was intended, they might move, that if his Royal Highness was appointed to the exercise of the whole Royal Authority, that it would be doing no less than dethroning the King.

Mr. Dempster, in reply, said, he meant no more than to appoint the Prince, with the power of assent and dissent, to open the Parliament, instead of its being opened by the Commissioners proposed.

The *Master of the Rolls* said, such a measure would exceed the necessity of the case, and therefore be improper; as it would be at once putting the power out of their hands, and rendering it possible that no Bill would be agreed to, but what might contain powers exceeding the necessity of the case.

Lord North said, the idea of the Hon. Gentleman, behind him, seemed to him to be more legal and constitutional, than that of the Hon. Gentleman over the way. His Lordship said, he was not acquainted with law, but he had some knowledge of the general principles of the Constitution. If the powers of assent and

and dissent were not given to the Representative of the King, no Act that was passed could be considered as an Act of the three branches of the Legislature, but as an Act of the two Houses; the mode proposed he deprecated.

He did not, he said, quarrel with the Gentlemen if they gave the form of the Constitution for its substance; as giving the Great Seal, instead of the fundamental principles of the Constitution. His Lordship observed, upon the doctrine of no man having a right to aver against a record; they would, however, have a right to dispute this being a record. He spoke of the answer of the Prince, in terms of warm eulogy, after which answer he considered, that the Right Hon. Gentleman carried his jealousy too far, by taking measures as if he imagined the Prince would break his word. After dwelling for a few minutes on the propriety of the Prince's conduct, and on the impropriety of the mode proposed, he said, the answer of the Prince must diffuse general satisfaction, and create an agreeable surprize through the country, and do away those false alarms which had been industriously circulated, of a right having been asserted in the Prince to assume the Sovereign Authority, independent of the two Houses of Parliament: he was sure, that the country being convinced of that right having never been asserted, that all who had sent up Addresses for the refutation of that Right, from the Burgesses of Edinburgh and Glasgow, and from the Western towns and counties in England, would be happy and rejoice in seeing the Prince's answer, which fully refuted the false assertion of such a Right having ever been made. His Lordship concluded with asking, if the three branches might not, in a choice of irregularities, avoid the present circuitous mode, and take the direct and obvious path of declaring the Prince of Wales Regent.

Lord John Townshend declared, his understanding was too dull, and he believed reason would remain so, to conceive what was meant by the King's political capacity remaining entire, which was so constantly asserted. He wished to ask one question, was there a dissolution of the government or not? He should be answered there was not; that the courts of law were kept going on, that private property was protected, and all legal business executed as usual. If then there was no dissolution of government, what pretence was there for the people to interfere? They having delegated their authority, they had no right to interfere; it followed of course, that the government was dissolved, or that they had no right whatever to interfere. His Lordship reprobated the mode proposed, as forming a maimed and crippled government, and quoted the Acts of the 33d of Henry the Eighth, and the 1st of Philip and Mary, to prove the illegality of any commission without the King's signature. The plan formerly proposed, his Lordship said, by that side of the House, of
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addressing the Prince of Wales to take upon himself the exercise of Sovereign Authority, would have at once prevented all fraud, all fiction, and met the ardent wishes of the people. Had this been done, there would have been a person to have given his assent or dissent, and to have affixed his signature to a Commission, so as to have given it full authority.

Mr. Elliot rose, to say a few words in answer to the noble Lord's arguments. He said, if Gentlemen adverted to the Bills of Regency that had last passed, they would have found, that in those Bills the powers of the Crown were not all vested in the Representatives of the Crown. That by those Bills, not only the Representatives of the Crown were restrained from generally exercising the Prerogatives of the Crown, but that the Legislature itself was, in a similar degree, restrained from exercising its own undoubted rights and privileges. *Mr. Elliot* explained himself, to allude to three specific Bills, which the Regency Bills in question restrained the Representatives of the Crown in particular, and the Legislature in general, from either assenting to on one hand, or discussing and debating on the other. *Mr. Elliot* spoke of the undoubted right of the prerogative of the Crown, to give its dissent to all Bills passed by the two Houses, and argued from that admitted fact, that the suspension of that constitutional power must be attributed to the necessity of the case, which had then, as it did now, superseded every other consideration.

