

T H O U G H T S

*J: B: O'Hanerty Esq*

O N

THE PRESENT PROCEEDINGS

OF THE

HOUSE OF COMMONS.

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L O N D O N:

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(and others)



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## THOUGHTS, &c.

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**T**O flatter the people with the semblance of political power, has been the common art of demagogues in all ages; yet a grosser fraud was never practised on the passions of the giddy multitude. The great body of the people are, by the unalterable law of nature, incapable of exercising the powers of government; and wherever they have been taught to grasp at this object, whether Cæsar or Pompey prevailed, they have equally given to themselves a master, and established a tyranny in the state. This truth, taught by the history, and exemplified in the ruin of the ancient republics, seems never to have entered into the reformation of any go-

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vernment, until the principles of the British Constitution, developed in the contests with the house of Stuart, and fully confirmed at the Revolution, exhibited a structure of political wisdom, which, during a century at least, has been the pride and happiness of Britons—the admiration and envy of surrounding nations. The fundamental principle of this constitution is a renunciation on the part of the people of all the *active executive* powers of government, which they have vested in one person—the King; and that *these powers* may be for ever placed beyond the grasp of ambitious citizens, they have rendered them *hereditary*, passing from father to son, without *election*—because the *election* of a supreme magistrate might afford the opportunity of confounding the several orders of the state, and defeating the effects intended to be produced by the other parts of the constitution.

Having thus vested the whole *executive* government of the country in one person, taking his office by *hereditary* succession, our ancestors have applied the whole remaining powers



powers of the constitution to controul this executive magistrate, to prevent or punish abuse. All the privileges of the peers, all the rights and privileges of the people, or their representatives, are adapted to this end—the controul of the executive magistrate; Should the house of peers, or the representatives of the people, *assume* directly or indirectly, any part of the executive government, they, or their nominees, from that instant become the executive magistrate; they themselves become parties in the abuse; and the defences of public liberty are carried over by the trustees of the people, to the cause of power. It is not, therefore, without reason, that the president Montesquieu, who saw through the whole spirit of laws, and has pronounced political liberty to be the direct end of the British Constitution, has affirmed *that our liberties* cannot exist whenever the two Houses of Parliament shall draw to themselves the functions of executive government.

No man, with whom I have conversed, has ever denied the *right* or *power* of the



people to destroy this goodly fabrick, or to model it at their pleasure. Government being constituted *wholly for the benefit of the governed*, it follows, that force cannot be justly employed against them, to establish even the blessings of the British Constitution; and that the people must be the ultimate judges of what is *conducive to their benefit*. But does it follow that the two Houses of Parliament can enlarge those powers, which they received as a *trust* for the people? That there is an original compact in all government, is a noble and just principle, equally solid and true, under all circumstances, and in all times—but this principle applies with equal force to the *trust committed to the two Houses of Parliament*, as to that vested in the Crown. Can any man in his senses doubt, that if the two Houses of Parliament should, as once happened, again unite the legislative and executive powers, by giving to the proclamations of the Crown, the force and authority of the laws, the people would be justified in resuming *a trust* which had been  
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so wickedly betrayed? This resumption would be precisely warranted by what our ancestors did at the Revolution; but in such an event, I hope, we would be guided by their *example*. I hope we should not abolish the two Houses of Parliament, or *abridge their powers*, but merely transfer the trust to more honest hands. Our ancestors did not deny the maxim of law, that *the King can do no wrong*;" on the contrary, it continues now, for very wise purposes, the constitutional law of the country. But they held, that a King, violating the original compact, and manifesting a deliberate purpose to subvert the fundamental laws, was an evil too inveterate for the forms of the constitution to reach.—They, therefore, declared the throne vacant, excluding the misguided Prince, and his immediate descendants; yet they *re-established* the constitution, and declared the monarchy *hereditary* in another family. All that the friends of liberty contend for is, that where no forfeiture is pretended, or abuse suggested, the two Houses of Parliament have not  
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the *power* to render the Monarchy *elective*; and they intreat the people, whose power is acknowledged, not to concur in this act of political suicide, because they think they can demonstrate, that such an election, even to the *temporary exercise of regal power*, will be destructive of the principles of the British Constitution.

Lawyers have confounded themselves and others with the idea of a perfect analogy, between the succession to *private property* on the death of the owner, and a succession to the *functions of public duty*, on the incapacity of the trustee, *personally*, to exercise the political power annexed to his station. The analogy holds as far as the different nature of the two subjects will admit; but the nature of the subject must decide in *what events*, and to *what extent* this right shall attach.

