The Voice of Reason

Without turning to the right hand or to the left, the voice of reason intends to bring before the people a series of circumstances, and a state of reasonings, that shall serve as a lanthorn to the public path.

So many years have elapsed since any very great constitutional question was agitated in England, that error is to be expected, and confusion scarcely to be avoided, on the first impulse of a ~~question~~ case important as the present. — The perplexity natural to novelty, the zeal inseparable from party, the obscurity that always grows out of tedious entangled and mutilated debate, the eagerness on either side to magnify mistake and misrepresent truth, the melancholly condition of the sufferer whose malady furnishes the occasion, the natural leanings of the heart towards the unhappy, the painful sensations of a son situated and circumstanced as the Prince of Wales now is, and the consequences to be apprehended from dissentions and a divided Government, all conspire to ~~a~~ confound and embarrass the understandings of the people.

In such a situation, fraught with danger, and scarcely to be got over without confusion, the first and wisest resolution of the people, of the whole people, for I speak not to parties, should be

be, to keep themselves cool, collected and reserved, to have a just and manly Idea of their own importance and interest, and to permit the free operation of truth on which ever side it may fall.

She who now addresses you cannot deceive you. Her influence would cease, and she will no longer be the voice of reason, than while she keeps within that circle which every man, however he may exceed it himself, knows and feels to be her proper and natural boundary. The daylight and the dark are equally known to the peasant and the Philosopher, and in like manner, that illuminating dispassionate process by which simplicity is distinguished from confusion, reality from specousness, and truth from fiction, is equally known by all by the impression it makes. A Question of Law, or of Science, may turn upon points and principles which only professional men can judge of: but a question of National rights, as distinguished from parliamentary rights, a Constitutional Question, needs only to be held up in its own natural simplicity in order to be seen and understood by every man let his station of life be ever so distinguished or so humble.

How often has the magic of a word, artfully applied, stolen a March on the sober senses of Mankind? How often has the Voice of the People, and the sense of the people turned out to be two distinct things? The one was the effect of sudden impression, the other the result of information and cool reflection. That a Multitude, like an Individual, may speak before they think, is a truth confirmed by every

Elements of this Case –

Something had been thrown out by Mr. Fox respecting the right of the Prince to the regency, as founded on, or running parellel with, his right of Succession to the Crown, the succession itself being founded, not merely on an act of Parliament but, on the known and universal consent approbation and authority of the whole Nation! This was violently opposed by Mr. Pitt, and his motives for this opposition so far as they can be deduced from his subsequent conduct will appear in the conclusion of this work –

Parliament. ...

ls by which simplicity is distinguished from

[illegible] ambiguousness, and

nses of Mankind! How [illegible]

the People, and the sense of the people turned

look back and see, how often the popular cry

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Much has been said about the question of Rights; but whether by those rights are to be understood the original inherent rights of the whole people, or merely the rights of Parliament as a branch of the Government acting originally from itself, and determining on the extent or increase of its own power, under the name of Rights, deserves the most serious attention of every friend and lover of his Country before he gives his opinion on the merits or demerits of this Case —

~~Something had been thrown out by Mr. Fox respecting the Right of the Prince to the Regency. — This was violently opposed by Mr. Pitt, and his motives for this opposition, so far as they can be deduced from his subsequent conduct, will appear in the Conclusion of this Work.~~

Whatever may be errors of Mr. Fox the Nation as well enemies as friends will acquit him of hypocrisy. There is a certain openness about him not calculated to carry measures by contrivance, and he has sometimes failed by acting on a Scale too broad and rational for the views of Parliament. Such is the case now.

Circumstanced as England is, (as will be hereafter shewn) a Parliament without a regal Power to regulate and moderate it, is equally as dangerous as a regal Power without a Parlia-

Parliament; ~~and~~ for an hereditary House of Nobles is certainly as dangerous as an hereditary Prince.

The Prince is hereditary in right of the whole Nation, for the Regal Power itself stands ~~itself~~ on the Right and authority of the Nation. Therefore the difference between Mr. Fox and Mr. Pitt, in this case, is, that Mr. Fox went on a National Scale, and Mr. Pitt on a Parliamentary Scale. ~~The~~ Mr. Fox took the known consent and guarantee of the whole Kingdom to the next in succession as the ground of Right. Mr. Pitt, secure of a majority, took up his abode in the right of Parliament.

