

## Erskine May, Chapter III, pp. 195-206

### The Regency Crises of 1801 and 1804

#### Events of 1801

In February, 1801, the king was again seized with an illness of the same melancholy character, as that by which he had been previously afflicted.(1) If not caused, it was at least aggravated by the excitement of an impending [196] change of ministry,(2) in consequence of his difference of opinion with Mr. Pitt on the Catholic question.(3)

This illness, though not involving constitutional difficulties so important as those of 1788, occurred at a moment of no small political embarrassment. Mr. Pitt had tendered his resignation; and was holding office only until the appointment of his successor. Mr. Speaker Addington, having received the king's commands to form an administration, had already resigned the chair of the House of Commons. The arrangements for a new ministry were in progress, when they were interrupted by the king's indisposition. But believing it to be nothing more than a severe cold, Mr. Addington did not think fit to wait for his formal appointment; and vacated his seat, on the 19th February, by accepting the Chiltern Hundreds, in order to expedite his return to his place in Parliament. In the meantime Mr. Pitt, who had resigned office, not only continued to discharge the customary official duties of chancellor of the Exchequer, but on the 18th February, brought forward the annual budget, which included a loan of £25,500,000, and new taxes to the amount of £1,750,000.(4)

Mr. Addington had fully expected that his formal [197] appointment as first lord of the Treasury and chancellor of the Exchequer would have been completed before his re-election: but this was prevented by the king's illness; and as his election could not legally be postponed, he took his seat again on the 27th,—not as a minister of the crown, but as a private member.

On the 22nd, the king's condition was as critical as at the worst period of his attack in 1788. Towards the evening of the following day he came to himself, and indicated the causes of disturbance which were pressing on his mind, by exclaiming: 'I am better now, but I will remain true to the church;' and afterwards, 'the king's mind, whenever he came to himself, reverted at once to the cause of his disquietude.' At the beginning of March his fever increased again, and for a time his life was despaired of: but about the 5th, a favourable turn took place; and though not allowed to engage in any business, he was from this time gradually recovering. On the 10th, he wrote a letter approving of a minute of the cabinet; and on the 11th he saw Mr. Addington and the chancellor, when he was pronounced,—somewhat prematurely,—to be quite well.

On the 24th February, the bill for repealing the brown bread Act of the previous session was awaiting the royal assent; and it was thought very desirable that no delay should occur. Mr. Addington declined [198] presenting the commission for his Majesty's signature; but the chancellor, Lord Loughborough, waited upon the king, who signed the commission, saying it was a very good bill.(5)

Meanwhile, who was minister—Mr. Pitt or Mr. Addington? or neither? Both were in communication with the Prince of Wales on the probable necessity of a regency: both were in official intercourse with the king himself. The embarrassment of such a position was relieved by the forbearance of all parties, in both Houses of Parliament; and at length, on the 14th March, the king was sufficiently recovered to receive the seals from Mr. Pitt, and to place

them in the hands of Mr. Addington. This acceptance of office, however, again vacated his seat, which he was unable to resume as a minister of the crown, until the 23rd March. The king was still for some time obliged to abstain from unnecessary exertion. On the 15th April, he transferred the great seal from Lord Loughborough to Lord Eldon; but though several other things were required to be done, the ministers were unanimous that he should only perform this single act on that day.

But even after the king had transacted business, and his recovery had been formally announced, his health continued to cause great anxiety to his family and ministers. Apprehensions were entertained lest [199] 'his intellectual faculties should be impaired so much as never to recover their former tone.' Writing in August, 1801, Mr. T. Grenville says: 'The king has seen the chancellor for two hours, and the ministers give out that the king will hold a council in a day or two at farthest.'

On this occasion his Majesty's illness, however alarming, passed over without any serious hindrance to public business. It occurred while Parliament was sitting, and at a time when the personal exercise of the royal authority was not urgently required, except for the purposes already noticed. The constitutional questions, therefore, which had been so fully argued in 1788,—though gravely considered by those more immediately concerned,—did not come again under discussion.(6) It must be admitted that the king's speedy recovery affords some justification of the dilatory proceedings adopted regarding the regency, in 1788. Too prompt a measure for supplying the defect of the royal authority, would, on the king's recovery, have been alike embarrassing to his Majesty himself, the ministers, and Parliament.

## **Events of 1804**

In 1804, the king was once more stricken with the same grievous malady. In January, he was attacked with rheumatic gout, and about [200] the 12th February, his mind became affected.(7) He gradually recovered, however, towards the end of the month. On the 26th, the archbishop offered a thanksgiving for the happy prospect of his Majesty's speedy recovery; and on the same day, the physicians issued a bulletin, announcing that any rapid amendment was not to be expected. Henceforth his malady continued, with more or less severity, so as to make it requisite to spare him all unnecessary exertion of mind, till the 23rd April, when he presided at a council. He remained under medical care and control until the 10th June.(8) For a time his life was in danger, but his mind was never so completely alienated as it had been in 1788 and 1801.

