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**THE REGENCY CRISIS  
AND ITS CONSTITUTIONAL CONSEQUENCES.  
ENGLAND, 1788–89**

In the autumn of 1788 a constitutional crisis developed in England. On first sight the problem was a very simple one: the health of the King, George III deteriorated rapidly. Already in the summer he suffered from several "bilious attacks" (according to his physicians), and his health worsened day by day. From the end of October there were some rumours about the King's growing madness<sup>1</sup>. On one occasion, in November, Sir George Baker, the King's physician was stopped by a London mob, and forced to report on the King's state of health. When he confessed the case to be serious, the mob nearly lynched him.<sup>2</sup> The doctors were absolutely bewildered; in the 18th century nobody knew about porphyria, the King's real malady. They had no idea about the real cause of the illness of the King, or if the recovery was possible. From early November onwards the King's condition became alarming: on the 6th William Pitt, the Prime Minister all night expected a messenger with an account of the King's death<sup>3</sup>. The messenger didn't arrive, but the King's state remained desperate for months.

In a constitutional and parliamentary monarchy, with an active government, it may not be a great problem: the competent authority appoints a regent, and the constitution remains intact. But in England and in this particular case the situation was much more difficult. This difficulty consisted by several elements: first, in the 18th century the royal prerogatives were more extended than nowadays<sup>4</sup>. Paradoxically, the events of 1688<sup>5</sup> and even more, of 1714<sup>6</sup> didn't weaken, but strengthened the Monarchy. The

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<sup>1</sup> Detailed in: DERRY, John: *The Regency Crisis and the Whigs*. Cambridge, Univ. P., 1963. 4–10. p. and: STANHOPE, Earl of: *Life of the Rt. Hon. William Pitt*, in 4 volumes. London, Murray, 1867. [hereafter: Stanhope: Pitt] Vol. 1. 383–394. p. with some citations of Fanny Burney's Diary (she was a lady in waiting for the Queen, and one of the closest witnesses of the events).

<sup>2</sup> STANHOPE: *Pitt*, 1. Vol., 383–394. p.

<sup>3</sup> STANHOPE: *Pitt*, 1. Vol. 390. p.

<sup>4</sup> For the royal prerogatives: HOLDSWORTH, Sir William: *A History of English Law in 16 volumes*. London, Methuen, 1903–1966. Vol. X., 339–363. p.; Alpaeus TODD: *A parlamenti kormány-rendszer Angliában*. I. kötet. Bp. MTA, 1876. *passim*. (hereafter: TODD)

<sup>5</sup> The 'Glorious Revolution': the catholic Stuarts were replaced by the protestant Queen Mary II and her husband, William III of Orange.

<sup>6</sup> After the death of Queen Anne, the latest protestant Stuart sovereign, in the spirit of the Bill of Rights and the Act of Settlement, the Hanoverian dynasty accessed to the throne.

goal of the politicians was not to weaken the monarchy, but to create a protestant one <sup>7</sup>. The King was the head of the legislative and the executive government. Without his assent there was no law. At this time he had still the complete right of veto. He appointed and changed the Governments, nearly at whim. Of the King's tyranny in December 1783 was the latest example, when - in spite of the vote of the Commons - the King dismissed the Portland government, without their formal and official resignation, and appointed William Pitt, who was in a small minority in the House. The King was the head of the diplomatic service, and of the foreign affairs: all the ambassadors consulted directly to him. His Civil List wasn't separated from the state's income <sup>8</sup>. He approved all the official nominations, and the creation of peers. All the pensions and the salaries were granted by him. All the government's papers could be changed at his wish; he could re-shape the diplomatic letters and the throne speeches. In the early 1780s great debates were held in the Parliament, concerning the royal prerogatives and the power of the Crown, but after 1783, the royal power remained entire. In Europe of the 1780s an absolute monarchy seemed to be a natural solution: there were such tendencies in England too <sup>9</sup>. From the accession of George III onwards there was a growing fear in parliamentary circles, for the completing of the despotism. In conclusion, the royal person was not a negligible actor on the political stage, and a sudden malady could interrupt the state affairs for weeks.

In this case there would be a great relief the person of an adult heir apparent. The Prince of Wales would have been the natural choice to become Regent. But for the second difficulty, the King, and the leading group of the British politicians were persuaded, that the Prince was not suitable for the regency. The disagreement between the King and his eldest son was a common situation in the history of the Hannoverian dynasty. But between George III and the later George IV this disagreement became a real animosity. George III was a good husband, a good father, with strong Christian ethics. All of his sons were of an other generation: they lived like the French aristocracy in the time of the ancien regime: they drunk, gambled, changed their girlfriends week by week. The royal couple could not bear this situation: the quarrels became an everyday scene within the royal family.

