



## Calcutta Intelligence.

August 13th.

His Excellency Sir George Nugent, Bart. K. B. &c. &c. has engaged the accommodations of the Honourable Company's ship *Asstet*, on which vessel His Excellency and family purpose embarking for Europe, about the close of the current year.

## Eleventh Calcutta Lottery.

EIGHTH DAYS DRAWING,  
THURSDAY, AUGUST 4, 1814.

No. 293, a Prize of 5000 Rupees.  
Nos. 25, 247, 2814, and 3314, Prizes of 1,000 Rupees each.

TENTH DAYS DRAWING,  
THURSDAY, AUGUST 11, 1814.

### PRIZES.

No. 3531, a Prize of 1,000 Rupees.

ELEVENTH DAYS DRAWING.

Nos. 4434, 3776, Prizes of 10,000 Rupees.

No. 2714, Prize of 5,000 Rupees.

Nos. 4291, 811, Prizes of 1,000 Rupees.

16th August.

Yesterday, the last drawing of the Eleventh Calcutta Lottery took place, when the prizes remaining in the wheel fell to the following numbers.

No. 4662, a Blank, but being the 50th drawn ticket, is entitled to a Prize of 100,000 Rupees.

No. 3250, a Prize of 50,000 Rupees.

No. 2450, a Prize of 10,000 Rupees.

No. 3462, a Prize of 5,000 Rupees.

No. 2698, a Prize of 1,000 Rupees.

We have heard more than one individual named as the fortunate proprietor of No. 4662, but, as we have not been able to ascertain precisely by whom it is actually holden, we refrain from giving currency to reports that might prove erroneous.

The prize of 50,000 rupees has fallen to the club of Mr. F. Rodriguez, Sen.

## Madras Intelligence.

August 18th.

### CIVIL APPOINTMENTS.

Mr. Robert Andrews, Superintendent of the Government Lotteries.

Mr. W. Harrington, Sub Treasurer.

Mr. F. C. De Neise, Dutch Translator to Government.

### REVENUE APPOINTMENT.

Mr. James Cochrane, Second Member of the Board of Revenue.

Fort St. George, 7th June 1814.

### G. O. BY GOVERNMENT.

The Command of the Troops in the Vizagapatam and Ganjam Districts granted to Lieutenant Colonel Fletcher in General Order of the 22d of April last, is discontinued from this date; and the District of Ganjam is established a Government Command on the usual allowance until further orders.

August 9, 1814.

Major Sir Charles Boddett, Baronet, of his Majesty's 56th Regiment of Foot, will resume the Command of Pondanallee.

By order of the Honourable the Governor in Council.

(Signed) E. WOOD,  
Sec. to Govt.

We are concerned to find the Borneo, Captain Savage, had not arrived at the Isle of France, when the Lady Campbell sailed, nor had any accounts been received of her.

The ship *Kent*, from Calcutta, had arrived before the Lady Campbell sailed; but no account had been received of the *Barossa*.

The Shoal to the Southward and Eastward of the Cape of Good Hope, seen from the Chapman Transport, of which an account was published in our last number, is nearly, according to one account, in the parallel assigned to the *Stos Van Capelle*, but several degrees to the Westward of that Shoal; as however the Longitude of the Shoal stated to have been seen from the Chapman is by dead reckoning, and as we have no account where the depar-

ture was taken from, or how long the reckoning had been carried on, it is impossible to form a probable conjecture as to its accuracy; it is also to be regretted they did not sound, as, according to Horsburgh, in these Latitudes during the summer months, "patches of spawn or grubs of fish, are often seen floating on the surface of the Sea;" and there is great reason to suppose these patches have been mistaken at times for Shoals, or banks even with the water's edge; for these patches it appears, are frequently of a reddish or brown colour, and sometimes of the colour of saw-dust and might easily be mistaken for sand banks. The water in these patches, when taken up and examined, has sometimes been found to contain minute cray fish, and other young fry."

A greater service perhaps could not be done to the Indian Navigation than by having this part of the Ocean minutely explored, and the position of such dangers as might be found to exist, accurately determined. Accounts of dangers in that quarter have been given at different times; in some of those instances the existence of the danger has been very doubtful, and in most, the positions assigned, have been made out from data little to be depended upon; and in consequence making the Navigation of this part of the Ocean extremely embarrassing and dangerous.

Shipping Arrivals.]—August 11, H. C. Cruiser *The Isis*, Lieut. G. S. Hepburn, from Prince of Wales' Island 24th and Acheen 31st July.—14, Schooner *Helen*, Captain J. Doukuan, from Colombo 2d August.—15, Ship *Lady Campbell*, Captain P. D. Schmidt, from Port Louis 23d July.—16, Ship *Cornwallis*, Captain J. Webster, from Bombay 5th August.—Passenger, Hon. F. Semple.—do, Ship *Gunjava*, Captain J. Blyd, from Bombay 1st August, Passenger, Lieut. W. McKenzie.—do, Schooner *Maria*, Captain C. F. Kuhler from Tutacoria 10th August.

Departures.]—August 11, Ship *Charlotte*, Capt. J. Corregga, for Bengal.—16, Ship *Clara*, Captain W. Gibson, do. Ship *Cornwallis*, Captain J. Webster, for Bengal.—do. Ship *Gunjava*, Captain J. Blyd, for Penang.

## ENGLISH EXTRACT:

PARIS, APRIL 15.—The Provisional Government has published the following.

### ADDRESS TO THE ARMY.

"Soldiers!—You are no longer the soldiers of Napoleon, but you are still the soldiers of the country; your first oath of fidelity was to her; this oath is irrevocable and sacred.

"The New Constitution secures you your honours, your ranks, your pensions. The Senate and the Provisional Government have recognized your rights. They are certain that you will not forget your duties. From this moment your sufferings and your labours will cease. Your glory remains entire. Peace will secure you the reward of your long labours.

"What was your fate under the government which is now no more? Drugged from the banks of the Tigris to the ice of the Danube; from the Nile to the Dnieper—by turns scorched by the heat of the desert, or frozen by the cold of the North, you raised—unfeeling for France—a monstrous greatness, the weight of which fell back upon you, as upon the rest of the world. So many thousand brave men have been but the instruments and the victims of an empire without proportion, which wanted to found an empire without proportion. How many have died unknown to increase the renown of one man! They did not even enjoy that which was their due. Their families, at the end of a campaign, could not obtain the certainty of their glorious end, and do themselves honour by their deeds in arms.

"All is changed; you will no more perish 500 leagues from your country for a cause which is not hers. Princes born Frenchmen will spare your blood, for their blood is yours. Their ancestors governed you. Time perpetuated between them, and as a long inheritance of recollections, of interests and reciprocal services, this ancient race has produced Kings, who were named the fathers of the people. It gave us Henry IV. whom warriors still call the Valiant King, and whom the country people will always call the Good King.

"It is to his descendants that your fate is confided, can you still entertain any alarm for it? They admired in a foreign land the prodigies of French valour, they admired while they lamented that their return was delayed by many useless exploits. These Princes are as length in the midst of you; they have been unfortunate like Henry IV; they will reign like him. They are not ignorant that the most distinguished portion of their great family, is that which compose the army; they will watch over their first children.

"Remain then faithful to your standards.—Good counsellors shall be allotted to you. There are among you, young warriors who are already veterans in glory; their wounds have doubled their age. These may, if they please, return and grow old in the places of their nativity with honourable rewards; the others will continue to follow the profession of arms, with all the hopes of advancement and stability which it can offer.

"Soldiers of France! let French sentiments animate you—open your hearts to all family affections—keep your hearts but for the defence of your country, not to invade foreign territories; keep your heroism, but let not ambition render it fatal to yourselves; let it no longer be a source of uneasiness to the rest of Europe."

Four Gottenburg Mails arrived last night. By the following article it appears that Prince Christian (or Olof IV.) was by no means disposed to surrender Norway to Sweden, unless compelled to it by force.

## GOTTENBURG APRIL 12.

"In consequence of the Prince of Norway refusing to comply with the orders of his Sovereign (King of Denmark), to deliver over all the fortresses, and put Sweden in possession of the whole country, his Majesty the King of Sweden has been necessitated to order a strict blockade of the coast, and has issued letters of marque and reprisals against all vessels bound with provisions of any description to Norway.

"The Norwegian Diet commenced on Sunday last, the 10th, inst. It is composed of 154 Members, 80 of which are Danish Officers. Of course, it is expected, they will carry every thing.

"The Prince has issued a Proclamation, appointing five of the leading Members of his party to manage the affairs of the state. The Prince's Aide de Camp, Holten, is at their head. For what they do, they are only answerable to him.

"The John Adams, American sloop of war, arrived here last night, with the American Negotiators, Messrs. Clay and Russell.—A Lieutenant from Long Hope arrived at the same time."

A Meeting was held yesterday, of the Gentlemen interested in the French funds prior to the accession of Bonaparte. Mr. Impey, who is one of the largest claimants (as representing the family of Sir Elija), was called to the Chair. He stated the progress of the business connected with these claims since the year 1802, and computed the extent of the demands, on English account, at something below 2,000,000l. sterling. In the sequel it was proposed and agreed that a subscription should be opened to prosecute the claims; that a Committee should be appointed to conduct the business; that an Agent should be resident at Paris, who is to be rewarded by the proportion of one percent, upon the sum recovered—the remuneration not to exceed 10,000l.; and further, it was determined that a Memorial should be presented to his Majesty, Louis XVIII. in favour of these claimants. This Memorial was prepared and read; it stated strongly the injustice of the government under Bonaparte, contrasting it with the justice shown to the French holders in the British funds.

## LAW REPORT.

### COURT OF KING'S BENCH.

Monday, April 25.

RANCE v. WEST, CLERK, AND WIFE.

This was an action of slander, brought by Miss Rance, a young woman who keeps a ladies' school at Guildford, against the Rector of Stoke, in that neighbourhood, and his lady, for writing the following anonymous letter to Mr. Clarkson, a gentleman who was about to commit his daughter to the plaintiff's care, whereby he was induced to decline doing so, and other persons were induced to remove their children from the school.

"A friend to Mrs. Clarkson, and who is herself a mother, feels it her bounden duty to suggest to them, that Miss Rance is a person who is not fit to have the care of young ladies; and as Mr. Clarkson has now left Guildford, the person who writes this considers he may not have heard the various reports which are circulated in Miss Rance's disfavour, which, though they may not be founded in truth to the full extent, have perfectly convinced the writer, of Miss Rance's unfitness for the charge of young ladies beyond their mere education, she being a woman of very unguarded manners."

Mr. Clarkson proved, that he was introduced to the plaintiff by the defendant's wife, in whose family the plaintiff had formerly lived as governess. He had let the plaintiff the house, in which she carried on her school, and was about to remove his own daughter to the plaintiff's care from Dursley, in Gloucestershire. Upon receiving this letter, which was not written in a disguised hand, he suspected its author, and called upon Mrs. West, who did not deny the fact, but adduced instances of the plaintiff's misconduct. These had been related to her by Miss Bishop, an inmate of the plaintiff's house, who had partly observed them, and partly heard them from a female servant in the family, who likewise now proved them. Many of them are unfit for detail in a newspaper, and the whole of them Lord Ellenborough observed fully warranted the character which was given to the plaintiff in the letter, viz. that she was "a woman of very unguarded manners." His Lordship charged the Jury that the question for their consideration was, whether this letter was the production of officious malice, or whether it was not that friendly communication of just suspicion, proceeding from a party in whose family the plaintiff had formerly lived as governess, and who had at first encouraged her in her school, and who

had, therefore, in some degree, rendered herself responsible for her conduct to a gentleman to whom she had introduced the plaintiff, and who was about to commit to her the charge of the awful responsibility of a daughter's education. If it was so, the law would protect it, though written anonymously (but the hand-writing was current and undisguised); and the defendants would be entitled to their verdict, although they had pleaded *not guilty*, and had not justified the truth of the words.

Lord Ellenborough did not rise from the trial of the cause till half an hour after six o'clock; and the Jury, after retiring for a short time, returned a verdict for the plaintiff—Damages 100l.

