

The SAINT JOHN GAZETTE.

[Vol. 18.]

SAINT JOHN, (New-Brunswick) MONDAY, APRIL 16, 1804.

[No. 933.]

Printed and Published by JACOB S. MOTT, at his Printing-Office in Prince William-Street, opposite the Market-Square—
Where Subscriptions, Advertisements, &c. will be thankfully received.—Printing in general executed with dispatch.

Parliamentary Intelligence.

LONDON, February 28.

HOUSE OF COMMONS,

MONDAY, FEBRUARY 27.

VOLUNTEER ACT.

Mr. Secretary YORKE moved the Order of the Day for the second reading of the Volunteer Acts Consolidation Bill.

On the question that it be now read a second time,

SIR ROBERT LAURIE rose to perform a delicate and distressing duty. However painful it was to him to offer himself on this occasion to the House, his sense of duty outweighed every other consideration. Fourteen days had already elapsed, since the House and the Public had been acquainted with the melancholy information, that His Majesty was confined to his Palace with a dangerous and doubtful malady. It was not his wish to inquire into the nature and circumstances of that complaint, but after the reports that had been published within the last two days, he thought Parliament had a right to expect an explicit communication, and he could not but consider such a communication necessary, to take off the gloomy impression which the melancholy state of His Majesty's health had made on the nation, as well as to remove the doubts which the reports of the Physicians had given rise to. Considering every circumstance, he was warranted in assuming that the complaint with which His Majesty was afflicted, was of a severe, grievous, and dangerous nature. He should also assume, that the House, deeply sensible of the urgency of the case, would not proceed on any important business until put in possession of full and satisfactory information. He should wait, however, for an answer from His Majesty's Ministers, and be guided by that, either in grounding upon it a specific motion, or in moving that the House should adjourn till to-morrow.

The CHANCELLOR of the EXCHEQUER.—Since the Hon. Baronet had thought proper to allude to the subject of His Majesty's indisposition, it was not his wish to decline adverting to it altogether. He felt great happiness in being able to state to the House, that the opinion of His Majesty's confidential servants, founded on information obtained from persons most competent to judge, that the state of His Majesty's health was not such as to render any such communication necessary. The Right Hon. Gentleman then affirmed that such a communication could answer no good purpose; and to make it the ground of any further proceeding, would not only be fraught with the greatest indecency, but inconsistent with the duty which Ministers owed to His Majesty, to Parliament, and to the Country. He was, therefore, of opinion, that such a communication, for such a purpose, was both indecent and unwarranted; and he should oppose the question of adjournment, as totally inapplicable.

On the question, that the House do now adjourn,

Mr. FOX rose and declared, that whatever delicacy might be supposed to involve the present question, he should deem himself highly deficient in that duty which he owed to the House, in the duty he owed to the public, in the duty he owed to His Majesty, and in the duty which he owed to the Constitution of the Kingdom, if he could bring himself for a moment to acquiesce in the answer of the Right Hon. Gentleman. He did not think the question of such delicacy as some gentlemen were inclined to imagine; but that might possibly arise from viewing it in a different light. He knew the public mind was anxiously expecting some more satisfactory account of the nature of His Majesty's situation, and he could not look upon the answer now given as calculated to quiet their just apprehension. The Right Hon. Gentleman had communicated to the House, the opinion of His Majesty's confidential Servants, and expected that would be a sufficient communication in the present and awful crisis. It was unnecessary for him to advert to who ought or ought not to be considered as the confidential servants of the Crown. He desired the House however, to consider not the words, nor the habits of using them, but the letter and spirit of the Constitution. He knew of no body of men that were exclusively the confidential servants of the Crown. He knew the Right Hon. Gentleman opposite (the Chancellor of Exchequer) only as holding a place of high trust and great responsibility under the Crown; and in an emergency like the present, he could not conceive in what respect he was different from any other Privy Counsellor. While His Majesty was competent to all the Royal functions, there was certainly some difference consisted in his being, with other Members of the Council, whom His Majesty chiefly consulted, more frequently about his Royal Person, assisting him with their advice. But from the moment His Majesty became incapable of attending to the affairs of the nation, or of administering the Royal authority, from that moment every Privy Counsellor became alike with the Right Hon. Gentleman, intitled to consult for the welfare and security of the State. If the Privy Council had adopted the course of sending a message to Parliament, their message would have been deserving of respect, and the House would have an authentic ground upon which to form an opinion, if assured from such a quarter that there was a prospect of His Majesty being in a short time in a condition to resume the

