

REFLECTIONS
J. B. O'Hara's log
ON THE FORMATION OF
A REGENCY.
IN
A LETTER
TO
A MEMBER OF THE LOWER HOUSE
OF PARLIAMENT.

Ardua privatos nescit fortuna penates;
Et regnum cum luce dedit cognata potestas,
Excipite Tyrio venerabile pignus in Ostro;
Lustravitque TUOS, aquilis victricibus ortus
Miles——

THE SECOND EDITION.

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REGENCY.

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OF PARLIAMENT.

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THE SECOND EDITION.

LONDON:

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STATIONER.

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REFLECTIONS, &c.

S I R,

AS you were pleased to express your opinion, that some observations on the present crisis, urged in our conversation of yesterday, were not destitute of weight, I shall make no apology for addressing them to you in such a form, as a few hours stolen from occupations and distractions have enabled me to throw them together. Whatever may be their merit, nothing can be more certain, than that the most mature deliberation is the duty of every member of either house of parliament on this occasion.

Not to name motives, of which, would to Heaven virtue could as powerfully counteract the influence, as decency forbids the mention, it is in such a question, unworthy a good man to abandon his conduct to the guidance of impressions that arise from the seductive eloquence, the tumultuous and desultory reasonings of debate.

B

Those

Those who affect not to forgive the members of any numerous assembly (pardon me if I do not except the English parliaments) for sometimes permitting foreign circumstances to mix with argument, in its entrance into their understanding; for sometimes suffering political enmity to increase the difficulty, and political partiality to relax the vigilance of their judgment, approve themselves assuredly more rigorous than wise. In the ordinary occurrences of government, such a conduct, though never justifiable, may be deemed venial.

But if a question should arise for the discussion of parliament, in the decision of which were involved the peace and majesty of the empire, the health and immortality of the constitution; it is not unsuspected purity alone, it is not slightly yielded conviction, it is not transient enquiry and indolent acquiescence that will acquit an honest man in the discharge of his duty to his country, to his conscience, to his posterity!—No! reflection and research are not less sacredly imposed on him by his trust, than uprightness and probity. He that is warmly interested, will sedulously enquire. To neglect, is to betray; and the man who feels not an interest sufficient to rouse him from negligence, can hardly be inaccessible to temptations which will seduce him into improbity.

bity. Such a case, Sir, is the present. A glance at the aspect of affairs demonstrates it. Of the monarch, and of his malady, no man speaks with more sincere reverence and sorrow than myself. I know the duty that I owe to the person of the supreme magistrate.—I am not insensible to the respect which is conciliated by the purity of his manners, the mild and amiable virtues of his private life. The tears of his people, form the noblest eulogy of the sovereign and his subjects. The memory of a dismembered empire, of unpopular administrations, of a gloomy and disastrous reign, have been banished from their generous minds, by the sensibilities of afflicted loyalty.

I speak thus, because my opinion on this subject, is not shaken by certain profligate scribblers, whose audacity deprives them of any title to the amnesty which their insignificance might have claimed; who, insulting and outraging at once, the father and the son, have been wicked enough to insinuate, what they have not been frontless enough to assert, that it is not the virtues and the calamity of the sovereign, but the apprehended misgovernment of his successor, that clouds every countenance, and saddens every heart. Time was, when sorrow and reverence would have forbidden any good man to probe the wounds of

amiable and exalted personages, by rude and unseasonable discussion. But that time is past. Considerations which supersede fastidious decorums, and controul the keenest feelings, render, reserve criminal.—The life of princes, born and elevated for their subjects, must sometimes endure an exploring light, which rarely pierces the obscurity of inferior men. Let me then remind you, Sir, that a month has nearly elapsed since the nature of the royal malady has abandoned this empire to a state which possesses the character, and is prevented only by our manners from exhibiting the effects of anarchy.

