THE

REGENCY QUESTION;

BEING A

RE-PUBLICATION OF PAPERS,

WRITTEN DURING

HIS MAJESTY'S ILLNESS,

IN

THE YEAR 1788;

WITH A NEW PREFACE.

By DENIS O'BRYEN, Esq.

But we, with pleasure, own our errors past,
And make, each day, a critique on the last.       Pope.

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1810.
THE evanescence of party writing is a proverbial truth. Busy and buzzing, the general fate of party writers resembles the fate of the wasp. We flutter in the blaze; and, having exhausted our stings, soon fall forgotten; not often leaving any more durable memorials of our labour, than is left by those reptiles, whose venom alone preserves a momentary recollection of their noisy, noxious, existence.

Or if it happen that, among 'the race that write' upon passing politics, there be, who, straying from the beaten track, maintain the conflict, not unmixed with some good nature, still, the perishableness of their productions is not altered by their aberrations towards benevolence. With a scant chance of the 'life to come in every author's creed,' the party-writer may find his gratification in the bubble vanity, or in the meagre contingency of lucre;—for immortality he lives to little purpose.

During a quarter of a century before the formation of the late administration,* scarcely one great national question had arisen, on which the

* That of Mr. Fox, and Lord Grenville.
author of this tract, though literary industry is not his foremost characteristic, had not manifested an activity, of which the following sheets, composed in little more than a week, are a fair sample,—without any views to profit, and solely to serve those whom he supported and loved.

Yet, if, as upon the present occurrence of a supposed Regency, the same questions were again to come upon the scene, the writer doubts whether he could, upon each topic, rescue a quantity, equal to the following revised papers, into any fitness for re-perusal,—clear of momentary acerbities and allusions, the ephemeral interest of which is ingulphed in the maw of time.

But harder, much harder, and far more mortifying, than even the fugitiveness of their efforts, are the destinies of those partizans, (when there are such) who, with more sensibility than foresight, are apt to kindle and to glow, with the glowing and the kindling of their chiefs and principals—who, disdaining even the thought of a separate pursuit, so identify themselves with their leaders, as to make the friends and foes of those leaders their own foes and friends—and who, after declining the tempting certainties of provision, in divers epochs of their career, (from the morning of life, when the unfledged judgment sees all associates made up of perfection, to the evening, when sorely ripened reflection has chastised the gay confidence of sun-rise enthusiasm) should,
at last, find themselves in that corrigible state of fortune which limited their functions to the pleasant pastime, well described in Hudibras, namely, to

' Content themselves with ends of verses,
' And sayings of philosophers.'

A degree still beyond this, would be their lot, who could not balance the powerful* enmities which their ardour is sure to excite upon the one side, with proportionate fidelity and protection upon the other. Terrible, surely, would be the condition of those political writers, in whose history the longa memoria, the keen reminiscence of the assailed, should be embittered and aggravated by the rapida oblivio, by quick forgetfulness in the supported, the defended, the praised, and the panegyrised.

Party, without which (however it is the mode to stigmatize and deride it) the liberties of this country, under any ministry, would not be worth many years purchase, nevertheless, partakes not of the divine nature. Although, without party, all that

* The author of this work experienced a magnanimous oblivion of resentment in the first truly noble Marquis of Lansdown, a short time before his death. To repeat that eminent statesman's own words, communicated to the writer, through an excellent friend of the illustrious deceased, whose learning, eloquence, and wit, though conspicuous, both in the senate and at the bar, are still exceeded by his good sense and good nature, ' he had witnessed some instances of vindictive cruelty in his early days, which had instructed him during his whole life, &c.' On the part of the author there was no defect of a due admiration of such greatness of mind. The noble Marquis's death drew from his humble antagonist a tribute to his meritorious memory, which the treasury he commanded could not obtain, when the noble Marquis's fortune was at its meridian.
is sound and good would soon be tossed into atoms between the trade wind of the court, and the tornado of the multitude; yet is Party but too capable, according as the gust veers, of the stupidest idolatry, or the blindest persecution. The dullest creature in creation, pending its fleeting fashion—party can exalt, whilst all the virtues of the Saviour of mankind could not shield whom it is determined to run down.

Upon the whole, the frailty of their stabllest holding, the transitiiveness of their reputation, the precarious faith of those to whom they devote their lives and labours, and the fallibility common to all human opinions, in their judgments upon their adversaries, should inculcate upon party-writers the useful lessons of—moderation in their zeal, and charity in their contentions.

Of the papers now republished, the following is the short history.

They were written during his Majesty's first illness in 1788. As their successive dates will indicate, they were composed in the utmost haste, literally, currante calamo. The manner of their original publication was unusual, if not wholly unprecedented. Each of the numbers was sent to the principal morning paper in the interest of opposition at that time. From that paper, what in printing is called slips were sent to two other
morning papers, and each of the essays appeared in three morning papers on each day of the first week. The last of the essays was published on the 8th of December, (1788.) Mr. Pitt's negative upon the Prince's right was not declared till the 11th of December. Upon that day (the 11th) Mr. Pitt moved the committee to search for precedents. The committee sat the intervening days; and, upon the 15th, (December, 1788) laid its report upon the table of the House. On that same day (the 15th) the following essays, compiled into a pamphlet, were republished, with a postscript.*

The pick and choice of all the dunces that ever wielded a goose-quill, could not miss making something of an argument, on either side of the question, after the debates had taken place in Parliament. But no discussion whatever had occurred anterior to the first appearance of these essays;—nor any, before the publication of the Postscript, excepting the denial by Mr. Pitt, and the assertion by Mr. Fox, of his Royal Highness's right to exercise the regal functions during his Majesty's incapacity. This denial and assertion took place on the 11th; the great debates did not commence till the 19th and 20th, (December, 1788.)

It follows, then, that for the defects and demerits of this work, its author is alone responsible. No light or aid had he from any quarter, his own

* See pages 61 and 81.
researches and resources excepted—the greater part of the papers were in print before Mr. Fox's arrival from Italy.

Although the modesty and total absence of egotism, which form the first feature in authorship, might make it a sober and sane persuasion in the writer, that the proper study of the universe for the last twenty-two years has been this work—yet, even in his own opinion, its impression upon all others must be slight indeed, when, in fact, he, the author, had scarcely any recollection of its contents, till perceiving, a few weeks since, its doctrines and authorities, not very sparingly, used by other persons, he traced the pamphlet after a long search, and, finding, to his agreeable disappointment, that its principles and reasonings might have applied centuries since, and would be applicable centuries hence—indeed, under every possible suspension of the royal functions, he resolved upon its republication. The common right of second thoughts determined him to be a critic upon himself; and upon himself he has been a critic; thus far, and no farther.

The asperities against the dead he has suppressed; he has omitted the eulogies upon the living. To the demander of a reason for the suppression, it would be wasting time to offer any; in regard to the omission, this short explanation will be given.
In some time after the late Duke of Bedford's death, a gentleman of note and ability indulged himself in an attack upon the memory of that most lamented nobleman, as well as upon the Duke's then still surviving friend, Mr. Fox. Those attacks did not pass wholly with impunity, by the writer of this preface.

The assailant of the Duke of Bedford, and of Mr. Fox, has lately been under the always-heavy hand of a Parliamentary animadversion; this writer would not allow either revival of, or reference to, the strictures which he had made upon the gentleman alluded to, during the Parliamentary inquisition against him.

To heap the pile when the victim is at the stake may be generous and virtuous;—but it is a virtue and generosity never aimed at by the author. It was when the assailant of the illustrious dead was ' a glass, copy, and book that fashion'd others,'—then it was, and then only, that this writer rebutted what he deemed unjust, and not over pious in a pious person. Among the strictures* upon the gentleman in question, is the following passage.

After rebuking a set of writers, who appeared to this author to trade in the vilification of his

* Originally published in the Morning Chronicle, in an essay of trying length, and since re-published, in a volume compiled by Mr. Cobbett.
Royal Highness the Prince of Wales, the essay of the author has these words:—"But oh, if the Prince of Wales should be impressed with any other than (what ought ever to be the first feeling of a high and honourable mind, upon such occasions) a feeling of scorn for a principled libeller, who is only labouring in his vocation—if, in wading through the lucubrations of the profoundest master of the dull, the redundant, the mad, and the malicious, by whom our nation has been graced since the days of Jeremy Collyer and John Dennis—should the High Prince be sensible of the slightest chagrin, he may rest quite assured, that when, in the course of nature, he shall become invested with the sovereignty of these realms, all men of this slanderer's complexion will be as forward in flattery to him, as now they are in detraction. Such virtuous followers will be always in the train of "the powers that be" as exactly, as was that famous knot of parliamentary cherubs in the time of the common-wealth, who, calling their venality "awaiting upon Providence," made it a point to stick by all the existing governments, even that of King Charles himself; to whom these saintly Senators most faithfully adhered, till all his merit took flight from him, with his power. The prototypes of the Saint before us, were a something shrivelled, that stuck to the side of power in all ages; and
who are only out of their element when a good man happens to reign."

In strict conformity with the principle of the above quoted passage is the conduct of the writer upon the present occasion. The whole of number* five, in the former edition of these papers, consisted of an encomium upon his Royal Highness. Of that number the entire is omitted in the present edition; with this view, that to the corps of flummerers just described, the writer may neither be linked nor likened. Even if the eulogy adverted to had been an original gratification to its author, still would that author prefer trusting, for the effects of totally omitting that eulogy, at this juncture, to the manly understanding, the sound judgment, and clear discrimination of the high Prince, to risking its revival, at a crisis when, in speculations upon the Royal Parent's malady and age, thousands are preparing to sing their hosannas at the Royal Son—at a crisis when rancid prose, and splayfoot balderdash, will rush upon him even to endanger suffocation, if his experience did not warn, and his taste instruct him, in the full worth of such loathsome incense—the incense not of homage sweet, but poisoned flattery.† To cast thethurible in the moment of fortune is the very genius of sycophancy.

* See page 37.  † Shakespeare's Henry the fifth.
Without blaming any who differ from him, it is the author's profound conviction, growing with the growth of every year, that under the limited kingship of the English constitution, there exists a principle of liberty, of more practical value than in any government upon earth. With all its deformities,—what, of human workmanship, is free from imperfection— with all the certain tendencies of a court to generate deceitfulness, servility, and corruption—with the ever-gaining increase of that leviathan, the influence of the crown, for which influence (alarming to even an honest minister, if such a rare monster—a museum of itself—could subsist in such elements) where is the remedy?—though all those flaws are legible to the blindest, enough yet remains to put this civil system far, far, above all other forms and frames of government.