The *Attorney General* began a very able speech with paying a compliment to *Mr. Elliot*, declaring, that the Hon. Gentleman who spoke last, had with extreme good sense, and a degree of diffidence that always accompanied extraordinary good sense, given in a few words, what he considered to be an unanswerable argument. The noble Lord who spoke last but one, *Mr. Attorney* declared, while he affected perfect ignorance of what was meant by the political capacity of the Crown remaining entire, had given the very best definition of that political capacity that any man had, as yet, attempted. The noble Lord had said, the courts of law went on, private property was protected, and justice administered regularly. That was the precise distinction between the present case, and the case at the Revolution. At that time all the functions of government were stopped. There was not a magistrate, from the lord chief justice down to the meanest constable, who had any authority whatsoever; the whole machine of Government was unimpeded, checked, and obliged to stop. At present the case, he thanked God, was far different; all the functions of constitutional capacity, excepting only the few instances in which the personal exercise of the Royal Authority was necessary, were in action the same as before.

The noble Lord had asked, if there was not a dissolution of the government, what occasion there was for an interference of the people?

people? If the noble Lord would take the trouble of adverting to the real state of the country, he would find that there was occasion to resort to the representatives of the people, the true source of power, in order to provide for the present emergency, and that in all cases of difficulty that doctrine had been uniformly laid down, and its beneficial effects stated.

Having replied to the material part of Lord John Townshend's speech, the Attorney General observed, that the Hon. Gentleman under the gallery had described the present situation of the two Houses with peculiar force and peculiar propriety. He had stated, that the necessity of supplying the defect in the exercise of the Royal Authority devolved on the two Houses. It undoubtedly did so, and it was their duty to proceed regularly, and constitutionally, to appoint a Regent; delegating into his hands, such of the regal powers as in their Lordships apprehension should seem meet, and necessary for the carrying on of a good government. With regard to a Regent, which they were advised in the first instance to chuse; let those Gentlemen, who contended for such an appointment, shew him were such a creature, as the law stood, was to be met with? Where was it to be found, but in the body of an act of Parliament? They who had said, they might supply the deficiency by addressing the Prince of Wales, could not seriously mean what they said. Unless in the cases of extinction of all the branches of a Royal Family, or what was the same thing, the extinction of the family's claim by forfeiture, as in the case of King James, there was no means of filling the Throne, but that proposed. The only way was for the two Houses to seal a Commission, appointing Commissioners to open the Parliament. Mr. Attorney General said, if they did not assent, and if they gave their voice in the affirmative, to supply a dissent, how did they do their duty in respect to the object proposed?

The noble Lord had said, suppose the Regent should give a dissent, but that was not likely, because that he had given his word, and would not depart from it. He never upon great public questions, Sir Archibald said, founded his opinion on personal confidence. He had expressly laid in his claim, early in the debates on the subject, to consider it as the case of a Prince of Wales, and not as the case of *the* Prince of Wales. He disclaimed, therefore, all idea of personality, and would proceed to speak of the Bill upon its own grounds. If the Bill were enrolled, they were bound by it.

The Attorney General proceeded to argue upon Commissions, that were enrolled, and those that were not; the Commissions in Henry the Seventh's time, were, he said, enrolled; in Henry the Eighth's, but few were enrolled. In the reign of James the First the practice ceased. The Attorney General reasoned upon

a variety of collateral particulars, and contended that the signature of Henry the Eighth to the Act attainting the Duke of Norfolk was a forgery. The Attorney General added a great many other particulars to enforce his argument, and asked if there could be a grosser fiction, than that of a child being seated in Parliament, the Chancellor bowing to him gravely, he returning the same bow, and the Chancellor saying it was the King's pleasure, that they should proceed so and so. The Attorney General observed, that the noble Lord had spoken of the conduct of the inhabitants of Glasgow with some derision; he begged to recall the word, he meant with some degree of pleasantry. He enlarged a little on this idea, and considered it as much their duty to vote the Resolution, as it was their duty to vote the Question of Right to be in the two Houses, when it had been asserted that a right existed in the Prince; he concluded with declaring, that he should give his vote for the motion.