Could every Man in the Kingdom have been assembled, and could the question have been put to them. "Whether the right of the Prince ~~to the exercise of the Regal Power~~ as the next in "succession to the exercise of the Regal Power, stood "on the great Right and guaranteed authority of "the whole People and Kingdom or on the mere will "and authority of Parliament", the ground Mr. Fox took would have been unnecessarily supported; but being brought before Parliament Mr. Pitt ~~was~~ had no chance of losing it; for it requires but little knowledge of the human heart to judge how Men will decide ~~when~~ on a question that is to encrease their own Power. — Let us now proceed farther into the enquiry taking for our guide, ~~and~~ ~~the principles of the Constitution but~~ the principles of the Constitution —

every day's experience, and that all hasty conclusions are subject to this error, and that the greater part of them are erroneous, we need only look back and see, how often the popular cry of the moment has fallen a sacrifice to the calm superiority of reason and reflection. —

The History of Parties at any period we will take them, ought ever to put us on our guard against being taken by surprise. That which is right will strengthen by time; but that which is only the <u>Counterfeit</u> of the right requires to be hurried thro' the Nation before the flimsy gilding, that hides, like a bad shillery, the fraudulent composition, be worn away. —

~~Much has been said about rights, but whether by those rights is meant the rights of the of the people, or the rights of Parliament acting originally from itself, and determining on the extent or increase of its own power~~ ~~rights~~ power under the name of rights ~~is a matter that merits a most serious consideration. Let us then examine the question~~

It will readily be granted, because it cannot be denied, that the great original source of all rights and of all power is the Nation itself; and it will then follow, that the Nation has delegated, thro' the means of its Constitution, such parts and portions of those rights and powers to the several branches of the Government as are fit and necessary to answer all the good purposes thereof. But it certainly has not delegated away <u>all</u> its rights, because where no right remains slavery begins

There are yet remaining to the great bulk of the Nation, as well the unrepresented as the

represented parts thereof, a great body of inherent undelegated rights, many of which are of too sacred a nature to be made ~~the~~ even the Subject of parliamentary discussion. The Parliament cannot alter the Constitution because the Constitution is the property of the Nation and not of the Government. It cannot annihilate the religion of the Country and establish an unknown one, because the right to religion is a right the people hold from God. These and many other instances may be produced to shew that there are rights inherent in the Nation, not delegated to Parliament, and that to ~~delegate~~ introduce them into Parliament under any shape whatever serves no other purpose in the end than to encrease the powers of Parliament beyond what the Constitution gives it, and to contract and lessen the inherent undelegated rights of the people.

We have seen as many and strong endeavours in Parliament to grasp at, and extend power as was formerly practised by the Crown. We have seen them set up the Omnipotence of Parliament — The universal Supremacy of Parliament, and sundry other titles offensive and hateful to the ear and heart of a free Nation: Nay, so great is the thirst for power in those who possess it that bury any question before them that has a flattering tendency to encrease that Power and they will resolve it in their own favour.

at a time that a late Parliament was profusely voting for every Measure of the Crown. a Majority of that very Parliament passed a Resolve, "that the

"the Power (Influence) of the Crown had encreased, was en-
"creasing and ought to be diminished" — We now
see it diminished below what is sufficient and
necessary for preserving the equipoise of the three
Branches of the Government. We now see a
Majority of an Hereditary House of Peers, over whom
the people have no Controul and who assume to
set in their own right independant of the people,
forming a Coalition with a Minister of the House
of Commons and his adherents and resolving,
(for such is the true explanation of their question
~~question~~ of rights) — that the people have no rights
at all — that the Crown has no rights at all — that the
powers of the three Branches and of the people of Government are ~~is~~ ab-
sorbed into the remaining two, and that neither
the People nor the Prince have any right in the
case. —

This question of rights so artfully and unnecessarily introduced
into Parliament, and so industriously circulated
thro the Nation to answer interested purposes, that
are now beginning to unravel themselves, is not
on the very face of it, a question determined on the rights of
the People — as has been mistakenly supposed, but
is a question of Parliamentary Power and Parlia-
mentary ambition, — and may hereafter be produced
as a precedent that Parliament independant of,
and unauthorized ~~by~~ and uninstructed by the peo-
ple can and may on their own wills and author-
ity alter the Constitution or any part or parts
thereof.

Having thus opened the outlines of the
case, let us proceed, not in the spirit of Party, but
of reason and moderation to investigate it clearly

and fully.

