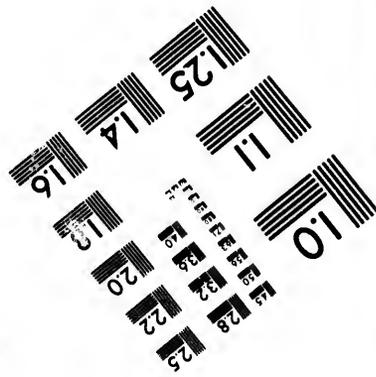
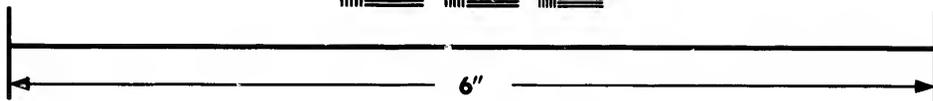
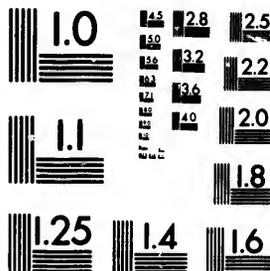


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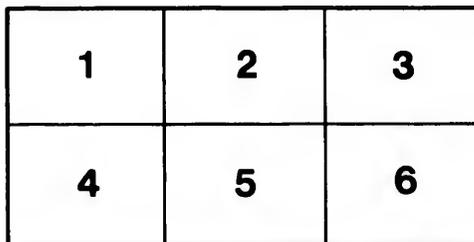
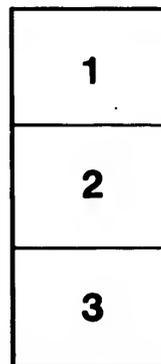
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T H E
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O F T H E
Q U E S T I O N .

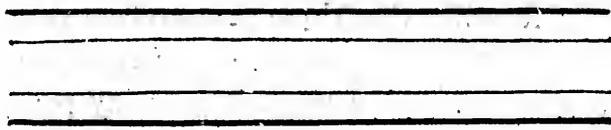
It is the curfe of Kings to be attended
By Slaves, and take their humour for a warrant,
And on the twinkling of authority
To underftand a law, to know the meaning
Of dangerous Majefty, when perchance it frowns
More upon humour than advised refpect.

SHAKESPEARE.



L O N D O N :
M, DCC, LXXXIV.

*THE following little Tract having been much
admired for the plain and intelligible man-
ner in which it states THE QUESTION
now before the Public, it is reprinted by
some Friends to the Constitution, and it is
not doubted but, that the Author, whoever
he is, will excuse, on account of the object,
the liberty taken in doing this without his
consent.*



THE
TRUE STATE
OF THE
QUESTION.

THE present dispute between the King and the House of Commons, is the universal topic in all societies: It is as it ought to be, the leading idea in every man's mind; and however the conversation begins, it naturally slides into this great subject, for a great one it certainly is, unless liberty and the constitution are become mere sounds.

In listening to and partaking of these amicable altercations, I have observed with great surprize, that there are numbers who do not at all understand the state of the question : now as I think if ever any political question could admit of being rendered simple and clear, it is that which at present is in dispute, I must beg that such as wish to decide upon it fairly and honestly, and are not predetermined that reason shall have no effect upon them, will listen to what I have to say; I will be as short as I can, and I will attempt no oratory, for I desire not to persuade, but to convince; and I will endeavour to assume no fact that is not universally allowed, nor to draw any conclusion that is not fair and obvious.

The actual Government was fixed at the Revolution. The tyranny and bigotry of the King had dissolved the contract between him and the people. A new King was called; but, before the Crown was conferred upon him, such restrictions of the prerogative, and such declarations of the rights of the people, were insisted upon as might for the future confine the royal power within its due bounds. Little or no alteration was made in the form or theory of
Govern-

ment; but every provision was made, that the wisdom or temper of the times allowed of, to secure the independency of Parliament, and the liberties of the people.

No part of the system then established, seems to have been better understood or more happily conceived than that which regarded *the Administration of Government*. The whole executive power resides virtually in the King;---this is the very essence of the Constitution, one of the fundamental pillars of the edifice; he can, therefore, be amenable to no law, because for a man to sit in judgment upon himself implies a contradiction. In his legislative capacity, as a third independent state, he is not accountable to the other two, any more than they are reciprocally to him or to each other. Thus the sentence of the law, "that the King can do no wrong," is not an old legal adage, founded on obsolete notions of prerogative, but a positive maxim of fact, deriving necessarily from the principles of the Constitution. But for the King to exercise the various executive powers in his own person, is not only physically impossible, but must, *ipso facto*, destroy the shadow
of