Meanwhile, the ordinary business of the session was proceeded with. On the 27th February, the king's illness was adverted to in the House of Commons; but ministers were of opinion that a formal communication to the House upon the subject was not required, and could secure no good object. Mr. Addington stated that there was not, at that time, any necessary suspension of such royal functions as [201] it might be needful for his Majesty to discharge. That very day the cabinet had examined the king's physicians, who were unanimously of opinion that his Majesty was perfectly competent to understand the effect of an instrument to which his sign-manual was required: but that it would be imprudent for him to engage in long argument, or fatiguing discussion. The delicate and responsible position of the ministers, however, was admitted. The king having already been ill for a fortnight,—how much longer might they exercise all the executive powers of the state, without calling in aid the authority of Parliament? At present they accepted the responsibility of declaring that the interference of Parliament was unnecessary. On the 1st March, similar assurances were given by Lord Hawkesbury in the House of Lords: the lord chancellor also declared that, at that moment, there was no suspension of the royal functions.

On the 2nd March, the matter was again brought forward by Mr. Grey, but elicited no further explanation. On the 5th, the lord chancellor stated that he had had interviews, on that and the

previous day, with the king, who gave his consent to the Duke of York's Estate Bill, so far as his own interest was concerned; and on the same day the physicians were of opinion 'that his Majesty was fully competent to transact business with his Parliament, by commission and message.' On the 9th, Mr. Grey adverted to [202] the fact that fifteen bills had just received the royal assent,—a circumstance which he regarded with 'uneasiness and apprehension.' Among these bills were the annual Mutiny Acts, the passing of which, in the midst of war, could not have been safely postponed. On this day also, the lord chancellor assured the House of Lords, 'that not satisfied with the reports and assurances of the medical attendants, he had thought it right to obtain a personal interview with the sovereign, and that at that interview due discussion had taken place as to the bills offered for the royal assent, which had thereupon been fully expressed.' In reference to this interview, Lord Eldon states in his anecdote book, that the king had noticed that he was stated in the commission to have fully considered the bills to which his assent was to be signified; and that to be correct, he ought to have the bills to peruse and consider. His Majesty added, that in the early part of his reign he had always had the bills themselves, until Lord Thurlow ceased to bring them, saying. 'it was nonsense his giving himself the trouble to read them.' If there was somewhat of the perverse acuteness of insanity in these remarks, there was yet sufficient self-possession in the royal mind, to satisfy Lord Eldon that he was justified in taking the sign-manual. On the 23rd March, seventeen other bills received the royal assent; and on the 26th March, a message from the king, signed by himself, was brought to the House of Commons by Mr. Addington: but no observation [203] was made concerning his Majesty's health. There is little doubt that his Majesty, though for some months afterwards strange and disordered in his family circle, was not incapacitated from attending to necessary business with his ministers. The opposition, however, and particularly the Carlton House party, were disposed to make the most of the king's illness, and were confidently expecting a regency.(9)

Before his Majesty had been restored to his accustomed health, the fall of his favourite minister, Mr. Addington, was impending; and the king was engaged in negotiations with the chancellor and Mr. Pitt, for the formation of another administration.(10) To confer with his Majesty upon questions so formal as his assent to the Mutiny Bills, had been a matter of delicacy: but to discuss with him so important a measure as the reconstruction of a ministry, in a time of war and public danger, was indeed embarrassing. Mr. Pitt's correspondence discloses his misgivings as to the state [204] of the king's mind. But on the 7th May, he was with him for three hours, and was amazed at the cool and collected manner in which his Majesty had carried on the conversation. It was probably from this interview that Lord Eldon relates Mr. Pitt to have come out 'not only satisfied, but much surprised with the king's ability. He said he had never so baffled him in any conversation he had had with him in his life.' Yet, on the 9th May, after another interview, Mr. Pitt wrote to the chancellor: 'I do not think there was anything positively wrong: but there was a hurry of spirits and an excessive love of talking.' . . . 'There is certainly nothing in what I have observed that would, in the smallest degree, justify postponing any other steps that are in progress towards arrangement.' Nor did these continued misgivings prevent the ministerial arrangements from being completed, some time before the king was entirely relieved from the care of his medical attendants.

## **Imputations on the Conduct of Ministers**

The conduct of the government, and especially of the lord chancellor, in allowing the royal functions to be exercised during this period, were several years afterwards severely impugned. In 1811, Lord Grey had not forgotten the suspicions he had expressed in 1804; and in examining the king's physicians, he elicited, especially from Dr. Heberden, several circumstances, previously [205] unknown, relative to the king's former illnesses. On the 28th January, fortified by this evidence, he arraigned the lord chancellor of conduct 'little short of high treason,'—of 'treason against the constitution and the country.' He particularly relied

