

Pamphlets. upon the Regency

This vol: contains
D^r Mountmorres speech
for & Scott S: G considerations
thereon by Dom^r Grant Esq^r
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D^r of Eng report on Thiers' Mass
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Regencies

Vice: Mountmorres

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Price of the H. of Lords
Lord Mountmorres's Speech

UPON THE

A D D R E S S

T O

HIS ROYAL HIGHNESS

THE PRINCE OF WALES,

TO TAKE UPON HIM

THE GOVERNMENT OF THIS COUNTRY,

UNDER THE STILE AND TITLE OF

PRINCE REGENT OF IRELAND,

ON MONDAY, FEBRUARY 19TH, 1789.

D U B L I N:

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M.DCC.LXXXIX.

P R E F A C E.

SOME gross Misrepresentations in the public Prints have been the Cause of the Publication of this Speech.—A shameful Propensity, has lately pervaded our Newspapers, to falsify and to misrepresent every fact that does not answer the Purpose of Faction, and which appears to contradict the Whim of the Day.

THE Truths contained in the following Speech will be of lasting Use, as the Names, Dates, and Appointments of all the Regents since the Norman Conquest, are accurately compiled from the Parliamentary Reports
in

P R E F A C E.

in England ; and will be highly serviceable if that question should be revived upon any other occasion.

WHETHER the Stile corresponds with the Importance of the Information, is not of great Moment, where Clearness and Perspicuity are the first Objects; but of that, an impartial Public will form the justest and the fairest Judgment.

LORD

LORD MOUNTMORRES'S

S P E E C H, &c.

MY LORDS,

I AM extremely sorry that an accidental infirmity should compel me to address myself to your Lordships from my seat, but the crisis is most important; and I have the vanity to think that I can produce some important materials, not yet known in this country, which the English Parliament have collected upon the subject of Regencies, with great care, much industry, and vast labour, from the most remote records.—These materials, I find, have never been published, nor considered in this country.—I shall always consider any man who adds a single important fact, to the national stock of information as a public benefactor; for facts shall be considered, when flights of fancy, and turns of expression shall be no longer intelligible. And I am to thank Heaven, that I am still able to render this farther service to my country.

I conceive that the only case adduced as analogous to the present Address, is that of the Revolution; but in that case the Convention Parliament had

had previously declared the Throne to be vacant, before they had addressed the Prince of Orange to assume the Government. Judge Blackstone has said there were only three ways by which the throne might become vacant—by death—by desertion, as in the case of King James II.—or by a King becoming a Monk.—None of those cases apply to the present. The Crown remains on the head of our gracious Sovereign, nor is the Throne pretended or argued to be vacant.

Under these circumstances I can never assent to a proceeding which is unprecedented in England, in Ireland, or even in France, when she had a free Parliament. The regular and constant mode of proceeding has been to create a Regency by act of Parliament, therefore an address is premature, and to be considered as a mere manœuvre of a party, to get their friends into power, and to answer their own purposes.

I consider that a change of Administration would be a national misfortune. The people of England daily testify their regret at losing their Minister, and the name of the younger Pitt is as dear to the English as that of the younger Cato or the younger Brutus was to the Roman people.—Mr. Pitt has raised a drooping country to be once more pre-eminent in Europe, as I have experienced when I was in Portugal and other places abroad last winter. The customs of the port of London have risen one-third in his administration, and have amounted to the enormous sum of near five millions annually, as appears from official documents in the Public Advertiser.

I think, with the people of England, that the conduct of those who may probably come soon into power, does not entitle them to public confidence; the people of England, like a wise individual, wish for an honest steward, and do not like to see their affairs in the hands of men, whose equipages, like that

that of Count Basset, roll upon the Four Aces; the funds have fallen, and public credit has shrunk from their touch like the Sensitive Plant.—

Of Mr. Sheridan's abilities, who has, it is said, the principal management at Carleton-House, and the principal management of the concerns of the party, I have a great opinion and regard, on account of his father (my worthy friend) the late manager of the Dublin theatre, to whom our language will owe eternal obligations.