Of all the royal children, the Prince of Wales - whose peculiar nickname was "the first gentleman of Europe" - was the most infamous one. Though intelligent, and witty, he was extravagant, lazy, and selfish. In 1785 he married secretly with one of his lovers. This woman, Mrs Fitzherbert was a very pretty, beautiful, but unfortunately a Catholic widow <sup>10</sup>. By this marriage the Prince violated three great constitutional acts:

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<sup>7</sup> The source of this statement: CLARK, J.C.D.: *Revolution and Rebellion: State and society in England in the 17th and 18th Centuries*. Cambridge, Univ. Press, 1986. 89-90. p.

<sup>8</sup> Until 1782, when the Burke's Civil List Act started to separate the incomes of the state and the Royal Household.

<sup>9</sup> See: Edmund BURKE: *On the causes of the present discontents, passim* (there's a lot of editions).

<sup>10</sup> DERRY, John W.: *The Regency Crisis and the Whigs*. Cambridge, Univ. P., 1963. 32-36. p.

the Bill of Rights <sup>11</sup> and the Act of Settlement <sup>12</sup> forbade an English royal personage to marry with a "Papist", and the Royal Marriage Act <sup>13</sup>, approved in 1772 by George III, stated, that in the royal family marriages will be valid only by the King's agreement. If somebody would marry without the King's assent, he (or she) would be excluded from the order of succession. The Prince's Catholic marriage remained secret, but the King, and a narrow circle of the Government knew about it, and the public also heard some rumours.

A third aspect of the special difficulty was the situation of the Government and the Opposition. William Pitt the Younger, the Prime Minister, was only 29 years old, but he had been Prime Minister for five years. He was a brilliant minister, politician and Parliamentary orator. He became Minister when he was only 24, and proposed a large number of remarkable reforms, at the same time he remained constantly loyal to the King. He was an awkward, lone man, who felt only disdain for the noisy high society; he lived only for his work <sup>14</sup>. In 1788 Charles James Fox <sup>15</sup> was the head of the opposition. He was the absolute contrast of Pitt: he was at the centre of society: gambled every night, collected lovers and friends. He was also brilliant, but wasted his talents. Fox was the closest friend of the Prince of Wales; his bored lovers he passed to the Prince. The King was persuaded that Fox was the evil spirit of the Prince; that's why His Majesty have not given Fox any offices for more than twenty years. Fox and Pitt were the two great leading opponents in the Parliament from 1783 to 1806, and until Pitt's death, Fox could not get any offices. These two were not only controversial characters: they hated each other.

The fourth of these difficulties was that the Prince had a personal hatred to the Prime Minister. The long history of the Prince's political friendships, girlfriends, gambling habits and most of all, his growing debts, caused constant problems for the government. In 1787 Pitt settled the Prince's financial situation: 10 thousand pounds were added to his yearly Civil List, 20 thousand for the completion of the Carlton House, and 161 thousand pounds for paying his debts. This fantastic sum was not given without any conditions: the Prince was obliged to live regularly and to marry with a protestant Princess. The Prince didn't dare to confess officially his marriage, so he was

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<sup>11</sup> The text of the act: *English Historical Documents*, Vol. 9. London, Eyre and Spottiswoode, 1953. 122-128. p.

<sup>12</sup> The text of the act: see above, 129-135. p.

<sup>13</sup> The text of the act: *English Historical Documents*, Vol. 10. London, Eyre and Spottiswoode, 1957. 107-108. p.

<sup>14</sup> For the personality of Pitt: EHRMAN, John: *The Younger Pitt. The Years of Acclaim*. Stanford, Univ. P., 1969. passim, or the biographies by Earl of Stanhope, Derek Jarrett, Robin Reilly, John Holland Rose.

<sup>15</sup> For Fox: John DERRY: *Charles James Fox*. London, Batsford, 1972, or the biography by Stanley Ayling.

forced to commit a bigamy. In this conflict Pitt triumphed over the Prince, and the Prince would never forgive him for this<sup>16</sup>.