Under these impressions, and under sentiments begotten by these impressions, the writer has seldom been idle, where exactions were made upon indviduals of the Royal Family, beyond the capacities of natures merely mortal—therein following the example of those who lye silent,—whose rule was; to do even unto Princes, as they would be done unto; and whom no allurements of that depraved, capricious, treacherous, wanton, popularity (which is no more that permanent judgment of mankind, that real voice of the people, called, not impiously, the voice of
God, than the tempest is a denotation of the general temper of the winds) ever seduced to the infliction upon Princes of an ordeal from which themselves would have shrunk.

Following the footsteps of such a guide, the writer has rarely been a mere looker on, when the personal concerns of the Princes formed the topic of comment in, or out of, Parliament, although not to any member of that August Family, does he owe the thousandth part of a pinch of snuff; direct or indirect! of any obligation—Obligation cannot be conferred on all. All would, though but few can be, favourites. 'Tis true, service, mere service is of a sterile, bare, and barren soil, the plants of which commonly vegetate like the aloe; whilst favor is ' the fair garden where the sun always shines,' the saplings of which shoot up with mushroom rapidity. But, to complain of such dispensations, is to complain that we are mortal. The drones of this world, the ignavum pecus, have always devoured the honey and usurped the rights of the meritorious. Favoritism may, indeed, be pushed to insupportable extremes;—but, in all ages, fortune has been nearly the same wayward divinity. There were many prosperous parasites before the days of Agamemnon; they only lacked celebrators.

So, and in the like spirit, if during the late proceedings against the Duke of York, imperious interruptions had not interposed, the writer, (as a person who sometimes takes a pen) would have felt it as a
subject of reproach, not, certainly, from the Royal Duke, who has no claim upon the writer, but of self-reproach, for defect of a social duty, in being wholly supine, at seeing a test applied, upon that occasion, under which all beings of pure flesh and blood must be found wanting.

If the charges of indiscretion against the Royal Duke were tenfold, still the evidence of the thing, the state of the army, was decisive of the general purity and ability of its administration. But granting the contrary; admitting, for argument, the direct contrary, still even that direct contrary would not justify an inquisition unparalleled in the history of accusations. Is a Prince, therefore, the less a man? Should man be robbed of man's rights, because that man is a Prince? Who would—who could, stand the brunt of the kind of analysis employed against the Duke of York? If there be any man who really makes light of all the means exercised against the Royal Duke, of him I say, Dea nec dignata cubili est. Such a man may have dined at the table of a god, but never could have basked by a goddess's toilet. What! pluck out, eviscerate, what all other mortals deem safe and sacred by their privacy?—denude and expose to the licentious malignity of the crowd, what frail man in his frailest moments, in his most subdued, confident and careless relaxation, in that exact state
where folly is wisdom, for the very reason that wisdom would be folly, considers as secure from all human comment—to invade the citadel, the very sanctuary of man's greatest weaknesses, (of weaknesses, however, no way incompatible with the highest virtues) weaknesses generally unrestrained, because always held inviolable. If Solomon or Socrates write love letters, those love letters would be stark nonsense to every third person upon earth.

These few words are due to the author's feelings, to his sense that social right and moral fair dealing have been grossly outraged in the case of the Royal Duke. They are due to the writer's belief, that the weapons wielded against the Royal Duke were not fair implements of warfare. They are due to the author's sun-shine conviction, that of all the Royal Duke's adversaries, none would abide the purgation to which they have put the Royal Duke—not one of the whole body—without excepting any saint in the calendar.
When the author began this preface, it was his intention to have said a few words upon mooting against principle, the argument of inconvenience— even if the inconvenience had been real and not founded upon the doctrine of extreme possibilities; the urging of which is, like plumbing the ocean, because, to such extreme possibilities there is neither bottom nor end. From that discussion, however, the writer forbears. He engages no farther in the controversy, likely to arise from the course announced in the House of Commons yesterday, than by the republication of his former work.

Craven Street,
18th December, 1810.
In this reading age, it cannot be doubted that the melancholy situation of the king has directed the curiosity of the nation in general, to a perusal of such sources of information, as may tend to throw light upon a case so extraordinary.—The history of British Regencies cannot, at this time, be otherwise than pretty generally known; and this reasonable presumption confines the writer, upon that part of his subject, rather to deductions resulting from the history of Regencies, than to a detail of the history itself.

The writer of this paper affects no other knowledge upon this occasion than is acces-
sible to every person who will take a little, and but a little trouble; and as he is satisfied that his argument will be the more convincing as the reader gains information, he shall, in his progress, make such references to authority, as will enable every person fully to decide upon the justness of his reasoning.

All the popular histories of England, are so clearly arranged, that the heads of the several chapters will lead the inquirer to the precise passages which relate to the Regencies that have taken place in this kingdom. These Regencies have been, severally, in the reigns of Henry III.—Edward III.—Richard II.—Henry VI.—Edw. V. and Edw. VI. together with some that took place, and some that were projected, since the accession of the present family to the crown of England.

Not any two of these Regencies are marked by an exact similitude in all parts; but throughout the whole of them there is one predominating feature, namely, that whether in the minority, in the absence, or in the disability of the Sovereign, the royal authority has commonly been conferred upon
the next heir to the crown, capable of executing its duties. There are two circumstances strongly demonstrative of the public sense upon this point. Henry V. designed, upon his death-bed, the Duke of Gloucester for the Regency of England; yet, with all the love of all the nation for that brilliant Prince, his will, in this instance, was directly set aside, and the Duke of Bedford, the elder brother and presumptive heir to the crown, named to that office by Parliament; Gloucester, being restrained from all power excepting in Bedford's absence. The other circumstance occurs in the minority of Edward V. Gloucester, afterwards Richard III. the next heir to the crown capable of executing the office, immediately upon his brother's death, was appointed Regent, or Protector, during his nephew's minority; and though the queen mother suspected him of designs upon the crown, though his bloody and ambitious nature was well known to the nation, no opposition whatever was made to his being called to this high station—insomuch, that all the historians (Sir Thomas Moore, Hume, &c.) describe that devolution of power in
these words, "he being by the customs of the realm entitled to the Protectorship."

The Regencies of the Earl of Pembroke, in the minority of Henry III. and of the Duke of Somerset, in that of Edward VI, operate not the least against this maxim; there not being, at either of these periods, any one of the blood royal capable of executing the duties.

During the reign of Henry VI. there were no less than three Regencies, or Protectorates; (for the species of magistrate appointed in the minority, absence, or disability of a King, is sometimes called Regent, sometimes Protector, Guardian, or Lieutenant) and these three Regencies, still stronger than the former cases, shew in whose person the right exists, when necessity calls for it,—as the reader will observe.

In the year 1454, upon a declared incapacity in Henry VI. the Duke of York was made Protector; but the instrument which confers the power, expressly limits the duration of it to the majority of the Prince of Wales.

The quarrels of York and Lancaster com-
menced at this time. In a few months after this Regency was conferred, the families took to arms.—The first battle of St. Albans was fought, which threw the King entirely into the hands of York; yet even then, in this desperate situation of the King's affairs, when the Protectorship was again conferred, both by King and Parliament, upon the Duke of York, the provision is revived, which was to terminate York's authority the moment the Prince of Wales came of age.

After a succession of years, and a series of sad events, another Regency took place in the lifetime of this unhappy monarch; namely, that of the Duke of Clarence, with Lord Warwick, in 1470; and the instrument which constitutes this Regency, limits likewise its duration to the majority of the Prince of Wales. Hence it is evident who would have been Regent during the disabilities of Henry VI. if his son, the Prince of Wales, had been of age to assume that office.

(These facts the reader will find in all the histories of England; and the instruments alluded to in the 11th volume of Rymer.)
Thus far then we are gotten.—That by the laws and customs of the realm, the next heir to the crown, capable of executing the duties, has the clear right to be Regent, whenever a Regency is necessary; and that if, unhappily, a necessity calls now for such an appointment, the person appointed must be the Prince of Wales.

Let not the reader be too quick in declaring this preamble, as to the strict right to Regency, useless,* inasmuch as no body doubts it. Before I have done, he will, perhaps, think this preamble not at all a loss of time.

* When this passage was first written, the writer little foresaw that any doubt would have been raised upon this position; still less, that it would be so daringly proclaimed, and from such a quarter.

(Edition of 1788.)

No discussion whatever on the Regency had taken place, either in or out of Parliament, at the first publication of these papers.

(Edition of 1810.)
Whether any necessity exists, in fact, for the appointment of a Regent, is a nice point, on which the writer touches not at present. Hereafter it will be a part of the object of these papers, decently to discuss that subject on the grounds of such data as have reached the public ear. For the immediate purpose it is sufficient to suppose, that the necessity does certainly exist; and that the place of the Sovereign in the actual government of the country, must be supplied by his son and legal successor. This granted, the next proper consideration is, what species of Regency it is fit to appoint.

A full precedent, that comes exactly up to all the parts of this truly singular case, is undoubtedly not to be found in English annals; yet, though no such precedent can be discovered, the course proper to be now adopted is so clear, so plain, so evident, so obvious, and so unavoidable, by any set of men who
do not prefer personal considerations to political duty, that neither the present Ministry, nor the present Parliament will, if they act upon public motives, have any difficulty in extricating both themselves and the nation from this rare and unexampled exigence.

The course is this:

To transfer the kingly power from the reigning Sovereign, who, unfortunately, cannot execute it, to his son and legal successor, who can— with all the authority, with all the vigour, and with all the force that the constitution deposits in the chief magistrate of this free country, without any sort of alienation, division, or diminution whatsoever.

This is the course fit to be adopted; and the man who would act otherwise—the man who would clog the proposed Regency with any other restraints than our form of government has imposed upon the crown itself, falls directly into this dilemma,—he either reproaches the constitution, or libels the Prince of Wales; and, in so far as the libel operates, virtually incapacitates him for succession to the throne of these kingdoms,
If we are sincere in thinking our monarchy, limited as it is, the best possible form of government, nothing but necessity can ever tempt us to alter it. If it were the will of God to call his present Majesty out of this mortal life, the Prince of Wales would instantly succeed to the monarchy, without any change whatever in the essence of the government; but if there occur a middle case, where the Sovereign is, though not naturally, yet politically demised, what is the first point most eligible to be accomplished? Evidently this—to retain (whatever might be the form) the soul and substance of that much-prized government, without any alteration which is not forced by that to which all things must yield, necessity. Now, as no necessity of any kind exists for departing from the principles and practice of the constitution, in the proposed Regency, a quiet transfer of the kingly power, during the King’s political demise, to the undoubted heir of the crown, who is grown into legal, moral, and intellectual maturity, appears to be the only measure that can be fairly attempted, without implying that either the constitution
is defective, or the Prince of Wales unfit to govern.