[redacted]

In order to Do this, [redacted] it is necessary that we exhibit the three branches of the Government, each in its proper and distinct functions, shew their relative connection and dependance on each other, and the consequences to follow from an aggrandizement or a diminution of Constitutional power in any of them.

We ~~also~~ always say it consists of three Branches, *King*, *Lords* and *Commons*

The Nation is composed of two orders of Men, *Peers* and *Commoners*. By Commoners is *properly* meant every Man in the Nation who has not the Title of *Peer*; and it is the existence of those two orders setting up distinct and opposite claims, the one hereditary and the other elective that makes it necessary to establish a third Power or that known by the Name of the Regal power, or the power of the Crown. [redacted]

The Regal Power is not the creature of the Parliament - it is not sett up by the two Branches, the house of Peers and the House of Commons - It is set up by the whole Nation, It originates from the Womb of the Nation, and is that particular power in the Constitution - which every Man represented or unrepresented in parliament feels an interest in and a relation to; and it is the Sense of the Nation distinct and separate from any powers the parliament have or may possess, or from any opinion the house of Peers or house of Commons may or can give, that there shall exist such a power; ~~with all the pow~~ for as their already exists an hereditary house of Peers - the remains of the feudal System - the Aristocratical part in the Constitution, which say to itself the people have no Controul over us - we are independant of them, it becomes the interest of the Nation to support the Regal Power, as being nearer related to it than what the house of Peers are, for the purpose of controulery that House, over which the Nation has no other hereditary controul than this its Sking. -

If therefore the powers lodged with, and separately appertained to, each of those three branches is on that just proportion which the circumstances of the Nation renders necessary for the equipoise of all its parts, and if two of those Powers viz the regal power in Right of the Nation, and that of the Peers in right of themselves are admitted to be hereditary, it follows as a fair just and

undeniable conclusion, that if the Regal Power is diminished, the hereditary aristocratical Power of the Peers must be diminished also, or the constitution is violated and the equipoise so much boasted of is destroyed.

It is not the persons invested with, or possessing those powers, but the powers themselves proportioned to each other that forms what is called the British Constitution: ~~But [illegible] the [illegible] the Power [illegible] weak or [illegible] enough to [illegible] the grace and favour he has received [illegible] principles of the constitution governing him.~~ And as those three powers which compose the constitution are exercised by three distinct Bodies of persons. The King, the Lords and the Commons let us suppose that insanity instead of taking place in the person of the King had taken place in any of the other two branches. Suppose for instance that the whole House of Peers or the whole House of Commons had gone mad, are the powers or principles of the Constitution to be altered or suspended because of their insanity, or are the persons who are to succeed them even before the time of their natural dissolution or legal expiration to have less powers than their still existing predecessors. ~~Now~~ Those powers were not given for the sake of the persons but for the sake of the nation. The King is not King for the sake of himself but for the sake of the people. What therefore is true in

any one of the Branches is true in all.

~~This question~~ There is not a light in which this question of Rights, which the Coalition of the Peers and Commons have determined in their own favour, and for the increase of their own power, and the gratification of their own ambition can be placed, in which it will not appear a dangerous and unconstitutional question.

That it was a question on their <u>own</u> Rights and not on the rights of the People is now further evidenced by the use they are already making of it, for it has been followed up by a string of resolutions (as will be hereafter stated) in which no Man in the Kingdom is interested but the actors themselves —

Let us now proceed to examine this question of Rights in ~~another~~ a further point of view —

The Parliament as has been already observed is composed of two houses the one hereditary in right of itself — the other elective — ~~What therefore Mr. Pitt, doing? enleagued with a Majority of the Peers he is, as a natural consequence of his question of rights setting up an Hereditary house of Peers, over whom the people have neither controul, election or interest, to controul the Regal power in whom the people have all an interest~~ —

The British Constitution naturally supposes that the Regal Power is that part in the constitution which being detached from, and superior to, all the local parts, parties and interests in the Nation, exercises itself to preserve

a constitutional equipoise and general interest in all the parts. It is not to know the landed interest — the Mercantile interest — the Manufacturing interest with partiality to the one more than to the other, but it is to know and promote the general interest of all and of the whole. It is not to know the House of Peers or the House of Commons with any distinctions of favour, but it is to know them equally. Agriculture Commerce and Manufactures ~~are equally the o~~ Arts and Sciences are equally the object of its care and patronage. In short it is neither more or less than the Majesty of the all people collected to center, and is that disinterested power in the constitution which is to arbitrate between the jarring interest of the Parts. In order therefore to do this, as is before observed, it must not be the creature of the Parliament, dependant on a vote of Parliament, but must, ~~as is before observed~~, originate from the Womb of the Nation, and stand on the broad basis of universal authority.