The influence that animates and presides over the functions of executive government, is withdrawn. That name, equally indispensable to the regularity of the most ordinary legal transaction, and to the solemnity of the highest national act, can now scarcely be used without absurdity. The legislative assembly find themselves in a predicament so novel, that there exists no lawful authority which can either sanction, or delay, their convention. The volume of the laws is mute and impotent, since the voice that promulgated, and the hand that enforced them, is silent and inert :—the aspect which the majesty of the empire presents to foreign nations, is eclipsed :—
insults

insults may be offered to our flag, depredations committed on our commerce, wars may be commenced, and alliances concluded, the most hostile to our interest; while England has no arm that can wield her power, to assert her dignity, or avenge her wrongs. No vacancy that arises in any subordinate department of government, can be filled. There is no authority that can interpose between the unbending rigour of the laws, and the life of a devoted criminal, which perhaps equity and mercy ought to have preserved.

In such a conjuncture you will pardon me, Sir, if I cannot think with you, that there can be any serious intention to procrastinate the final arrangement of a stable government. On the account of the physicians, parliament will rely. An air of mystery and constraint has hitherto hung over their reports; but appealed to on so solemn an occasion, these eminent and respectable persons will sacrifice inferior punctilios, to national interest and truth. It is scarcely to be imagined that any attempt will be hazarded of practising on the loyalty, or abusing the delicacy of the parliament or people, for purposes of sinister ambition.—What disguise indeed could be more thin than that which must be assumed by such designs? What sophistry less specious than what
must

must be urged in their behalf? Should Heaven speedily restore our sovereign to the prayers of his people, would he feel much gratitude to those who would, even for a week, sacrifice the slightest interest of England, to an idle parade of reverential deference? But should his restoration to us be, in truth, remote and doubtful, what language could afford terms of execration commensurate with the guilt of the man who should plead for the continuance of this statute of anarchy, or propose the wretched remedy of a feeble and fluctuating government? It will not surely be urged by any one, that the silence of the law, withdraws this case from the paramount authority of parliament;—the exigence of the occasion, the confidence and expectation of the people tacitly and virtually devolve on that assembly the right of guarding the commonwealth from injury.

The estates of parliament have in all former times, remedied the evils that might arise from the minority, incapacity, or desertion of the monarch; and whether they are denominated a convention, or a parliament, they will now exercise the same right.

Vestrae faciem cognoscite turbæ,

Cunctaque iussuri primum hoc decernite patres,

Quod regnis populesque liquet, VOS esse senatum.

Assuming

Assuming therefore the competency ultimately to decide, and the expediency speedily to determine, this question the most grave and momentuous that has arisen in England since the revolution, it remains to consider, whether, during the royal indisposition, the executive government ought to be entrusted to a single person or to a council of regency? A discussion of such intricacy will produce variety of opinion;—an object of such magnitude will involve variety of interest; neither, therefore, the impulse of conviction, nor the seduction of secret views, will suffer us to expect unanimity. From a solitude and an obscurity never cheered by the smile of greatness, nor pierced by the din of faction, I presume to offer my sentiments with the freedom of an honest man, with the calmness and diffidence of a citizen remote from power.

I lament with you, Sir, the necessity of any appeal to general reasoning. It is a mode of decision full of difficulty and hazard, which unveils the *sanctum sanctorum* of government, betrays to the eye of the people its nakedness and infirmity, and demonstrates to them, with perilous evidence, that its sanctity depends only on their reverence and credulity. But in the absence of
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precedent *, (for the precedents of rude ages and violent governments, are inapplicable to moderate governments, to civil and peaceable times;) we must appeal to the genius of the constitution, and to the general maxims of political reasoning.

An argument of infinite force for entrusting the vicarious power to a single person, is the facility and simplicity the expedient.

The circumstances which mould the character, and affect the actions of men, are causes of which it is far more difficult to estimate the force, to discover the combination, and to predict the effects, than the powers which operate on material objects. It is hence, that the complexity and refinement of political machinery, have ever defeated its purposes, by rendering its movements independent of our controul, and their consequences elusive of our conjecture. Simple expedients, therefore, which imitate the practice, or adopt the analogy of established institutions, have in all nations been chosen by the wisest men. To the present case, this consideration applies in its full force. One royal person, representing

* The precedents of regencies which exist in the English history, will afterwards be considered in another point of view.