functions of Royalty. How stood the case? Was His Majesty in a state to perform the Royal functions? He was aware, that it might be answered, that this was not a time to discuss that question; but he was sure, when a communication on the subject was made, it should have been founded on the opinion of medical men, who from their professional talents, would be most competent to judge, and from a regard to their characters, would be most likely to be correct in their statements, not in the opinion of His Majesty's confidential Servants. This was the duty of Ministers, and to the performance of this duty, they were peculiarly called by the circumstances of the times, in order to remove the doubts and apprehensions, with which the consideration of His Majesty's illness affected every loyal subject. The precise nature of the communication might be differently construed, but he contended that the House had in the present instance a prior consideration, namely, what time they should suffer to elapse before any communication should be demanded. The information published during the last two days, had been more explicit than before. The Bulletin of this day stated, that His Majesty was advancing gradually to a recovery; but the Bulletin of yesterday had removed all hopes that the recovery would be rapid. He was happy, notwithstanding the unfavorable part of this information, to hear so good an account of His Majesty's situation, in which he felt in common with every Englishman. It was now a most material consideration, how far that gradual progress furnished a prospect of His Majesty's resumption of his Royal functions, how long it must be before that desirable event could take place. He desired to claim on the part of the Parliament of England, an opportunity of deliberating; he claimed a communication of intelligence on this interesting and important occasion. He did not desire to be informed how long the Chancellor of the Exchequer, or the Secretary of State thought affairs might go on with or without the performance of the Royal functions, but when there was a prospect of His Majesty's being competent to perform them. He should not anticipate the question, the great importance of which would be placed in a stronger light by a document then on the table. Amongst the correspondence lately produced, there appeared a circular letter, dated the 1st February, from the Secretary of State, to the different Military Magistrates of the Kingdom, acquainting them, that an immediate and formidable attempt at invasion would be made. No information had been since received to justify an opinion that the attempt would be delayed. If he did not greatly misunderstand the nature of the existing laws, if the French should land in this country, the Volunteers could not be placed under martial law by a proclamation. In what state then, he asked, would the country be, were such an event to take place during the inability of His Majesty to perform the Royal functions? But it was not alone on these grounds he considered an immediate communication, and consequent proceeding, necessary. There were then considerations founded on constitutional points, which alike influenced his opinion. He was one of those who had supported with real sincerity every part of the Constitution, the monarchical as well as the popular branches of it. He therefore begged to ask, whether the controul of the King over the Parliament was not as essential to the Constitution, as the controul of the Parliament over the Crown? Was it not the constitutional prerogative of the Crown to prorogue or dissolve Parliament, and was not Parliament deliberating contrary to the Constitution without such a constitutional check? There might be cases of Parliament neglecting to discharge its duty, when it would be the duty of the Executive to dissolve; but while the King continues incompetent to his constitutional functions, that necessary controul is wanting, and the Parliament might say, deliberating under such circumstances, "We are free from any controul, and may now do as we please." He wished to know why the House of Commons should trust to a state of things, of which they could find no parallel in any book, in any statute, and which was founded on no principle but a principle contrary to the salvation of the country. He was sensible it might be urged that Ministers were responsible for the consequences. But there were occasions of too much importance to be trusted to such a security, and if ever a case existed of such a nature, it was the present. The safety of the country was at stake. The House knew that one fortnight had elapsed without the exercise of the Royal functions; if so, it might go on for another fortnight, or a month. Was no communication to be made, or how long were things to continue in such a state before one should be made? Some inquiry, however secret, should be made. The two Houses of Parliament might have a communication with the Privy Council on the subject, and take such measures as the occasion should seem to require. No such report as that which had been made by the Right Hon. Gentleman, by the confidential friends of the Crown should be admitted by the House. The report on which any reliance should be placed, ought to be derived from professional Gentlemen, whose skill, talents, and character would be a pledge of the accuracy of their statement. This appeared to him indispensable, at a time and in a state of affairs that was not only anomalous and dangerous, but actually involving the salvation of the country, at a time too when the Military Magistrates of the country were officially informed of the probability of an immediate attack.—

On those grounds he supported the motion of the Hon. Baronet, in order to give the Hon. Gentleman opposite time to consider of the course they ought to pursue, or that Parliament might come to some decision as to the measures it ought to adopt.