The constitution and the consent of the Nation have already defined and fixed what extent the Regal power shall have, and it is the duty of Parliament to see that it does not misapply or exceed those powers, and likewise that it applies them rightly and no further ~~and no further~~ thus far the power of parliament goes and ~~no further wholly~~ with respect to the regal Power, which is, as is before observed, the Majesty of all the people collected to a

centre, and not the Creature of Parliament; and whatever may be necessary beyond this either for the purpose of augmenting diminishing, suspending or any ways altering the Regal Power must result back to the whole Nation as the original Source from whence that Majesty springs. The Parliament have not a right in original cases of this kind to assume the right of the Nation. The Regal Power cannot supply the place of a House of Commons, it cannot supply the place of the House of Peers, it cannot alter the constitution of either of them, neither can they alter the constitution of the Regal Power, lodged where the consent of the Nation has placed it and for the purposes for which it is established.

In order still farther to illustrate this point and to shew the unconstitutional inconsistency of the present measures pursued in parliament we will mention two other instances in addition to those already mentioned

Often has it been ~~mentioned~~ noticed in the small compass of this work that we have an hereditary house of Nobles and that this house forms one of the Branches of the Government.

The annals of this Country furnish so many examples of the tyrannical oppression of the Nobles in former days over the ~~Peas~~ People, that to free themselves from it, the Crown and the people saw it their mutual interest to form a sort of common Cause, and it was by supporting the Regal ~~authority~~ Power against the Power of the Nobles that laid, in a great measure, the people

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the foundation of the British ~~Constitution~~ Commons. The power of the Nobles was curtailed and the power of the people encreased by the interest which the Regal power found in supporting their rights. — Were there no other reason than this it is sufficient to shew the danger of the conduct of Parliament in the present case — A Monarch totally incapable of governing even his own person — and a regent, the legal heir in succession held, thro the interested ambitious policy of Mr Pitt, in the arbitrary shackles of an hereditary house of Nobles —

Were this a meer work of the house of Commons the sense of the people operating at elections might correct it, but it arose to prevent the effect which time and information might have on the mind of the Country, the old exploded Aristocratical System is resorted to — and that of the most Disgraceful kind, an Aristocracy of Bed Chamber Lords, for to the honor of all the great families be it spoken they are on the Constitutional side of the question —

The other reason why the Regal power is not, and ought not, to be the creature of Parliament is this —

The great Bulk of the People of England are unrepresented in Parliament. Some of the largest Towns and of the greatest National interest send no Members while many of the inferior Boroughs scarcely inhabited enjoy a large portion of the representation; but

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the whole Nation feels an interest in the Regal Power, which is, as been before observed the Majesty of all the people collected to a centre, and the person possessing the exercise of the regal power is the only personal representation they have in the Government. He is in fact their actual representative. The representative of their [illegible] of National Majesty. How little then, how derogatory to the honor of the ~~whole~~ Nation must the question of ~~Parliamentary~~ rights ~~appear~~ on a parliamentary scale appear when compared with the comprehensive rights of the Nation. It is a question that ought not to have been agitated in Parliament. The Constitutional line which marked out the order of succession and that succession standing on the known consent and authority of the whole Nation included all inferior cases, for it is a known maxim that the Major includes the Minor:

It ought not, I say, to have been agitated in Parliament. It was purloining the rights of the Nation, particularly the unrepresented parts thereof to ~~the~~ introduce it there, for whatever appertaineth to the regal Power, appertaineth to the Nation in its original right and not to the Parliament.

Men always feel tho they do not always reason, and it is not difficult to discover that the people of Manchester, tho' they might not define and analize the impulse under which they acted when they rejected the proposed address to Mr. Pitt had some impression of this kind.

The Minority or those who were opposed to making it a Parliamentary Question acted con-

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sistently with the Constitution. It is as if they had said "leave it on the floor of the Nation. The "Regal Power is the Majesty of the Nation. It ap- "pertaineth to the Nation, & Parliament are ~~not~~ "but parts of the Government"

That the Legislative power of Parliament now is incompetent to any purposes of legislation, does not arise merely from the absence of one of the Branches, but because the regal Power comprehending and representing the whole Majesty of the Nation is not present, therefore whatever they may now do is illegal and nugatory.