Lord North said, he had not spoken of the proceedings of the meetings at Edinburgh and Glasgow with any derision; he conceived that they supposed the propositions moved and voted in that House, had done them a great deal of service. His Lordship spoke ironically of the pleasures the people would derive from the transactions that were going on, and said, there would be no end of their pleasures, until the precedent they had set this day had gone into a principle that might overturn the Constitution. He repeated his doctrine, that the Representative of the third estate, ought to be enabled to give the royal assent or dissent to the bill appointing the Regent, and that without it, he was no true Representative of the Crown. His Lordship said, he held this to be the genuine doctrine of the Constitution.

The *Chancellor of the Exchequer* rose, in order to prevent the impression, which, he said, the noble Lord had endeavoured to fix on that House and on the Country; by the use the noble Lord had made of the Answer of his Royal Highness the Prince of Wales, to the Address of the two Houses. The noble Lord said, his Royal Highness had answered very graciously, and that there had been a general alarm spread throughout the country, lest the Question of Right should be supported. He denied the truth of that proposition, and appeared to the House when that question was in agitation, whether any person voted in favour of that right. He said, the right had not been claimed by the Prince of Wales, but had been asserted by others. That no man had been bold enough to have given his Royal Highness the advice to assert such a right, after the solemn decision of the two Houses of Parliament, was by no means a matter of surprise; and, if any man was to be found so bold, it was not likely that a Prince of the House of Brunswick would have taken such advice. That his Royal Highness's acceptance of the Regency, would
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be matter of joy to the people he could admit, but not that it would be matter of surprize. They would not, however, be ready or willing to cast a censure upon Parliament, for reprobating unconstitutional principles, held and started by those who now lamented their having ever asserted them, and who were afraid and ashamed to avow, and which they seemed willing to retract; principles which never again he hoped would, for a moment, be borne in that House or in the Country.

Mr. Burke denied, that any thing had been retracted. He said, he looked the Hon. Gentleman full in the face, and if he was in an error, was perfectly willing to retract it. The Right Hon. Gentleman had chosen, with great judgment, to attack a Gentleman when absent. The style of his spirit was of a tenor with that of his politics, and he always attacked an enemy in a state of incapacity. The Right Hon. Gentleman had the opportunity of attacking his Right Hon. Friend, *Mr. Fox*, when he was absent and sick; he had, with the same judgment, attacked the prerogatives of the Crown. His sentiments, he said, never should be expressed in the equivocal, insidious, and unbecoming language of the Right Hon. Gentleman's Resolutions.

Mr. Burke proceeded to assert the right of the Prince of Wales, declaring, that his right was as clear as the sun, and that it was the duty of the House to appoint him Regent with the full powers of sovereignty; his Royal Highness had a right in law, in justice, and in equity. This was a right which had not been opposed even by the Minister, for in the Resolution which had passed the House, it was merely asserted that the right of nominating the proper person was vested in the two Houses of Parliament; but there was no person who would say that this right of nominating, and the right of the Prince to be nominated, were not propositions perfectly compatible with each other.—If the Crown was vacated by the Monarch being reconciled to the Romish persuasion; or if it was abdicated as at the time of the Revolution; there was no person who would say that the right did not immediately rest in the Prince; yet there was no person who would say that the throne should, in these cases, be filled, without the enquiry and consequent adjudication of the two Houses of Parliament.