When in November 1788, the King's illness became a public fact, a great game started: on one side the sick King, Pitt, and the Government, and on the other side: the Prince, Fox, and the opposition. William Pitt was well aware of the fact, that in the very moment of the declaration of the Prince's regency he would be a casualty. On the other hand Fox knew, that at the same moment he would be the Prime Minister. The King's condition was absolutely unpredictable: the members of the Government had taken the necessary steps: for example, Thurlow, the Lord Chancellor visited the Prince in Windsor, and he endeavoured to keep his office also in the next government. Pitt decided to return to his original profession at the Bar<sup>17</sup>, but first, he wanted to take all the possible steps to save his Government and office. A great debate started in the House of Commons: Fox urged the regency, and Pitt wanted to postpone it. From December 1788 to March 1789 Pitt temporized the final decision by brilliant handling of the affairs. We will examine this question by means of Pitt's Parliamentary speeches.

On 20 November, in the midst of the first embarrassment, when the Parliament met after the long summer holiday, Pitt obtained, the Prince's assent to adjourn the Parliament for two weeks. So the Parliamentary session opened on 4 December 1788, and the debate started on the 10th<sup>18</sup>. This first occasion defined the front-lines. After receiving the report of the physicians on the King's condition, Pitt proposed to create a committee to examine and collect the concerning precedents: he wanted to know whether similar occasions have occurred in the English history<sup>19</sup>. With this step he declared clearly, that the regency was not an automatic act. After Pitt's first speech Fox rose immediately, and stated, that Pitt's motion produced an unnecessary delay, and that it would be the duty of the House to arrange the situation as soon as possible. He suggested all the royal powers should be vested into the Prince of Wales immediately, because the Prince had a clear right to the power, if His Majesty would die. In his answer, Pitt made his famous declaration: "*That it would appear, from every precedent, and for every page of our history, that to assert such a right in the Prince of Wales, or any one else, independent of the decision of the two houses of parliament, was little less than treason to the constitution of the country.*" and: without the assent of the Parliament "*the Prince of Wales had no right (speaking of strict right) to assume the government, more than any other individual subject of the country.*"<sup>20</sup> Pitt stated also, that

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<sup>16</sup> BARNES, Donald Grove: *George III and William Pitt*. Stanford Univ. Press, 1939. 184. p.

<sup>17</sup> STANHOPE: *Pitt*, 1. Vol. 395. p.

<sup>18</sup> BARNES, Donald Grove: *George III and William Pitt*. Stanford, Univ. Press, 1939. 187. p. (hereafter: BARNES)

<sup>19</sup> The text of Pitt's speech you may find in: *Th Speeches of the Right Honourable William Pitt in the House of Commons*, in Four Volumes. London, Longman, 1806. Vol. 1. 373-378. p. (hereafter: *Pitt's Speeches*)

<sup>20</sup> *Pitt's Speeches*: 375. p.

the main question was whether the House had or had not the right to decide in this case. In his opinion one of the three branches of the English government <sup>21</sup> had fallen out, and in this case it was the duty of the other two to fill the first's place.

The English political public thought the situation to be very funny: concerning the Prince of Wales, the traditional roles of the whigs and tories had been reversed: Fox, the leader of the whigs, became the great defender of the ancient royal prerogatives, and Pitt, the tory, became the main champion of the whig ideas: defending the power of the Parliament, and restricting the power of the Crown. Looking at the debate Pitt was also amused by the change of Fox, and declared: "*I will unwhig the gentleman for the rest of his life*". <sup>22</sup>

On the second day (12 December) nothing new was added to the debate <sup>23</sup>. The examination of the precedents started. Everyone knew, that no important information about the precedents could be found, because there hasn't been a similar occasion in the English history. Apart from this fact, Pitt detailed lengthy the cases, and finally he stated the conclusion: the institution of the regency does not exist in the English history. Fox then in a long speech actually mentioned, that the Prince had the right to the regency, but he would not be able to exercise that right unless the parliament decide it to him. It was a marvellous opportunity for Pitt to pick a quarrel with Fox: according to Pitt, Fox said, if there wouldn't be a sitting Parliament, the Prince's right would be an automatic one. Pitt denied this: in this case – he said – it would be the Prince's duty to call together the parliament. "*It was subversive of the principles of the constitution to admit, that the Prince of Wales might seat himself on the throne during the lifetime of his father*" <sup>24</sup>. Pitt, on his part finished the debate with some propositions: (1) there should be an examination, whether the Prince of Wales had any right to the royal power; (2) whether the parliament had the right to decide or not; (3) whether the future regent would get all of the royal power or only a part of it; and at the end: what the procedure would be in the case of the King's recovery. These questions were the basis of the long-lasting parliamentary debates of the next two months.