The interest of the community is best advanced, by giving to each individual the entire absolute dominion over his own property.—He may apply it to his *own personal gratification*, or he may hoard it in his strong box, and may dispose of the whole when  
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life expires, according to the *dictates of caprice*. If, during life, he becomes incapable of transacting *his own affairs*, the law interposes to protect the property, for *the benefit of the individual*; or if he neglects to make a disposition by *will*, the same law direct the succession to those, whose relation to the deceased, speaks them *the probable objects of his bounty*. The powers of government are directly opposite in their nature. These are *trusts* given for the *benefit of the community*; not of the *individual*. The exercise of these powers cannot be suspended by the disability of the *trustee* to await his *future disposal*. The necessity of good government, and consequent demand for the means of obtaining it, are the same to the public, whether the particular individual has or has not the capacity of acting his part. The means of good government, if *justly proportioned* to their object, must be the same, whether administered by the hands of one man, or by those of another. It follows, therefore, that if the people be not the property of the King, but the King be considered as the instrument



strument of good government to the people, the *same powers* proportioned to the *same end*, must be vested in another, during the *personal incapacity* of the individual.

It will be asked; must no attention be paid to the rights of the Sovereign? Yes:—all possible attention;—not for *his benefit*, but for that of *the people*.—Not because an individual, broken by infirmities, is better qualified, for the task of government, than one in the vigour of life;—but because it is necessary for *our own security*, to preserve the *hereditary title* to the monarchy, as a fundamental law of the constitution. The same principle excludes every other individual, and all bodies of men, from participating with the Heir Apparent of full age, the exercise of regal power during the incapacity of the King. The single distinction between this case, and an actual demise of the crown is, that the right of the King to resume the government, must be *uniformly acknowledged*, by a *continual exercise* of the regal powers in *his name*; and *this uniform acknowledgment*, is all which the  
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God of nature permits him *personally* to possess, until a capacity to resume the actual exercise of power shall return. The question, therefore, is not, Whether the King shall personally exercise the Regal power himself, for this the God of nature *has prohibited*; but whether the executive, shall be united with the legislative power, in the two Houses, or devolve on the Prince, the hereditary succession being established, to exclude a *possibility of this union*. Whether these powers, once united, shall again be separated, must depend on the *pleasure* of the two Houses; and that the liberties of Great Britain shall depend on their pleasure, I affirm, not to be the law of the Constitution. On the contrary, our liberties depend on the balance of the three estates, upheld by the people.

But Mr. Pitt says, we must, in the *intermediate* time, preserve the rights of the Sovereign. If by the rights of the Sovereign, be meant the just and legal prerogatives of the crown, how can these be better secured, than in the hands of the Heir Apparent, who,



who, having an acknowledged title to the succession, has the *same interest* in the *preservation* of these prerogatives with the reigning King?

If, by the rights of the Sovereign, be meant a facility, when he shall recover, of indulging his personal predilection in favor of individuals:—this is an argument unworthy even of discussion.—It is in other words, to affirm, that we must submit to a factious, disjointed government, for an indefinite term, perhaps for twenty years, that in the possible event of a recovery, the King may find no obstacle to the gratification of a supposed *private personal inclination*. This is to treat the people of Great Britain, as the *private property* of the Sovereign; and in effect, to revive the long exploded nonsense of a *jure divino* right in Kings. Such is the claim made by the minister of a prince of the House of Brunswick! After all, this *supposed personal predilection*, in a court where Mr. Wilke, has become a favourite, is, in fact as ridiculous, as in just reasoning contemptible. Kings have no friends.—They select



select their instruments of government according to the necessities of the hour; and if Mr. Pitt was preferred to Mr. Fox, when the latter encroached on the prerogative, why may we not suspect a change of sentiment in the Royal breast, when he learns that the gigantic ambition of this young statesman has shaken the hereditary right of the Monarch?

Whatever may be the views or motives of contending statesmen, the care of the people ought to be directed to one object—to preserve the Constitution entire. Mr. Pitt proposes to defalcate the Royal authority in order to preserve it. Mr. Pitt has maintained, that in the year 1784, the King, in full possession of the whole Royal authority, with difficulty preserved his just and legal portion of the government, against a party, aided by accidental advantages. He therefore proposes, that a Regent, whose government, under all possible circumstances, must be weaker than that of a King, shall have *less power*. Why?—because he believes the Regent prefers another to himself; and



he wishes to *prepare* a scene, in which he may act the part, which in his adversary, he himself condemned. When I hear these things, I am lost in amazement at the confidence of the individual, and the folly of those who listen to him.