Adverting then to the late city meetings, for the purpose of moving the Address, &c. *Mr. Burke* said, that after giving to well-earned property all its merited consequence, he should say, that if persons stepped forward on such an occasion; their conduct, and it differed not whether they were *Paupers* or *Bank Directors*, was open to enquiry. The Right Hon. Gentleman opposite him, had received their thanks for what he had effected throughout the empire. There was, however, one part of that empire,

where, unfortunately for that Resolution, the Right Honourable Gentleman had effected nothing. He meant to allude, to the present situation of Ireland. It was not to be imagined, he said, that a nation free, loyal, magnanimous, and in the first fervors of its independence, should meekly submit to any system, merely because that system had been proposed by the Parliament of England. This was so far from being a ground of eulogy, that it was, in fact, one of the strongest reasons which could be urged against the present measures. The two kingdoms being totally dissociated, had no common bond of union save the unity of the Crown, and this bond had been dislevered, or attempted to be dislevered, by the Minister, in the instant when he had said, that the Prince of Wales had no more right to the supreme authority than any other individual. With respect to the tenacity with which the persons now in power adhered to office, even to their last grasp, Mr. Burke observed, that this solicitude for a delay was apparent in every measure. The important business of the Resolution had been accomplished in *sixteen days*—from the 26th of December to the 12th of January following; the present business had been now before the House, for more than *two months*, and they were now debating on the very first measure which could be attended with the *smallest* degree of effect. This fondness for power appeared more particularly in the conduct of the Minister. He appeared in the situation of the malefactor described by the Poet:

*He oft handled the rope, often traversed the cart,
And as often took leave—but was loth to depart!*

The pretext, he remarked, which was urged as the most colourable for these delays, was the state and feelings of the King on his recovery. For this, as if flattery could sooth *the dull, cold ear of death*, they were to insult the sensibility of the Prince, for the sake of one who may never be sensible. They were to depart from the substance of the Constitution to embrace its forms! They were to form a political chaos, in the hope that order may thence be re-produced. They were to introduce an instrument, which though *prima facie* a proof of the royal assent, would prove on due examination to be an absolute *forgery*!

He stated, at length, the great mischiefs that might be apprehended with respect to Ireland, in consequence of the Prince's right having been denied, and of the right assumed by the House; declaring that they tended to militate against the unity of the empire, and that if Ireland chose to make the Lord Mayor of Dublin Regent, or to appoint a number of Regents, we had not the power to prevent it. After reprobating the Resolutions, the mode of proceeding, and the delay, he said the plan now proposed

proposed was to adopt what deserved a worse name than a phantom—they were going to create Milton's monster of Sin and Death. Death to the Constitution, and Sin to the feelings of the Country, to those who were concerned in the measures carried on, who were creating innumerable barking monsters, howling at, and endeavouring to destroy every principle of the Constitution: they were going to steal the Great Seal, to commit a forgery and fraud to support violence, and to carry them on to their climax of villainy. If the House wished to preserve unity in the empire, they ought to appoint a person to represent the King, who was interested in the empire; they ought to trust his Royal Highness upon his word, who hereafter they must trust without; by so doing they would save their Country, and none would suffer but ambitious men. Mr. Burke, amidst a variety of pertinent opinions, urged the argument of delay, and said; that the Convention Parliament, in the year 1688, sat on the 26th of December, and on the 12th of January they had completed all their objects, &c. finishing the whole in sixteen days.

While Mr. Burke was upon his legs, having alluded in some measure to Mr. Dundas, that Gentleman rose, and a short altercation ensued; Mr. Dundas denied that he had, either by gesture or otherwise, warranted the Right Hon. Gentleman in calling upon him.