From the LONDON GAZETTE, Tuesday, April 30

## ADMIRALTY-OFFICE, APRIL 26.

Copy of a Letter from Captain Raimor, of his Majesty's ship *Niger*, transmitted by Vice Admiral Dixon to John Wilson Croker, Esq. His Majesty's ship *Niger*, at Sea, Jan. 6, 1814.

I acquaint you for the information of the Lords Commissioners of the Admiralty, that having made the island of St. Antonio, yesterday morning, for the purpose of correcting my longitude, previous to allowing the ships parting company, who were bound to Maranhao, a strange sail was discovered a-head. I immediately gave chase; his Majesty's ship *Niger* in company. She was soon made out to be a frigate, and we had the pleasure to find that we were gaining upon her; at daylight this morning we were not more than a mile and an half distant; at half past seven they took in studding sails and hauled the wind on the star-board tack, finding that we had the advantage before it. The *Tagus* being to windward, Captain Pipon was enabled to open his first fire, which was briskly returned by the enemy, who had hoisted French colours on the *Tagus* showing her's. After exchanging a few broadsides, the French frigate's main topmast was shot away, which rendered her escape impossible; and as his Majesty's ship under my command was coming up, any further defence would only have occasioned a useless sacrifice of lives; they fired a broadside, and struck their colours. On taking possession she proved to be *La Ceres* French frigate, of 44 guns, and 324 men, commanded by Le Baron de Bougainville, out one month from Brest on her first cruise: she is only two years old, copper-fastened, and sails well. I should not do justice to the Baron, if I omitted stating, that during the long and anxious chase (in which we ran two hundred and thirty-eight miles), his ship was manœuvred in a masterly style. I have sent Mr. Manton, first of this ship, in charge of the prize, who is a deserving officer:—I have, &c.

(Signed) P. RAINIER, Captain.

To Vice-Admiral Dixon, Commander in Chief, &c. Rio Janeiro.

## DUTCH PAPERS.

LEYDEN, APRIL 22.—A short Essay has been published here, under the title of "Philosophical Reflections on the Political Principles which are now followed in Norway, Spain &c." After citing at length the decision of Norway to Sweden, the author proceeds thus:

"The Swedish Government undoubtedly imagined these perfectly adequate to the attainment of its object. Norway having had, like Denmark, an absolute monarchical government, Sweden must have attributed to the Sovereign of Norway the right to transfer, at his discretion, the property of it to any other person whom he pleased, as Sovereign, by treaties of peace, and others, often transfer to other Sovereigns a part of their possessions. The Swedish Government indubitably forgot at that moment the opposition which the Spaniards allowed themselves to make to the famous cession made by their ancient King to Napoleon Bonaparte, and by the latter to his brother Joseph through Sweden itself would probably have refused, in concert with the Pope, Sicily, Sardinia, Portugal, and Great Britain, to recognise this transfer of property, at the time that it was recognised by the other Powers.

"The Swedish Government forgot also, how well the Spaniards had succeeded in their opposition to this transfer of property; and, very different from the Portuguese Government, it seems to have had no idea of the dangerous contagion of democratical principles, which soon induced these same Spaniards to change the absolute form of their government into one very different, and to extract from him to whom they chose to deaminate the Crown of Spain, that he should recognise the loyalty of their proceedings; that he should confess that the sovereignty resides essentially in the Nation, and should receive the *Aspetro* on such conditions as they pleased to impose on him, or be for ever excluded from the inheritance of his ancestors, and perhaps be kept for ever in that state of captivity which

the Cortes in their Decree of the 31 of February, honour with the fine name of reception of the King on the frontiers of the Spanish dominions. At least the Swedish Government did not fear that such principles should break out in Norway, and thought that by the bare stipulations of the Treaty of Kiel, that kingdom would, without opposition, come under the dominion of a Power which would then put an end to the famine by which that same Power had hitherto exasperated and distressed the Norwegians, without subduing which it had hoped to accomplish by this measure.

The Author then relates the subsequent occurrences, the Proclamation of the King of Sweden to the Norwegians, Prince Christian's assumption of the Regency, his Proclamations of the 19th February, and then proceeds.

Such insinuations must certainly excite the spirit of a courageous nation, long since accustomed to the general use of fire-arms, as a defence against the continual attacks of the numerous wolves in their mountains. But the minds of their jealous neighbours the Dalecarlians, and other Swedes, may be influenced in the same manner. A terrible war may be the consequence, in which Norway must yield at last, seeing that Russia cannot but be disposed to assist Sweden in case of need. For the question is to indemnify Sweden for what it has lost by the cession of Finland to the Emperor Alexander. A cession made like many others, made very recent, according to principles, the disavowal of which by the Norwegians is supported only by the example of the Spaniards, by that of Pascal Paoli, in Corsica and some others, in regard to which the European Cabinets conducted themselves in the same manner as the Emperor Alexander, in the most recent instance, that of the Spaniards.

It seems, therefore, that this levy en masse in Norway can end in no other manner than did in 1797 that of a much smaller people, but not less brave; also surrounded on three sides by the sea, and for this reason as little exposed to the excursions of their neighbours, as proud of their liberty, which in the space of 2000 years has yielded but for a short space of time to the Normans alone; a people whose insulated situation prevented their being well informed about the troubles in Holland, and who embraced with a too inconsiderate zeal the cause of the States of that Province against the efforts of the King of Prussia to restore order there; but who soon repeated having lent their ear to insinuations like those by which the brave Norwegians are now misled.

It is therefore with great regret that we see this nation deceived with respect to its situation and its true interests, deprived of the knowledge of the proclamations of the Kings of Sweden and Denmark, and made to believe that it has nothing to fear from the Allied Powers, and that the peace concluded between Great Britain and Denmark, while Norway belonged to the latter, still extends to Norway in the present state of things, which is insinuated in the proclamation declaring Norway at peace with all nations except Sweden.

The Norwegians are made to believe that they shall be assisted by Great Britain. But the prudence of that Government and of the whole English nation, shewn in the congress at Chatillon, leaves no doubt that they will be content with having attained the present object, to which their calls on the Spaniards, Sicilians and Italians tended—an object which induced them to encourage the democratical principles of nations opposing the French domination, but which cannot influence their conduct towards the Norwegians.

Such revolts as that of Norway being different for the grand political views of Great Britain, we are persuaded that that power will not favour one which cannot but be injurious to Norway. The English Ministry will certainly disavow any assertion calculated to foment troubles in that unhappy country; and the false reports spread by evil-minded persons will be formally contradicted. The English Government will treat the good Norwegians with tenderness, in order the sooner to bring them to a state of tranquillity by the exertion of a salutary influence.

The following account of Porto Ferrajo and the Island of Elba may be acceptable to our readers. It was drawn up at the period of the possession of it by the French, by a reliable and accurate observer:—

Porto Ferrajo, in the Island of Elba, was little known, and little considered while the Island belonged to Tuscany, and before the French Republic had become formidable.

The British sent a handful of troops to reinforce the garrison of natives, and under the command of Lieut. Col. Aisley they effectually repulsed the great efforts the French made to take it. At the peace of Amiens it was stipulated, that the British troops should evacuate the Island and restore it to the King of Etruria, in consequence of the treaty the English did evacuate it, but in a few days afterwards it was occupied by the French, Bonaparte having exchanged it for a small and insignificant consideration. Certainly this was not in the terms, nor in the spirit of the treaty. A place of such vast importance, it was understood, was to be placed neither in the hands of

Great Britain nor France, but in those of a state whose power in the Mediterranean was of no weight.

The port is capable of containing the largest fleet; and it has an advantage over that of Malta, as ships can get out more easily. It is impossible to get out of Malta with a N. E. wind if it blow fresh.

The grand fleet of Mediterranean France might have stationed here it is thought. It perfectly commands the coast of Italy. Its position is central in the Mediterranean, and is well situated for embarking troops for Candia, or an invasion of Turkey. Candia is always made by ships sailing for Egypt.

The French being possessed of Elba, have no occasion to occupy Malta, which will be placed in hands fit to exclude the British from the Mediterranean. By this step the French Malta becomes absolutely necessary to Great Britain, as we can have no communication with any country east of Sicily.

Elba is to near the coast of Italy, that its garrison can, in spite of a blockading fleet, be always supplied with provisions, and reinforcements.

It was esteemed impregnable, and is now becoming more strong by the works the French are erecting; indeed, a fort was necessary to be erected on the land opposite the town, to secure the fleet at anchor in the port. The number of its inhabitants is so small that the garrison will be in no danger from an insurrection, as was the case at Malta.

In fine, it is a port in every respect possessing the greatest advantages to the French and in time of war, of the most alarming nature to her enemies. It is conveniently situated to be a magazine of naval stores, which may be obtained from the Adriatic, the Archipelago, the Black Sea, &c. it will be a most dangerous station for privateers, as well as a fleet. The British trade to Italy and to the Levant will be wholly at the mercy of France.

APRIL 23, 1814.

### SPEAKER'S SPEECH.

Lord MORPETH rose and desired the Clerk to read the Speech which had been delivered by the Speaker at the bar of the House of Lords at the termination of the last Session. The Speech having accordingly been read.

Lord MORPETH said, that in rising to submit a proposition to the House respecting the Speech which had just been read, the House might be asked, that he did not feel infensible to the charge of presumption which might be brought against his conduct, and to the many difficulties which attended the task he had to perform. One of these, though not the greatest, was, that he himself had become an object of accusation for not having brought the subject before the House at an early period of the Session; but in the thin state of the House at that time, he had thought such a step would have been improper, besides, much research was unavoidable before he could venture on the motion he had to present. He had found, however, difficulties of another nature in the way of his motion—difficulties which arose from the respect for the high seat occupied by the person who was the subject of this Enquiry. The manner in which he had so long filled it, and the zeal for the interests of the House with which he had always seemed inspired, besides those considerations which every one must unavoidably have felt for his person, for the learned body which he represented, and in which he held a distinguished station. This high station, however, this personal respectability, and the reflected lustre derived from those who had sent him into that House, all combined to give additional weight to all which had fallen from his lips, and rendered it the imperative duty of those who differed from him, to state as fully and fearlessly as they might the grounds of their dissent. (Hear, hear,!) Thus the circumstances of the case bore with them their own apology and defence. The cases in which the speeches delivered by the Speaker had been brought under the consideration of the House, occurred in 1640 & 1677, in which the speeches delivered to the Throne by Sir Henrice Finch and Sir Edward Seymour, were taken into consideration, the proceedings, having terminated in one case by censure, in another by adjournment. Having then, a precedent for the consideration of a similar speech; it was hardly necessary for him to state the parts of that which they had heard, to which he had to take objections. Parts of it there were, from which he did not differ, from the hopes which it at that time held forth of the establishment of the liberty of Europe, hopes which had since been realized by the great exertions, the united energy and moderation of the Allied Sovereigns, who had rescued Europe from the power of France, and France itself from tyranny; he could not even at that time have differed, much less could he differ from that part in which the Speaker hailed with joy the successes of Lord Wellington, whose progress had truly been one brilliant line of conquests. (Hear,!) But it was necessary to turn from these exhilarating topics, and before he made any further remarks, he should desire the Clerk to read from the Journals the progress in the House of what was commonly called the Catholic Bill.

[The Clerk then read from the Journals an account of the progress of the House, through the Committee, and of the first reading of the Catholic Bill, with the preamble of that Bill.]