What portion of the royal authority is deemed unnecessary in a Regent, this great legislator has not condescended to disclose. Fame reports two particulars—the power of creating Peers—and of dissolving Parliaments. That the power of creating Peers may be abused, no man can deny. The history of the last four years, in which Mr. Pitt has added a seventh part to the Peerage of Great Britain, would confute him, if he did. Should the recommendations of Mr. Fox, in some degree, counterbalance the influence thus acquired, the measure does not appear ruinous to the Constitution. In this, as in every other part of the momentuous subject under discussion, the people have no interest in the contentions of Mr. Pitt and Mr. Fox. Their interests is to preserve the just balance of  
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the Constitution. If this power be useless, or mischievous, in the executive magistrate, let him, who maintains the position, openly propose its abolition. No man is absurd enough to advance such an argument. This, like every other prerogative, is given for the wisest purposes; and is more necessary to a Regent than to a King. This prerogative is given to the executive magistrate, to reward eminent talents and distinguished public service; and to dissipate, in the House of Peers, any cabal, destructive to the harmony of the three estates, or to the just rights of either. To contend, that these objects shall await the death, or recovery of the King, is to consider the royal authority as the *private property* of the Sovereign, not as a *trust*, conferred for the *benefit of the people*. It is as absurd, as to maintain, that a King shall not create Peers, because the particular exertion of this power may not meet the approbation of his successor,

The other proposed defalcation of royal authority, is yet more monstrous. To prevent



vent a dissolution of Parliament, without their own consent, is an exact counterpart of the act of the long Parliament in 1640, which deluged this country with blood, overturned the church and monarchy, and left this island, at the close of a civil war, exposed to all the horrors of military despotism. From the change which has taken place in public affairs, to convene the existing Parliament *annually*, is no longer in the choice of the executive magistrate. It is an act of necessity. The duration of the session depends wholly on themselves—on their own management of the public business. If, therefore, the executive magistrate has no power to dissolve Parliament, and to appeal to the People, the phrenzy of an hour may irrecoverably destroy the laws and Constitution.

These two measures seem to be intended to conciliate the two Houses to other measures, hereafter to be adopted. The importance of the Peerage is encreased by the exclusion of new Members, and the *representatives* of the people acquire an independent



dent possession of their feats, until a lapse of time shall restore the *rights* of the nation at large. In the mean time, the temptation to the *abuse of trust*, in both branches, is increased, because it will no longer be in the power of the executive magistrate, even aided by the people, to arrest the progress of their ambition, and to preserve the just balance of the Constitution.

We, who are no politicians, have been in the habit of regarding the British Constitution, as the most perfect model of civil liberty, which the mind of man has ever conceived. Liberty here appears, according to the president Montesquieu, as in a mirror. We, therefore, are not disposed to relish innovations. We are apt to imagine *our rights* may be as well secured, by the present laws and constitution controuling the executive powers of Government in the hands of the Prince of Wales, as in those of his father. If we are alarmed at insidious attempts to supplant the Prince, by giving him the name of Regent, and withholding the necessary means of Government,



ment, this alarm is not diminished by the process employed to produce this effect. The King's authority, signified by both Houses, was the phrase used by the long Parliament of 1640, when they overturned the monarchy, and subverted the liberties of the people. The resemblance is striking, but the absurdity is greater—an *incapacity* in the King to act, is now declared by one vote of the House of Commons, and a Commission, under the Great Seal, proposed in another, affirming the *consent of that King*, to an ordinance of the two Houses. The same artifice, we are inclined to suspect, is now employed to the same end—to *cheat the public ear* with the name of the King as a part of the Legislature, while the substance is withheld. We, therefore, intreat to have the actual effective exercise of the kingly power restored, before his sanction is given to the acts of the two Houses.

An Address to the Prince, calling him to the exercise of the regal authority, in the name of his father, is so simple and obvious  
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a mode of restoring the Constitutional Government to its full vigour, that nothing less than the contests of party, and the struggles of ambitious statesmen, could, for a moment, obscure so plain a truth. The Prince has the same interests with the King—the *permanent security* of the regal prerogative ; and the two Houses of Parliament, excluded from all pretensions to exercise or delegate these powers, will be retained in the interests of the people, in the discharge of their peculiar duties—to controul the Ministers appointed by him. To this object all the laws of the country, and the privileges of both Houses are adapted ; and if we do not affect to be wiser than the laws, a crisis which threatened to convulse the kingdom, and overturn the Constitution, will serve only to rekindle our zeal in its defence.

A PRIVATE CITIZEN.

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