Mr. Burke admitted, that the honourable and learned Gentleman had not, and resumed the thread of his argument. He touched upon the object of all the propositions, and with great heat and warmth reprobated the matter, rendered the subject of the proposition immediately before the House. He said, that House had no right to authorize the Lord Chancellor to put the Great Seal to forgery, fraud and violence. That giving them the form of the Royal Authority instead of the substance, was to give them the sweepings of the cobwebs in Westminster-hall, and the smoke of the dith; and the danger that had been talked of, if they were to address the Prince of Wales to take the Regency upon him, reminded him of the giant who used to swallow a dozen windmills for breakfast every morning, and was afterwards choked by a small bit of butter in July. In the present instance, the Commission was said to be in form an act of the Crown, and in substance an act of the two Houses. There never was, he said, a precedent in this country where the two Houses took upon themselves to exercise the legislative authority of the Crown. Necessity, he observed, had been generally termed the tyrant's plea, but, strange to tell, it was now held to be the guardian of our liberties. Mr. Burke argued, that the Committee ought, in the present instance, to act liberally and fairly, and to trust the Prince upon his word, solemnly given in his answer to the Addresses of both Houses, since hereafter they

must trust him without. That would, he said, give them union that would give them liberty, that would give them peace. Mr. Burke was very warm, very singular, but very able, in his expressions and sentiments.

Mr. Rolle rose as soon as *Mr. Burke* sat down, to rescue the meetings in the West of England from the censure that appeared to him indirectly to have been cast upon them, by the noble Lord in the blue ribband. The meeting in the county of Devon, *Mr. Rolle* said, had resolved to return thanks to his Right Hon. Friend, for having asserted the right of the two Houses of Parliament, to provide for the exercise of the Royal Authority during the incapacity of his Majesty, and brought that question to a decision, in contradiction to the right asserted by a Right Hon. Gentleman not then present, to exist in his Royal Highness the Prince of Wales to assume the exercise of that authority, whilst his Majesty's illness continued.

The question of the right of the two Houses, to provide for supplying the defect in the exercise of the Royal Authority, had not, *Mr. Rolle* said, been, as it was contended, unnecessarily brought forward, or upon light grounds. The assertion of the right of the Prince of Wales, to assume the exercise of the Royal Authority during his father's incapacity, had not, indeed, been made a matter of regular claim, avowed on the part of his Royal Highness; but it had been deliberately urged by a member of that House, who, from his extraordinary eloquence, his great abilities, his weight and authority in the country, owing to the recollection of the high offices he had filled in the state, certainly drew great attention on every thing that fell from him, and enobled whatever he said, (especially respecting his Royal Highness the Prince of Wales, in whose confidence he was supposed to stand high) to make a considerable degree of impression on the minds of all who heard him. *Mr. Rolle* said it gave him, and he doubted not it would give his constituents, great pleasure to hear, that his Royal Highness the Prince of Wales had declared his willingness to accept the Regency on the terms proposed, and to submit to the limitations and restrictions voted by the two Houses. There had occurred one circumstance, however, since the signification of his Royal Highness's answer had been given, that he was sorry for, and which, he feared, would cause a good deal of uneasiness in the country; and that was, a certain secession that had taken place.

[The House expressing some earnestness to know, to what *Mr. Rolle* alluded.] *Mr. Rolle* said, he meant the circumstance of the Prince of Wales, and the other royal Dukes, having desired their names might be omitted in the present Commission.

An Hon. Gentleman, a worthy Alderman of London, *Mr. Rolle* observed, had taken upon himself to assert, at a late Court
of

of Common Council, that he had taken the Address lately voted by the county of Devon ready drawn, from the Treasury down to Devonshire. He knew not whether the honourable Alderman (Mr. Sawbridge) was then in the House; but he took that opportunity of declaring, that so far from the alledged circumstance being founded in fact, he never saw the Address till he went down to Devonshire. That it was there drawn up by a previous Committee, of which his worthy colleague and himself were members; that it was drawn up openly and publicly, when one hundred or a hundred and fifty persons were present; and that as the Quarter Sessions was held at the time, when the general meeting was summoned by the High Sheriff, the attendance of gentlemen, freeholders, clergy, &c. was as numerous as one as perhaps ever was assembled, and the address of thanks to his Right Hon. Friend, for his conduct, was voted by almost the unanimous voices of the meeting, a very few of the persons present signifying any thing like disapprobation. Mr. Rolle said a word or two of his concurrence with the motion.