Lord MORPETH then read from the Speaker's speech the following passage:—“But, Sir, these are not the only objects to which our attention has been called, other momentous changes have been proposed for our consideration. Adhering, however, to the laws by which the Throne, the Parliament, and the Government of this country are made fundamentally Protestant, we have not consented to allow that those who acknowledge a foreign Jurisdiction should be authorized to administer the powers and jurisdiction, of this realm. Lord M. then proceeded.—Before he should make any particular remarks on this passage, he should make one general observation,—that in his opinion it was contrary to the spirit of parliamentary privilege, that the Speaker should, at the Bar of the House of Lords or any other place, inform the king of any proposition which had been made in that House (Hear,!) and that the previous consent of the House to a proposition was necessary before it could, with propriety, be mentioned by the Speaker. The speeches he found in the Journals of the House which had been delivered to the Throne by the Speaker, were those of Sir Spencer Compton, Mr. Onslow, Sir J. H. Cust and Sir Fletcher Norton. The speech delivered by Sir Spencer Compton, contained allusions to the affairs which occupied the public mind at the time when he addressed the Throne. That which was delivered by Speaker Onslow in 1745, contained a wider field of speculation of various subjects. The speech of Sir J. Cust was strictly parliamentary, and no question could be raised on its contents. As to that of Sir Fletcher Norton, though some doubts were entertained at the time whether the expressions used were correct, yet it evidently referred to measures which had passed through the House. In the Journals of the House of Lords, there were more numerous instances of speeches delivered at the Bar; but the greatest part of them were specimens of the eloquence of Sir Edward Turner, a Speaker in the early part of the reign of Charles the Second, and which amounted not only to more than the speeches of any one Speaker, but than those of all other Speakers put together. In all these, however, there was to be found no allusion to any proposition which had been made to the House and been by it rejected. From other sources he had found that Sir J. Phipps in early times was described as a young Speaker who took very much on himself. The whole list of Speakers in the times of the House of Tudor, even though Sir Thomas More was among them, were merely examples of the pitch that flattery and meanness can reach. As a specimen of which he might mention Speaker Rich, who in a speech to the throne compared King Henry VIII, in wisdom to Solomon, in beauty to Absalom, in strength to Sampson, and afterwards to that glorious luminary the sun, (a laugh.) The same strain of flattery was continued through the reign of Queen Elizabeth, but amidst all the mean pedantry of that day there was one path in which they did not tread, one sanctuary held inviolable, and that was the communication of any proposition made to the House which had not obtained its consent. But even the Speakers of this time were not to be involved in a general censure, for although the gross flattery of that time was such that the Queen was compared to antediluvian Princesses and heathen Goddesses, Mr. Onslow, a Speaker of that day, described thus correctly his office:—“Again when I consider my office as Speaker it is no great matter, being but as a mouth to utter things appointed me to speak unto you, and not otherwise, which consisteth only in speaking, and not in any other knowledge whereby I gather how necessary it is to speak plainly and simply according to the truth reported in me. Thus it is necessary that they chuse a plain speaker fit for the plain matter, and, therefore, well provided to have such a one as should use plain words, and neither so fine that they cannot be understood or else so eloquent that they miss the action.” Such also in the reign of Charles the Second was the doctrine held by Mr. Powles, who had afterwards the honour to be the Speaker in the Convention Parliament. “The Speaker,” said he, “is called the mouth and tongue of the House, which speaks the conception of the mind, not that he is to make those conceptions, but pronounce what he has in command from the House.” Lenthall, the Speaker in the time of Charles I. also told the King that “he had neither tongue, eyes, and ears but what the House gave him.” The only case in which the contents of speeches delivered by Speakers to the Throne bore any allusion to what had passed in the House, besides the measures which they had refused on, were only two, and those so trivial that they were scarce worth mentioning. The first was in a speech of Sir Harbottle Grimston, in the beginning of the reign of Charles

II. speaking of a Money Bill, he said, that it was agreed to after some debate. The second, in the speech of Sir J. Trevor, in the First of James II., who said, that he brought no Bill, because the House placed a complete reliance on the words of his Majesty. In the speeches of Mr. Onslow there was a wider range of allusion, and it is possible that from the mouldy heap of forgotten papers some precedents might be brought up; but he appealed from the dead to the living—from such as had sunk under the weight of years, to those which had survived from their own worth. But it would be difficult to find any where a precedent analogous to the Speech delivered at the close of the last Session. Every one was aware that the House resolved, that a Bill should be brought in to relieve the Catholics from the disabilities under which they laboured—that this Bill was actually brought in, and that its principle was recognized by its second reading. It was true, that in the Committee the principle of the Bill was in a material point negatived by the House, but no farther steps were taken to reject it (hear,!) and it was even in existence at the moment when the speech in question was delivered at the Bar of the House of Lords (hear, hear,!) The Throne on that occasion was informed by what was deemed the collected wisdom of the House of Commons, that they had not consented to allow that those who acknowledged a foreign jurisdiction should be authorized to administer the laws and jurisdiction of this realm. Should such a declaration as this be authorized by any precedent? If this privilege itself could have been lost by casual infraction, what a slender remnant of these privileges would have survived. It was said in the speech in question, “other momentous changes had been proposed.”—By whom? By a message from the Throne? No; but by one of their own Members, in the reliance that if he had failed that failure would not have been communicated to the Throne. In whose favour, and by whose desire were these changes attempted by the Roman Catholics of England and Ireland, who petitioned, in the reliance that if they failed their failure would not be accompanied by the gratuitous comments of self-appointed Ministers to the Throne. The speech proceeded—“adhering, however, to the laws by which the Throne, the Parliament and the Government of the Country are made fundamentally Protestant.” It would be necessary to apply to the preamble of the Catholic Bill to repel this assertion, which would then be found to be entirely groundless. The Catholics had also great reason to complain of the manner in which they were treated, in the latter part of the same sentence, in which they were described as men who submitted to a foreign jurisdiction, an accusation which the Catholics denied, and which might well have been spared in these days of calamity. But this temporary injury was not the mischief which was materially to be apprehended, it was the danger of the precedent, in which all the other evils sunk to nothing; if under its shelter in future times, a Speaker might take opportunity of a rejected measure to cast sarcasm on any line of policy, or by affixing of new denomination to any body of men, convey a hostile idea of them to his sovereign (Hear, hear,!) He might select a time when petitioners against any grievance supposed themselves on the point of attaining their wished for object, to add mortification to disappointment, and instil doubts of the justice of their claims, (Hear,!) He might in the event of a proposed measure being unpopular, make his speech a channel further to inflame the public mind, or take the opportunity of a measure odious to the Sovereign, to ingratiate himself with his Prince at the expense of the House to whom his services were due. (Hear, hear,!) The Noble Lord therefore, thought it necessary to guard against the danger which the conduct referred to menaced alike the rights of the public, and the freedom of debate in that House. It was necessary to the maintenance of the Constitution, to preserve that House in its proper independence of the Crown, and its due relation to the people, to provide against an undue attempt on the part of the Speaker, or any of its Members, to conciliate the Crown. The rolls of Parliament furnished strong instances of the jealousy which the House of Commons felt upon this subject, and it was on record, that when some Members of that House sought to conciliate King Henry IV. by overtures in consistent with the rights and dignity of the Commons, the king himself repelled the overture, wisely observing, that it would not be conducive to the advantage and honour of his kingdom to hear such persons, or give any credence to them; before the matters alluded to were communicated to his Majesty by the opinion and consent of all the Com-

(Continued after the next page.)

TO BLOSSOMS.

FAIR pledges of a fruitful tree,  
Why do you fall to fall?  
Your date is not so past,  
But you may stay yet here awhile,  
To blush and gently smile—  
And go at last.

What were you born to be,  
An hour or two's delight?  
And to bid good night:  
'T was Nature brought you forth  
Merely to show your worth,  
And lose you quite.

But you are lovely, Leaves, where we  
May read how soon things have  
Their end, though ne'er to brave:  
And after they have shown their pride,  
Like you awhile, they glide  
Into the grave.

FOR THE JOURNAL.

O thou! whose notes abrupt and sad,  
In melancholy vein,  
And wildly pleasing strain,  
Mourn o'er the Blossoms' fate.  
And ask? Will of their date  
"No trace remain?"

Perhaps thy lovely blossoms had  
Bask'd in the dewy beam,  
Bask'd in the sunny gleam,  
— Then met the selfish frost,  
In which the stream was lost,  
And check'd the beam!

Ah! mourn their fate, more sad,  
Who like thy blossoms, have  
Once smil'd in joy;— Now crave,  
From friendship's spur'd,  
Affection's tear'd,  
A refuge in the grave.

At the sale of the late preacher HUNTINGDON'S effects, at Pentonville, a Gentleman was asked by a by-stander, whether he really thought the Reverend Doctor's congregation believed he was a Prophet?—"Why, my good friend," replied the gentleman, "that I cannot say; but of this I am sure, they are determined to make a Profit of his goods."

(Continued from the third Page.)

mons. But in the 9th of this popular Sovereign, it was expressly declared that "in all future Parliament it should be lawful as well as to the Lords by themselves, as the Commons by themselves, to debate of all matters relating to the realm, and of the means to redress them, without discovering the same to the King before a determination made thereof, and that to be done only by the mouth of the Speaker." Thus had our ancestors provided, that no undue communications should be made to the King—that nothing should be tolerated which should be likely to interfere with the independence of the Commons, and hence it appeared, that the spirit of freedom had not been foisted into, or of such modern birth in our Constitution, as some Gentlemen seemed to imagine. But the existence of this Spirit at an early period, was most signally manifested by the celebrated protestation of the Commons in the reign of James I. For this protestation declared that "the making and maintaining of laws, and the redress of grievances, which daily happen within the realm, are proper subjects and matters of council to be debated in Parliament; and that in the handling and proceeding of these businesses every Member of the House hath and ought to have freedom of speech to propound, treat, reason and bring to conclusion the same." Thus so early as 1621 did Englishmen impress upon Kings the lesson of the English Constitution, by teaching James I. that he mistook the nature of the laws which he was appointed to administer, and the character of the people whom he refused to think himself called upon by some Divine Authority, to govern. So indignant, however, was that Monarch against this public spirited protestation, that he was anxious to erase it with his own hands. But still this protestation remained on record, to humble the pride of Kings, and to exalt the character of the people. In such records the Lord M. recognized the manly spirit of the patriots of the day in which it originated, and the proper character of Englishmen, which character was also demonstrated in the proceedings of the Commons in the reign of Charles II. particularly in the resolutions, which he need not recite. In what he had just quoted, he had referred only to the conduct of any Members of that House who should communicate with the Crown with respect to their proceedings, and not to that of the Speaker, but what should be said of either and particularly of the

latter, who should make such communication without any authority. It was against such authorized communication, and the danger to which it tended, that he specially protested. It was this principle which he wished to guard, for that was a principle necessary to infuse life, spirit, and animation into the proceedings of that House. It was not the narrow view of any individual's conduct which he desired to watch, it was not the mere censure of any individual which he had in contemplation—but the preservation of the independence of that House—the maintenance of that principle which, according to the words of Mr. Burke, was to be regarded as "the sacred fire of an eternal constitutional jealousy—the guardian of law, liberty, and justice"—the maintenance of a principle essential to that Constitution, which had for long been the principal theme of eloquence, and the favoured meditation of philosophy, which had indeed become a model for establishing the infant liberties of other nations. (Hear, hear!) His object then was to watch the means of preserving this invaluable blessing with due jealousy, with legitimate suspicion—to take care that the great cause which has led to results that fill every honest breast in the civilized world with joy and exultation, shall not be neglected or hazarded—that a precedent shall not be established which might lead to a degradation of the dignity, or prostitution of the privileges, and dereliction of the duties of that House. (Loud cries of hear, hear, hear!) The Noble Lord concluded with moving.

"That a special entry be made in the Journals. That it be not drawn into precedent for any Speaker to inform his Majesty, either at the Bar of the House of Lords, or elsewhere, of any proposal made to the House by any of its Members, or to acquaint the Throne with any of the proceedings had there upon, until the same shall have been contented to by the House."