upon the fact, that on the 9th March, 1804, the chancellor had affixed the great seal to a commission for giving the royal assent to fifteen bills; and accused the ministers of that day of 'having culpably made use of the king's name without the king's sanction, and criminally exercised the royal functions, when the sovereign was under a moral incapacity to authorise such a proceeding.' Lord Sidmouth and Lord Eldon, the ministers whose conduct was mainly impugned, defended themselves from these imputations, and expressed their astonishment at Dr. Heberden's evidence, which, they said, was at variance with the opinions of all the physicians,—including Dr. Heberden himself,—expressed in 1804, while in attendance upon the king. They stated that his new version of his Majesty's former illness had surprised the queen, not less than the ministers. And it is quite clear, from other evidence, that Dr. Heberden's account of the duration and continuous character of the king's malady, was inaccurate. Lord Eldon, oddly enough, affirmed, that on the 9th of March, the king understood the duty which the chancellor had to perform, better than he did himself. This he believed he could prove. A motion was made by Lord King, for omitting Lord Eldon's [206] name from the Queen's Council of Regency; and its rejection was the cause of a protest, signed by nine peers,—including Lords Grey, Holland, Lauderdale, and Erskine,—in which they affirmed his unfitness for that office, on the ground that he had improperly used the king's name and authority, during his incapacity in 1804. In the House of Commons, Mr. Whitbread made a similar charge against his lordship; and the lord chancellor complained,—not without reason,—that he had been hardly dealt with by his enemies, and feebly defended by his friends.

In 1804, the propriety of passing a regency bill, to provide for any future illness of the king, was once more the subject of grave consideration among the statesmen of the period, but,—as in 1789, so now again,—no sooner did the king recover, than all further care seems to have been cast aside. Six years later this want of foresight again led to serious embarrassment.

### Footnotes.

1. Lord Malmesbury's Diary, Feb. 17th, 1801: 'King got a bad cold; takes James's powder. God forbid he should be ill!' Feb. 19th: 'This the first symptom of the king's serious illness.' Malm. Corr., iv. 11, 13. Feb. 22d: 'King much worse; Dr. J Willis attended him all last night, and says he was in the height of a phrenzy-fever, as bad as the worst period when he saw him in 1788.'—*Ibid.*, 16; Evid. of Dr. Reynolds, 1810. Hans. Deb., xviii. 134.
2. Lord Holland's Mem., i. 176. He had been chilled by remaining very long in church on the Fast Day, Friday Feb. 13, and on his return home was seized with the cramps.—Malmesbury Corr., iv. 28.
3. See *supra*, p. 93, *et seq.*, and *infra*, Chap. XII.
4. It seems that he spoke from the third bench, on the right hand of the chair.—Mr. Abbot's Diary; Life of Lord Sidmouth, i. 345, n.
5. Life of Lord Sidmouth, i. 308; Malmesbury Corr., iv. 17, 18; Lord Holland's Mem., i. 177; Lord Colchester's Diary, i. 245, 249. It appears, however, that the Chancellor did not himself see the king, but sent in the commission by Dr. Willis. Fox Mem., iii. 336; Rose's Corr., i. 315; Lord Stanhope's Life of Pitt, iii. 295.
6. It was suggested that both parties, who had opposed each other so violently in 1788 upon the question of a regency, should now make mutual concessions, and, if possible, avoid the discussion of their conflicting opinions. In this view, it seems, Lord Spencer, the Duke of Portland, Mr. T. Grenville, and Mr. T. Pelham concurred; but Mr. Pitt appears not to have entirely acquiesced in it.—Malmesbury Corr., iv. 19. Lord Stanhope's Life of Pitt, iii. 295.
7. Lord Malmesbury says, although 'there was a council held about the 24th January at the queen's house, yet before the end of that month it was no longer to be concealed that the king had a return of his old illness.'—Corr. iv. 292. But it appears that the

king's reason was not affected until about the 12th of February.—Pellew's Life of Lord Sidmouth, ii. 246; Lord Colchester's Diary, i. 479.

8. Evidence of Dr. Heberden, 1810. He had otherwise been indisposed for a month previously, with symptoms of his old malady. Malmesbury Corr., iv. 292; Fox's Mem., iv. 24, 35, 37. Lord Colchester's Diary, i.517.
9. Mr. Pitt, on being told that the Prince of Wales had asserted that the king's illness must last for several months, said: 'Thy wish was father, Harry, to that thought.'—Malmesbury Corr., iv. 298, 313, 315.
10. Lord Colchester's Diary, i. 502-505; Twiss's Life of Lord Eldon, i. 442; Rose's Corr., ii. 113. The chancellor's conduct, on this occasion, in negotiating for Mr. Pitt's return to office, without the knowledge of Mr. Addington and his colleagues, has exposed him to the severest animadversions.—Lord Brougham's Sketches of Statesmen: Works, iv. 66, n.; Pellew's Life of Lord Sidmouth, ii. 277; Lord Campbell's Lives, vii. 166; Law Review, Nos. ii. and xi.; Lord Colchester's Diary, i. 529. He was sensible of the awkwardness of his mission; nor do there appear to be sufficient grounds for inferring the consent of Mr. Addington. But see Court and Cabinets of Geo. III. iii. 348; Edin. Rev., Jan. 1858, p. 157; Lord Stanhope's Life of Pitt, iv. 151-166 ; and App.

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