Whether the constitution is defective, whether it admits any improvement, or whether this is the right time to make the attempt—these are questions foreign to the immediate purpose. As they are not avowed to be the grounds of action, they cannot be pertinent points of argument to this subject; but it follows as an undeniable conclusion to the imposition of any restraints upon a Regency of the present Prince of Wales, which restraints are unknown to the crown in the present structure of the government, that the same restraints should be placed upon the Royal Authority, if his Majesty was naturally deceased, and the succession proceeded in its usual regularity.

If our form of government is excellent under a magistrate with the name of a king, it is no less excellent under a magistrate with the name of a Regent, who is the undoubted heir to that title. If the Prince of Wales, being the apparent undoubted heir to that title, is unfit to be trusted with the powers of government as Regent, he is no less unfit
to be trusted with them as King. I say, as "apparent undoubted heir," for upon that fact rests all the difference between the proposed, and every past Regency. The reader will see by and by, that the uniform motive for all the clogs that have been imposed upon all former Regencies during minorities and incapacities, is the very reason why there should be no clogs at all upon the Regency now proposed; those alone excepted which the constitution has placed upon the Sovereign himself.

In most of the regencies which have taken place in this country, there have been various restraints, and these variously modified; but these restraints are notoriously known to have been prompted by the jealousy, entertained, of the ambition of the Regents, and by the fears excited for the life and safe succession of the minor monarchs—the Regents commonly being presumptive heirs of the crown. No character for virtue or moderation exempted the Regents from the shackles of a council, or could prevail with the Parliament to leave the person of the minor in the Regent's power.—A Guardian or Pro-
tector of the minor's person had generally been appointed, and the vigilance of the Parliament and of the people for his personal security, was always remarkable.

This is no local terror. Lewis XIV. in absolute dread of the ambition of the Duke of Orleans, the presumptive heir to the crown of France, appointed one of his illegitimate sons Regent of the kingdom during the minority of his great grand-son and heir apparent. This arbitrary designation being obnoxious to law and common sense, was indeed set aside immediately upon the King's death, by the very Parliament who were persuaded, in his lifetime, to register it; and the Regency conferred upon Philip of Orleans, according to the custom of the monarchy; but provision was previously made for the life and safety of the infant King.

Thus it was proper to place restraints ensuring the safety of the legal succession upon the Earl of Lancaster, in the minority of Edward III—upon John of Ghent, in the minority of Richard II—upon the Duke of Bedford, and upon his brother Humphry, in that of Henry VI. because these Regents
were the nearest relatives of the rightful heirs; because they were all ambitious, and some of them ferocious men. The want of this precaution in Edward IV. and the want of powers in his Queen after the King's death, threw the minority of Edward V. into the sole discretion of the Duke of Gloucester, and he, in one year, annihilated the whole royal family. Councils of Regency, clogs and restraints are natural and necessary to Regents of this description, in order to guard against the worst, against any danger to the safe succession of the rightful heir; but what is the world to think of clogs, restraints, and councils of Regency, unknown to the constitution, when the proposed Regent is no other than the rightful heir himself.

Hence then it is manifest, that as the restraints imposed upon Regents in former ages, resulted principally from the zeal of the nation to preserve the succession in the legal line of hereditary right, the motives which in those times, induced the adoption of them, is the very best reason to abandon all thoughts
of reviving them under the present circumstances.

The safety of the rightful heir to the crown was their paramount object; for the structure of the sort of governments which prevailed under those councils of Regency, inverted every principle of sound policy, and the governments themselves were a fruitful source of evil while they subsisted.
There is no axiom in our civil system more indisputable than this, that the prerogatives of the crown cannot be divided. They may be abridged, circumscribed, diminished, limited, some of them perhaps totally taken away—but they cannot be divided. The discreet exercise of these prerogatives, is the great desideratum in the wisdom of a British King. He may, indeed, by an evil use of them, destroy both himself and his country; but at all events they are his. The two Houses of Parliament, by their very genius and constitution, are liable to faction; it is the great and main distinction between these two and the other estate, that the latter is secured from such a vice—how? By its unity, simplicity, and individuality.

All the vast prerogatives which centre in the crown were given for the public good, and when they are exerted upon any other principle, it is an abuse of the trust, and a fraud upon
the law. But these powers cannot be shar-
ed out, nor parcell'd, nor participated; their
great faculty of benefit consisting in their
indivisibility.

This is the genuine spirit of the British
constitution.

The division of the powers of the executive
branch is a perversion which is generated by
ignorance; which, whilst it lasts, must pro-
duce constant mischief; and has every ten-
dency to terminate in despotism

This opinion the writer puts forth as his
grand maxim,—challenging any person to
controvert it, and appealing to history for a
proof of its soundness.

Whichever is the object of the suspected
designs against the constitutional powers of
the rightful Regent, in the present case,—to
divide his authority, by the institution of a
council of Regency,—or by the junction of
any other person in the Regency itself, is in
fact a matter of the most perfect indifference.
They are both, by their essence and construc-
tion, the certain source of inevitable evil; and
the difficulty consists alone in deciding, which
of the two schemes is most pernicious.
How stand the facts upon the face of history?

The only prosperous Regency that ever existed in this country, either in the minority or disability of a King, was that of the Earl of Pembroke, in the reign of Henry III. Pembroke, on the death of King John, had all the military strength in his own hands, and the Barons conferred upon him all but the name of royalty. At that time the whole kingdom was convulsed: a rebellion raged in the heart of it; the Dauphine of France, invited by many of the English nobility to the crown of England, was here upon the spot, prosecuting his title at the head of a French army. Pembroke, enabled by the concentration of powers in his own person, to give effect to his native valour and wisdom, in a short time routed the French out of his country; subdued the mutinous disposition of the nobles; conciliated all interests in the young king's favour, and left the kingdom, at the time of his death, in a flourishing and formidable state.

Mark what followed.

After the death of this illustrious man.
the Regency was divided between the Bishop of Winchester and Hubert de Burgo. Forth from the moment of that division, all the affairs of the kingdom went into confusion. Disorder at home, and disgrace abroad, came instantly upon the country; and all the historians of this period unanimously attribute to this divided Regency, not only the miseries which occurred in their own time, but the having sown the seeds of all the calamities which afflicted this country for the fifty-three years of Henry's reign that followed.

But then, perhaps, these evils sprung more from the wickedness or incapacity of the Regents themselves, than from the division of their authority—Nothing like it. Hubert was a man of extraordinary virtue and undoubted genius; but the priest, in the true spirit of his craft, fought for his share of the power, inch by inch; and all Hubert's ability and good intentions were utterly useless to himself and to the nation.

He could do nothing.

Thus again, in the minority of Edward III. the royal powers were parcelled out
among a council of Regency. The Queen-mother, an abandoned woman, warped the majority of the council to her own vile ends; and nothing but the glorious spirit of young Edward, outstripping time as it were, and bounding into manhood, though young in years, could have saved the country from the destruction that hung over it, in consequence of a council of Regency, and the division of the kingly authority.

So too, in the minority of Richard II.—the division of power between the Regent and the Council of Regency brought on all the early, and insured many of the late misfortunes of that calamitous reign. The affairs of the nation lay stagnant, in consequence of the jealousy and emulation of these two co-ordinate authorities, insomuch that the supplies raised for the public service were, at one time, placed in the hands of two aldermen of London—for the express purpose of shewing the Regent, that the council could be as mischievous as they pretended to fear he would be.

Better known, and more recent, are the evils which resulted from a division of the
powers of executive government, between
the Regent and the Council of Regency, in
the minority of Henry VI. The speedy loss
of the kingdom of France, (an event which,
whether good or bad for this nation, demon-
strates the impracticability of any efficient
government, under a systematic division of
the royal authority) the endless discord be-
tween the Regent and Council, and all the
external, and all the dismal domestic mi-
series of that period, call loudly upon the
nation never again to risk a division of the
powers of the first estate,—unless that divi-
sion is utterly unavoidable.

The Regency of the Duke of Gloucester,
(which ended in the destruction of Edward
V. and the usurpation of the same Glouce-
cster as Richard III.) affords not much
example either way, excepting in this: It
proves that these councils are capable of
being made an instrument of evil, though
few instances exist of any national good
being derived from them. Had Richard,
whilst Regent, of his own mere authority,
ordered the murder of Rivers, Vaughan,
Gray, &c. the friends and relatives of the
minor King,—the nation had probably then
caught the alarm, the overthrow of the government been possibly prevented, and the royal family saved from slaughter—but Richard knew full well, that the Council, though he could suppress any inclination of theirs to do good, were capable, in his management, of the widest mischief; and he, accordingly, sanctioned his first cruelties under their authority. The Council confederated in these barbarities, headed by Buckingham and Hastings—Hastings and Buckingham, not foreseeing the aims of Richard, nor once imagining that these iniquitous proceedings would be, shortly, visited upon themselves.

The Council at this time, though not, strictly speaking, a Council of Regency, appointed Richard Protector, without waiting the authority of Parliament; and that appointment was, perhaps, the cause of all the subsequent calamities. Regent he was by the late King’s will, and by the customs of the realm; but it no way followed, that he should be Protector of the minor King’s person.

The probability is, however, that in the state of the country, and of the court at that crisis, nothing could, with effect, resist the
machinations of a Prince, possessing Richard's artifice, ability, and ambition.

With respect to the Council of Regency in the minority of Edward VI. that is never mentioned but as one of those melancholy instances, which prove that times unhappily occur, when nothing can be found to exceed the despotism and folly of the King, but the servility and baseness of the people.—A Council of sixteen persons, co-ordinate in power, possessing all the royal authority; a Sub-council of twelve more, added to this sixteen: this is such a monster in polity as could not, probably, enter the head of any other human being that ever existed, except the head of the capricious tyrant* who formed it. All the effects of this division of the royal power were perfectly answerable to the institution. Nothing resulted from it wise, consistent, or constant; each man was a King, and each King was jealous of his fellow King. They united at first to raise themselves into high honours—then sometimes united to destroy the country, and ultimately destroyed each other.

* Henry the 8th.
Thus it stands upon the face of history.—Every Regency of former ages is fraught with examples to deter posterity from ever attempting any division of the regal powers, which is not compelled by an inevitable necessity. Where, then, the present Ministry can find any authority in English annals to make the attempt, which is rumoured, it is indeed hopeless to search.