The motion having been read by the Speaker, the Right Honourable Gentleman spoke to the following effect:—

After the motion which has just been heard, and the manner in which that motion has been introduced, implying as it does a grave censure upon my conduct, the House must naturally expect that I should desire to offer myself to its attention (loud cries of hear, hear!) It has been said, that I had intimated that at the Bar of the House of Lords which was inconsistent with my duty, and injurious to the dignity of this House; but the Noble Lord's motion involving no direct charge upon that which by others has been pronounced inexcusable, I shall abstain from any discussion of that charge, and I shall abstain also from any discussion of the great political question to which the observation complained of referred. I do however confess, that after having been denounced as an unauthenticated expositor of the sentiments of this House, and being told that I deserved reprehension, I did expect some distinct charge accompanied by a proposition for a special vote of censure (hear, hear! from the Ministerial Benches) But the Noble Lord proposes only a Resolution with reference to the future. Nevertheless I hope the House will allow me the opportunity of shewing that the censures promulgated against me are totally groundless. (Hear, hear!) There are two questions to be considered, with a view to my justification, first, whether it was fit to mention the proceedings in this House upon the Catholic question in the speech referred to, and secondly, whether if so fit, those proceedings were mentioned by me in a proper manner? As to the first question, I humbly submit that, according to the practice of Parliament, it was fit and proper, on my part on such an occasion, to mention all or any matters which had been discussed in this House in the course of the Sessions. This rule has indeed, been distinctly laid down by the most authentic text writers, and intimated by the Journals of the House of Lords. The best text writer on record, Mr. Hatfield, states, that it is customary for the Speaker of this House on presenting the money bills at the Bar of the Lords, upon a prorogation, to recapitulate the principal objects which had occupied the attention of the House during the Sessions; and in corroboration of this opinion a variety of precedents are to be found upon the Lords' Journals, particularly in the reign of Henry VIII. in 1641, in the reigns of Charles II. William III. and George II. Amidst these precedents there are but comparatively a few speeches reported at length on the Journals; but then there are numerous entries, in the ordinary form, describing, that the Speaker of the House of Commons, on appearing at the Bar of the Lords, on a Prorogation, addressed the Sovereign with regard to the Money Bills and other matters. The speeches of the Speaker, reported at length, amount altogether to about fourteen, exclusive of those of Mr. Speaker Onslow. But, independently of those speeches altogether, I find

in the entries on the Journals, abundant proofs to sustain the assertion I have made, as to the practice of Parliament, namely, that it has been customary, in addressing the Sovereign on such occasions, to speak as well with regard to other matters as to the Money Bills. From these speeches, however, I find that the Speaker has often referred, not merely to Money Bills, and other enactments, but to matters which had never been even put into the shape of Bills. This has occurred in the reign of Charles II.; and Mr. Speaker Compton took a large latitude upon various matters, especially with regard to the Treaty of Utrecht. The latitude taken by Mr. Speaker Onslow I need hardly describe. That Gentleman adverted, indeed to many topics which were never brought before the Commons at all in the shape of Bills, or in any other shape whatever. He discussed the legality of voluntary subscriptions, even during the existence of rebellion, enlarged upon the general impolicy of continental wars or alliances, and entered into a variety of measures by no means in progress to receive the Royal Assent, or immediately connected with the Money Bills. In alluding to the Martial Law Bill, after the miscarriage of Mathews and Leflock, Mr. Onslow undertook to recommend some further regulations for the conduct of Courts Martial, and also some measures to consolidate the Union with Scotland—such, for instance, as the abolition of the heritable jurisdiction; thus referring not merely to acts done or proceeded upon in this House during the Sessions, but laying the foundation of acts of legislation in a future Session, yet Mr. Onslow never was censured. I find about eleven speeches on record within fourscore years, all of which illustrate the practice for which I contend; but exclusive of these speeches, I should have no doubt of the practice. Indeed that practice is fully proved by other and numerous precedents; and I should be contented with that proof. There are, however, two striking cases, which I think it necessary to quote. Having been by Lord Onslow, (whose kindness I sensibly feel) allowed access to the Papers of Mr. Speaker Onslow, I found among them the manuscript of a speech, which that Gentleman prepared to deliver at the Bar of the Lords, although he did not deliver it, and therefore it has never been published. But from this speech the House will judge of Mr. Onslow's opinion as to the extent of a Speaker's privilege on the occasion alluded to. For in this speech Mr. Onslow entered not only into matters enacted by the House, but into matters proposed and rejected, with a statement of the reasons why such matters had been rejected. This speech Mr. Onslow intended to have delivered in 1758, but was prevented from doing so by the absence of the King, who could not come down in consequence of indisposition. I feel it, however, justifiable to quote such an authority. The second case to which I have to refer, occurred in Ireland in 1792, and furnishes another high authority. A Bill was brought up to the Irish House of Commons for allowing certain civil privileges to the Catholics of that country, and after this Bill had been read a second time, a petition was presented from the Catholic Committee, requiring the elective franchise, which was rejected. Upon that occasion the Speaker of the Commons, who is now a Member of this House, Mr. Foster (whose name I mention historically) on addressing the Viceroy at the prorogation, dilated upon the necessity and importance of maintaining the Protestant ascendancy, as essential to the security of the Throne and the Constitution; yet Mr. Foster was not deemed irregular in thus alluding to a proposition rejected in the Commons. On the contrary, that Gentleman received the thanks of the House upon its next meeting. Upon the whole then, I think I have shown that according to the practice of Parliament, illustrated by a variety of precedents, a Speaker has the right of fully alluding upon the occasion in question, to any topics that may have come under discussion in this House in the course of the preceding Sessions, and that there is no general rule to limit his discretion in the exercise of that right, but the comparative importance of the several topics referred to; so much as to the first question. Then as to the second question, namely, whether I stated the proceedings alluded to with truth and correctness. A great portion of the Sessions was notoriously occupied in the discussion of the Catholic ques-

tion, and a Bill for granting certain privileges to the Catholic body was rejected, while another Bill, originating with the Duke of Norfolk, was acceded to. When referring to these events I stated, that this House had "not consented to allow that those who acknowledge a foreign jurisdiction should be authorized to administer the powers and jurisdictions of this realm," willing as we are nevertheless, and willing, as I trust we ever shall be, to allow the largest scope to religious toleration. Now I will put it to the candour of those who hear me, whether the principle upon which the Catholic Bill was rejected, was not correctly described by me. If indeed that were not the principle, I would ask upon what principle it was rejected. I stated that only at the Bar of the House of Lords, which was often stated and restated in this House as the ground of objection to the extent of the Catholic Claims. I stated nothing untrue, I only stated the ground and reasons upon which this House proceeded, and avowedly proceeded, in its rejection of the Catholic Claims. I mean that the acknowledgment of a foreign jurisdiction by the Catholics was expressly laid down by authority of those who opposed the Catholic Claims, as the ground upon which they justified their opposition. I do not mean to enter into any controversy as to the validity of the allegation, that the Catholics acknowledge a foreign jurisdiction, but I will appeal to the recollection of Gentlemen, whether that allegation was not the principle relied upon as the ground upon which the House proceeded. [Hear, hear! from the Ministerial Benches.] As to the opinion expressed with regard to a Speaker's cognizance of the proceedings and presence in a Committee, the fact is, that I feel it my duty to attend Committees, and the Speaker is called upon, at his own responsibility, to resume the Chair, if he thinks proper, at any time, to restore order. Then, as to the proceedings of a Committee, are not the books which record those proceedings open to me as well as to any other Member of this House? I am therefore exceedingly surprised that such a technical objection as that which I have stated should be pressed by any one at all acquainted with the proceedings of this House. With respect to the second branch of the objection, referring to the disposition of this House, to allow the fullest scope to religious toleration, that disposition was, I thought, evinced in the adoption of the Duke of Norfolk's Bill. Was there then any inaccuracy in my statement? It was, in my judgment, entirely correct, and such being the case, I felt it proper to make known to my Sovereign the whole result of a very important discussion, of which result he could not be authentically apprised, through another medium, because in my opinion the Sovereign ought to be informed of the estimation which this House attaches to any fundamental law which it is his Majesty's peculiar duty to watch over; because, as I think I have a right in any speech of the nature of that under consideration, to advert to any topics which may be discussed in this House, subject only to my own judgment in the selection. This opinion of my right as Speaker, I have shown to be sanctioned by great names and authorities. But with respect to any prospective regulation, such as the Noble Lord's Motion proposes to have in view, with respect to any rules which ought to be attended to by any Speaker in addressing the Sovereign at the end of the Session, it is for you to lay down those rules. If it be your pleasure to abridge the authority or fetter the discretion of the Speaker, it will be my duty to conform to your will with the utmost diligence. One word, and I have done. The Catholic question having engaged so much of your attention in the course of the last Session, I thought it my duty in addressing the Sovereign to advert to that subject. If you should think that I was wrong in that proceeding and deserve your censure, I shall indeed feel that censure as a most heavy calamity, but still I shall stand acquitted in my own judgment, and cannot therefore be deprived of the consolation of my conscience. But it is for you to determine upon the conduct of your Speaker, who is your own delegated organ, before that of those of whom we are all the representatives. Here I deliver up my case to the candid decision of this House, called upon as it is by the motion of the Noble Lord, to pronounce (substantially a

(Continued in the Supplement.)

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# SUPPLEMENT TO THE BOMBAY COURIER

SATURDAY, SEPTEMBER 16, 1814.

(Continued from the last page.)

serious censure upon my conduct. [Cries of hear! hear! from the Ministerial Benches.]

Mr. Whitbread began as follows:—You have not shown, Sir, that you had any authority individually, from practice or precedent, for that sort of proceeding animadverted upon with such force and eloquence by my Noble Friend; and it cannot be pretended that you had any direct authority. Therefore I repeat, that you transgressed your duty on the occasion alluded to, and was an unauthorised expositor of the sentiments of this House. This (Mr. W.) did not think the time for repeating the panegyrics which he had so often pronounced upon the conduct and character of the Right Honourable Gentleman. Of these panegyrics he believed the Right Honourable Gentleman fully deserving; and all he should now say was, that he rather wished he was arraigning any other man. With regard to the undelivered, unpublished speech of Mr. Speaker Onslow, which the Right Honourable Gentleman had quoted, it was rather strange that the speech had been wholly omitted by Mr. Hatsell, who had also had access to Mr. Onslow's papers. But the Right Honourable Gentleman had seen the speech which had never seen the light, and which never having been delivered, could not be regarded as conclusive authority. Then as to the Right Honourable Gentleman's quotation from the other side of the water, he could in fact derive no aid from that quotation. For Mr. Foster merely stated his own private opinion, upon the importance of the Protestant ascendancy in Ireland; but he did not, like the Right Honourable Gentleman, state those opinions as the sentiment of the Irish House of Commons.—[Here Mr. Speaker Foster's speech was read from the Journals.]—Mr. Foster did not, it appeared, say that the Irish House of Commons rejected the Catholic Petition for certain reasons. No, that Gentleman was not so assisting. Nor was Mr. Speaker Onslow ever so assuming. In fact, in looking over Mr. Onslow's speeches, he never found any allusion whatever to any measure rejected by the House of Commons, nor any assumption that the House acted so or so on such or such grounds. It was indeed evident, that the Right Honourable Gentleman had not quoted any precedent bearing the slightest analogy in vindication of his conduct. There was one point in this case which he was supposed to find the Right Honourable Gentleman treated with such levity—namely, with respect to the attendance of a Speaker on Committees. But notwithstanding the Right Honourable Gentleman's levity and professed conception of duty to be present in Committees, it appeared from Mr. Hatsell's book that the Speaker was the only Member of that House who was not compellable to sit or vote in a Committee. The Speaker was in fact, supposed to be in his private room while the House was in Committees. From his private room, however, the Right Honourable Gentleman thought proper to come on the debate of the Catholic question, although to sit and silent upon the Catholic question in 1807. But his exertion even in the Committee last Session was not sufficient to satisfy his principles or his views. The Right Honourable Gentleman must go farther, and hazard the observation to which the motion referred, and which observation he proposed to meet by a direct vote of censure, as an amendment upon the original motion. In this respect, therefore, the expectations which the Right Honourable Gentleman professed to have entertained would not be disappointed. The Right Honourable Gentleman could not, he contended know any thing, as a Speaker, of the loss of the Catholic Bill in the Committee of last Session. Yet, as a Speaker, he undertook officially to state that loss to the Regent—nay, more, he ventured to assume a motive on the part of those who promoted the defeat of the measure. Neither of the event nor of the motive could the Right Honourable Gentleman have any official information; nor could it be pretended that he had. Therefore the Right Honourable Gentleman spoke to the Regent without authority.—Here the Honourable Member took a short review of the Duke of Norfolk's Bill, which was merely a transcript of the measure, for proposing which an Administration was deprived of office in 1807, yet this measure had now been unanimously acceded to by Parliament. So much for the consistency

of those whose slandered that Administration; and supported prejudice. But let us hope for similar inconsistency upon the general merits of the Catholic Question, and that, like the Irish House of Commons, which, with only two dissenting voices, adopted in 1793, that which had been unanimously rejected in the year preceding, when Mr. Foster made the speech referred to in this debate, the Parliament of this country will be prompt to abandon error. Reverting to the quotations of the Right Honourable Gentleman, the Honourable Member noticed the mention of speaker Lenthall, who, when the King demanded the surrender of five Members, whom his Majesty wished to take into custody, Mr. Lenthall replied, that he had neither eyes to see, ears to hear, nor tongue to utter, without the permission of the House; but the Right Honourable Gentleman appeared to feel directly the reverse if he (Mr. Whitbread) were to descend on particular parts of the Speaker's speech, he might with the Noble Lord admire the glowing language in which he had alluded to the achievements of Lord Wellington, and to the commencement and progress of those transcendent events which had been at length crowned with all the glory of arms, and with the still greater glory of moderation. He might also have referred to the vivid terms, in which he had spoken of the financial arrangements and financial prospects of the country—terms so vivid, that he apprehended that they would even surpass the most sanguine expectations of the Chancellor of the Exchequer himself. But with respect to that part of the speech which was at present the subject of discussion, he thought it deserved direct reprehension and censure, and it was, therefore, his intention to move as an Amendment to the original motion the following Resolution:—