the dignity, and exercising the functions of royalty, accords with the maxims and usages of the constitution. The name of regent, while that magistrate possesses the plentitude of kingly power, scarcely innovates on the most frivolous form. From this system, no novel situation, no hitherto undecided question would arise. Laws, customs, prejudices, without difficulty, adapt themselves to it. The “*mores institutaque majorum*”, those bulwarks of public peace and stable government, remain unimpaired. An opportunity is indeed, on this occasion, presented to us, of bequeathing an inheritance of tranquility to succeeding generations. If ever such a calamity as the present should befall the empire, the example of this parliament will be appealed to as a precedent; and it is in their choice, whether they will abandon their successors to the factions and intrigues that attend the formation of a regency, or by sanctioning the rights of the heir apparent, suffer the exercise of royalty to devolve as peaceably on him during the incapacity, as at the demise of the monarch. Our posterity will thus by one wise and simple measure, be rescued for ever from the dread even of the shortest interruption of government, from the ambition of powerful subjects, and the shock of contending factions. Is not the embarrassment

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which

which is now experienced in settling the government, the most powerful argument to save future parliaments, on similar occasions, from a like state of distraction? Views of men, and of affairs, precisely the same, have determined sober speculators in their systems. and prudent statesmen in their conduct, to prefer hereditary monarchy, to more specious and abstractly reasonable forms.

But it is not alone its simplicity, or its tendency to public tranquility, that pleads for this expedient. The affection and reverence of the people would be attracted by those circumstances of rank and extraction in the regent, which so powerfully conciliate the attachment and fascinate the imagination of the multitude. Instead of yielding a cold submission to the mandates of the law, spoken by the voice of regents, the sense of duty would be animated by sentiments of devotion and loyalty to their prince. These useful and generous prejudices, the auxiliaries of patriotism and reason, are confirmed by the guarded exterior, the solemn plausibilities that impose on the fancy, and hide from the keenness of human discernment the impotency of sovereign power. The partition of authority, the elevation of subjects would dissipate this illusion ;

lusion ; but the princely youth, born in the purple, and educated to a throne, could, without violence, assume the state, the splendors, and the terrors of majesty.

Ardua privatos nescit fortuna penates,
Et regnum cum luce dedit cognata potestas,
Excepit Tyrio venerabile pignus in ostro,
Lustravitque TUOS Aquilæ victricibus ortus,
Miles.——

Let the visionary condemn the grossness, and the sophist deride the simplicity of such modes of argument ; men, who are initiated in habits of more correct thought, will remark the different effect of novelties in sciences and in states, will discriminate between the boldness of abstract reason and the gravity of civil wisdom, and respect the principles which have hitherto directed, and must ever continue to govern the affairs of men.

The institution of a council of regency, is an expedient which involves discussions of far more intricacy and peril. Formed, as it probably would be, of princes of the blood, of the chief persons of the church and the law, there must be blended in them the discordant and heterogeneous characters of regents, ministers, and senators. Regents, from whose dignity ministerial

responsibility must derogate; ministers, whom the dignity of regency must tend to exempt from responsibility; senators, on whom the trust of sovereign power must either bestow influence inconsistent with equality, or impose silence inconsistent with duty; the prerogatives of this council would be subversive of the most established usages, and hostile to the most sacred maxims of the constitution. The spirit of our government which, while it inspires affection and reverence for the monarch, dictates the most vigilant jealousy of his ministers, would, by such an accumulation and confusion of powers, be violated and enfeebled. If two ideas were to be selected, the most repugnant to its theory, they would be royal responsibility and ministerial impunity; the one, because it is injurious to public tranquillity; the other, because it is injurious to public freedom; the one, as a precedent only to be found in the most turbulent; the other in the most corrupt and servile times; the latter it has, by its doctrines and practice, branded; the former it has silently abandoned to the dominion of those emergencies where oppression awakens the feelings, and restores the rights of nature. Yet, to break down this sacred barrier, to render the accusation of a sovereign more light, and the conviction of a minister

minister more difficult, is the manifest operation of this system. In every well organized polity, there are latent peculiarities of structure which are only discoverable by their effects; and even when we cannot, in speculation, nicely discriminate between the prerogatives of magistracies, experience has demonstrated the ill effects of their confusion. It is by the slow and silent absorption of separated powers, that the servants of every free people have become their lords. It was thus that the vital principles of the Roman commonwealth were wounded in the union of consular and tribunitian powers, by the crafty usurper who subverted its freedom. And this was the feature of his policy that appeared the most prominent to the great master of political wisdom.