of a balance between the three estates. The immediate command of the army, the navy, the unlimited power of creating Peers; a power, which exerted in the extent, gives the Crown an absolute controul over that House; and above all, the disposal of an immense patronage of honours and emoluments, must, if exercised in the person of a magistrate responsible for none of his actions, have rendered that magistrate the most despotic Sovereign in Europe. The expedient adopted was simple, obvious, and adequate. These powers were separately delegated to persons appointed by the King, and acting under his authority, but responsible to the laws and the legislature, and to the appointment of whom the sanction of Parliament was an indispensable requisite, because Parliament having it in their power to withhold the supplies, would only grant them to such men as had their approbation. Thus Ministers became public men, responsible to Parliament for their conduct, and looking up to Parliament for support, and not as in despotic governments, the mere instruments of the will of an arbitrary master. Such was the system
of

of Administration established at the Revolution, and continued without change or diminution, through four successive reigns to the death of the late King; and I will venture to assert, that every reasoning and impartial man, who will begin by examining the probable efficacy of this system for the preservation of public liberty and the independence of Parliament, and will then trace its operation through the period above-mentioned, will not hesitate to pronounce it the great palladium of the Constitution. For those who are not disposed to enter upon such an investigation, suffice it to observe, that from the institution of this system in 1688, to the essential alteration made in it in 1760, the history of the world cannot furnish an instance of a nation more mildly, more peaceably, more equitably governed; more happy and prosperous at home, or more gloriously successful abroad, than is presented by the annals of Great Britain during the seventy-two years immediately succeeding this great æra of the Constitution; and that from the hour this system was to be undermined, to make way for that which it is now proposed

posed to ratify and avow, the country has declined with a rapidity which has no example.

His present Majesty ascended the Throne of his ancestors with advantages unknown to the most fortunate of his predecessors. As a man his felicity was such that nothing was left for the poets of that time to imagine.---At his birth

“ Nature and Fortune join'd to make him great.”

As a Monarch he was the idol of a glorious, prosperous, and happy nation. His arms victorious in every quarter of the globe; his administration conducted by one of the honestest and ablest statesmen that ever existed, possessing the unbounded confidence of the parliament, and the people. ---When I contemplate this bright picture, and then turn to the dark scene which follows---When I consider what might have been, and what is---How, and for what objects these advantages are sacrificed---It is difficult indeed to preserve the temper which decency requires.

When Lord Bute retired from public view, the *principles* on which he came into power and his creatures remained fixed in
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the Cabinet ; and have more or less directed or counteracted all its measures to the present hour. The establishment of immediate and personal influence has been the leading principle during the whole of the present reign ; to this every view has been directed ; to this every set of men have been sacrificed in their turn, without hesitation or remorse, as soon as they would no longer submit to be dishonoured by its operation, or had become the execration of the public by acquiescing in its destructive measures*. It does not come within the compass of my plan to trace this baleful principle through the long detail of its dark manœuvres for more than twenty years ; and it is fully sufficient for my argument, that nobody denies or doubts its existence.

Since the employment of the immediate and personal influence of the Crown has been more openly avowed, attempts have been made to justify its principle. The

* Lord North continued long in office, because he was pledged for the continuance of the American war, which was a favourite Court measure. For the last year he was in that unhappy predicament, which leaves only the choice of evils—He could neither remain in office with credit or self-approbation, or resign with honour. This was the triumph of secret influence.

Crown lawyers, a description of men ever unfriendly to liberty, have of late affected to talk in high terms of the *right* which the King has to exercise his prerogative. But this word *right* has two significations, which it is very dangerous to confound. In one sense a man is said to have a *right* to do all that is not forbidden by the laws, however contrary to sense and justice: in the other he is said to have no right to do even what the law allows, if it be contrary to the dictates of reason and morality. On the former interpretation, the most extravagant and criminal excesses may be justified.

What then is the criterion by which we are to distinguish right from power. In private individuals it is honour and conscience; and in the governors of the people it is the public advantage; every exercise of power, therefore, which has not the public good for its object, however supported by theory, or by whomsoever exercised, is arbitrary and illegitimate.

But to return to the more immediate object of this Address. I have endeavoured to show that the establishment of immediate

diate and personal influence upon the ruins
 of public parliamentary responsible Admin-
 nistration has been the great object of the
 present reign---that the latter is a system
 admirably calculated to secure the inde-
 pendency of Parliament and the rights of
 the people, without endangering the just
 prerogative of the Crown---and that the
 former tends evidently to subvert the inde-
 pendency of Parliament and the liberties
 of the people by throwing the whole
 weight of power into the hands of the
 King. Now no man will have the effron-
 tery to deny that the last Administration
 were forced into power by the sole efficacy
 of parliamentary support in direct opposi-
 tion to secret influence which they stood
 pledged to detect and resist in all its forms.
 Hence the reluctant delay with which they
 were at first admitted into office---hence
 the artful and successful attempt to break
 their force by tempting Lord Shelburne
 with a bait which he had not strength of
 mind to resist---hence the rage and despair
 occasioned by the Coalition, which once
 more enabled parliamentary support to take
 personal influence by storm as it has been

emphatically expressed by the creatures of the latter----and hence the last desperate exertion of secret influence over a few Lords of the Bedchamber; to throw a Bill out of Parliament which had been brought in by the King's Ministers, and had passed the Commons three to one; and to remove an Administration in the plenitude of parliamentary support, to make way for a set of men who have sworn allegiance to that influence to which they owe their political existence,