I am surprised to find that some family claims had been made upon me; but although I never asked the Duke of Portland, or intended to ask him for any favour, I saw a paragraph in a paper under the influence of Government, in 1782, stating, with my name at full length, that I should have been the principal object of the favour of that party, had I not disqualified myself for office, by not residing in this country; I considered this as a dereliction of party honour; in consequence of an explanation upon the subject, I sent a message by a noble relation of mine in England, to the late Marquis of Rockingham when he was minister, and I requested it, as a favour, that I might not be considered as connected with his party.

I shall take up the question of the appointment of Regents from the Norman Conquest; but your Lordships need not fear that I shall trespass long upon your patience. I have not learned to make long speeches unnecessarily; my ambition is to comprise much matter in a small space; my labours have been long, that your attention may be short.

From the most brilliant examples, from a predominant taste and fashion for protracted harangues in the British Parliament, I have not yet learned to transgress, nor to tire the patience of a public assembly; I should as soon wish to vie with or to emulate a speech of four or five hours long, as I should

should to imitate the poetaster in Horace, who could repeat two hundred verses standing upon one leg.—*L'Art D'Ennuyer, est L'Art de tout dire.*—The art of tiring a public assembly, is the art of saying every thing that may be said upon a subject. Private conversation or public debate, are banquets where every guest has a claim to a portion, and he must be an unwelcome visitor, who should have an appetite to monopolize, and consume the greater part of the banquet.

My Lords, I have always thought that if there was any legal principle, any legal analogy, which intimated in whose hands the regency should be placed, it was not in the successor to the throne, but in the great officers of state; because in very ancient times our constitution prescribed a principle of regal deputation, and vested this trust of occasional vicegerency, in a great law officer.

As this circumstance is now mentioned for the first time in debate, your Lordships will excuse me if I should dwell upon it, and cite my authorities.

This officer was the grand justiciary of England. Sir Henry Spelman, in his glossary under that title, after detailing his judicial powers, has the following sentence at the end of the article, of which your Lordships will please to accept of my translation.

“ Nor was the authority of this great officer
 “ bounded by these judicial powers above-mention-
 “ ed; but in the occasional absence of the King,
 “ he supplied his place as vicegerent, regent, or
 “ deputy-king. This appears from five appoint-
 “ ments before the reign of Edward the First, and
 “ from the 17th chapter of King John's Magna
 “ Charta. We, or if we should be beyond seas,
 “ our grand justiciary, shall send justices of assize,
 “ twice a year, throughout all England*.”

Those,

* Spelman's Glossary, title Justiciarius.

Those, my Lords, who wish to see an historical account of this great officer will find it in Lord Littleton's History of Henry the Second, under the title of The Great Lawyer Glanville. And Dugdale, in his List of the Judges, in his *Origines Judiciales*, confirms this opinion of Spelman. According to him, the last that held this great office was Philip Basset, appointed in the 45th year of Henry the Third, and the office ceased under our English Justinian, Edward the First.

Persons of various ranks and descriptions, have been appointed Regents, by Kings and by Parliaments; the Regency of England never was assumed or usurped but twice—by the Earl of Pembroke and by Cromwell, and never was claimed as a matter of right by any successor to the throne; consequently, the claim lately set up in the House of Commons of England was the mere product of fancy and imagination—of the dreams of ambitious or designing men, unsupported by the shadow of an example, in the annals of Great Britain, since the Norman Conquest. This is the language of the most authentic documents, of the reports of the English Parliament, built upon the everlasting and recorded evidence of truth.

I shall proceed to read the List of Regents from the Conquest without any farther preface; the four first are from Spelman, six others from Rymer, Hume and Tindall, and the rest from the Report of the House of Commons of England. No pains have been spared to make the names, dates and appointments, as accurate as possible.

1076. 10 W. I. Earls of Hereford and Kent, Justiciaries and Regents.—Appointed by official Prerogative.

1159. 4 H. II. Earl of Albemarle and Bishop of Durham, Justiciaries and Regents.—By official Prerogative.

1190. 1 R. I. Bishops of Durham and Ely, Justiciaries and Regents.—By official Prerogative.

1203. 4 John. Bishop of Winchester, Justiciary and Regent.—By official Prerogative.

1216. 1 H. III. Earl of Pembroke, Marechal of England, Regent.—Assumed, but afterwards confirmed by the Barons at Bristol.

1219. 27 H. III. Robert De Burgo, Regent.—As Grand Justiciary.