“ *Consulem se ferens, et ad tuendam plebem, tribunitio jure contentum; insurgere paulatim, munia*
 “ *senatus, magistratum, legum, in se trahere.*”

But to return from these generalities, which you may perhaps think obvious to one class of readers, and repulsive to another, let us contemplate a new aspect of this oligarchical council.

Depositories of royal authority, and possessors of ministerial influence, uniting somewhat of the sanctity of the supreme magistracy, to the activity and versatility of ministers, to their weight

as noblemen, and their eloquence as senators, the power of its members would be formidable, because being difficult to define, it must be hard to limit or resist. The systematic opposition which has been made in England to the executive power, certainly arises from the perpetual interest which every man feels to resist that which is placed beyond the reach of his ambition. The regents, elevated above the condition of subjects for a time, like the annual magistrates of republics, might, in the intoxication of authority, forget its period, and hazard every expedient to extend it. Against the prerogative of the crown, we have for centuries been erecting bulwarks, and the analogy of a royal regent is perfect; but of their force against a council, we have no experience; and analogy will not justify confidence in them. Uniting so many characters, their pretensions in one, would disguise their designs in another; slight concessions in one capacity, would amuse the people, while formidable attacks were made in another, and in the combination of such various forces, the source of danger might be discovered only by fatal experience. Assuming the shapes of Proteus, such a government might elude the arm of Hercules. The undisciplined defenders of popular rights, pursuing

purſuing their enemies into their ſtneſſes, are waylaid and ſurrounded by inſidious and inviſible foes, whom they can neither diſtinguiſh, or eſcape. Their fall is dark and inglorious; and the prayer of Ajax,—“ give me but light, ye Gods!” may be ejaculated by the agony and anguiſh of expiring freedom.

That the unity and prominence of the executive power, by rendering it eaſy to diſcern and reſiſt its encroachments on public liberty, is one advantage which England poſſeſſes over other free nations, has been demonſtrated with great ingenuity by M. De Lolme, † in the ſecond chapter of the ſecond book of his work. You, who are no ſtranger to my ſentiments of that performance, may perhaps wonder at my quoting it with unqualified applauſe; but beſides the juſtneſs of his reflections, they are addreſſed with peculiar propriety to the adherents of our preſent miniſter, who, in the memorable conteſt of 1784, appealed to the authority of M. De Lolme, with ſuch confidence and ſo much exultation *

“ The indiviſibility of the public power in
 “ England,” ſays he, “ has conſtantly kept the
 “ views and efforts of the people directed to one

* Vide Pulteney’s tract on Mr. Fox’s Eaſt India Bill.

† A new Edition of this valuable Book may be had from Byrne in Dublin.

“ and the same object; and the permanence of
 “ that power has also given a permanence and
 “ regularity to the precautions they have taken
 “ to restrain it. Constantly turned towards that
 “ ancient fortress, the royal power, they have
 “ made it for seven centuries, the object of their
 “ fear: with a watchful jealousy they have con-
 “ sidered all its parts—they have observed all
 “ its outlets,—they have even pierced the earth
 “ to explore its secret avenues and subterraneous
 “ works; united in their views, by the greatness
 “ of the danger, they have regularly formed
 “ their attacks.—To say all in three words, the
 “ executive power is formidable, but it is for
 “ ever the same; its resources are vast, but their
 “ nature is at length known; it has been made
 “ the indivisible and inalienable attribute of one
 “ person alone; but then all other persons, of
 “ whatever rank or degree, are really interested
 “ to restrain it within proper bounds.”

Every feature of this description, would find
 its contrast in the portrait of a divided regency;
 yet, the principles which render the preservation
 of the executive power indivisible, a maxim fun-
 damental in our government, operate with equal
 force, whether it be administered by a regent or
 a king. It is not alone the vulgar advantages of
 monarchy.

monarchy; energy, secrecy and the absence of faction that are obtained by the unity of this power. It is subservient to nobler ends; and by the wonderful mechanism of our constitution, monarchical forms are exhibited as the highest refinement of a republican government. Let it not be conceited, that our danger is imaginary, because the period of this regency may be short. What duration the councils of Providence shall assign to it, who can predict? The labour of destruction is easy, and its progress rapid. A few years, perhaps, and our boasted commonwealth may be numbered among the governments that cover the earth; the awful ruins of edifices, once consecrated to the rights and to the happiness of human kind. The sacred flame kindled on the altar of freedom, by the genius of our constitution, of which the kings of England (let the lords of slaves "hide their diminished heads,") are the chosen high priests, may, in a moment, be extinguished for ever, by the officious rudeness of unhallowed hands.