The Majesty of the Nation does not reside in the Chancellors great Seal, any more than in his great Wig. It must reside in a Sensible Being, in a Being capable of knowing whether what he is going to do is right or wrong. He is to reflect, he is to weigh consequences before he proceeds to determine.

What is consent? but the action of a rational Being. The Great Seal when affixed to any Instrument is only the evidence of that Consent and not the Consent itself. Is the Lord Chancellor, so bad a Lawyer, as not to know, that a Bond or a Note of hand is only the evidence of a debt, and not the debt itself, and that to manufacture a Bond or a Note of hand where no debt exists, and to affix the Great Seal as an evidence of consent that never existed are equal Species of forgery.

What is the great Seal? Hath it Eyes to see — hath it ears to hear — hath it a mind to judge and an heart to feel? What then is it

it? Is it Nebuchadnezzer's Golden Image or Aaron's Molten Calf? The honest pride of Nature spurns the Idolatry – the enlightened Mind of Man disdains the deception. How must we laugh – How contemptibly ~~we~~ must we feel at such silly impositions on ourselves? If the Constitution hath laid it down as a principle that the concurrence of three distinct and separate powers in making a law is a better security than two, and therefore necessary to the perfection of a law is the Chancellor's great Seal one of them? Were the Chancellor's great Wig put on a Barber's block and made to nod consent, should not we laugh at the gallantee show? Nothing could then be wanted to compleat the sublimity of buffoonery than to follow in procession and huzza Vive la perruque. –

But let us return to our Argument. The matter is either to silly for satire, or too serious for ridicule.

From the innate love of liberty it follows as a natural and popular prejudice, that to take power from the Government is to secure, or add, rights to the people

But Mr. Pitt is acting the direct reverse of this, and it is only because the Subject has not had time to operate on the understanding of the people that addresses have been procured. It certainly did not strike every body in the same light. There appeared, to many discerning people, an Ambiguity, a Misterious-nesse, a certain something that ~~ought~~ required consideration

Mr. Pitt so far from securing or adding to the rights of the people is artfully taking them away. He is it is true, diminishing Power in one part

of the Government, but he is adding it, not to the people, but to another part of the government. Enleagued with a Majority of the Peers he is diminishing the Power of the Prince and adding it to the house of Peers: a house who are not the representatives of the People and over whom they have no controul. Is this an encrease of the rights of the People? Let Mr. Pitt answer for himself.

There is a Law, wisely founded on the principles of the Constitution, which, for the purpose of better securing the rights of the people forbids any Peer of the Realm interfering at elections. But Mr. Pitt has found a way to transfer by a Vote of Parliament, under the shape of a "Question of Rights", the Rights of the people into the house of Peers. All that has been done by our fore-fathers to prevent that house encreasing or possessing too great a share of power in the Constitution is done away by this delusive countenance of Mr. Pitt.

It is well worth the attention of the Nation to observe how ingeniously artful this whole business is carried on; for as the event of this question of Rights is to diminish the Regal Power and to establish a Power in the house of Peers which it had not before, it is necessary that the measures to accomplish it should not make their first appearance in that house; therefore Mr. Pitt brings them forward in the house of Commons, a conference with the Peers is proposed and agreed upon, they are then carried into the house of Peers, and by this manoeuvring, the rights of the People are first absorbed into the rights of Parliament and transferred from ~~those~~ the Commons to an hereditary house of Peers independant of the Suffrages of the people.

In laying down those Arguments the Rule

of

of Parliament, in the present case, has been observed. There the language has been a King a Queen a Prince &c so here a house of Peers &c make the objects of the argument, for it is not the persons immediately composing those bodies but the powers attached to those bodies that make up the principles of the argument.

It may serve as a quietude to the minds of the people to know that the great families in the house of Peers are supporters of the Constitutional and not of the Aristocratical powers of that house. It would certainly be more dangerous, tho' it does not affect the principles of the argument; if the Families of Norfolk Bedford Devonshire, Portland Northumberland and the Rockingham connections were Aristocratical instead of Constitutional: But as the caustic in those arguments, if any there is, is of a nature that will affect only the Sore and not the Sound flesh it needs no apology therefore none is offered. —

On these grounds we will rest the argument. They are but a small part of what might be advanced, but they are sufficient for a beginning. The sense of the people and their reflections on the subject will supply a great part of what is omitted and time opening with reason will unravel the whole. —

The part intended to follow, — were the reflections — alluded to in the beginning Page 3 —

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