1253. 27 H. III. The Queen Regent, with a Council.—By the King.

1279. 7 E. I. Earls of Cornwall and Lincoln, Bishops of Worcester and Hereford, Lord Lieutenants and Regents.—By the King.

1285. 13 E. I. Earl of Pembroke, Regent.—By the King and Council.

1297. 25 E. I. Prince Edward, Lord Lieutenant.—By the King.

1310. 4 E. II. Earl of Lincoln, Guardian of the Realm.—By the King.

1311. 5 E. II. Earl of Gloucester, Guardian.—By the King.

1320. 1 E. III. Earl of Lancaster Regent, with a Council of twelve Lords, appointed by Parliament.

1329. 3 E. III. Earl of Cornwall, Guardian.—By the King.

1331. 5 E. III. John de Eltham, Guardian.—By the King and Council.

1338. 12 E. III. Edward Prince of Wales, Guardian.—By the King.

1342. 16 E. III. Edward Prince of Wales, Guardian.—By the King.

1345. 19 E. III. Lionel Duke of Clarence, Guardian.—By the King.

1346. 20 E. III. The same reappointed.—By the King.

1359. 33 E. III. Thomas Duke of Lancaster, Guardian.—By the King.

1372. 46 E. III. Richard, Son of the Black Prince.—By the King.

1377. 1 R. II. Earls of Leicester and Gloucester, with a Council of nine Lords.—By Parliament.

1394. 17 R. II. Edmund Duke of York, Guardian.—By the King.

1396. 20 R. II. Edmund Duke of York, Guardian.—By the King.

1415. 3 H. V. John Duke of Bedford, Lord Warden of England.—By the King.

1419. 7 H. V. Humphrey Duke of Gloucester, Guardian with a Council.—By the King.

1422. 9 H. V. John Duke of Bedford, Guardian of the Realm.—By the King.

1422. 1 H. VI. Humphrey Duke of Gloucester, Guardian with a Council.—By the Minor King under the Great Seal.

1453. 32 H. VI. Richard Duke of York, Protector with a Council.—By the King and Parliament.

1455. 34 H. VI. Richard Duke of York again Protector.—By the King and Parliament.

1475. 15 E. IV. Edward Prince of Wales Protector.—By the King.

1483. 1 E. V. Richard Duke of Gloucester Protector.—By the Council.

1492. 8 H. VII. Arthur Prince of Wales Guardian.—By the King.

1513. 4 H. VIII. Queen Catherine of Arragon Regent.—By the King.

1544. 34 H. VIII. Queen Catherine Parr Regent.—By the King.

1544. 34 H. VIII. A similar commission to the same Queen.—By the King.

Sixteen Executors appointed by Henry VIIIth's will to act as Regents in the minority of Edward VI.

—Under two Acts of Parliament 25 H. VIII. c. 22. and 28 H. VIII. c. 7.

1547. Duke of Somerset Protector.—Chosen by the said Executors. 1 E. VI.

1551. 4 E. VI. Duke of Somerset succeeded by a Council, who had been named by himself, at the head of which was the Duke of Northumberland.

1690. 2 W. and M. Queen Mary appointed Regent in the King's occasional absence during her life.—By Act of Parliament 1 and 2 W. and M. chap. 2.

1695. Lords Justices.

1696. Lords Justices.

1697. Lords Justices.

1698. Lords Justices.

1699. Lords Justices.

The above five appointed by King William under the Great Seal.

1714. Seven great State Officers appointed Regents, to act with eighteen Commissioners appointed by the Elector of Hanover, who held and prorogued a Parliament, and acted for two months with full powers.—By Act of Parliament. 6 Anne, ch. 7.

1716. 2 G. I. George Prince of Wales, Guardian of the Realm.

1719. Fourteen Lords Justices, Lord Lieutenant of Ireland one of them.

1723. Lords Justices.

1725. Lords Justices.

1727. Lords Justices.—Vide Tindal.

1732. Queen Caroline, Regent and Guardian of the Realm.

1736. Queen Caroline again Guardian of the Realm.

1740. Lords Justices.

1741. Sixteen Lords Justices.

1743. Lords Justices.

1745. Lords Justices.

1748. Lords Justices.

1750. Lords Justices.

1752. Lords Justices.

1755. Lords Justices.

The above fifteen were appointed by the King under the Great Seal.