The institution of such a regency would, moreover, not only be destructive of the unity, but dangerous to the independence of the executive power. It is remote from the present design, to mix in the broils of contending parties; but the elevation of

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any minister above the constitutional powers of the crown, ought to be firmly resisted by every virtuous and enlightened citizen. It is however too obvious to escape remark, that a council of regency, formed as it is likely to be, would become an instrument in the hands of the present cabinet, to aggrandize and perpetuate its power. It is impossible to suppose the chancellor divested of all partiality to his political connexions. It were to expect a perfection or a depravity, to which humanity rarely either rises or sinks. The sacred character of the prelate, the prudent and amiable abstruſtion from politics that has hitherto distinguished the royal consort, will not suffer us to expect much activity from them: but the gratitude of the prelate, natural and laudable partiality of the queen to the ministers, and measures of her husband, must determine their side. On the throne, no English subject has hitherto fixed the engines of his ambition; but having obtained this point from which to play his machinery, what revolutions and concussions may not our political *Archimedes* command?

In a few years of such authority, the ministers, and *their* regents, might fortify themselves so inexpugnably with official and parliamentary interest, that at its termination, they might securely hold

hold their stations without the confidence of the sovereign, or the affection of the people; smile at the cries of an oppressed nation, and defy the exertions of a trammelled monarch.

This view addresses itself, not only to the judgment, but to the consistency of our minister. It is to him an *argumentum ad hominem*; it was by attributing such consequences to the India Bill, of Mr. Fox, that the people of England were seduced, in a moment of intoxication and insanity, to drive from the senate and the cabinet their most tried and ancient friends. It was as the champion of those principles which I now maintain, that the smiles of the sovereign, and the acclamations of the people, conducted Mr. Pitt to that eminence, where the eyes of Europe are now fixed on him:—let him approve the purity of his motives, by the steadiness of his conduct.

There is one peculiarity in our government deserving of special remark, which arises from the independence of the crown, and the precarious tenure of ministerial power. The perfection of a free government, is, when political acts, though they depend on the popular will, are yet produced by it circuitously and unconsciously; when forms and *orders* interposed, hide from the eyes of the people their own authority; and when the

violence of their resolution is broken by the numerous and complex springs to which it must give energy before it go forth into action.—In other words; that free government is the best, where popular influence is the greatest, and popular prerogative, the least.

The restrain the overgrown power of a citizen, and to call forth all men's abilities in the service of the state, the ancient republics had recourse to an *ostracism* or *petalism*, or to a rotation of magistracies. But this was to remove every barrier that resists the madness of the multitude. These rude contrivances of youthful legislation, find no place in the English system. The absence of such odious and disorderly expedients, is compensated by the silent activity of situation and opinion.

A long administration has ever become unpopular in England. It creates discontent in the body of the nation. A formidable opposition in parliament continually gathers strength, and the king is at last compelled to abandon the obnoxious minister *. This is the English *ostracism*.—

* This progress will be the same, whether the administration be prosperous or calamitous. Prosperity begets insolent confidence; calamity unreasonable complaint. Sir Robert Walpole and Lord North, are examples.

The

The leaders of opposition are ministers ; in their turn become unpopular, and are expelled from the cabinet, by new opponents ; such is our rotation of magistracies. But if any body of men should acquire such permanence and power as we have been considering, the prerogative of the crown, the organ by which the voice of the parliament and people removes a minister, would be silenced by an authority that controuled the throne. These regents may return his sceptre to the monarch an impotent and gaudy bauble.

And what, Sir, is to be the influence of this new system on our foreign politics ? A government, temporary from its nature, and divided from its origin, counteracted by a powerful opposition, perhaps in the confidence of some of its members, is the picture of an institution devised for distraction, feebleness, and contempt. I say, divided from its origin, because who can wish that the blood which flows in the veins of the royal house of England, were so cold and vapid, that our prince could feel much cordiality towards men who had degraded him with frittered authority, and attempted to amuse him with the semblance and mockery of power.