In the Regency bill of 1751, the present ministry have no countenance; because times and things are diametrically reversed. And here the circumstances of the day suggest a curious reflection. Upon that occasion, the fathers of the two great rival statesmen of the present moment acted memorable parts. Both of them were in office; both supported a bill which appointed a Regent, restrained by a

*The fugitiveness of all things mortal—the rapid "passage through nature to eternity," of whatever is born of woman, cannot be more strongly exemplified than in the necessity of telling the reader, even in the year 1810, that these "rival statesmen," to whom, at that moment, all other men were as mere pigmies,—were Mr. Fox and Mr. Pitt. Another significant warning of our transient footing in this life appeared on Friday last, (the 14th of Dec. 1810;) when, of the twenty-one members moved by Mr. Pitt, twenty-two years since, to examine the King's physicians, two only are members of the committee moved by Mr. Perceval, on Thursday last, for the like purpose; and those two the only surviving members of that body,—namely, Mr. Sheridan and Mr. Wilberforce. (Edition of 1810.)
Council of Regency; and the events which are now in prospect, will perhaps exhibit another specimen of marked degeneracy in some of their issue. Yet not in the sentiments of any great man, who bore his share in those transactions, can any thing be found to lend the least gloss to the suspected projects of the present moment. The Prince of Wales of that day was a boy—the Prince of this day is a man, abounding with every quality that can grace his station. Between the two periods and the two events, there is no circumstance of affinity whatever.—Yet, then, did Lord Chatham, then did Lord Holland, though they differed vehemently upon collateral points, both maintain the maxims which are maintained in these essays, namely, that the executive power should never be divided, unless when compelled by invincible necessity. Lord Chatham concurred in making a woman Regent, and that woman a foreigner, in order to secure the safe succession of the rightful heir. Lord Holland concurred in making this woman—this foreigner, Regent, and passing by the Duke of Cumberland, notwithstanding that Prince's known love for this country (the liberties of which his blood had preserved), with all his valour,
with all his wisdom, and with all those virtues which made him the idol of the English nation—the better to secure the safe succession of the rightful heir. Nay, those eminent qualities, and this very popularity of the Duke of Cumberland, were the grounds of superseding him in the Regency, and of selecting the late Princess Dowager of Wales for that office. But a woman and a foreigner was a novel kind of Regent; and the fears arising from a consideration of her sex and her country, alone induced what division was then designed of the powers of government—a just and sufficient reason, if any reason could reconcile any division whatever!

But if the measure of that day could be construed into any defence of the project now talked of; how would the great men of that period, were they living to behold it, look back with horror at their fatal precaution? How dart their indignation at those, if such there are, who should dare to abuse the zeal which they had shewn, at that epoch, for the safe succession of the heir apparent of
this diadem, into a precedent for the annihilation of the heir apparent himself!!

If my Lord Mansfield were asked, and while he yet sheds a lustre on the land, which his genius has so long adorned,—let him be asked, whether he, or any other of the illustrious characters who promoted that bill, ever apprehended it could be made a rule for a time when a Prince of Wales, himself, was to be the Regent, and that Prince near seven and twenty years of age. Such an impious plot would rouse that venerable nobleman, even upon the verge of the grave, from the contemplation of eternity—the little gasp which the grace of heaven still grants him, the last faint light that glimmers in the socket, could not but blaze a little, while he vindicated himself and his cotemporaries from such a dereliction of their duties, as this charge would imply against them.

Lord Mansfield would now say, as he then said, "The division of the royal authority is certainly unconstitutional. Councils of "Regency are, undoubtedly liable to faction, "and Regents with sovereign authority are
not so; but Regents with sovereign au-
"thority, might usurp the crown to the 
"prejudice of the rightful heirs; and Re-
"gents who can only be subjects, should not 
"have sovereign authority. We must pro-
"vide, at once, for the safety of the rightful 
"heir, and of the nation, in case of a minor-
"ity; because minorities are always weak 
governments, and may again be, as they 
"have been, heretofore, productive of the 
"greatest mischief to the nation, if not 
"previously provided for."

The very same reasons which induced the legislature in the year 1751 to pass a Regency bill, occasioned a revival of its provisions in the year 1765, in the fifth of George III. The two cases were similar in all respects. In both the heir apparent was a child: the mother was a foreigner in both; and in both, the fears of a long minority suggested the measure. The present Queen, a foreigner, and an alien to the blood royal, having no pretensions to the throne, was deemed the fittest guardian of her son's person; she was deemed, too, the fittest Regent in his minority, as she could not be reasonably supposed to
have any views distinct from the welfare of her own progeny. The legislature, again, passed by the Duke of Cumberland, a hero and a statesman, because, with all his virtues, they would not hazard even the possibility of an usurpation. They selected a woman, and that woman a foreigner, for the same reason, and for no other. Yet, let me ask, was a woman and a foreigner the best calculated person to govern this country? surely not; and, therefore, to guard against continental intrigues, or any other unfortunate bias, a Council of Regency was appointed to direct her; not as a matter of choice, but the result of strong necessity. The safe succession of the true Prince was the great motive to the government then instituted; which government by the same law that gave it existence, was to crumble into atoms the moment he attained his eighteenth year. But now, when by the singular visitation of Providence, a Regency becomes requisite, we are threatened with the renewal of those provisions, unpopular as they were, whose only justification was their necessity, in order to preserve the rights of the true Prince, at a time
when the true Prince was *in his cradle*—
and all this, it seems, is to be struggled for
at a crisis when the Regent *can be no other*
than the true Prince himself.

To conclude this point in the words of
Lord Mansfield, "*minorities are always weak*
governments." They are so to a proverb.
What then should tempt us to form exactly
a similar government as *matter of choice*—to
form a government, in its genius and con-
struction, vicious and defective, uncompelled
by *any* necessity of *any* kind, and without
*any* good motive, or *any* just reason under
heaven—to hazard all the evils inseparable
from the sort of government that *must* be
resorted to in minorities, at a time when
the proposed Regent, and rightful heir to
the crown, is of competent maturity—to
risk all the perils we have been forced, in
past times, to undergo, in our anxiety to
escape usurpations; at a time when the per-
son to be entrusted with power has the
*legal, apparent, direct, undoubted* inheritance of the crown—who, if his father was
*naturally* demised, would, *confessedly*, suc-
cede to the sovereignty of the empire—
all its prerogative, powers, rights, and royalties, remaining unabased and unimpaired; and when superadded to all this, every event in history that assimilates at all with the case in question, every maxim, every analogy of law, and every principle of constitution, expressly discountenance and condemn the attempt?

Why I think this attempt is, or was intended, it is right the reader should know; and he shall know.
Number IV.

December 2, 1738.

The grossness of an attempt to violate some of the most important principles of the constitution, in clogging the government of a Prince of Wales, under the present circumstances, in any other way than that by which, according to the known practice of our system, the crown itself is restrained, might well induce every person to doubt that any project has, in fact, been formed for such a purpose; but the rumour comes in a shape much too questionable to be rejected with total indifference. It comes from no less a quarter than a cabinet minister, and that cabinet minister the —— of ———.

It, surely, is a puzzle, to conceive how a man of Mr. Pitt's acknowledged craft can have designed, or designing, can, before the time, have propagated a scheme, which to a certainty must, upon the long run, accomplish his own political destruction; and which, if even abandoned as too hopeless,
must entail upon himself all the consequences of having, at least, meditated the project. The truth, perhaps, lies a little under the surface.*

That the —— of —— has sent forth this report is well known,—that Mr. Pitt has encouraged him is believed,—that Mr. Pitt was ever in earnest is doubted.

A man of Mr. Pitt's polity might think he saw his object in sounding the sense of men through such a medium as the —— of ——, and in selecting his —— for the purpose, it is, at least, manifest that he knew his man. Never sure was agent better suited to an office—never was mortal better calculated to promulgate the thing which was at once original and preposterous.

If the plan was well received, it was easy to avow it; if the plan met with execration, the minister was sure he could screen himself behind the impregnable bulwark of his noble colleague's characteristic caprice and

* The conjecture here thrown out has been amply verified by the events which have occurred since the first publication of this letter. (Edition of 1788.)
absurdity—his noble colleague remaining never a whit the worse.

Surely the suspension of sanity is at this time contagious. If it were possible that a person of the—of—'s rank and high station could condescend to favour the public with his sentiments through the medium of a newspaper, one might be justified in attributing to his—some of the lucubrations which have, since his Majesty's illness, appeared in the ministerial prints—if ministerial I may call them without offence, and I am sure I mean them none. The lucubrations, alluded to, have gravely assured the public, that the business of government could go on perfectly well in the management of our most excellent ministry, notwithstanding the King's supposed incapacity for any one legal act; and this assertion is, indeed, the less improbable to be the—'s, as he knows the fact to be otherwise.

Perhaps, however, these writers are only ignorant men, who, in giving their opinion, speak to the best of their judgment, and have no worse motive in what
they advance than a wish for the duration of the minister's power.

The — of —— however, knows much better. He knows, that, with regard to the most essential functions of the monarchy, the government stands still.—Hinc illæ lachrimæ.—Hence the mad fantasies which have issued from this infuriated oracle: but not mad nor ignorant is Mr. Pitt all the while; and as he is neither, nothing less than hearing it proclaimed by his own lips, shall ever convince me that he really meditates the perpetration of such a scheme.

It is not his virtue that checks the belief of this rumour. It is not his genius which prohibits the supposition

But it is Mr. Pitt's prudence which inclines one to refuse all credit to the report.

Mr. Pitt's prudence must have long since hinted to him that an endeavour to intrench himself in power, by an attack upon the royal rights of the true heir to the crown of Great-
Britain, will open to the world the naked nature of his own mind; and stamp him with the most unmagnanimous, the most sordid love of office. His prudence, must convince him that in such an attempt, he must relinquish, for ever, all pretence to dignity of character.

As his enemy, I might rejoice at such a project; and sure he has no friend if this course is recommended to him.

Indeed there is another, and but one other consideration, that might encourage Mr. Pitt to this experiment.

He might cast his look a few years back, and say to himself thus, "I know it is possible for a bad servant to instigate a good sovereign to plight his word, that he should not dissolve his Parliament, at the very time it was determined to dissolve it—therefore it
is necessary to guard against a similar evil in future times: I know it is possible a House of Commons might exist which would resist all the threats of civil extinction; all the blandishments of power, and all the bribes of office, rather than sacrifice their sense of public duty—it is therefore proper to restrain a prerogative which may annihilate such a body, in punishment for such independence; I know it is possible to defeat the most virtuous exertion of the democracy of England by a faction of the Peerage—it is therefore fit to curb the great prerogative of lifting men to that high dignity, who (as suited the ends of a Minister, or the whim of a King) may best promote the purpose of the moment.” Or finally, and in a word, he may, resting upon the aggregate of his own political life, make one more stout, resolute, dashing determination; and, having trampled upon the most fundamental privileges of the Commons of England, to procure his present office, he should think it but consistent, to strip away the most sacred rights of the crown to preserve it!