“That it appears to this House that Mr. Speaker did at the close of the last Session of Parliament, at the Bar of the House of Lords, communicate to his Royal Highness the Prince Regent, certain proceedings of this House, had in a Committee of the whole House, relative to his Majesty's Roman Catholic subjects, which did not terminate in any act done by this House; and did at the same time inform his Royal Highness of the motives and reasons which he, Mr. Speaker, assumed to have influenced the Members of the House voting in Committee, in their determination thereupon, and that Mr. Speaker, in this speech so addressed to his Royal Highness the Prince Regent, at the Bar of the House of Lords, was guilty of a violation of the trust reposed in him, and a breach of the privileges of this House, of which he is chosen guardian and protector.”

Mr. Creevey seconded Mr. Whitbread's Amendment.

Mr. Banks lamented that the Honourable Gentleman who had just sat down had not scrupled to charge the Speaker, in distinct language, with a gross violation of his duty and of the privileges of that House in consequence of a line of proceeding which appeared to him (Mr. Banks) perfectly consistent with the established usages of Parliament. The ground laid for this charge was that the proceedings on the Catholic question, to which the Speaker, in his address to the Throne had alluded, had not produced any positive result. But he conceived that all those questions on which the House had employed much of their time and attention, whether relating to matters of a foreign or domestic nature—to business begun or concluded, were proper topics for the Speaker to enlarge upon at the termination of the session. This was the opinion of Mr. Hatsell, than whom a higher authority could not be referred to, and in looking over the different facts and cases with what attention he was able to bestow upon them, he had found him strictly borne out in this conclusion. It had indeed been stated, that there was no distinct instance of a rejected proposition having been introduced as a subject of comment in any such Address to the Throne. But more than this had been proved. Instances of still greater latitude had been brought forward, in which a reference had been made to measures not even begun upon, but merely in future contemplation. An objection on which much stress had been laid, was, that the Speaker was not bound to appear in a Committee;—but he was not excluded from being present; and if so, was he, as soon as it was over, and he returned the Chair, to shut up his understanding to all that had passed, and to become suddenly

blind and deaf? Was there any precedent in support of this argument? Or was Lord Grenville to blame, because in an important and momentous question before a Committee, at the time he was Speaker, he had risen and taken part in the debate? [Hear, hear, from Mr. Whitbread.]—Beside, whether the Speaker were supposed to be present or not, the proceedings of a Committee were regularly inserted in the Journals of the House, and the Speaker could not possibly remain ignorant of the contents of those official records of which he had the chief jurisdiction. Again, it was insinuated that the speech of Mr. Onslow, which had been intended to be spoken, and was not spoken, had been omitted, because on reflection he had discovered its impropriety. But suppose (which was the fact) that this speech had been found with an endorsement in the same hand on the back, “Not delivered because the King was not present,” would not this be as good authority for the opinion of Mr. Onslow on the subject, as if it had been actually delivered? He (Mr. Banks) could not think that any thing had been advanced to justify the censure proposed in Mr. Whitbread's Amendment, not the original Motion of the Noble Lord? It was incumbent on those who wished to introduce a novelty of such a nature as was implied in the proposed restriction of the discretionary power of the Speaker on these occasions, to show some great inconvenience which had arisen or was likely to arise from the abuse of it. But nothing of this kind appeared. It was pretended that the total abolition of this practice might interfere with the freedom of debate. But there was an important distinction which Gentlemen did not attend to, between business pending before the House, and business finished, as it always must be at the end of a session. The Address delivered by the Speaker to the Sovereign could not therefore interfere with the freedom of discussion, as by the supposition all discussion must be at an end. The general question was simply this, Whether Gentlemen would argue that no negative motion could ever be made a subject of allusion in the speech to the Throne. But would any one say, that if the East India Bill, which had occupied so much of their attention last year, had not been completed, it would have been improper to make any communication on that important subject, to the Throne? The Honourable Member concluded with saying, that in case the original Motion and the Amendment were negatived, he should move as a Resolution of the House.

“That it is customary for the Speaker to make a speech to the Throne at the end of the Session, without receiving instructions from the House as to the topics he is to touch upon, or the manner in which he is to express himself, and that nothing had occurred on the late occasion to call for regulation or censure of the Speaker's conduct, either at the bar of the House of Lords or elsewhere.”

Mr. Wynne contended, that the Speaker could not officially know that the Session was at an end, because this was not the only occasion on which he was called up to meet the Sovereign. It was common to bring up any subsidiary Bills that were ready, and also to recapitulate other Bills that had been passed, and this had naturally and necessarily led to laying open the grounds of various measures of foreign and domestic policy. Thus the Speaker in the speech now under consideration, had very properly alluded to the progress of affairs in the Peninsula, and to the objects of our Continental alliances. But he was not satisfied, that there was any instance in which reference had been made to any measure either negatived or pending in the House. And the reason of this he thought plain—because to do so, was contrary to the great principle which was the foundation stone of all the privileges of that House, viz. that the King as one branch of the Legislature, was supposed to know nothing of any measure till it had received the sanction of both Houses. The Honourable Member here referred to various precedents and resolutions in support of this conclusion. He remarked on Mr. Foster's speech, which had been quoted as a parallel instance by the Speaker, that it contained merely an opinion on a political question, and no intimation of any particular measure. It had been asked, whether if the East India Bill had not passed into a law, no allusion ought to have been made to it. He would ask in return, whether they did not all know of a former East India Bill which, after exciting the keenest discussion had been rejected, and whether any allusion had been made to it at the close of the Session? Bills had been rejected with every mark of contempt, had even been torn in pieces, that no vestige might remain of their ever having been entertained in that House, and no notice had been afterwards taken of them. They had been referred to Mr. Hatsell as an authority and a text book. With all his respect for that writer, he

could not look upon him in that light, or as a constitutional authority. There were many errors as well as omissions in his work. As to the argument of the Honourable Member (Mr. Banks) that no impediment could arise to the freedom of discussion, because the Session was over, there was no proof of this. On the contrary, it had often happened, that when no report had been made on a Bill the House had immediately resolved itself into a Committee, to consider of it a gain. This might have been done in the present case, and the course adopted in moving that the Speaker should leave the chair had been referred to in order to come to no conclusion. If the practice of addressing the Crown on the various measures proposed in the House, but not passed into acts, were defended and persisted in, it appeared to him (Mr. Wynne) that there would be no irregularity nor impropriety in the King's commenting on them in his answer, passing his censure or approbation of those who had opposed or countenanced them, and to what this would lead he left Gentlemen to consider.

Mr. Rose vindicated the course pursued by the Speaker, and in reply to an assertion made by Mr. Wynne, that no precedent existed of a Speaker relating in his speech to a measure that had been negatived, or was still depending, contended, that there were many precedents in favour of the latter case, though not of the former.—[Hear, hear, from the Opposition.]—He maintained, however, that it was more safe to allude to any question that had been decidedly negatived, than to one which was still depending, and in progress through the House, 1666 the Speaker, in his speech to the Throne, said, alluding to certain measures, “we could not finish these, and they must, therefore, wait till next Session.” In the reign of William III the Speaker observed, “that there were many Bills still depending, which they hoped to finish in a short time.” He would, however, trouble the House with a multitude of precedents which he had collected, conceiving it his duty to examine the point minutely when he heard a usage questioned as irregular, which he held to be coeval with the Parliament itself. If the House should adopt the Resolution of the Noble Lord it would narrow a privilege which had always existed, besides casting an imputation upon the conduct of the Speaker, which he firmly believed, was justified by, and in strict conformity with the usage of Parliament.

Mr. Douglas rose, but spoke in so low a tone of voice, that it was not possible to hear him except at intervals. He began by stating that he differed from the view of the present question as taken by the Noble Lord, and considered the Speaker to have acted in conformity not only with precedent, but the usages of Parliament. The beaten track of precedent he would not pursue; but in his humble opinion the strongest precedent that had been quoted, was that of Mr. Speaker Onslow in 1745; for if ever there was an occasion in which the sentiments of the House were matter of conjecture, that certainly was one. With regard to what the Speaker himself had delivered at the Bar of the House of Lords last Session, it would surely be allowed that the claims of the Catholics had been rejected from an adherence to those laws which made the Crown, the Government, and the Parliament, fundamentally Protestant, and therefore the sentence was historically correct. The question was one of great solemnity, for it involved the dignity of the House itself. If the vote of censure proposed by an Honourable Member passed, it could not be expected that the Speaker would retain that high office which he now exercised so beneficially for the House and for the country; and they were to consider, therefore, whether they would run the risk of losing a person whose services were so eminently valuable. If he had even committed an error in this single instance, still they were not to forget how often his judgment had been advantageously exercised in behalf of the House; if he had acted from any undue bias, still they should consider how often he had conducted himself with the highest, with the most unimpeachable integrity [hear! hear! hear!].—The single instance in which any direct censure of the House had been passed upon its Speaker, was one of notorious profligacy, that of accepting a bribe, he believed; and he hoped they would not now afford an occasion for posterity to blend two circumstances together, and let it stand recorded that the only cases in which they had censured their Speakers, were, in the one instance, upon a man of determined profligacy, and in the other, upon an individual of unblemished honour, and incorruptible integrity [hear! hear!].

Mr. Wynne and Mr. Rose mutually explained. Sir John Newport said, that the question was one of great constitutional importance, and ought to be divested of all personal considerations. With regard to Mr. Speaker Foster's speech, which had been frequently alluded to, it did not at all bear upon the present question, for it contained no allusion whatever to any Bill that had either been negatived or was in progress. It was merely the Speaker's own opinion expressed at the foot of the throne, as to what he considered essential to the prosperity of the country. In the whole period from the Revolution, there were only two precedents of the Speaker having addressed the Throne, when presenting Bills, and they had confined themselves strictly to the line of their duty by referring merely to what the House had passed. If the Speaker was to be allowed such privileges as were

... would require only one step more, the Crown which side of the ... or individuals most exercising some favourite scheme ... who might thus be marked ... of disapprobation by the Crown. ... thus established, the name of ... would next, by an easy transition, be intended to overawe their debates, and impede that constitutional freedom of discussion which was their most valuable privilege. Upon the ... he saw no benefit that could result from the recognition of the practice, but much inconvenience; and therefore he hoped the House would not suffer it to be drawn into a precedent in future.

