

Tho' I continue to think that the course of Proceeding recommended by Council in Consultation preferable to any other judicial Proceeding that can originate with Col^e Berkeley, yet as I am confident from the manly honourable and upright Sentiments expressed by His Royal Highness the Prince Regent in the late Interview with which he honoured Colonel Berkeley that His Royal Highness will readily afford every Facility or adopt any measure that his Sense of ^{the} Justice of the Case may require and of which the Duties of his high Station will allow I feel anxious to submit to Colonel Berkeley's consideration the Thoughts which have occurred to me since the perusal of his Statement of what passed in the Course of that Interview.

From that Statement I collect that His Royal Highness is so firmly convinced of the Justice of Col^e Berkeley's Claim that even with his dying Breath he would affirm his Conviction to be that Col^e Berkeley is intitled to the Earldom of Berkeley - How ought any one to be surprized that His Royal Highness should have received so strong an Impression when

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It is not however my Purpose to inquire what occasioned the omission or to speculate upon the quantity of Injury which may have resulted from it as I conceive it to be enough to state that such Evidence might have been, but was not, adduced, and that they who were charged with the important Duty of advising their Sovereign upon the Evidence in support of the Claim have never had before them the most weighty Evidence of which the peculiar Circumstances of such a Claim, could possibly allow. I have observed that it is enough to state such Fact because I am confident that every Peer of Parliament, and indeed every honorable Mind must feel the difficult Situation in which His Royal Highness is now placed. Charged with the Royal Functions he may be called upon to Recognize as the Right of a younger Brother that Title which he with his dying Breath would Affirm he believes to belong to Col. Berkeley.

If such a state of things were ascribeable to difference of Opinion after the House of Peers had received all the Information upon which His Royal Highness has formed his

Opinion one might regard it as one of those
evils which the Infirmary of human Judgment,
occasionally produces but that is not the Case
Their Lordships have formed their Opinion
upon a very partial and defective statement,
and I cannot but think that it is due to them
in some way or other to afford them the
opportunity of reconsidering their former
Opinion with reference to the additional
Evidence that might be laid before them
If I am correct in this view of the Subject,
the Question will be what course of proceeding
will be at once most consistent with that
Respect which is due to His Royal Highness
from whom such additional Evidence is to
proceed, and also the most effective to the
purposes of substantial Justice. Upon this
Question I think there cannot be any real
Difference of Opinion as the Evidence is to
be given by His Royal Highness and as he
is anxious to give it His Royal Highness
must give it, either spontaneously or in
consequence of being legally required, By
the former Mode His Royal Highness would,
present himself in the light in which I am
Confident he will ever wish to appear, that
of a voluntary and anxious Witness in the

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Cause of Truth and Justice and nothing would be more easy than for His Royal Highness to direct one of his Ministers to submit to the House of Lords a full Statement of all that he knows upon the Subject and requesting them to give it their most serious attention in order to their determining whether it in any and what degree varied or weakened the Opinion which they had formed upon Col. Berkeleys Claim in the Year 1811 and upon which he felt he could not conscientiously proceed knowing as he does that it was formed in the absence of that Evidence which had so powerfully influenced his own. By the latter mode of proceeding His Royal Highness being however respectfully called upon to give his Evidence in an Action at Law it might be inferred that His Royal Highness felt a reluctance to do that which the Justice of the Case was supposed to require, and that if his Conviction had been so strong as it has been represented to be His Royal Highness would naturally have availed himself of the opportunity of himself communicating his Evidence to those whose Relation to the Crown rendered them so peculiarly qualified to

appreciate its Value and to advise upon its Effect.

Tho' no objection occurs to me to the above Course of Proceeding but on the contrary it appears to me to be recommended by a concurrence of important Considerations yet as it might be thought a departure from the general course for His Royal Highness to make any communication to the Lords without a Petition for such purpose it may be useful to consider whether Col Berkeley might not obviate such objection by presenting his Petition therein stating the fact that unfortunately he had not as yet had the advantage of His Royal Highness's Evidence which he understood to be as set forth and Praying that His Royal Highness would be graciously pleased to take such steps to possess their Lordships of it as he in his Wisdom might think proper. This Petition His Royal Highness would probably refer to the House of Lords accompanied by a Message that the Statement of the Evidence he could give was correct and that he was ready to verify it in such manner as their Lordships might require

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and also desiring their Lordships Opinion upon
the Effect of it as connected with the other
Evidence on their Journals. This would
probably induce their Lordships to Order the
Attendance of the Parties interested in the
Result and whatever that Result might be
it would be at least so far satisfactory that
it was founded upon as full Information
as the Subject would admit which is a
satisfaction not to be derived from the
Decision now on their Lordships Journals.