Let us pause a little.
Having shewn, that if there exist at this time a necessity for a Regent, that Regent must, according to the spirit of the constitution, be the Prince of Wales. Having shewn that all restraints upon Regencies in former ages have been imposed only to secure the safe succession of the rightful heir, these restraints cannot, according to the spirit of the constitution, be now revived, when, for the first time in our history, in consequence of a situation without example, the Regent can be no other than the rightful heir himself. Let us, for argument, suppose this appointment actually made, undivided in its power, unclogged by any fetters, not placed by the constitution upon the crown itself, and then let us contemplate THE PROSPECT BEFORE US.

This contemplation naturally branches into two views: First, the personal qualities of the Prince himself; secondly, his supposed political predilections.

First then, the Prince himself.

(Number 5, first published on the 3d of December, 1788, beginning at page 37, and ending at
page 49, of the former edition, being wholly personal to the Prince, and but slightly connected with the question of Regency, is omitted in the present edition; 1819.)
The political predilections of an heir apparent are, at all times, of importance to the people of this country. Those predilections are of more importance at this time, than in any period of our history, in as much as the weight and privileges of the people have been more depressed, and the influence and prerogatives of the crown more exalted within the last five years, than my Lord Strafford aimed at, or the loftiest minister of Charles II. ever ventured to wish for. Hereafter I shall prove the fact which I am now content with asserting.

That monarch is not the fittest to govern a people of whose constitution he is ignorant. The Prince of Wales must be supposed thoroughly to understand the genius of the British constitution; concluding from all that has appeared of his political conduct.

He knows that although the blood of the Plantagenets and the Stuarts flows through
his veins; though his ancestors are renowned for their valour, and illustrious for their origin, every way; yet that his family has acceded to the throne of these kingdoms, not upon the ground of hereditary right—but upon a much nobler principle.— He knows their exaltation to the British throne was occasioned by that stupendous event which proved that there was an original contract between King and people, the breach of which might forfeit the King's personal title, and involve the rights of his posterity—that event which asserted the sacred maxim—that the Prince who would sway the sceptre of the British nation, must not destroy its liberties. The Prince of Wales knows that this was brought about by the union of great names, great talents, and great families, in, at least, a divided state of the public mind; and that plots, commotions, and rebellions have sometimes agitated the country, having their source in the discontent of many persons against that settlement—that it was not till after a succession of years; after the beneficial experience of the system which it produced, in the mild,
moderate, constitutional use of the regal prerogatives in the hands of the Brunswick Princes, that this mighty measure became so reconciled, and wrought such a change in its adversaries, that the royal family now upon the throne of Great Britain are, in fact, more firmly established than any other race of Princes, perhaps, upon earth.

Of such an event; (so far from distant, that many men now living recollect the time of its taking place)—of their descendants, who achieved an act so good and so glorious for his own family, it would ill become a Brunswick Prince to discover oblivion or neglect.
Such a Prince may, indeed, have many private virtues, but posterity, who could only know him in the effects of his reign, and in the historian's narrative, would, perhaps, shew his memory but little quarter.

These antipathies have never yet appeared in the Prince of Wales. On the contrary, that personage appears to have manifested the most avowed, the most constant, and cordial attachment to those principles, and sincerely cherished those very men—not "a gang of gamblers, beggars, and vagabonds," as they are styled by Mr. Pitt's panegyrists, but such men as I shall describe them.

Whoever looks over the history of his country, and, observing those great names who by valour, or by wisdom, or by hospitality, have in the earliest times spread a lustre round them, is curious to inquire concerning their posterity—will find them in that party, as it is commonly called, which the Prince of Wales graces with his attachment. Whoever, in perusing past times, feels his bosom swell at the exploits of those who, since any thing worth notice is recorded in our annals, are found to have been fore-
most in the career of victory, and raising the military renown of our nation, and is curious to know the public conduct of their descendants, in the present times, will find them in that party. Whoever, zealous and warm for civil liberty, the noblest work of man, reads with admiration and with wonder the hardy, intrepid, unbending spirits, which in the teeth of tyranny, of public baseness, and popular illusion, have, with firm, unchanging, invincible determination, placed men's rights upon the base of law, equally out of peril from the oppressor's grasp, and the caprice of the multitude, and is desirous to hear of their present representatives, will find them in that party. In that party they will find the sons of those who, in all circumstances, and under all threats of power and seductions of corruption, were never once known to desert the people. They will find in it the issue of those who fought, who bled, who perished for the freedom we now enjoy, and whose blood redeemed it upon a scaffold.

Men of great fortunes are supposed to be the most interested in the liberties of their country. The supposition is an error. Pri-
vate property is safe in most countries, for it is not the interest of the worst tyrants to disturb it; in fact, men who have only their parts and their activity to help them forward, have the deepest stakes in a free state, because, in free states alone they can be sure of making any impression.

Yet if wealth and wide possession can add importance or lustre to a cause, in that party will be found the greatest fortunes of every kind, the greatest landed property, the most ancient and extensive holdings, with all the rights and honourable appendages which accompany them. So that for antiquity and nobleness of blood; for renown in arms, and for civil reputation; for tried impregnable virtue; for the greatest and most extensive property; this party comprehends whatever the country has, which is most respectable, and most distinguished.

The men themselves too are the genuine heirs of the wealth and the worth of their ancestors; generous, magnificent, just, honourable, polite, frank, open and sincere: descending into popular circles, and mingling with the mass of their countrymen, not with
a constrained complaisance or factitious humility, both which are, rather, insulting in their condescension, and which cannot impose upon the most shallow; but melting and mixing with their fellow citizens in the free flow of a good, common, cause; like a rich river which receives the adjacent streams, and rolls along in one full, clear, incorporated current.*

For abilities of every kind, the most various and transcending, those amongst them who are destined for active scenes are so established and so famed, that no new idea could be given to the nation by even the most detailed enumeration. Their second, nay, their third ranks, are filled with men more capable of governing an empire, than the whole combined phalanx of their antagonists. In fact, what are their antagonists?

* * * * * * *

And yet they tell us Mr. Pitt is popular. Is he so indeed? Then, let us look his popularity straight in the face.

* The writer's sentiments remain unchanged respecting the Whig party, whatever his feelings are towards some of its living leaders. (Edition of 1810.)
Number VII.

December 8, 1788.

The writer is induced to interrupt the arrangement he proposed in the last Number of this article, and to forego the consideration of Mr. Pitt's alleged popularity until his next publication; by the wish of saying something, more, upon a subject which more immediately engages the public interest.

As the situation of the kingdom in the present exigence is on all hands admitted to be new, so too must be the act which is to extricate the kingdom from this exigence. The public emergency, which bears the greatest similitude to our dilemma at this moment, is undoubtedly the crisis of the Revolution in 1688; and in many respects the operations of both periods must be alike. At this moment it is manifest, that there exists in this country no Legislature. To make laws is the very essence of legislation, and where there is no first estate to ratify the acts of the two other estates, no law can be
made. It has been a doubt with some of the most venerable parliamentary authorities, whether, in law, the House had, upon their meeting at the end of the prorogation a fortnight ago, any capacity for any parliamentary proceeding whatever; the circumstance being without example for a parliament to assemble, after a prorogation, without the presence of the King, or some message, or some commission from the crown—and the Speaker felt this difficulty so strongly, that he questioned the power of the House to issue a writ for the borough of Colchester.

Admitting, however, that the powers of each House to remedy this great evil may not be disputed, the thing to be done, cannot be done as an ordinary act of legislation. Either the Prince of Wales, upon full and formal declaration of his father's incapacity, succeeds of right to the execution of the sovereignty, during the existence of that incapacity; or the investiture of him, or of any other person, with that power, must resemble the measure of the convention in 1688.

If the Prince has this right, the government remains entire, notwithstanding the
incapacity of the king. If he has not the right, then the frame of the government is dissolved as it was in 1688, and all the principles then adopted must be admitted now—the difference consisting only in their application.

At that time there was no legislature and no government; neither the one nor the other exists at this time; and the cause of the defect resulting in both instances from the want of a King: a virtual vacancy of the throne is now implied, as an actual vacancy was then asserted. But in that case the actual vacancy of the throne arose from the incapacity of a King to govern in consequence of expulsion for his crimes—or, as it was termed, his own abdication; the virtual vacancy of the throne in this case arises from the incapacity of a King to govern, in consequence of the act of God—the King however still existing in the very plenitude of his subjects' affection.

Here let me observe, that this paper affecting to be no more than a piece of reasoning (weak perhaps and feeble) cannot justly incur the charge of premunire, disloyalty, or
disaffection. Not one word is intended, because, not one such sentiment pervades the writer, to the prejudice of King George the Third's regal title, or of his personal virtues. And with regard to the disorder, which, to the wide regret of all his people, afflicts his Majesty—if any persons have really attempted to exaggerate that melancholy situation, it is difficult to say whether the attempt was most abominable or foolish. To wish the King worse is wicked—to seem to wish it, is weak. After professing a just horror at any such practice, it is only necessary to add, that the writer shall meddle not at all with the nature or degree of the Sovereign's malady: all that is pertinent to the drift of this argument, being his declared incapacity to govern at this crisis.

Although so much has been said upon the choice of a Regent, and the division of his power, it will appear, from the deepest research into the nature of our constitution and the spirit of our laws, not only that no other person can be Regent, except the Prince of Wales, and that he must be Regent, in sovereign authority, without subverting
all the fundamentals of law and constitution; but that it is maintainable in argument, though the first sound of the position will come with surprise upon the reader, that the Prince of Wales is at this moment, namely, during his father's incapacity, in the spirit of the constitution, King of England.*

I say, maintainable in argument, not to propagate any idea of sedition or disloyalty, but to bottom the Prince's right to a Sovereign Regency, in ground so impregnable, as not to be assailed by any thing to be drawn from the laws of legal succession in this country, or deduced from the genius of this constitution.

All writers agree, that there is a civil as well as a natural death. They agree, that the King, who is utterly incapable of any function of Sovereignty, is civilly dead. They agree, that though there is a distinction between a right, and the exercise of a right, yet, that a permanent and immovable incapacity to exercise a right, extinguishes in

* The reader will observe from the date of this letter, that it was published, as were all the foregoing, before any of the discussions took place upon this point in either House of Parliament. Edition of 1788.
consequence, pro tempore, the right itself. It is a maxim of the laws of England, that the throne is never vacant. Utter incapacity to govern, constitutes a civil death. The King, who is civilly dead, cannot fill the throne; then, if the throne of England is never vacant, who fills it at this moment?