But

But it has been rumoured in certain circles, from high authority, that it is in contemplation with the ministet, not indeed to deny the prince of Wales the regency, but to limit his power. This I presume either means that they design to render the consent of a council necessary to the exertion of certain prerogatives as in the regency-acts of the last and present reign, or that it is their intention, during the present regency, to suspend altogether the exertion of some branches of prerogative.

You will agree with me, Sir, that we have anticipated the consideration of both these plans; for the one is subversive of the *unity*, the other hostile to the *independence* of the executive power. To call the first a limitation, is a gross confusion and abuse of language. The royal authority, as it is possessed by the regent and council together, is not by such a plan limited. Its exercise by the regent is limited, only because it is divided between him and the council. It is not therefore limitation, but division. The regent, and his council, would be nearly in the same state as the king and senate of Sweden were, and the king and permanent council of Poland now are; and feeble and factious oligarcy is substituted for monarchy. The infallible effect, though we
trust

trust it cannot in the most remote view be the object of the second sort of limitation suggested, is to elevate a ministerial junto on the ruins of prerogative and freedom. The event of any political contest in England, would, after the adoption of such a system, cease to be dubious. Unarmed with the same engine of prerogative to subvert, which ministers had employed to strengthen their power, the regent must be worsted in every conflict;—uncompressed by a superior hand, their influence, under such a regency, would rise to a height which the *ordinary* prerogatives of the crown, when restored to the king, would be unable to reduce; the monarchical authority, palsied by inactivity and restraint, would shrink into impotence, and the beauty and vigour of the constitution, be blasted and unnerved.

But * to what end, you may justly demand, in the cause of such obvious truth, is any ostentatious expenditure of argument? What,—might a stranger, ignorant of our divisions; naturally exclaim,—What are the demerits of this prince,

* I had designed here to have discussed the precedents of regencies in our history, but that subject has been exhausted by a writer of great ability and constitutional information, in several papers, under the title of *The Prospect Before Us*, published in the Herald, Gazetteer, General Advertiser, &c.

whom,

whom, to exclude from power, a nation, indulgent to youth, and affectionate to royalty, is about to outrage every maxim of their fathers? Did he catch in the atmosphere of a court, tainted as it is with the contagion of fervility and deceit, those artificial manners, that elaborate hypocrisy, that mean propensity to despotism, that devotion to obscure and worthless minions, that so early poison, and so fatally debase the minds of princes? No! He stooped not to parasites or tools in his court, or his household:—he sought for friends among the chiefs of the nobles and the leaders of the people. The abilities of those illustrious persons whose intimacy he has cultivated, are the vouchers of his conscious elevation of talent; for littleness crouches and trembles before the proud and imposing superiority of genius. He did not learn his maxims of politics in the antichamber or the closet; he imbibed them in the air of the HOUSE OF COMMONS. Magnificent and accomplished, nature formed him for a king; his generosity fits him to be the ruler of a free, his abilities to be the sovereign of a great, people. And what are the faults which are said “to tarnish the lustre, and “to impede the march of these abilities?” I was about to enumerate their falsehoods, but I will

ROT.

not. I blush for my country—I blush for this renowned and generous nation, whose voice has been aped and counterfeited by impudent and calumnious hirelings.

Some persons have urged the difficulty of a voluntary abdication of power, and the temptation of the regent to retain it beyond the period of royal imbecility. They deceive themselves, by arguing from the history of ages, when the slightest change was ominous of usurpation and war; and they forget, that in our days, the energy of manners is equivalent to a thousand statutory enactments. Let the guardianship of the royal person be, however, separated from the office of regency, and let the resources of legislation be exhausted to ensure the recovered monarch an easy and speedy restoration.

For what purpose then, is the dignity of the heir apparent to be wounded, the majesty of the executive power impaired, the freedom of our constitution endangered?—**TO PRESERVE AND PERPETUATE THE ADMINISTRATION OF MR. PITT!**

To such an argument I shall not presume to reply; and I can only add, that

I have the honour to be, &c. &c.

London, Dec. 3, 1788.

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