In the midst of December, the opposition nursed sanguine expectations of coming soon into office. 15 December Fox wrote: "*We shall have several hard fights in the House of Commons this week and next, in some of which I fear we shall be beat; but whether we are or not, I think it certain that in about a fortnight we shall come in. If we carry our questions, we shall come in in a more creditable and triumphant way, but at any rate the Prince must be Regent, and of consequence the Ministry must be*

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<sup>21</sup> It's a common phrase in the 18th century English parliamentary language: the three branches of the government: the King, the House of Lords and the House of Commons. This three factors were identified in the system of "mixed government" with the monarchic, aristocratic and democratic principle.

<sup>22</sup> BARNES, 189. p.

<sup>23</sup> *Pitt's Speeches*, 378–384. p.

<sup>24</sup> *Pitt's Speeches*: 381. p.

*changed.... I am sure I cannot in conscience advise him to give up anything that is really necessary to his Government, or indeed to claim anything else as Regent, but the full power of a King, to which he is certainly entitled."*<sup>25</sup>

The debate culminated on 16 December. Pitt seemingly settled down for temporization: he spoke again on the theoretical questions of right, and on the already examined precedents. After the first phase of his long speech, Pitt proposed three resolutions, the second one was the following: "*That is the right and duty of the lords... and commons of Great Britain... to provide the means of suppling the defect of the personal exercise of the royal authority, arising from his Majesty's said indisposition, in such manner as the exigency of the case may appear to require.*"<sup>26</sup> This was clearly the key question, and again a violent debate started. The opposition made every effort to reach its object, for example they alluded to the not too heartily connection between the Prince and Pitt. To this remark, Pitt gave a very diplomatic answer, in which he alluded to his reservations for the Prince: "*As to being conscious, that he did not deserve the favour of the prince, he could only say, that he knew but one way, in which he, or any man, could deserve it; by having uniformly endeavoured, in a public situation, to do his duty to the king his father, and to the country at large.*"<sup>27</sup> At the end of the debate the Pitt's resolutions were carried by the vote of the House of Commons. In this debate the opposition made two serious mistakes: Fox described the situation of the King first as a real demise<sup>28</sup>, and after as a "civil death"<sup>29</sup>. These were good occasions for Pitt to retort, and also were offences to the King.

After this victory Pitt gained a great relief: in the parliamentary Calendar the second half of December and the first days of January is the time of the Christmas holiday. After the recess of the Parliament, the Speaker died – and because of he gained a few more days<sup>30</sup>. The problem remained, but the forum for the debates ceased its work. Pitt knew very well that this pause was only a temporary one, and in January he would have to create new arguments for the temporization of the decision. In the course of this month it became clear to the Government that the King's illness was not over, and they couldn't postpone the Regency much longer. They started to work towards the founding of the regency.

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<sup>25</sup> *Memorials and correspondence of Charles James Fox*. Edited by Lord John RUSSELL. (below: FOX: *Memorials*) Vol. 2. London, Bentley, 1853. 299–300. p.

<sup>26</sup> *Pitt's Speeches*, 400. p.

<sup>27</sup> *Pitt's Speeches*, 401. p.

<sup>28</sup> In the English law this indicate when the sovereign's natural body and his "political body" were separated – so called: the death of the King. see: TODD, Vol. 1. 213–214. p.

<sup>29</sup> It's also a category of the English law: when somebody is deprived of his political rights. It was not a temporary, but a final act, and related to criminals.

<sup>30</sup> TOMLINE, George: *Memoirs of the Life of ... William Pitt*. London, Murray, 1821. Vol. 2., 433. p. (hereafter: TOMLINE)

In the new year, the session started on the 5, and the debate of the Regency Bill at 16 January<sup>31</sup>. Pitt had prepared his Regency Bill, and the House started to examine it. The most important feature of this act was the limitation of the regent's power. Pitt, in his introductory speech said the followings: [in the precedents] "*Was the regent of the country invested with full and unlimited power to exercise the royal authority? Undoubtedly not. In the three regency bills in the statute books to which he adverted, were there not limitations? There were in every one. All the powers might be given, but then they were not given to one person.*"<sup>32</sup> In consequence of this principle, the bill proposed the following limitations: the regent might not grant peerages (because this is the way to change the composition of the House of Lords, or the second branch of the legislature). The regent might not approve any bills: this function would be vested in a committee. This limitation would be merely a temporary one: if the King's health would be worsened, the Parliament will take away the restriction. The bill would prevent the regent from allowing any grant, patent, or annuity for life, excepting the nomination for example of judges. This point tried to restrain the patronage power of the Crown. The following clause prevented the regent's power over the King's personal property, and the last one entrusted the care of the royal person, during his illness in the guardianship of the Queen. (This item was probably the least important one.)

