

S. Percival to H.R.H.

Feb. 7 1811

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Mr Percival presents his humble duty  
to your Royal Highness, and having  
consulted with his Colleagues upon the  
suggestion of your Royal Highness, - that the  
present Sefuir should be terminated by  
a Prorogation; and that the Speech of your  
Royal Highness's Commissioners should  
commence a new Sefuir, - Mr Percival  
humbly begs leave to state to your Royal  
Highness the grounds upon which it has  
occurred to him, & them, to be their duty  
to represent to your Royal Highness that  
such a measure would be extremely unad-  
-visable -

His Royal Highness  
The Prince Regent.

In -

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In the first place it would be difficult, if not impossible to state any public and Parliamentary reason, which could account for so uncommon and so unexpected a measure: and in the next place, it would put a great many Persons, Members of Parliament and others, to a great additional trouble and expence, by making it necessary for them, again, to present all the Petitions for private Bills; which happen to be more numerous this year than ever were known. This trouble and expence indeed might not be of very material consequence, if a satisfactory reason could be given for the measure which occasioned them; but if that measure were thought, as Mr Devenal humbly apprehends it would be, unnecessary, then this additional trouble & expence would create very great dissatisfaction. The Expedient of

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a short act to revive and continue all such  
petitions and proceedings as the Prerogative would  
otherwise put an end to, is one, with regard to  
which, Mr Percival, after the best enquiry and  
research which he has been able to make, feels  
assured, that your Royal Highness must have  
been misinformed, when your Royal Highness  
understood, that it had been adopted before.  
Mr Percival is convinced that it would be quite  
unprecedented; and not only objectionable as  
unprecedented, but still more so as contrary to  
an <sup>important</sup> principle, Mr Percival humbly submits  
that it would be dangerous to the most im-  
portant prerogative of the Crown, to introduce  
a practice (more especially where no great  
public object could be stated to be the cause  
of it) whereby the legal & Constitutional  
consequences of a Prerogative might be defeated;  
The wholesome effect of which consequences,  
by enabling the Crown, at any time, to put an  
end

to all business pending in Parliament - it is  
of such essential consequence to preserve. In  
1624, an attempt was made to pass a general  
Law "that all bills which pass nor this Session  
should remain in the State they should be kept in,  
till the next" but it was opposed by Sir Edward  
Coke and others as against all former Precedent  
and dangerous to the Constitution - It is true,  
indeed, that Instances may be found of acts  
of Parliaments for keeping alive proceedings on  
some particular Measures & Enquiries (generally  
connected with some question of Impeachment)  
notwithstanding a Prorogation, or Dissolution,  
But Mr Brevint is not aware of any acts  
whereby the whole Business of Parliament was ever  
so continued - In Henry the 8.<sup>th</sup>'s time such  
a thing was once done by the resolutions of  
the two Houses, but it is condemned as a great  
irregularity - after the Dissolution of Par-  
-liament

Parliament, which took place at the  
Commencement of the Duke of Portland's  
administration in 1807, a great quantity  
of Private Business was left in an unfinished  
state, and the new Parliament passed  
certain resolutions, in order to diminish the  
inconvenience & expense of the Parties concerned  
in these private Bills, whereby the Copies  
of the Evidence, which had been taken before  
the Committees of the former Parliament,  
were to be referred to Committees under the  
new one. But new Petitions were  
then required to be presented, and all the  
forms were gone thro' again. The profuse  
and public objection of that description, was  
such as induced the new Parliament to  
adopt these resolutions; but they did

nor pass without objection at that time, and  
it would be extremely hazardous to have recourse  
to such a measure, without equally strong  
public reasons to justify it; and even if it were  
again resorted to, it would not get rid of  
the delay & the trouble, tho' it would diminish  
the expence, when a Prorogation would occasion.

Mr. Brevint readily enters into these feelings  
of your Royal Highness which occasioned  
these suggestions; they are extremely natural,  
and Mr. Brevint & his Colleagues would wish  
as much as possible to consider & consult them;  
but he humbly ventures to submit his doubts  
to your Royal Highness, whether such a  
Prorogation would really answer your  
Royal Highness's purpose. The very act of  
Prorogation would necessarily acknowledge  
the present existence of that Tension, which if

It did not legally exist, there would be nothing  
 to Prorogue for the Prorogation at present to  
 operate upon: and undoubtedly your Royal  
 Highness's power to Prorogue, would appear to  
 be derived from an act of this very Session -  
 and therefore Mr Brevint humbly submits  
 to your Royal Highness, whether your Royal  
 Highness's taking the State of Parliament as  
 you find it, and considering yourself in no  
 degree involved in the propriety of the proceedings  
 which have passed, and which have led to  
 it, but acquiescing only in the result of  
 measures, which, of whatever Character, the  
 Parliament of the United Kingdom, has  
 thought proper to adopt & to sanction, wish not  
 upon the whole to be the line of conduct, most  
 dignified for your Royal Highness to  
 pursue - Upon all these Considerations  
 Mr Brevint rejoices to recollect, that

your Royal Highness did not think these suggestions of essential consequence; and he hopes to be excused for having troubled your Royal Highness at so much length, with the reasons which have necessarily induced Mr Bernal and his Cheques to represent to your Royal Highness the strong objections which exist to the measure of a Prorogation at this time -

The Speaker returned too late yesterday from the Council to make a House; it was therefore necessarily adjourned to this day - Mr Bernal means <sup>to day</sup> to move its adjournment till Tuesday next, to which day the House of Lords is already adjourned - These adjournments do not prejudice the Question of Prorogation as that measure would be taken by Proclamation and would act equally whether the two Houses were previously adjourned or not -

Doney Street

Feb. 7. 1811

Mr Bernal  
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