Lord North rose again, to exculpate himself from having said any thing disrespectful to the Hon. Gentleman's constituents. He had not, his Lordship said, uttered a syllable that tended to convey the least reflection on the people of Glasgow and Edinburgh, and the West of England, for the conduct they had adopted in voting addresses of thanks to the Minister. When the people of Glasgow, of Edinburgh, and of Devonshire, had felt themselves called upon to vote their thanks to the Minister, for having asserted the right of the two Houses of Parliament to provide for the deficiency in the exercise of the Royal Authority; it was natural to suppose that they had imagined that right had been disputed. He therefore was surely warranted in saying, that his Royal Highness's Answer to the Address of the two Houses, would agreeably surprize them, by proving that his Royal Highness paid so much deference to the resolutions and opinions of the two Houses, that he professed himself ready to accept the Regency on any terms, that the two Houses should think proper to grant it.

His Lordship said, thinking that the people had felt the alarm perhaps too much, he conceived that their minds would now be quieted; but he had not an idea, that they could feel any alarm from the secession of the Princes of the Blood, and from their having desired to take no share in a proceeding, which they did not in any part of it approve.

Mr. Rolle said a few words in explanation.

Sir James Johnstone, in a very short speech, said something about popery, and the abjuration of the power and authority of the court of Rome. If he found any thing objectionable in the wording of the Commission then before the Committee, Sir James

James said it was, that it was not strong enough. It stated, that the Lord Chancellor be *directed* to put the Great Seal to the Commission resolved on. Sir James thought, that the Lord Chancellor ought to be *commanded* to put the Great Seal to such a Commission. The occasion justified the exertion of authority, and the Lord Chancellor dared not refuse the command of the two Houses of Parliament.

Mr. Sheridan said, he meant not to trouble the Committee with more than a few words. He rose merely in consequence of what had fallen from an Hon. Gentleman over the way [*Mr. Rolle*] *Mr. Sheridan* denied, that his Right Hon. Friend, who was not then present, had ever asserted the Prince of Wales's right to assume the exercise of the Royal Authority without the adjudication of the two Houses of Parliament. The Question of Right was therefore unnecessarily agitated, because the doctrine of the Houses having a right to provide for the defect in the exercise of the Royal Authority, had never been denied.

With regard to his Right Hon. Friend standing high in the confidence of the Prince of Wales, the fact undoubtedly was, that his Right Hon. Friend stood higher in the opinion of his Royal Highness than any other person, and the reason was, that his Royal Highness reposed the greatest confidence, where he found the greatest merits. With regard to the secession which the Hon. Gentleman had alluded to, the reason was obvious.

It was extraordinary, that the Minister should have been with the Prince of Wales the day before the Commission had been proposed in the other House of Parliament, and never consulted his Royal Highness, whether it was agreeable to him, or his royal brother, and royal uncles, to have their names respectively inserted in a Commission, issued on principles repugnant to those contained in a protest, which the Duke of York had subscribed and recognized.

As to the base coinage which was intended to be issued in the name of royalty, without its bearing one feature of the royal countenance, *Mr. Sheridan* said, after the able arguments that had been urged, and particularly the speech of his Right Hon. Friend [*Mr. Burke*] to which it was enough barely to allude, he would not pay so ill a compliment, as to trouble the Committee with a syllable in addition to those arguments.

Mr. Poyys rose to ask a question, relative to the words under which the Duke of Gloucester in the early part of the reign of Henry the Sixth, and the Duke of York in the subsequent part of the same reign, exercised the power of giving the royal assent or dissent to any bill or bills that were submitted to them for the royal assent?

The Chancellor of the Exchequer said a few words in reply, and admitted, that although the Commission stated in the Resolution