The CHANCELLOR of the EXCHEQUER, before he should advert to the other parts of the Hon. Gentleman's speech, felt it necessary to notice the observations he had made on a term which he had used in his reply to the Hon. Baronet. The object he had in employing that term, was not what the Hon. Gentleman had described. The sense in which the term was usually taken, was well known to the Hon. Gentleman; and in alluding to the confidential servants of His Majesty, he meant only to signify that responsibility which necessarily attached to their situation. In speaking of the confidential servants of the Crown, he meant only that they were more peculiarly responsible for the steps which they may or may not take, in any situation of affairs, than any other Members of the Privy Council. The Hon. Gentleman seemed to think that Ministers were disposed to conceal from the House, and the public, information which ought to be communicated to them, but he could confidently affirm, that they were actuated by no unworthy motives to conceal any information which, consistently with a sense of justifiable delicacy, and of their duty, they could disclose. Neither were they influenced by any motives of false delicacy, and he was sensible that the majority of the House would approve of their conduct, in abstaining from making any premature communication. He knew that obligations of a higher nature, attached to His Majesty's Ministers, and that all considerations of delicacy should be sacrificed to the safety of the State. The argument of the Hon. Gentleman, if he understood it right, went to establish the propriety of making a communication, and of following up that communication with a proceeding in every case in which the Sovereign might from indisposition, be rendered incompetent to the Royal functions. The Hon. Gentleman had not meant, perhaps, to carry his argument so far, yet it would certainly go to that. Previous to yesterday however, neither the Parliament, nor the Public, expected any communication on the subject of His Majesty's illness. The effect that had been produced by the statements published then and on a former day, was very different from what a knowledge of the real situation of His Majesty's health would bear out. The Hon. Gentleman had stated from the Bulletin, that no rapid, but gradual recovery was to be expected. He felt bound however to state to the House, that the Physicians in making that report were influenced rather by a wish to obviate the impatience and anxiety of the public, than by a consideration of the ordinary circumstances which mark the progress of convalescence. The Physicians also from comparison of the two former melancholy occasions on which His Majesty's health had been affected, were decidedly of opinion that his present illness would be of short duration. The Hon. Gentleman argued, that it was indispensable to provide without delay for the exercise of the executive functions, in certain cases of their being suspended; and he admitted that there might be occasions, when it would be essential to adopt measures for that purpose. But he had the further happiness to state, that if the exercise of the Royal functions were necessary, that would at present be no impediment or obstruction to the public business. He implored the House therefore, until the confidential servants of His Majesty should give some proof of an intention to deceive them, not to suspect them of withholding a communication longer than their obligations, not of delicacy, but of duty rendered unavoidable. At present any communication on the subject would not only be, in the highest degree, indecent and unwarrantable, but would have the effect of making every loyal subject regret that it had been made. On these grounds he felt himself bound to resist the motion, as well as because he thought it inapplicable. So far even from supposing that such a motion of this nature would be made, he had imagined that the question of adjournment from Friday to this day would have been opposed, on the grounds of the propriety of keeping Parliament sitting in the existing circumstances.

Mr. PITT not having been present at the commencement of the discussion, was consequently not competent to advert to the grounds on which it had commenced; he however understood that a motion had been made for an adjournment, because no intimation had been given as to the actual state of His Majesty's health. He confessed himself on the whole anxious to have more information on this interesting subject, but he could not be persuaded that the question of adjournment would, if agreed to, conduce to that end. Whenever the moment should arrive, that it would be necessary for the House to provide for the exercise of the Royal functions, he was sure it would proceed on the principles which had been laid down by the Hon. Gentleman (Mr. Fox), and which had been the rule of their conduct on a former occasion, when it had pleased Providence to suspend them in the person of His Majesty by a much lamented indisposition. That, however, was not the question at present.—Whatever opinions might be entertained of the nature and circumstances of His Majesty's present affliction, and the degree of effect it had produced in suspending the Royal functions, he could not feel, that Parliament without being more fully in possession of the circumstances of the case, ought lightly to interfere.—If they were to take their impression from the re-