As to the cases which constitute the sort of incapacity, which incapacity constitutes a vacancy of the throne, the fullest possible discussion took place at the Revolution. Some of the greatest men that ever lived in England, flourished at that moment. The nation was ransacked for ability to represent the people in the famous Convention Parliament, and each House selected its most renowned leaders, for the great conference which took place on the 5th of February, 1689. The transactions of that memorable day, are recorded with an accuracy that has never been called in question; and, upon the occasion referred to, as well as during the whole progress of that mighty business, the incapacity under which our Sovereign unhappily now labours, was repeatedly introduced, as one of the cases constituting a civil death.
Among other opinions, it may be worth the reader’s while to notice the following:

Sir Robert Sawyer. “Suppose the King had entered into a monastery, that is a civil death; when he renounces the civil administration of his government, that is a civil death; if he is incapable of government, then he is civilly dead. For there is a civil as well as a natural death; and the King, though living, may be dead in effect.” The Bishop of Ely—“There is a natural incapacity for the exercise of the right, such as sickness, lunacy, infancy, doating old age, or incurable disease. The highest instance of an abdication is when a Prince is unable to execute his power.”

Sir George Treby, “The King that cannot, or will not, administer the government, is no longer King, which is a sufficient reason to declare the throne vacant.” Mr. Finch, “Suppose it the case of a lunatic, the nation may provide for the government.”

Mr. Dolben. “Relinquishing the government, or by death, in either case it is a demise. In the necessity of government all these cases have the same consequence. When the interruption is in the administra-
tion, it is demised. Where there is the same mischief, there must be the same remedy."

Sir Richard Temple. "Suppose it the case of a lunatic, would not that be a vacancy?"

Such are some of the opinions, which prevailed at the Revolution as to the causes that constituted incapacities, and in consequence of those incapacities, vacancies of the throne. The reader will apply them as he thinks fit upon the present occasion, and according to their value.

Here, it is necessary to observe, that the doctrines in favour of King James the Second's son, during this celebrated conference, apply with irresistible force at the present moment; because those doctrines were drawn from the hereditary nature of the British monarchy, and though urged by the Tories, were admitted by the Whigs; as the undoubted laws of succession to the British crown; which laws of succession it was not the object of the Revolution, at all, to infringe upon. To get rid of James, altogether, was the first object; and the second was to blink the rights of his son; but the principles of
hereditary succession remained, and remain to this hour exactly as in former ages.

The use of this remark the reader will see if he applies to the case in question, the doctrines of succession universally admitted by Whigs and Tories, by all classes of men, and by all descriptions of reasoners at the time of the Revolution.

If, then, natural incapacity constitutes civil death, and civil death a virtual vacancy of the Throne, let us see by the test of Revolution principles, who has the right to execute the government.

Lord Clarendon. "Admit the throne to be vacant from whatever cause, must it not be supplied by those who should have come in, if the King was dead?"

Lord Nottingham. "Admitting the throne to be vacant as to the King, how can it be so as to his heirs? for the course of inheritance to the crown of England is by our law so provided for, that no attainment of the heir of the crown will bar his succession to the throne, as it doth the descent of any common person. The King being dead civilly, the next in course ought
"to come in, as by hereditary succession: "for I know no distinction between succes-
"sion in the case of a natural death, and "those in the case of a civil one."

To those two authorities I may add two thousand, but those are sufficient; for they vindicate the principles of succession to the British crown, and all parties, and all sides admitted them. Now as to the necessity that presses upon us, how comes all this discus-
sion, if there be no necessity? "If," says Sir Richard Temple, "the throne is not "vacant, how are we here assembled without "a King?" "How," adds Mr. Paul Foley, "should we be debating about the settlement "of the Sovereignty, but that we have no "King?"

But then we have a King de jure. We have so; but what is a King de jure, who cannot be at the same time a King de facto? "Nobody can say," observes Mr. Pollexfen, "there is any distinction, in fact, between "government and the exercise of the govern-
"ment; for whoever takes from the King "the exercise of the government, takes "from the King his kingship; the power
"and the exercise of power are so joined, "they cannot be severed."

For one hundred years we have heard of a King of England de jure, whose pretence has been the scoff of Europe. It is a claim indeed which; made at Rome,* excites but ridicule; which, made at Kew, can, under the present circumstances, excite but affliction; and which can only be made at Carlton-house, with any benefit to the nation, or any safety to the crown itself; because there alone the fact and the right can exist together.

It is reported that the old maxim, nemo est heres viventis is to be revived, to the prejudice of the Prince of Wales, on this occasion; and a† Cabinet Minister is said to have declared, that if his Majesty lived these fifty years in his present situation, his eldest son has no more right to administer the government than the meanest of his subjects. If

* Cardinal York was living at that time.---Edition of 1810.

† The author was well informed as to the fact that this was a cabinet doctrine; only instead of the oldest, it has been first openly proclaimed by the youngest Minister.---Edition of 1788.
this report is true, all I can say is, that the
theory has been rashly ridiculed, which main-
tained that insanity is contagious,—Reading,
it seems, is not the only place where the
atmosphere is charged with this new ma-
lady; and surely if "doating old age"
be allowed, as admitted at the Revolution,
to incapacitate a King from executing his
functions, it should likewise disable a Minis-
ter from advising in his councils.

A mere maxim, contradicted by the tide
of experience, can have but little weight; and
this very maxim is rejected and refuted by
the uniform practice of the laws of England,
which bear any analogy to the present sub-
ject. In all cases where lunacy is legally
established, it is the settled custom of the
Court of Chancery to give the care of the
property to the heir at law, or to that person
nearest of kin, who is most interested in the
success of that property. The application
of the maxim too, upon the present occa-
sion, will be justly denied; for the word
viventis, or life, does not bear upon the case—
lunacy, whether in sovereign or subject,
being, in every civil sense, a demise. With
what face then, or force, a maxim, (never formed for an occasion that is unexampled in our annals) can be revived or contended for here, there is sure no conceiving; and, if the unbought opinion of lawyers is of any consideration, it is not a little in favor of this argument, that all Westminster-hall is of the same sentiment.

And, indeed, who suffers by the admission of this reasoning? Not King George III. surely! For if it please Heaven to restore him to the capacity of government, who is there so diabolical to dispute his title? For such a recovery too, the nation would have the best authority. Not that of a Margaret of Anjou, but of Charlotte of Mecklenburg, the shrewdness of whose understanding was never called in question, who is a mirror of connubial virtue, and the theme of universal praise—no other I suppose than this excellent Princess would be made guardian of the King's person.

In this great business, it were without doubt indecent to be precipitate; but to delay, without just reason, the settlement of the kingdom, is a public crime. No evil can
befal this country greater than the non-existence of a Government. If there be any just ground to hope for the King's speedy recovery, the delay is a virtue:—if there be none, and if it should turn out that the protraction, which is expected to be proposed by the Ministry, should only arise from their reluctance to risk their places, no language can be too strong to describe their guilt.*

* The exact similitude of all the circumstances, after an interval of twenty-two years, between the former and the present crisis, cannot but strike the reader. As the writer was of opinion in 1818, that delay, under auspicious appearances, was a 'virtue,' he is of the same opinion at this moment. His persuasion is most perfect that the answers of the physicians rendered the delay of Thursday, the 29th of November, 1816, both a virtue and a duty.
POSTSCRIPT.*

December 15, 1786.

At the close of the foregoing papers, the writer but little suspected that a few days would demonstrate the necessity of the pains he had taken in shewing the title of the Prince of Wales to the Regency of the kingdom, under the present circumstances of the Regal Authority. Nothing less than divination could have foreseen the event of last Wednesday, when the Minister of King George the Third declared, in the face of the House of Commons of England, that the Eldest son of that King "had "no more right to administer the

*Upon compiling the preceding Numbers into a Pamphlet, in December, 1788, this Postscript was added immediately after the first discussion in parliament,---namely, the denial by Mr. Pitt, and the assertion by Mr. Fox, of the Prince's right. The great debate did not take place till the 19th and 20th of December.---

(Edition of 1810.)
"GOVERNMENT DURING HIS FATHER'S " INCAPACITY, THAN ANY OTHER SUBJECT " OF GREAT BRITAIN." This extraordinary declaration will, perhaps, render many parts of the preceding pages not wholly useless, which, at the time of writing them, appeared to the author; in some measure, superfluous: as he conceived it not within the scope of human folly, or of human wisdom, that any person would propagate any doubt upon the great leading principle of the whole.

That doubt, however, having been proclaimed with the most intrepid determination, the author hopes that the following observations will be admitted to be not an useless addition to what he has already written.

Indeed, much of what he should have urged has been anticipated in the speech, on Thursday night, of one of the most acute, one of the most penetrating, comprehensive, enlightened, and eloquent men in Great Britain—of a man who unites the greatest perfections of genius and study; who animates the most logical and detailed
reasoning with the most natural and best-placed energies; and who tempers the most vigorous efforts of a powerful mind with the minutest perspicuity, and the most convincing correctness; succinct though elaborate, clear, however brief or abridged, and always learned though for ever ingenious; forming an assemblage of merits that rank him among the first ornaments of the present, or of any former, parliament—I can mean no other than my Lord Loughborough.*

When this nobleman's speech, on Thursday night, is answered, even I shall own myself a convert, and bow to the talisman which opens my intellect. But it is not in man's faculty to answer that speech; and thus far I will venture to prophesy, that he who attempts it will only be disgraced and defeated.

The Prince of Wales, who is levelled by the above declaration to the condition of the meanest subject of the realm, is regarded by the law of England as synominous with the

* The late Earl of Rosslyn.
King himself. The words of Lord Coke, which, I believe, Lord Loughborough forgot on Thursday night, are *in consideratione juris idem persona nobiscum*. By a statute of the 25th of Edward III. "To conspire the "death of the Prince of Wales is as much "high treason, as to conspire the death of "the King." These are the very words of Blackstone; * and this constitutes a distinction between the Heir Apparent and all other subjects of Great Britain. Thus far the law.—If these two distinctions do not demonstrate him as the inevitable administrator of the royal authority during his father’s incapacity, when combined with all the other considerations that bear upon this case, then is there no sense in the law itself, nor spirit in the constitution, and no such thing extant as political fitness.

As to the *political fitness*, even these gentlemen have not the presumption to deny it; but the reader will see, in a moment, that the matter may not be a jot the better by

* See his first volume, page 225.
this qualification. The Minister affirms that the Prince has no more right than any other subject; but that it is fit to invest him with a portion of the sovereign authority.—Mr. Pitt shall not skulk the rights of the Prince of Wales under the doctrine of expedience, nor escape the natural consequences of his own principles, because he dares not carry them into practice.