N. B. The Acts of 1st and 2d Philip and Mary, ch. 10, appointed King Philip of Spain the Queen's husband, Guardian and Regent, if she should leave female issue under 15, or male issue under 18 years of age.

And of the 24th Geo. II. ch. 24. in 1751, and 5 Geo. III. ch. 27. in 1765, appoint—the first, the late Princess of Wales, and the latter Queen Charlotte, her present Majesty, Regents and Guardians of the Realm, to be aided in both cases by a Council of Regency.

But these three Acts never took effect.—Vide Blackstone, vol. i. p. 248, 249.

From so plain a state of facts, your Lordships will see there was not a colour for the opinions delivered by Mr. Fox, in the House of Commons of England, of a claim of right to the Regency.

I shall not digress, I hope, in alluding to the greatest event perhaps of this century—the revival of the States or Parliament of France, which have not met since 1614.

An illustrious member of this House, and a great ornament in former days to this country, (Lord Molesworth) in his *Franco Gallia*, has given us three instances of the power of the French Parliament to appoint Regents, who were not the next in succession to the crown, viz. In the year 1356, when King John was made prisoner at the battle of Poitiers, the States met, and though he had a son

of age, they appointed a Regency of twelve men of their own order, to govern the kingdom. In the year 1392, when Charles the Sixth was seized with a sudden madness, the States met, and decreed the Administration of the kingdom to the Dukes of Normandy and Aquitaine: and in the year 1484, when Lewis the Eleventh died, the States decreed the Guardianship of the Minor to Anne, the late King's sister, notwithstanding that the Duke of Orleans demanded it as his right, from his being next Heir to the Crown.

My private wish has been, that the two chasms in our government might be filled up, by enabling the Regent (whoever he may be) to order the Great Seal to be annexed to Irish Bills, according to the terms of Chief Baron Yelverton's Law, and to vest that patronage, which I have heard, since the government of Lord Carteret, in 1727, was reserved to the Crown, in the Lord Lieutenant, by which means all the great absentee offices would probably be domesticated in this country: at all events, I wish that the person and powers of the Regent, may be the same in both countries—not because the English Parliament have adopted certain restrictions, but because the unity of truth recommends the same conduct to both Parliaments; and for a still more powerful reason to Ireland, because our Peerage is twice as great as the English, in proportion to our population, and our pension-list is without any limitation.

I know of no instance of the appointment or removal of a Lord Lieutenant by a Regent, which your Lordships may see verified in a list of the Irish Chief Governors from the days of Henry the Second, in Sir James Ware.

I shall, my Lords, in order to prove this assertion, read the following Extract from Sir James Ware's List of these Royal Commissioners or Irish Regents

Regents since the days of Henry the Second, vol. ii. page 102.

Geffry de Morisco, Lord Lieutenant in 1215^e the last year of King John, was continued 'till 1216 in the minority of Henry the Third.—By the Regent, the Earl of Pembroke.

Maurice Fitzgerald, Lord Justice, was continued in the first year of Edward the First in 1272.

Sir John Wogan, Lord Justice in the last year of Edward the First, was continued.—By Edward the Second, from 1302 to 1307.

The Earl of Ormond, Lord Lieutenant in the last years of Edward the Third, continued by Richard the Second, in 1377.

Thomas Butler, Prior of Kilmainham, Lord Deputy, under Henry the Fourth and Fifth, from 1408 to 1412.

The Earl of Ormond, Lord Lieutenant, under Henry the Fifth, was continued in the minority of Henry the Sixth, from 1420 to 1422.

In 1453, the Earl of Ormond, Lord Lieutenant for ten years, acted in person or by deputy during the Protectorates and Regencies of Richard Duke of York.

Sir Anthony Saintleger, Lord Deputy in the last years of Henry the Eighth, was continued in the minority of Edward the Sixth, in the Regency of the Duke of Somerset.

In the reigns of Henry the Seventh and Eighth—of Edward the Sixth—of Queen Mary and Elizabeth—of James the First—Charles the Second—and James the Second, the Lord Lieutenants of their predecessors, were continued by those Princes.