Mr. J. P. Grant expressed his regret, that having seldom the honour to address the House, it should now be his painful task to do so, by stating to the Speaker that in his opinion, he had failed in a very essential part of his duty. If he was surprised at the speech delivered at the bar of the House of Lords on the prorogation of Parliament last Session, he freely confessed he was much more surprised at the manner in which the Speaker had attempted to justify and explain it, and those who had espoused his cause. The question was, in itself, perfectly simple. There existed no direct precedent analogous to it, because, indeed, the Speaker was the first who had ever thought it his duty to lay at the foot of the Throne what he had not been instructed to do by the deliberate and solemn sanction of the House. There were two privileges of that House which he held to be of paramount importance to its vital interests; the one, that the Crown should not interfere, directly or indirectly, with any measures that were in progress through it; the other that it should express no censure or disapprobation of such measures as had been concluded. For himself, he had no hesitation in saying, that he considered the latter privilege as the more valuable of the two, because the Crown by taking notice of, or animadverting upon what any Member, or any number of Members said, might intimidate others from pursuing the strict line of their duty [hear I hear]. A single reflection would illustrate this point. When a measure had passed the House, it became the act of the House; but when it failed it continued to be the Member's, and, unbacked by the House he ought not to be left, unconstitutionally left, to the notice and animadversion of the Crown [hear, hear]. This doctrine was not theoretically; it was founded upon the best practice of the best times of our history. It was not unrequited with some of our Monarchs, and he would particularly mention Elizabeth who constantly did it. To reply to the speech made to the Speaker; and suppose his Royal Highness the Prince Regent had answered the Speaker at the close of last Session, by expressing his displeasure at "the momentous changes proposed for our consideration." It would have been a high breach of their privileges; and he held it as incontrovertible, that what it was not lawful for the King to notice it was not lawful for the Speaker to express, [Hear, hear.] The task which he had to perform was a painful one. The Speaker (unwarily, no doubt), did that which had a tendency to betray the Sovereign into a breach of their privileges. Great as his knowledge of forms was, he had yet been misled by his zeal; and though not wishing to pass a vote of censure, as inconsistent with his former services and with that strict integrity which had uniformly marked his conduct in the high office he filled, yet, equally anxious to prevent his example from being drawn into precedent, he should certainly support the motion of the Noble Lord.

Before he sat down he wished to advert to the subject of precedent. In this particular case the Speaker had exceeded all the bounds of a just discretion; and it therefore, incumbent on those who condemned his conduct to prove that there had never been a Speaker who had so completely transgressed those limits? But what precedents had been produced on the other side? With all the learning possessed and all the attention bestowed on the subject, had a single instance been adduced of a Speaker so incautious, so subservient to the Crown, or so regardless of the privileges of Parliament, as to venture to communicate to the Throne that a dangerous proposition had been made in that House, but which had not been assented to? [Hear, hear.] He would not trespass longer on the House. In what he had said he had endeavoured to avoid all personality, and he had cautiously abstained from touching on the Catholic question, which in fact had nothing to do with that before them. For his own part, he could declare most solemnly, that, although after great deliberation, he had certainly made up his mind on the question of Catholic Emancipation, and that although his opinion on that question was as certainly in direct hostility to that avowed by the Right Honourable Gentleman (the Speaker), yet, if instead of the Bill which had actually been introduced and lost, a Bill for re-enacting and reimposing those disabilities and those disqualifications which it had been the wise policy of the present reign gradually to remove, had been indignantly thrown over the bar of the House; and if, under those circumstances, the Speaker, at the foot of the throne, had stated after his prefatory address, that other momentous changes had been proposed for the consideration of the House, but that, faithful to the principles of toleration, and to that wise policy which had hitherto been pursued, they had refused to consent to those changes, he would have given the same vote as he meant to give to night; firmly convinced that any such statement on the part of the Speaker, was not only useless, but if established as a precedent, would involve in it the sacrifice of the privileges of that House, and the principles of the Constitution [Hear, hear, hear.]

The Chancellor of the Exchequer defended the conduct of the Speaker, and appealed to every impartial mind, whether precedents had not been adduced to show that former Speakers had gone far beyond the bound which the Right Honourable Gentleman then in the Chair, had prescribed to himself. He particularly alluded to Mr. Speaker Onslow, who at the close of the Session 1756, entered at the bar of the House of Lords into a long discussion of the constitutional pro-

priety of foreign alliances and subsidies; it having happened that during that very Session, Parliament had sanctioned no less than four subsidiary treaties, viz. with Russia, Prussia, Bavaria, and Hesse-Cassel.

Mr. Plunkett spoke to the following effect:—Sir, After the long and able arguments which we have heard on this subject, and more particularly after the ample justice which has been done to it in the eloquent and admirable speech of the Honourable Gentleman below me (Mr. Grant), it may appear unnecessary or presumptuous further to occupy the attention of the House. Feeling, however, as I do upon this important occasion, I own I cannot reconcile myself to remain wholly silent on it. I completely concur with you, Sir, that the present question is one wholly unconnected with the question of Catholic Emancipation. We are not now to consider what it may or may not be right to do with respect to this latter—we are not to ascertain the present opinion of the House upon it. The question was, whether the House having come to a Resolution with respect to the Catholics, you, Sir, were authorized to convey to the Throne an intimation of that proceeding, accompanied by a censure on those who had endeavoured to follow it up by a legislative measure.—Sir, I declare most solemnly, that if the sentiments which you expressed to the Throne had been as friendly to the Catholic cause as they were certainly hostile to it, I should equally have concurred in the present motion. It is true, as has been justly said, this is not a party or a personal question. Nothing, Sir, but the most imperious sense of duty could justify a censure of your conduct. But if any man feels that a vital and important part of the Constitution has been assailed, and that you have done that which, if it were established as a precedent, would overturn and destroy the Constitution itself, and if that man should refuse to accede to the motion of the Noble Lord, either out of deference to you, Sir, or from any unworthy exultation at the attack made by you on so large a portion of the community—no words are sufficiently strong to describe the meanness of such a dereliction of duty on the one hand, or of such an unworthy betraying of the trust reposed in a Representative of the People on the other. [Hear, hear.] Sir, I am free to say, that the speech made by you to the Throne, at the close of the last Session, was one of the most formidable attacks on the Constitution of Parliament that has occurred since the Revolution [hear, hear, hear]. It was an attack materially aggravated by its having proceeded from a person, the natural guardian of that Constitution; and, Sir, it is peculiarly unfortunate that we cannot assert our own rights without impairing your dignity, however anxious we may be to abstain from every thing like asperity, and to treat you, Sir, with all that respect to which you are so amply entitled. Subject to this last consideration, I shall make my observations upon the question with as much freedom and latitude, and discharge my duty as unrestrainedly as you Sir have done in what I have no doubt you conscientiously conceive to have been yours. Sir, there is no subject upon which this House has always evinced so much anxious jealousy as that its proceedings should be exempt from all control and interference on the part of the Crown. Some communication between the Throne and Parliament most undoubtedly exist. But the mode of this communication is perfectly defined and ascertained. If the Throne wish to communicate with Parliament; that communication is made either by a formal Speech from the Throne, or by a Message. But the object of such communication always is to invite Parliament to deliberate on some proposed measure, and never to controul or interfere with any deliberations already entered into. So on the other hand, if either House wish to communicate with the Throne, that communication is made either by Address or by Resolution; and the object of such communication is not to ask the advice of the Throne on any subject upon which Parliament may be deliberating, but to give to the Throne any advice that Parliament may think it expedient to offer: for this plain reason, that we are the constitutional advisers of the Throne, but that the Throne is not the constitutional advisers of Parliament. Advice from the Throne would have too much the air of command, to be consistent with the freedom of discussion in this House. Beyond the limits which I have mentioned, there is no constitutional channel of communication between the Throne and Parliament, save when we present our Bills for the Royal assent or dissent. This is so clear that it is generally acknowledged, that if, Sir, you had no Bill to present, you would have no right to address the Throne at all. Accordingly, when you uttered the Address, which is the subject of our present deliberation, you held in your hand the Vote of Credit Bill, and you concluded that Address with praying the Royal assent to the Bill. Had you not held such a Bill, your speech would have been a total intrusion, wholly unwarranted by Parliamentary usage, or by the Constitution. Sir, I do not mean to say, that you were under the necessity of strictly confining yourself in your Address to the subject of the Bill which you presented. It was perfectly allowable that your speech should be graced and ornamented by allusions to other matter. If, Sir, you had described generally the measures adopted by Parliament, or had descanted on topics of general policy, however we might have considered your opinion as a mistaken one, the promulgation of it could never have been deemed a violation of our privileges. Unless you had alluded to matters pending in Parliament, the observations which you

had thought proper to make might have been thought light or unnecessary, but could not have been characterized as unconstitutional. This remark applies to what has been said of my Right Honourable Friend, the late Speaker of the Parliament of Ireland (Mr. Foster), my Right Honourable Friend did certainly make the question of Catholic Emancipation and Protestant Ascendancy the subject of a speech to the Throne; and in doing so he had certainly no reason to congratulate himself on his prudence, for in the very next Session his principles and his predictions were overturned together. But this was an imprudence only—not a violation of Parliamentary privilege. It had not been so considered. A solitary petition was presented to the House on the subject, but no Member of the Irish Parliament made it a question of Parliamentary discussion. It is on these grounds, Sir, that I perfectly concur in the propriety of the general observations contained in your speech at the close of the last Session. In that style of dignified congratulation which so well becomes you, you spoke of the success of our brave fleets and armies, and conferred the just meed of your eloquent praise on their gallant leaders. I am sure, Sir, that every one of us must be proud and gratified when he hears you deliver yourself on such subjects with so much elevation and propriety of manner. But when, because you are the organ of communication between this House and the Throne, you proceed to notice subjects controverted in this House, you will find it difficult to discover precedents in justification of your conduct; and still further, when you mention propositions made here, and not acceded to but rejected, you place yourself in a situation still less capable of defence. On this part of the subject the remarks made by the Honourable Gentleman below me (Mr. Grant) are unanswerable. As that Honourable Gentleman justly observed, if a measure passes in Parliament, no single person is responsible for that which is an act of the whole House. But it is impossible for you, Sir, to state that a proposed measure has been rejected without implying a censure on the individual or individuals by whom that proposition was made. Accordingly, our rule of proceeding with respect to Bills is founded on this consideration. When a Bill is sent to the other House, or is presented to the Throne for the royal assent or dissent, it does not bear on the face of it whether or not it pass'd unanimously, or what was the amount of the majority by which it was carried. And why? Because this House will never suffer, the fate of its divisions and parties to be subject to the direction, or to be under the influence or controul of any other tribunal. [Hear, hear.] The authority of Mr. Hatfield has been dwelt upon with much emphasis. As Members of the Legislature I deny that, in our decision on great constitutional questions, we are to take Mr. Hatfield's publication for a text-book. We are not to be told that we must learn the principles of the British constitution from Mr. Hatfield's work. But, after all, what is there in that work which bears on the present question? Mr. Hatfield states, and states truly, that when the Speaker presents a money Bill at the foot of the Throne, he may advert, not to the subject of that Bill alone, but to other business which Parliament may have transacted. But does he say that the Speaker may advert to pending or to rejected measures? [Hear, hear.] Nay, up to this very moment, after all the inquiries made by yourself, Sir, capable of deep research, and after all the inquiries made by your numerous friends, has a single precedent been found of a Speaker's having referred in a speech to the Throne to any measure which had been rejected by the House? And let it be recollected, that the measure to which you thought proper to refer was in fact still pending. For what was the state of the proceedings on the Catholic question? A resolution had been agreed to, to take into consideration, in a Committee of the whole House, the laws affecting the Roman Catholics, with a view to their amicable adjustment. The Committee met, and Resolutions were passed, declaring it expedient to admit the Catholics to seats in Parliament, and to other powers and jurisdictions, under certain provisions, for the security of the Protestant Establishment. A Bill was introduced to that effect, and the second reading agreed to by a considerable majority of the House. Every thing, therefore, Sir, of which you could properly take cognizance was favourable to the Catholic cause. But in the speech which you made to the Throne, you passed over what alone you had a right to know, and what, if communicated, would have made an impression favourable to the cause of the Catholics; and you referred to that which you had no right to know, and by an unjustifiable perversion, sought to make an impression inimical to that cause [hear, hear, hear].—For, Sir, you were no more competent to report to the Throne the proceedings of the Committee of this House, than any other Member of the Committee. It was not even necessary that you should be present in that Committee. Mr. Hatfield so says. It happened, however, that you were there, and that you gave your opinion on the Bill in progress. Was it as Speaker that you gave that opinion? Certainly not. You gave it as a Member for the University of Oxford. But it may be said that this is a question of mere form. Sir, the forms of Parliament are essential to the preservation of the privileges of Parliament [hear, hear]. But, Sir, in taking the liberty to report the opinions of that Committee, did you truly report them? On the contrary, you totally, though I am sure not wilfully, misrepresented them [hear, hear, hear]. The opposition to the proposition rejected in the Committee was grounded on a variety of considerations. Some opposed it in consequence of the intemperate conduct of certain public bodies in Ireland, others because of the writings which had been diffused in that country; some wished the change to be deferred until a time of peace; others were desirous that the See of Rome should first be consulted. With all this variety of sentiment, how, Sir, were you competent to say what was the opinion by which the majority of this House on that occasion were swayed? I will venture to assert that not ten of that majority were perfectly agreed on the subject; and yet you took upon yourself in the name of that majority, to declare your own opinion as theirs; may, even in that respect you were incorrect. The Member for the University of Oxford has a right to complain that the Speaker misrepresented him—[a laugh.] That Right Honourable