The Prince has no more right than any other person;—good—Then any other person may be appointed—it is a clear result of the first position. See then to what this mischievous doctrine would drive the nation, and what a prospect of peaceful times that principle opens for the country—which would raise an authority within the state, paramount to a Prince of Wales, at the age of twenty-seven, in the full vigor of his faculties, when his father is as useless to all the ends of kingship, as if he were absolutely in his grave. What security is there for the person of the Prince of Wales under a Regent that supersedes him in the sovereign authority? By the Regent it is meant not only to restore the government,
but the legislature. The legislature can alter the succession, and may disinherit the Prince of Wales.

Is this a vague fear?—Let the reader be patient a while.

This very thing happened; in a case the most similar to the present of any that has ever existed, since our nation had a name.

Upon a supposed incapacity in King Henry VI. the Duke of York was made Regent in 1460. All the power was placed in the hands of the Regent: and how did the Regent use it? Thus. He passed a law expressly disinherit ing the PRINCE OF WALES, declaring himself and his successors rightful heirs of the crown, after King Henry's death, and investing himself with all the power during Henry's life—to the utter exclusion of the Prince of Wales and his heirs for ever.

This is a fact upon record, as certain as life. And why shall not this happen to morrow, if any other than the Prince of Wales become Regent, as by the denial of the Prince's right, any other may?—The only
answer I can have is this—that the thing which I have stated happened in times of violence.

They were times of violence, indeed, and the reader will presently see it is for the interest of my argument that they were so; when I shall point out to him the abominable use, which is attempted to be made, of the transactions of those very times, upon the present occasion.

Well: but all these terrors are obviated by Mr. Pitt's intimation of Friday night, namely, that though he denies the right, he means to confirm the fact, and make the Prince Regent! Are they so?—He means to place a barren sceptre in his hand, and strip him of a part of the executive powers.

Suppose the Prince of Wales reject a power which implies diffidence, and may entail disgrace upon him. Are then the terrors imaginary, which I have here suggested, calculating from the experience of past times? And why, unless to insult him, is the thought conceived of suspending
any part of the regal functions? In this place I must re-assert one of the positions of the preceding pages,* and affirm again, that reducing or dividing the royal authority "is either a libel on the constitution or the Prince." If the constitution is good, keep it entire. If the Prince is unsafe with the regal power as Regent, he is unsafe with them as King, and therefore unfit to govern. For he, unlike all former Regents, can have no temptation to usurp—the right being incontrovertibly his own.

There is another most serious view of this extraordinary undertaking. If the Prince is refused the Regency as matter of right, or he decline it whilst clogged with any dishonourable compact, and the Irish recognize his clear title to the government of their country, during his father's incapacity, how then stands it with the two nations? The Irish love the Hanover family in their hearts. Ireland is the only part of this empire that has not, at one time or other, since their

* See page 8.
accession, rebelled against them.* The Protestants love them for the stability of their property; the Catholics for putting an end to the barbarous persecutions under which they laboured for ages.† My life I would stake upon their decision in favour of the Prince of Wales.—That nation can have no common interest with a cabal in Downing-street. The Guardian ‡ Genius of their constitution is here upon the spot, and will narrowly watch every step of these transactions.—He who, with the strong hand of irresistible eloquence, redeemed their liberties a few years since, and, with the same superior ability, defended them so lately against the plots of —— and ———, will not hazard their existence by that which he knows would be a subversion of the constitution. This is, indeed, a most serious consideration. Never were two kingdoms connected by so nice and curious a link as these sister islands;

* What an Iliad of afflictions is recalled by the ten years succeeding the time of writing the above passage! (Edition of 1810.)

† The decision turned out as this passage had anticipated.

‡ Mr. Grattan.
and, perhaps, any other course than that which it is the object of this argument to recommend, may cut the strings for ever that tie them now together.

Scotland, too, is another object; and the Scotch, as Lord Stormont in the first instance declared, would deem the supercession of the Prince of Wales, in such a case, a breach of the spirit of the Union.

I will go much farther, and in plain, clear, unambiguous phrase, affirm, that unless the Prince of Wales, being of full age, and of unimpeachable capacity, has a right to administer the government, from the moment his father's incapacity or civil demise is regularly declared by each House of Parliament, that the frame of the government is actually dissolved, and the present Parliament has no more authority to dispose of the sovereignty, without referring to the people of England, than the assembly called by King William at his landing in 88, and which was composed of all the Parliaments of James, and the latter years of Charles II. would have had to bestow the crown, in the first instance, upon the Prince of Orange, without being delegated by the people of England for that purpose.
Either the present epoch is a revolution, or it is not; if not, the Prince’s right, on the declaration of his father’s incapacity or civil demise, by the grand councils of the realm, is clear and certain. If it is a revolution, then is there an open usurpation committed by the two Houses of Parliament upon the people of England, in assuming the right of disposing of the sovereign authority without any appeal to them. When they elected this House of Commons the people had no contemplation of a dissolution of the government, and never could have commissioned their present Representatives to unsettle the nation. And the fraud upon the people is so much the more, as the project now avowed is a libel upon the glorious Revolution in 1688, because it alters the constitution as then established—in as much as it threatens to change the genius and nature of the executive branch of our government, by suspending or alienating a part of the royal prerogatives, without any charge of the least abuse of these prerogatives.
In this argument I feel myself resting upon the very fundamentals of the constitution. A revolution is brought about, and no necessity avowed for it—the prerogatives of the executive branch are to be taken away, and no abuse even hinted at—there is an assumption of power to do the greatest possible act, when no legal authority exists in the country to do even the smallest legislative act—a settlement of the nation, and an institution of a new species of third estate are attempted, upon a virtual dissolution of the government, and not one citizen or elector in Great Britain consulted.

This is the fact, let sophistry gloss it as it may. Again I will state the case; it cannot be stated too often. Either the frame of the government is dissolved, or it is not. If not, it is because the Prince’s right is positive. If it is, then every elector of Great Britain has an inherent indefeasible right of opinion, and should be referred to.

These are the desperate plights to which the nation is driven, and this is the sad alternative which stares us in the face, if we tra-
vel out of the high road of the constitution. By the discussion of the Prince's right, no good can follow, and great evil may—By the decision of it against his right (if it were possible for madness, ignorance, and corruption to succeed in so deciding it) I know no misfortune to which a wise man might not look, as an event, at least, possible, to this country. If, after the King's incapacity were duly and regularly declared in Parliament, an address to the Prince was presented, to assume the government during the existence of that incapacity, the rights of son and father remain sacred, and every thing would be quiet; but by the perverse, the damnable agitation, which is forced forward, of the right, such calamities spring up in the perspective—that the man who can conceive them without horror, must have nerves of steel.
FOR something that is here to follow, it behaves me to apologize to the reader.

* A pamphlet, under the title of "Considerations on the Regency," has been diligently circulated by the friends of the Ministry. That pamphlet pretends to answer some of the reasoning of the preceding pages; and for taking any notice of it, in my judgment, an apology is due to the reader and to myself; not because the work is feeble, its assertions false, and its tendency wicked; but because the mode of reply it has adopted, is the exploded trick, of opposing affirmation, to fact and authority.

For instance. I have said,† that by the customs of the realm, the nearest male relation to the crown, capable of executing the duty, has commonly been Regent, or Protector. This author answers me by asserting "that this is by no means true."‡ How is such a point to be decided?—by resorting to

* Attributed to a Right Honourable person; who, "still lives, a properous gentleman," and, upon maturer reflection, I dare say, highly meriting his good fortune. (Edition of 1810.)

† See page 3 of this pamphlet.

‡ See page 13 of the Considerations.
to the facts, and consulting the authorities. The facts are these—The Earl of Lancaster, in the minority of Edward III.; the Duke of Lancaster, (presumptive heir of the crown); in that of Richard II. The Duke of Bedford (presumptive heir of the crown); in that of Henry VI. The Duke of Gloster, (after him presumptive heir of the crown); another Duke of Gloster, in that of Edward V. the nearest male capable of the office. Such are the facts; the reader will turn to his history, to prove them. Now for the authorities.

No historian ever lived, who has, or who deserves, a juster character for the veracity of his narratives, than David Hume; whatever objections may be raised against some of his deductions in the latter part of his history of England. In page 272 of his third volume the reader will find these words. They were written before I was born, and could not have been designed to suit the present discussion. "The Duke of Gloster, being the nearest male of the royal family, capable of exercising the government, seemed entitled, by the customs of the realm, to the office of Protector; and the Council, not
"waiting for the consent of Parliament, made
"no scruple of investing him with that high
"dignity."

Exactly of a-piece with the short quotation above, are all the other parts of the Downing-Street performance; and I should dismiss that work now, to that obscurity it must shortly sink into, if it were not combined, too much, with the great subject which, at this time, fills the public mind; and if the precise resemblance of its principles with those intimated by Mr. Pitt on Friday night, did not lift it into a sinister importance, by manifesting, too plainly, the quarter it proceeded from.

The whole drift of these manoeuvres of the Ministry is to make the present incapacity of the King a parallel to that of Henry VI. and some extracts, from the Rolls of Parliament, are placed as an appendix to the work alluded to, evidently to make the conduct of the Duke of York's partizens in that memorable period, an example for the present moment.

Men's motives can only be judged of by men's actions; and, here, I affirm that in no-
crisis of civil strife, when factions went the greatest lengths, and ambition broke through every boundary; when every line of legal order has been trampled under foot, and nations been convulsed to the highest pitch of distraction, was there ever an attempt made more objectionable, than to make the parliamentary transactions upon Henry the Sixth’s incapacity a model for the present exigence.

Before I prove this point, let me be allowed to rectify an error which goes a greater way than may be at first imagined.

The authority of the Duke of York in Henry the Sixth’s incapacity, which the writer for the Ministry exultingly alludes to, did not originate with Parliament. It was conferred by the King in his own council, though afterwards increased and defined by that assembly, to which increase and definition the King consented. Now as this should not be taken, nor any other point of fact, upon my word, or upon the word of any anonymous writer, I will refer the reader to the sources of proof for all my assertions:*

* See in Rymer, volume 11th, page 311, the instrument done by the King in council, which gave York the
let it be observed, then, that subsequent to that instrument are all the parliamentary transactions upon this subject.