The Bill was passed in the House of Commons, and after that, at the 26 January, also in the House of Lords<sup>33</sup>, but its coming into execution became the source of the following debates. At the end of January the public opinion changed. In November, at the start of the crisis, the public opinion was undoubtedly on Pitt's side. The London public - watching Pitt's conduct - at the end of January came to the conclusion, that Pitt wants the power for himself. The caricaturist gave to Pitt the nicknames "Prince Pitt", or "King William" or "William the Conqueror"<sup>34</sup>. In spite of the public opinion, Pitt's power was seemingly strengthened.

Simultaneously during the hard Parliamentary debates the physicians made all the possible efforts to cure the King. As consequence of these efforts, or not, the King's health improved at the end of the winter. On 19 February, the Court hastened to announce in the House of Lords: the King has recovered<sup>35</sup>.

The fundamental problem was over, but the case had some further consequences. The first of these consequences was the strengthening of Pitt's government and the government in general. It was prove, that a clever Prime Minister could handle a long constitutional crisis, and after all, he could have his way. Also it was prove, that the King was - at least provisionally - not an indispensable factor in British politics. After

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<sup>31</sup> TOMLINE, 435-446. p.

<sup>32</sup> *Pitt's Speeches*, 414. p.

<sup>33</sup> TOMLINE, 450. p.

<sup>34</sup> Detailed with some interesting caricatures in: GEORGE, Dorothy: *English Political Caricature to 1792*. Oxford, Clarendon Press, 1959. 196-201. p.

<sup>35</sup> FOX: *Memoirs*, 302-303. p.

this crisis, the King gave Pitt a free hand, because of his personal gratefulness. As a consequence of these events, the King's personal power started to decline.

The declining of the King's personal power was not a temporary event: during the reign of George III, there were repeating problems with the royal illnesses, and as consequence of this, the question of regency. This problem occurred for the first time in 1765<sup>36</sup>, when George III was a young man. The Government proposed to regent the King's mother. The Princess however was the well-known lover of the Lord Bute, that's why the Parliament didn't want to assent to this decision. In the midst of the controversies the King has regained his health. In the following twenty years the King made all the possible efforts to extend his power. These efforts have caused an another constitutional crisis, in the turning of the 1770–1780s. The American War of Independence, and finally the defeat, undermined the 18th-century English political machinery. A political crisis culminated in 1783, with following changings of governments. At the end of the year, with the despotic nomination of the Pitt government, the King seemingly regained his power, even strengthened it. But shortly afterwards, in 1788 became the great Regency Crisis. In spite of his published recovery, the King never convalesced absolutely and completely. Until 1811 the King's health remained the most uncertain factor of the English government. For example, in connection with the debates of the Union with Ireland in 1800, the King's hysterical action to prevent the Catholic Emancipation, was the strongest prove for the public of his irresponsible mind. In 1801, when William Pitt resigned from the Prime Minsiter's office, the crisis lasted for months, because the King was upset from the Irish question, and from Pitt's resignation and wasn't able to appoint Addington to Prime Minister. The government, the Parliament and the public of England for more then twenty years lived in a continous uncertainty about the King's mental state. This long and unfortunate situation considerably weakened the reputation of the King's person and his power. At the same time, the same situation strenghtened and made the government more independent.

In 1811 the King's malady again manifestated itself. As the illness seemed to be serious, the debate on the regency started again. The Perceval government – to simplifying the problem – took out the Pitt-made Regency Bill. This debate was a much more comfortable one, than the 1788/89s. Pitt and Fox were dead. The Prince was much older and earnest, and he had no reservations to the actual Prime Minister. The Regency Act of 1811<sup>37</sup> was created in a few weeks, at first for only a year, but in 1812 in was extended for indetermined time. It lastened till the death of George III, in 1820. After 1811 there was no English sovereign, (except for some of Queen Victoria's youthful actions) who wanted to extend the royal prerogatives.

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<sup>36</sup> MARSHALL, Dorothy: *Eighteenth Century England*. London, Longman, 1989. 347. p.

<sup>37</sup> The text of this act: *English Historical Documents*, Vol. 11. London, Eyre and Spottiswoode, 1959. 83–86. p.