Mr. Pitt, you are a very young man, and it is the characteristic of ingenious youth to be open and unsuspecting. You possessed a character till now spotless, a great hereditary name, and the reputation of knowledge and ability far above your years; and you are followed by a set of men just stepping into the world, of whom as nothing is known nothing ill can be spoken. Such a description of person was perhaps the only instrument the King could have employed with success on the present occasion. More experience would have preserved you from becoming the dupe of the most hackneyed arts; and with less
cha-

character your name could not have been held out as a successful lure to the people. But let me beseech you, Sir, in the name of this wretched ruined country to consider well what you do. The eyes of the universe are turned towards you, and a splendid name and high character are surely worth deliberation! I know they are as difficult to support as they are rare and valuable; but they may be lost irretrievably by a single act in a single instant. Examine, therefore, by what arts and on what motives your great father was first dismissed from office, how his Administration was afterwards rendered impotent and abortive, and why the virtuous Lord Rockingham was obliged to resign? Compare the arts then employed, and the objects then proposed with the present circumstances, observe in what they differ in practice or design*, and do not mistake the voice of a party, heated by the occasion, and the cry of interested individuals for the calm deliberate approbation of the public.

* Mr. Pitt is said to have urged the personal solicitation of his Sovereign as a principal motive for coming into office. The late Mr. Charles Yorke accepted the Seals because he could not resist royal solicitation. What was the consequence?

I have

I have very willingly given you the credit of supposing you actuated only by great public considerations; otherwise it would be easy to point out to you on what hollow and dangerous ground the interest of your personal and private ambition at present stands. All past example shows you how unfriendly the situation of Minister is to the affection of the people; you therefore can hardly flatter yourself that an exception will be made in your favour in times so peculiarly difficult as the present; but if it could, you may rest assured, that the moment your popularity has served the turn, it will become an immediate object of jealousy to the K---, to the junto, and to the greatest part of your motley associates in office; and that if you were ever to venture to rest upon it to carry any great public measure into force which had not the thorough approbation of these persons, that instant your doom would be sealed; on the first nod of the master, the mutes of the Bedchamber and interior Cabinet would stand ready to give you the bow-string with as little remorse and as much satisfaction

faction as they just strangled the last set of British Ministers.

The question therefore is not whether it be expedient to dispossess the East India Company of its territorial or commercial powers---not whether Mr. Pitt or Mr. Fox be the honestest or abler man, or whether Lord Gower or the Duke of Portland has the higher character for political integrity ---these questions have nothing to do with the present subject, and those who put them forward as main points are either deceived themselves, or endeavour purposely to mislead the attention of others. No, the sole object in dispute, it cannot be too often repeated, is whether the system of a parliamentary responsible Administration shall be restored, a system which for a period of 70 years our government was the envy of nations, and we became the first people in the universe; or that fatal error ratified and continued, which, during an operation of 20 years, has led us through a long and uninterrupted series of folly and dishonour, from the pinnacle of glory and prosperity to the brink of infamy and destruction.

Not

Not but that the late Ministers might meet the present men with equal advantage on all these collateral points as on the main question. Nay, the very India bill itself, against which so much popular clamour has been artfully excited, this strong hold of the new Cabinet, and the manner in which it was brought into Parliament, furnish the strongest instance of the adherence of the late Administration to their great principle, and ought alone to secure to them the perpetual confidence of the nation. Had Mr. Fox brought forward a trimming, half-formed, abortive measure, placing the patronage in the Crown, and sacrificing part of the object of the bill to gain the support, or stop the clamour of interested individuals, no pretext had then been furnished for what afterwards happened, and what it was too well foreseen would be attempted; the evil indeed would not have been remedied, and millions of people might have continued to groan under oppressions that make a good man ashamed of his humanity; but a specious palliative might have been held forth, and Ministers would have kept their offices,

at

at least till some new and more subtle poison could be prepared, or some unguarded hour had furnished a safer opportunity for an unseen hand to direct the stiletto to their hearts. But they scorned such paltry motives---they boldly stepped forward with such a bill as they thought adequate to the evil, without regard to party clamours, or the certainty that every possible advantage would be taken of these clamours to drive them out of office on a plausible and popular pretence. They treated the disease, not with the flattering unction of a timid and ignorant pretender,

— To skin and film the ulcerous part
While rank corruption mining all within
Infects unseen ———

but with a firm and steady hand, probing the sore to the bottom, and amputating the rotten parts to preserve the whole mass from mortification.