My object in specifying this point, is to contradict an assumption which seems to have gone forth—as if the two Houses of Parliament had given all his authorities to the Duke of York; whereas in fact, every power, from first to last, was given by the King's consent in his legislative capacity. Henry's illness did not resemble that of his present Majesty. His inefficiency arose more from a feeble frame, and a drivelling understanding, than anything like the malady of King George the Third; and the former monarch was, in the worst moments, capable of doing that which preserved the legislative integrity of the government. No sanction, therefore, can be found in the events of these times to colour the monstrous positions now advanced, namely, that the two Houses first power, dated the 13th of February, 1451; see also the 5th volume of the Rolls of Parliament, page 239, No. 24. See Cotton's Abridgement of the Records of the Tower of London, page 651, and all the common Histories of England.
can perform that which can be no other than a legislative act.

It is bruited that Mr. Fox has been accused of deserting his Whig principles, in maintaining the reverse of this position;—Is the whole nation frantic? Is the grave-digger, in Hamlet’s observation, verified at last, “that in England all the folks are mad alike?”

Accused of deserting his principles, for denying that, which two of the most notorious laws in our statute book declare it a premunire to maintain, viz. That any two of the three estates can make law: and surely altering the nature and genius of the executive authority, or meddling with the very smallest of its prerogatives can be no other than a legislative proceeding.

If Mr. Fox denied that the people of England could upon just grounds, upon adequate provocation, and due deliberation, alter the succession, and confer the sovereignty where, in sound discretion, they pleased; he would, indeed, renounce his principles, and with all my adoration of his character, I should be the first to renounce him. Yet even such a measure, though perhaps the
grandest exertion of popular power, could not be done as a *legislative act*. It would be going back to first principles. It would be acting by an authority which transcends all local institutions.—The capacity of the two Houses, in their present state, is not to *make* law but to *declare* it; not to *give*, but to *recognize*, right. To *give* is to *legislate*; they cannot legislate without the first estate; and if that estate is extinct, they *cannot* create one without reference to the people,—for the extinction once admitted, the dissolution of the government follows of necessity, and the nation is thrown back again upon first principles.

Perhaps I have said this before, but no matter, it cannot be repeated too often: I write in a hurry, and this subject is too momentous to allow of any care for critical circumspection.

I shall now proceed to the close of this discourse, by shewing the reader, according to my promise, the iniquity of making the parliamentary operations upon Henry the Sixth's incapacity, (which I understand form a considerable part of the precedents, to be
produced this day* to the members of each House of Parliament, and which the writer for the Ministry most diligently quotes in his appendix), any example for the present times, unless as examples to deter and to terrify.

Does the reader know the history of England at the period alluded to? If he does not, it is an evil to himself and to his country; for, as all are interested, all should be informed upon a subject, in which, perhaps, all may be forced to take a part, not merely speculative.

If by any convulsion of Europe it should happen, that the Cardinal of York, the grandson of King James II. should be enabled to prefer, by active operations, his claim to the crown of King George III. at this moment, what would be the conduct of a citizen of this empire? I apprehend it would be this: He would shoot the Cardinal through

* This article was published on the 15th of December, the day the Committees of both Houses laid their reports of precedents on the tables, preparatory to the great debate of December the 19th, and 20th, 1788.—(Edition of 1810.)
the heart, as an incendiary who meant to light the kingdoms into civil flames. This he would take, as the shortest course, and not waste time in scrutinizing his title.

Exactly the counterpart of this hypothesis of the Cardinal of York, was the conduct of Richard Duke of York, in the reign of king Henry VI.

Henry was the third King of the house of Lancaster, and George is the third King of the house of Brunswick. The Lancaster family had then reigned sixty-three years; the Brunswick family have, now, reigned seventy-three years. The two first Lancastrian Princes were great men, and brought much renown upon the nation; the two first Brunswick Princes were great men likewise, and brought fame and fortune to the nation. Some evils happened under the third King of the house of Lancaster—may I be allowed to say, that some have been experienced under the third King of the house of Brunswick? The chief difference between the two cases would consist in the disparity which exists between the personal characters of the two Princes, and in the closer proximity of the blood of Lancaster to Richard II. than of the
blood of Brunswick to James II. Their titles too, in fact, were similar; for Henry IV. grounded his claim upon the voice of the nation, and George I. never affected any other claim.

We shall not here discuss which had the strict right to the crown of England, of two Princes who have been in their graves above three hundred years. Yet, as nearly as it is possible for two cases to be, was the dispute of Richard Duke of York for the crown of England with King Henry VI. as if the Cardinal of York were to emerge at this moment from the conclave, and, by some extraordinary revolution, were enabled to contend for the British diadem with King George III.

Now who was this Duke of York? Besides being first Prince of the blood, he inherited all the vast possessions of the dukedoms of York and Clarence, the earldoms of Cambridge, Ulster and Marche; he was, in a word, the richest subject that ever obeyed the sceptre of Great-Britain.

He was married into the House of Nevil, which formed within itself a knot of nobi-
lity, wealth, and power, never before, or since, united in one family in these kingdoms. Of this family were the Lords Westmoreland, Salisbury, Latimer, Fauconberg, Abergavenny, and last, and greater than all the rest, Warwick, commonly styled the King-maker.—The Duke of York had likewise the Earl of Devonshire devoted to him from private love, and the family of Norfolk, from their hereditary rancour to the House of Lancaster. The reader can form no image of the power of these mighty Barons from any comparison with modern nobility. In a word, all the rest of England united, could not make a House of Commons against Richard and his friends, and they were, themselves, almost the whole House of Lords.

Such was the Duke of York, and such his connections. For twenty years he is known to have meditated *the crown of Henry, but being of an irresolute temper, and for those times of a placid disposition, he abstained for a long time from openly prosecuting his ob-

* Hollingshed, Hall, Grafton, Hume, Rapin, &c. &c.
ject, though he had taken all private care to secure its success.

But time grew heavy at length, and ambition roused him into action. So early as 1452 he appears in open arms at the head of ten thousand men against the King's authority, and met Henry himself in Kent to give him battle, with scarcely any pretext for such violence. However, as he was the next heir to the crown, his friends persuaded him to desist for the present, and he dismissed his army. Things remained for a little time in a deceitful tranquillity, until an event which soon followed, drove York forth again, and developed all his views; namely, the Queen of Henry being delivered of a Prince of Wales, which cut off all hopes of his own peaceful succession to the throne.

Then was York's power felt in every quarter. At this time commenced the King's infirmity, which rendered him unfit to govern, and Margaret, with the King's Council, was forced to give the Regency of the kingdom to this very Duke of York,* whose

* Rymer, vol. 11th, page 344.
views upon the crown no man was a stranger to.

The Parliament was devoted to him, and went greater lengths in increasing his power than a person ignorant of the intrigues of those times could think the Duke himself wished them to go.* But it was essential for Richard to preserve a character for moderation, in order to reconcile the nation to the unsettling of the government;—hence Richard's coyness and coquetry with the Parliament as to the extent of his own powers† and his solicitude to have a council.—A council then they gave him of his own bosom friends, and all the authority he could desire.

Being convinced myself of the soundness of my arguments, it is my wish to convince others; and as I would not have any material point depend upon my anonymous affirmation, I shall regularly refer the reader to the most indubitable proofs of the veracity of my allegations. David Hume could not have written, to decide between the Prince of Wales and the modern King-maker, and

* Rolls of Parliament, vol.-5th, page 240:
† Ibid. page 242.
Hume's words upon this subject are as follow: "Men who thus entrusted sovereign authority to one, that had such evident and strong pretensions to the crown, were not surely averse to his taking immediate and full possession of it."

Undoubtedly not. His object was their object; he deemed it expedient to put on a shew of moderation to beguile the public; and the Parliament acted their part in the farce to a miracle—Yet such is the Parliament quoted by Mr. Pitt's advocate as a model for these times.

The limitations to the Duke of York's power at this time were two—first the majority of the Prince of Wales; secondly, King Henry's own pleasure. It pleased the King in about a year after this delegation, to revoke the power.† He did so; and in less than a month after the revocation, the Duke appeared in open arms against his acknowledged sovereign; fought him at St. Albans; killed five thousand of his troops, among them the Duke of Somerset, the

* Hume, vol. 3d, page 199.
† Rymer, vol. 11th, p. 363.
Earls of Northumberland and Stafford, Lord Clifford, and many other nobles—and took Henry himself prisoner.

A parliament met in about two months after this event.—And what would the reader suppose to be their first operation? The impeachment of York without doubt.—

Their first measure was to grant an indemnity to all the Yorkists for this open treason; and to restore the Regency again to Richard, going over the same ceremony, as to the extent* and nature of his powers, as upon the former occasion—*Yet this is the parliament quoted by Mr. Pitt's advocate as a model for the present times.*

Queen Margaret, a woman of great spirit and enterprize, forced her husband, in Richard's absence, to appear in the House of Lords, and to resume his power. Richard pretended a concurrence with this resumption, but directly entered upon measures to ensure the success of the claim which he soon after openly made upon the crown.

After various intrigues and negotiations, they came again to blows, and the battles of

Blorehéath and Northampton were fought. A Parliament was called in the King's name, who was, again, the Duke's prisoner; before which Parliament, Richard expressly opens his claim to the crown.

What do the Parliament upon this occasion? They directly recognize Richard's claim; they invest him with all the power during Henry's life; declare him and his posterity rightful heirs to the crown upon Henry's death; and disinherit the Prince of Wales and his heirs for ever.* The unfortunate King (who was Richard's prisoner) consented to all this violence; and the destruction of the royal family was accomplished by a regular act of Parliament.

This was the last act of Richard's Parliaments, for he lost his life at the battle of Wakefield in the same year; and yet these are it seems, to be the Parliaments whose transactions are cited as examples for the present moment. From the bad conduct of these very Parliaments, sprung all the calamities of this dreadful quarrel, which, to

use the words of Hume, "was not finished " in less than a course of thirty years, which " was signalized by twelve pitched battles, " which opened a scene of extraordinary " fierceness and cruelty, is computed to have " cost the lives of eighty princes of the blood, " and almost entirely annihilated the ancient " nobility of England."* Such is the gen-
uine character of these Parliaments, and from this brief but faithful picture of them, let the world judge of the men who quote them as guides upon the present occasion.

Is there a man who can look back at these schemes, without shuddering? Is there a man who has ever read the lamentable relations of that series of civil slaughters, without affliction and horror? Is there a man who can think of those who would risk the revival of such events, without——?

The Parliaments alone, of those times, are accountable to God and man for all those evils. Had they resisted the Duke of York in any one of his proceedings, the people would have decided against innovations upon

the settled establishment, and this bloody tragedy had perhaps never been acted. But these Parliaments were York's picked instruments: their sanction lent him authority, and encouraged all his operations.

The devotion of these three Parliaments to the purposes of the Duke of York, is one of the most notorious facts in English history, and because it is that notorious fact, I can say, without fear of being in the wrong, that the man who would make their measures a model for the present times if such a man there be, is——.

FINIS.