Member declared, that in his opinion, many powers and jurisdictions might be safely conferred on the Catholics. He declared that they might be eligible to the Magistracy—there was jurisdiction; he declared that they might be raised to any rank in the army, except that of Commander in Chief—there was power; a jurisdiction and a power by no means harmless, if improperly used. Again, a great number of those who composed the majority, voted on the ground that the question was a religious one. Have those individuals no right to complain of the Speaker, for declaring that the House considered the question not as a religious, but as a political one, and that if the See of Rome were released from foreign influence, the danger of allowing Catholics to sit in Parliament would cease? Will the Member for Armagh, and those who think with him, consent thus to have their opposition dissolved of all those important considerations which arise out of religious views of the subject? Will they allow the Catholics, if they disavow the supremacy of the Pope, to come here and legislate for Protestant England? In my judgment, therefore, Sir, you misrepresented the opinions of the majority of this House, as well as your own. One striking fact you wholly abstained from mentioning. You never told the Throne, that notwithstanding all the means used on the occasion, notwithstanding the temporary difficulties arising out of various causes, notwithstanding the powerful influence exercised in various quarters, there were still 247 Members of this House, who declared their readiness to admit the Catholics into Parliament on the principles of the Bill which was then under discussion. Will any man also lay his hand on his breast, and declare upon his honour, that he thinks you were authorized—on a decision by a majority of four—to represent to the Crown that the question was put finally at rest? Was it not evident that the subject must return to be considered by Parliament? And if so brought back, with what impartiality could Parliament proceed with respect to it, if by any indirect means, the artifice of royal influence was brought to bear on their march? Suppose, Sir, that in reply to you, his Royal Highness the prince Regent had been pleased to say to you, "I feel great surprise and indignation that two hundred and forty-seven Members of the House of Commons are so lost to their sense of duty, as to wish to change those laws by which the Throne, the Parliament, and the Government of this country are made fundamentally Protestant;" would any Member of that minority have endured such an expression? On the other hand, suppose his Royal Highness had said, "I lament that the laborious exertions of so large a number of Members of the House of Commons as 247 have been disappointed, and I trust that when temporary obstacles are removed, and when the suggestions of reason and wisdom become prevalent, their efforts will prove successful;" would such a declaration have been endured by any Member of the majority? Would it not have been asked what right the Throne possessed to interfere with the proceedings of Parliament—to school their past conduct and to lecture their future? And here, Sir, I must observe, that an Honourable Gentleman on the floor (Mr. Burke), has contended that there is no difficulty in this question, because your Speech was not made until the end of the Session. It is then of no importance if the subject ourselves to be schooled and lectured by the Throne, if it is of no importance that we should be liable to that annual audit and account, provided it takes place at the close of our sittings! Such an occurrence would have no effect on the deliberations of the next Session. And besides, if this annual audit were once established, the Honourable Member for Corke Castle is to be of accuracy not to think it necessary, Sir, to report to you a specification of the numbers of those who might vote on any particular measure, the names of the voters, and so on, until the whole of our mystery is exposed to the eye of royalty? Will you, Sir, reply to your speech, Sir, I have another observation to make: it regards its ambiguity. The words of it are capable of two opposite constructions—of a construction unwarrantably intolerant towards the Catholics, and of a construction as tolerant as their warmest friends could desire. You say, Sir, that we have determined to exclude them from the privileges which they require "as long as they shall acknowledge a foreign jurisdiction." Now what does this expression mean? If by "foreign jurisdiction" is meant the spiritual jurisdiction of the Pope, then the Catholics will be excluded as long as they remain Catholics. But if it merely means temporal, or indeed ecclesiastical jurisdiction within these realms, then no friend of the Catholic cause in this House would, I am sure, wish it to refer to any other terms. Again, Sir, you say in your speech that Parliament have not "consented," to do so and so. I am persuaded that no special pleading will be referred to in defence of this passage; and I appeal to the common sense of all who hear me, whether the statement that "momentous changes had been proposed for our consideration, but that, adhering to those laws by which the Throne, the Parliament and the Government of the country are made fundamentally Protestant, we would not consent to those changes," is not a distinct implication of an intention in some persons by proposing such changes to destroy "the law by which the Throne, the Parliament and the Government of the country are made fundamentally Protestant?" Sir, recollecting that one of the essential features of the resolutions on which the Catholic Bill was founded was the distinct declaration that the Protestant establishment should be effectually secured, I ask you how you can reconcile to any feelings of justice the implied statement that 247 Members of this House were anxious to introduce changes subversive of that establishment? For one, I loudly disclaim any share of such an imputation. If there be here one man of that number who deserves it, let him take the only opportunity of proving his demerit by voting for your proposition. Sir, it is a proposition which every Honourable Gentleman present would not merely, "not consent to;" but which he would reject with scorn and indignation. One word more. This speech, which in my opinion was a violation of the privileges of Parliament, and which misrepresented the conduct and sentiments of all parties, appears to me to have been wholly uncalled for. There was nothing, Sir, in the Bill which you held in your hand at the time you uttered it, or in any other Bill which passed during the last Session, that required such an exposition. When you adverted to the splendid victories of our illustrious commander who has gained such transcendent fame—when you spoke of the passage of the Douro, of the Battle of Roleia, of Vimiera, of Talavera, of Salamanca, of Vittoria, the feelings of all

who heard you vibrated in unison with your own. Every heart exulted; and every fifth heart peculiarly exulted that Ireland had given birth to such a hero. Was that a well chosen moment, Sir, to pronounce the irrevocable doom of those who, under their immortal commander, had opened the sluices of their hearts' blood in the service of the Empire? [Hear, hear, hear!] It was a custom in Rome to introduce a live into their triumphal processions, not for the purpose of insalting the captive, but to remind the conqueror of the infidelity of human glory! But you, Sir, while you were binding the wreath round the brow of the victor, assured him that he must never expect to participate in the fruits of his valour [hear, hear, hear!]

Mr. Bankes, in explanation, denied having used the word "audir."

Mr. Canning said, as one of the minority of 247 who were friendly to the measure of concession to the Catholics, as one who had taken an anxious part, to the best of his abilities, in promoting it, and as one who hoped, at no distant time, to take a part by the side of his Right Honourable Friend (Mr. Planter) in an endeavour to promote that measure, which he conceived was only temporarily suspended, he felt called upon the present occasion to assign the reasons why, having differed from that majority, whose decision had been considered, in the speech delivered at the Bar of the House of Lords, as conclusive: he could not concur with either of the motions, for directly censuring, or censuring by implication, the distinguished individual by whom that speech had been delivered. In delivering the speech alluded to, the Speaker was exercising a discretion which he believed to be vested in him. When he said that he possessed this discretion, he was precluded from answering the most of the arguments by which the censure of the Speaker was endeavoured to be enforced.—When he said that the Speaker was vested with a discretion, the word implied that discretion might be exercised either judiciously or not, but still that the exercise should not draw down censure upon him. With respect to the motion of his Noble Friend, if it was intended to prove an effectual preventive, it went far short of what was necessary. Ought he to be contented, if he thought there existed a dangerous discretion in the Speaker to dilate on the motives which induced the House to adopt or reject the measures brought before it, by saying, if the measure passes into an enactment he may, but in case of rejection he must not? If the motion of his Noble Friend should be carried, one would think it would preclude future Speakers from mentioning measures not passed into a law. But this did not apply to the present Speaker. One of the reasons which had been urged in favour of the motion was, that it would lead the Crown to interfere in measures pending before the House. But had the House itself been so cautious? What had been the course adopted by it in the preceding Session? Why in the preceding Session, a Resolution was passed by a great majority, stating that the House would in the next Session take into consideration the state of the laws affecting the Roman Catholics, with reference to an adjustment of them. Did the House then feel that jealousy which was now so fall on the Speaker, and in consequence of which he was to be dragged to the altar as a victim? What was the course adopted by the House? This incomplete and inchoate measure of the House of Commons was carried to the foot of the throne. [Hear, hear!] This was not to be laid to the charge of the Speaker—he did not give the first information to the Crown—he was not the first to call the attention of the Executive to that which otherwise was not known: but he found the Crown in possession of the information, that the subject would be taken into consideration in the next Session of Parliament; and finding the Crown so informed, he stated to it the result of the proceedings instituted in consequence of that resolution. [Hear, hear!] In such a state of things he communicated his opinion of the result of the proceedings. The colouring no doubt, differed from that which he himself should have given of it. Grounds had been stated for the failure of the measure, which were far from being the only motives which actuated the majority. Some were actuated by motives of temporary expediency, some by religious motives, and others again by a variety of different reasons, to join in the majority, by which the measure was defeated. But when the Speaker possessed a discretion of giving an account of the origin, progress and result of Bills, he might think this an error of judgment, but he never could think it a criminal abuse of authority, when he stated what appeared to him the motives of the House of Commons in this particular instance. It had been said, that in a Committee he could have no notion of what passed; but this was a mere technical argument. Could they suppose, out of the reach of the knowledge of the Speaker, what passed in a Committee of the House on such an important subject? At the end of a Session, the intention of Parliament with respect to the measure was declared; and in the next was no mention to be made of the progress in the question, or what had prevented any progress from being made in it. Some Gentlemen had supposed a *l'art dramatis personæ* on the occasion of the communication. Did the Speaker know nothing of what passed when the measure was defeated? No; because the Speaker was supposed to be absent in the Committee. Here was a great measure mentioned in one Session, and not to be mentioned in another, because the Speaker of the House of Commons was supposed to be ignorant of it. Why, every person who read a Newspaper knew that such a question was agitated, and what was the result. But it seemed the Crown was to be kept ignorant of what passed, and the Speaker was to be the instrument to whom the ignorance was to be attributed [Hear, hear!] All this was as opposite to straight-forward practice as could well be imagined. The whole question between the Speaker and his accusers was not as to the discretion but as to the exercise of it in the particular case now before the House. It might be a question whether it was expedient to grant such a discretion to the Chair; but it was peculiarly hard on him who at present filed it to visit on him not only the consequences of an accidental excession, but also the vice of its origin [Hear, hear!]. The greatest part of the arguments he had heard that night, went against the discretion itself. It might be deemed advisable that no Speaker should have power to address

the throne without previously receiving the sanction of the House. This would be fairer than to leave him his privileges unchopped, with no other guide than the motion of his Noble Friend. Better have the words to be made use of in any representation to the Crown, established, than to leave him in this way to an annual audit, subject to annual reprehension [Hear, hear!] Let the Speaker be deprived of his privileges and speech to the Crown here and out of the House, as if he had neither eyes to see, ears to hear, nor tongue to speak, but as the House preferred to him. He, for one, could have withstood the speech delivered had not been such as it was; but he did not therefore mean to deny to the Speaker the right of exercising the same discretion which he would have claimed for himself. If he did deliver his own opinion at the Bar of the House of Lords, he would have stated, that the failure of the measure was owing to the defeat of a plain part of it, which induced its supporters to withdraw it. This was, in his opinion, the true construction of the measure. But those who were in the triumphant majority probably took another view of it, and was he to visit them with censure for starting an opinion which they might conceive most favourable to their side. Of the decision of this majority, he thought as lightly as his Right Honourable and Learned Friend, and he looked forward to the accomplishment of the measure with confident expectation. Many disadvantages operated against it last Session which would hereafter cease to exist. The present state of public opinion would fade away, and a change of affairs would also induce a change in the views which would be taken of the Catholics. The question would not long be allowed to survive as a refuge to discord—as a contrast to the harmony of nations, and an obstacle to the happiness of mankind [hear, hear!].—He professed himself unable to comprehend any danger from the general custom of the Speaker announcing the motives which led to certain results. There was one expression in the mitigated motion of his Noble Friend, which he thought exceedingly severe, when it is stated that the speech should not be drawn into precedent, that the Speaker of the House of Commons represented at the Bar of the House of Lords, or elsewhere, &c. Now he would desire the Noble Lord to reflect what construction would be put on this if it was entered on the Journals and read in a distant age. Would it not be inferred from this that the Speaker of that day was some courtier-like sycophant who, not content with the access which, as Speaker of the House, he had to the Throne, sought for other opportunities to poison the Royal ear? The conscious integrity of the present Speaker prevented him from noticing such a construction. But if this was not intended, what was meant by *elsewhere*? The Speech at the Bar of the House of Lords, however imprudent it might be considered by some, had at least nothing clandestine in it. Why, then, should there be an insinuation that if no other channel was had recourse to? If this was intended, it ought to be fairly stated, if not, it was mischievous insinuation. In the constant usage of Parliament there would be found such expositions as those which the present Speaker had used; and he thought it peculiarly hard to visit on him all the inconveniences of such a practice. It was impossible to separate his individual honour and character from the consideration of this question. The speech contained nothing which, looking to the established practice and privileges of the House, called for its intercession.