The objections to Mr. Fox's bill, upon which the clamours have been excited, are,

That it takes away chartered rights;

That it places a great weight of patronage in unsafe or improper hands ;

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That it trenches on the prerogative of the Crown.

The first of these objections implies too much ignorance of the first principles of legislation in general, and of the spirit of the British constitution in particular, that it hardly deserves a serious answer. Are we to be told, that when any rights, of which individuals are left in possession by the law, become incompatible with the public safety, it is not only the right but the immediate duty of the legislature to remove them?---That a grant from the Crown of a monopoly of those rights neither does nor can fence the rights themselves from parliamentary regulation?---That if the rights themselves may be regulated or taken away, *a fortiori*, the monopoly of them may be restrained or rescinded?--&c. &c. If this is not demonstrable I know nothing that is so.

The answer to the second objection has always appeared to me equally obvious and simple. The corruption and incapacity of the Company's Government was the evil which the Bill was to remedy; in tracing the causes of this disorder, it was found

not

not so much to proceed from Mal-administration, as from a radical fundamental error in the Government itself. An *imperium in imperio* has always been esteemed a solecism in politics, but imperial jurisdiction in a trading company implies a monstrous contradiction of contending and irreconcilable principles from which the worst kind of tyranny must necessarily result. The sole principle of a commercial company is *gain*; and the sole principle of every just Government ought to be *to secure the prosperity of the people governed*. Now is it not obvious that these two principles must remain at perpetual variance; and that the former will always prevail over the latter? If this reasoning is just, and I think it is unanswerable, it follows, that the first preliminary step to the relief of the East Indies was to remove every part of Government out of the hands of the Company; and the question only remained, where these powers were to be placed. But after the vote "that the influence of the Crown had increased, was increasing, and ought to be diminished," with what sort of consistency could the same

House of Commons propose to place in the hands of the Crown a patronage magnified as so great and dangerous? And if a power has grown up in the State which it is conceived may be employed for unconstitutional purposes, where can that power be so safely deposited as in the hands of the representatives of the people? While the good understanding between the King and the Commons shall subsist, there is no fear of the Crown's wanting a due influence in that House; and if it is to cease, and the powers of each, instead of co-operating through the medium of a Parliamentary Administration, are to be opposed to each other, where is the Englishman who would hesitate which hands to strengthen? Or where is the man of common understanding who can suppose that the rights of the people are dearer to the Crown than to their own immediate representatives?

On the last objection I shall only observe, that the different branches of the legislature have reserved to themselves various executive powers. The supreme judicature of the Lords---the competency of both Houses to try and punish certain
 certain

certain offences---and above all, the power of arraigning Ministers, are all high executive powers; those, therefore, who reason merely from the theory of the Constitution, will, on this occasion, as almost on all others, find their conclusions wide of the fact.

One word on the dissolution of Parliament and I have done. The friends of the Court-party affect to treat this measure as the most simple and natural occurrence; and to wonder why there should be the least hesitation in the King's Ministers on adopting so obvious and easy a resource in the present difficulty.

But I ask, IS THERE NOTHING UNCONSTITUTIONAL IN DISSOLVING A PARLIAMENT, NOT SUFFICIENTLY OBEDIENT TO THE ROYAL PLEASURE, SOLELY AND AVOWEDLY IN THE HOPE OF OBTAINING THRO' THE INFLUENCE OF THE CROWN, A NEW PARLIAMENT MORE OBEDIENT TO THE ROYAL WIL?

It has been too frequently been the misfortune of mankind not to see the danger till the mischief has actually taken place, and it is too late for redress. Should

the

the personal influence of the Crown triumph over Parliament, our sons will perfectly understand how their liberties were lost; but they will not perhaps so readily discover by what means they are to be regained.

Before I take my leave, I shall state certain *maxims*, which may serve as a recapitulation of the subject; and which I earnestly recommend to the attention of the public.

That the system of a strong responsible parliamentary Administration is excellently calculated to preserve the consequence of Parliament and the rights of the people.

That the system of secret and personal influence tends to subvert the constitution, to set the three estates at variance, and to endanger the liberties of the people.

That the late Ministry owed their existence solely to the support of Parliament.

That the present Ministry owe their existence solely to the exertion of the secret and personal influence of the Crown.

That it is the indispensable duty of Parliament to support such men only as they approve of.

That

That to dissolve the Parliament merely for doing its duty, would be an absurd, dangerous, and unconstitutional exertion of the prerogative.

F I N I S.