Of the present Lord Lieutenant I have a high and a just opinion, as an honest and able man, as well as of his Secretary, whom I have long known, and was a witness of his great diplomatic abilities, when

when he negotiated the late peace at Paris in 1783. I shall never forget the obligations this country owes to Lord Temple's Administration, nor his procuring for us the act of final renunciation in England, unasked and unsolicited by Parliament; I can see no reason for any man to object to his Government, save only those vermin with which this country has been infested since 1753, jobbers, public defaulters, and speculators, whose crimes he has revealed, and whose schemes he has counteracted. I acknowledge that this country is independent, but it has and may cost Ireland too much, to maintain a chimerical independence. I should be sorry to see her independent of her own laws, independent of her safety, of information, and of common sense.

The session of the 33d of Henry VIII. was held without observing the forms of Poynings' law; that arbitrary Prince did not choose to dictate in this instance, but to leave it to the voluntary arrangement of Ireland, to unite inseparably the two Crowns of Great Britain and Ireland, by a law of their own.

My Lords, the spirit of that law goes to appoint the same executive power in both countries; and therefore I disapprove of a premature Address which adopts another principle, and of the title of Prince Regent of Ireland, which is totally unprecedented by any former appointment, and is an absurd stile, a fanciful May Garland, which is the product of the whim of the moment, but is unsupported by reason or experience, and which I hope will not find its way into our statute-books.

Let not worldly men, and those who govern themselves by a species of discretion which I call Animal Instinct, tell me, that men who support the rights of the Crown, may check their own fortunes by setting their face against the Rising Sun. I have a high opinion of the good sense of a Great Personage; I cannot think he would trust those who had been ungrate-

ungrateful to his Royal Father. I remember the expression of Louis the Twelfth, when he had been deprived of the guardianship of his nephew Charles the Eighth, upon his accession to the French throne, "That the King of France should forget the resentments of the Duke of Orleans." I conceive that I am rendering him most essential service by maintaining the rights of that Crown, in which he has a clear legal reversionary right, and not in setting up claims of right to the Regency, in an office not existing, but to be created by Parliament, in which he can have no more right than any other subject in these kingdoms, according to the opinion of a great legal luminary, at the head of his profession in England.

I have the honour to coincide in opinion with a noble and learned Lord, that there is a continued series of convalescence in our Sovereign, and that our government is nearly complete; witness the late unimpeached prorogation of Parliament, and the Viceroy's appointment of a noble friend of mine to be Postmaster General.

Pardon, my Lords, this emphatic stile.—I have the honour of addressing myself to the principal landholders of the country.—To you, my Lords, on this side of the House, the piety of your situation, and your just eulogium, (like that of the greatest genius in this century) "*Evangelii simplicitatem moribus expressit*," renders all exhortations of loyalty unnecessary; you will construe the oath of allegiance by the golden rule of "Do as you would be done by."—To you, my Lords, on the other side of the House, who have received promotions and creations, and bear resplendent marks of royal favour on your breasts, and the first in title amongst whom is the keeper of those archives which are the repository of the antiquity of his family, exhortations are

or ought to be unnecessary. I cannot suppose that those flowers of Royalty will be nipped by the frost of ingratitude. Even I, who possibly could only suspect from vanity, that I have been the object of Royal favour, have thought myself bound by the oath of allegiance, and by the laws, to support the rights of my Sovereign. You have before you the example of the electorate of Hanover, where no alteration in the government has taken place; and you have hopes of the Sovereign's recovery, from that of Philip V. of Spain, who reigned from 1727 to 1746, after he had resigned the Crown from a similar malady. Those are my sentiments; and had I lived in the days of the fourth Henry, I should have been the admirer, and the humble friend of Gascoyne, and not of Falstaff; of the venerable Chief Justice, who maintained the dignity of the Crown, the majesty of the laws, and the sacred spirit of the constitution, which can never die; and not the tool of the bloated buffoon, or of the servile sycophant.—The change of manners, with the assumption of the Diadem, the reformation of our fifth Henry, is the most charming and captivating feature of our annals, but I wish that Shakespeare had not painted the last scene of his misconduct, and had not told posterity that the fifth Henry had prematurely subtracted the Crown from the pillow of a sick Monarch, from the couch of indisposition, and from the Royal Bed-chamber.

F I N I S.