Mr. Tierney would not enter at any length upon the question now before the House, after the admirable and able support which the motion had received from his two learned friends; though he could not prevail on himself to give a silent vote upon an occasion like the present, particularly after the extraordinary speech of the Right Honourable Gentleman who had just sat down. Many things had surprised him in the course of his life, but nothing had ever more surprised him than that all the eloquence of the most eloquent of the 247 Members whose motives had been misrepresented in the speech addressed to the Throne at the close of the last Session, should be employed in the vindication of him who made that speech. The Right Honourable Gentleman has very recently (said Mr. T.) been advocate of the Catholic claims, and means it would appear to be to again; and now he should now be the most eloquent of your chappions, Sir, I am uttering at a loss to account for, except from a general disposition in that Right Honourable Gentleman to defend whatever favours of power, whether in the chair or elsewhere. The whole substance of the defence of the Right Honourable Gentleman amounted to this, that there was a discretion vested in the Speaker, and that the present Speaker had done no more in representing the motives which preferred a measure from being adopted, than many other Speakers have done heretofore when a question had been carried. He could not see why the discretion should be exercised in a matter respecting which there could exist no doubt, and not in another case for which there was no precedent; that is, he could see no difference in the question, whether the measure, the subject of the speech to the Throne, was adopted or rejected by the House. And yet one would think the difference was pretty plain; for in the one case the Speaker was instructed what he had to state, and in the other he was not. [Hear, hear!] The Right Honourable Gentleman had said a good deal about the inconsistency there would be in the House informing the Crown in one Session of Parliament that a measure was to be taken by them into consideration in the next, and then afterwards taking no notice of what had been done with that measure, whether it had passed or not. It appeared to him, that the reason for the House communicating in the one case, and not communicating in the other, was pretty obvious. In the one Session they wished to speak of the measure, and in the next, by not passing it into a Bill, they wished to say nothing about it. In the one case the sentiments of the House were embodied in substantive acts; and in the other case they were not embodied. The Right Honourable Gentleman had not thought proper to advert to any of the arguments and reasoning of his Honourable and Learned Friends, which he would have found some difficulty in answering, but he had laid it down imperatively, that the Speaker was vested with a discretionary power, in all cases, of representing to the Crown what he conceived to be the motives which guided the House. Other Speakers, in the exercise of

that discretion, had received the sanction of the House and was it equitable to make the present the subject of animadversion, while the others were suffered to pass *sub silentio*? Many Speakers, said the Right Honourable Gentleman, had even gone the length of expatiating on a great variety of topics, and high eulogiums had been passed on the elegant language of the Speakers of former times, as well as the present. "I, for my part," said Mr. T., "have no objection, Sir, to your being an orator, but I have a strong objection to your being a historian [Laugh] I have an objection to your taken upon you to give a narrative of the opinion of the House, and, betraying that which the House did not want to communicate." Where could there be any harm in making fine speeches? Suppose such a fine speech as had been left off to night, had been delivered at the bar of the House of Lords, it would have been said, to be sure this is an extraordinary Speaker, he seems a great orator, but he is not very well acquainted with the privileges of Parliament. But the House would have been set free. Sir Edward Turner made fine speeches too, and dealt in more flowers than even the Right Hon. Gentleman—he made use of fine bombastic expressions, like those of ancient Pittol. There might, to some, seem no great proof of his taste; but still they were harmless, in so far as the House was concerned. The question was not whether in the exercise of his discretion the Speaker had acted improperly; but whether he had exercised a discretion which was vested in him. [Hear, hear!] There could be no objection to his availing himself of those cases where he could advantageously display his eloquence; but he (Mr. T.) and all of the 247 Gentlemen who voted along with him, must necessarily feel that they were held up to public notice by Mr. Speaker; first, in a way which was not correct, and next, on an occasion when he had no right to do so. [Hear, hear!] The Right Honourable Gentleman, however, eager to defend the Speaker, did not seem to sit very early under that night, and several of those who defended him that night, had lamented that it contained certain expressions, and particularly those by which the Bill was held up as calculated to overturn the fundamental laws of the Constitution. According to the Right Honourable Gentleman, it would be better at once to take from the Speaker the discretionary power vested in him. He (Mr. T.) wanted him to be just as other Speakers—and was there any thing unreasonable in this? The objection taken by the Right Honourable Gentleman to the words or *elsewhere*, in the motion of his Noble Friend, he would hardly advert to.—The Right Honourable Gentleman, notwithstanding his professions, had not dealt very candidly with his Noble Friend, when he stated that these words pretty broadly insinuated, that the Speaker was a time serving sycophant. For his part, he certainly meant no such thing; and if the expressions alluded to conveyed any such meaning, for God's sake let them be expunged. When he had said this, in answer to the Right Honourable Gentleman, he had taken notice, not in point of length but in point of substance, of all that he had argued.—He had said there was a discretion vested in the Speaker of taking notice of all measures which passed; and therefore there was the same discretion with respect to all measures which did not pass. When a Bill was passed, it spoke for itself. But if this discretion was to be considered as vested in the Speaker, of adverting to the proceedings of the House, the Speaker of the House of Commons must be a party man. There would be an end to every thing like a Speaker for a length of years, by whose experience in the manner of conducting the business of the House they could derive advice and instruction; for no Administration could go on without a Speaker favourably disposed to them. A measure lately passed into a law, for the acceleration, as it was said, of the payment of the National Debt. Suppose a Speaker unfavourably disposed to this measure, and in opposition to it, he might avail himself of this discretion to say to the Throne, this measure will not accelerate, as it purports, the payment of the National Debt; for it supposes a loan of twenty-eight millions, whereas this year forty millions have been borrowed.—He (Mr. T.) had proposed a Committee to inquire whether faith had been kept with the national creditors—but this proposal was rejected. What a flourish would have been made on that circumstance? It would have been said, that they refused even to inquire whether the measure was consistent with the public faith or not. There was not a single measure on which a gloss could not be thrown, which would not go to destroy all the credit that Ministers naturally looked to. The Speaker must therefore be either a creature of the Crown, or the tool of a party, if he is vested with a discretion to say all to him that seems good, on all measures in time to come. The Right Honourable Gentleman (Mr. Canning) had said, that the Speaker knew as Speaker, what had been done in the Committee, on the subject of the Catholic Bill, as well as any other Member of that House could know. This he (Mr. Tierney) denied. Mr. Speaker must communicate with the Member for the University of Oxford before he could have any such knowledge. If he (Mr. Tierney) at any time towards the end of the last Session, in speaking upon the Catholic Bill, had represented it as a Bill which had been thrown out of that House, and had been called to order for so saying, must not Mr. Speaker have decided that he had been justly called to order? Then it would appear that what it would have been objectionable and deserving of censure, in him (Mr. Tierney) to have attempted to state in that House, during any part of the latter period of the Session, the Speaker might, at the end of the Session without the smallest impropriety, communicate to the King, and to the other House of Parliament, at the Bar of that other House. It was on the motion of the Member of the University of Oxford, in the Committee upon the Catholic Bill, that the clause in the measure thought it unnecessary to press it farther, was expunged. That Right Honourable Gentleman, undoubtedly, could not then have known that the majority of four, which, if it had been carried in the House, must have been reduced to three, by the Right Honourable Gentleman being in the Chair, had been procured by most extraordinary influence on the part of the Crown. If that extraordinary influence had not been used, he (Mr. Tierney) and his friends should have been in the majority instead of the minority. But it was said that the Speaker must have made some com-

munication to the Throne on the subject of this Bill, an address having been in the former Session presented to the Sovereign, by which the House of Commons declared that they would, in the course of the then next Session of Parliament, proceed to take the situation of our Roman Catholic brethren into consideration. Suppose, however, that nothing had been done by the Commons on that subject during the whole of that Session of Parliament, would Mr. Speaker have felt it to be his duty, at the conclusion of the Session, to inform the King that they had abstained from interfering in the matter, because, in so doing, they may have been guilty of something subversive of the Constitution? This was a communication which he apprehended, Mr. Speaker would not have felt himself called on to make; yet, in this he would have done less harm than that which the speech he had actually made was calculated to produce, as by it, no fewer than 247 Members of the House of Commons had been denounced as subverters of the Constitution. The mischief did not end here. The speech of the Speaker had gone forth to the public, and in consequence of his Noble Friend's notice of the present motion, the Committee appointed by a body of 60,800 persons who had petitioned against the Catholic Claims, finding their advocate to be in jeopardy, met, and passed Resolutions thanking the Speaker for his speech in the Committee of the House of Commons, more particularly for having, in his address to the Prince Regent, given due effect to the vote of that Committee, by proclaiming at the bar of the House of Lords. This meeting also resolved, that these Resolutions should be fairly copied out on vellum, and be presented to the Speaker. He (Mr. Tierney), however, could not believe that the Speaker would consent to keep in his possession a sheet of vellum which had for its object to vilify 247 of the Members, by whose votes he had been elected into the office of Speaker of that House. If the Bill which had come from the Lords known by the name of the Duke of Norfolk's Bill had been thrown out in this House, would the Speaker have assigned the same reason for the rejection of that Bill? He would not, because that would have been to insult the other House of Parliament. And why be more afraid of them than of this House? The Speaker, at the commencement of every Session of Parliament, put in a claim on the part of the House to liberty of speech, and that all their proceedings might receive a favourable construction. How hard, then, was it upon them, that he who acted as their mouth, and prayed for a favourable construction on their proceedings, should himself put on the actions of so large a body of them the most unfavourable construction. Because two lines had been struck out of a Bill which had been introduced into that House, the supporters of the measure were represented as intending something subversive of the Constitution. Such a charge would not have been suffered, coming from the Crown, or from the other House, and should the House suffer it from its own Speaker? He (Mr. Tierney) wished for nothing severer; he only wished for security against the future, that the Speaker might not again denounce the Member, of that House, as subverters of the Constitution, and then he would have no occasion for sheets of vellum, such as that to which he (Mr. Tierney) had just alluded, with which to adorn the walls of his House.

General Matthew declared his approbation of, and his determination to vote for the Amendment of the Member for Bedford.

Mr. B. Bathurst vindicated the conduct of the Speaker, as being fully warranted by the general usage, many Speakers having gone greatly farther than he had done. He should propose in the first place to negative Mr. Whitbread's Amendment, and then to negative the original Motion also.

Lord Morpeth declared that he had meant nothing ambiguous in the use of the words "or elsewhere."

Mr. Whitbread stated it to be his determination not to withdraw his Amendment, so that it might appear on the Journals. He should not, however, press it to a division.

The House then divided on the original motion—

Ayes	106
Noes	274
Majority against the Motion	168

Adjourned at one o'clock.

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