

Henry Fox's Drafts of Lord Hardwicke's Speech in the Lords' Debate on the Bill on Clandestine Marriages, 6 June 1753: A Striving for Accuracy

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Before Hansard began publication in the early nineteenth century, the first regular and sustained reports of debates in Parliament were inaugurated in 1711 by Abel Boyer in his monthly *Political State of Great Britain*. In the middle of the eighteenth century the reporting of debates was forbidden by resolutions of both Houses, and such printed debates that have survived were usually written by reporters who had not heard them. Later on after 1774, when the prohibition of strangers was relaxed, there was an unprecedented printing of debates and various series of compilations were published. Before Boyer, however, the only records of debates in either the Commons or the Lords were personal ones taken by members or visitors to Parliament.¹ And even after the first printing of debates by Boyer, many people, particularly those in the political elite, continued to obtain their Parliamentary information from personal accounts. These took various forms: notes taken in the Houses (sometimes written up afterwards into a more polished account, often in the form of a journal or diary, in which speeches appear to be written out in full),² letters or parts of letters, separates (i.e., single or multiple sheets, often differing little from notes taken in the Parliament, and often concentrating on specific issues), and speeches (sometimes published, or circulated in manuscript). Often these reports consisted of lists of speakers followed by a summary of the arguments used, and occasionally they might include, in part, verbatim accounts of debates (or, at least, what look like verbatim accounts of speeches); even rarer were reports which were (or looked like) full verbatim accounts of a debate.

¹ The reports published by Thomas Hansard (which colloquially took his name) began in 1820 having taken over from a publication edited by William Cobbett started in 1803. Hansard remained a production of private enterprise until 1909 when it became the official record compiled and published by Parliament. It was not until 1878 that Hansard was produced from first-hand sources; previously it had been compiled from newspaper reports. See M. H. Port, 'The Official Record', *Parliamentary History*, ix (1990), pp. 178–82. See also Olive Anderson, 'Hansard's Hazards: An Illustration from Recent Interpretations of Married Women's Property Law and the 1857 Divorce Act', *English Historical Review*, cxii (1997), pp. 1202–15, which shows that Hansard in the mid-Victorian period was a 'cooked' version based on a compilation of assorted newspaper reports.

² See, e.g., the late seventeenth-century diaries of Narcissus Luttrell and Anchtell Grey 'who wrote out speeches in connected prose, and for the most part as *oratio recta*': D. W. Hayton in Eveline Cruickshanks, Stuart Handley and D. W. Hayton, *History of Parliament. House of Commons, 1690–1715*, 5 vols (London, 2002) [hereafter *H.P., 1690–1715*], vol. i, p. 24. For useful surveys and analyses of sources of debates for the Commons and their problems see *ibid.*, pp. 24–8; and John Ferris, 'Before Hansard: Records of Debate in the Seventeenth-Century House of Commons', *Archives*, xx (1992), pp. 198–207.

All these forms are usually the work of one author, necessarily reflecting his version of what was said. This begs the question how accurate these extant accounts are. Geoffrey Elton was in no doubt that 'Speeches are a notorious problem ... If they were recorded by a listener, accuracy is out of the question'.³ Indeed any apparent claim to verbatim reportage must be treated with scepticism for such accuracy was unobtainable by any methods known before the introduction of a speedy shorthand in the nineteenth century. Even if we have two or more accounts of the same debate which can be compared, there is no way we can tell what is accurate, for we are unlikely to be able to distil a fully objective version out of two or more accounts from recorders each with his own possible agenda and viewpoint. The best that can be expected is what might be termed a 'near verbatim' record, that is, one that is a mixture of summary and actual words which have been recorded as spoken.⁴ We can also make some judgment regarding the likely accuracy if the author gives us some information as to the circumstances in which the account was written: was it a first or a second hand account, was there noise in chamber, where was the recorder positioned in the House, and was it hard to hear what was being said?

I

John Campbell of Cawdor, M.P. for Pembrokeshire, who wrote regularly to his son sending accounts of Parliamentary news, including debates, reveals some of the problems that members had in recording and transmitting an accurate record of what was said. He once confessed to his son when reporting a debate in the Commons, that 'I can't pretend to give you the exact words, only the sense, what they meant'. Later in the same month, he revealed that his accounts of debates were sometimes based on 'Notes from the House' (probably referring to the Commons). The taking of notes was forbidden, but this was a practice more honoured in the breach than the observance.⁵ These notes were often designed to help a member respond to a previous speech:⁶ in January 1745 Campbell reported 'Mr. Edward Finch was very busy taking Notes & I believe intended to speak in defence of his Friend & Patron Lord G[ranville] but was prevented, I think by Mr. Pitt going away on account of his health'. Sometimes Campbell relied on an 'informer' for his information (in reference to the Lords in this case). He did attend proceedings in the upper chamber, but occasionally the circumstances prevented him reporting fully what had been said. In January 1745, in a conversation with the Duke of Newcastle, who not being at a debate 'had heard but a very imperfect account',

³ Geoffrey Elton, *The Parliament of England, 1559-1581* (Cambridge, 1986), pp. 10-11.

⁴ Lord Perceval (later Earl of Egmont) sent Marmaduke Coghill detailed records of Commons debates in April 1731, which are set out like the modern Hansard: name of speaker, followed by the text of the speech as if it were verbatim. The recipient, however, called these accounts 'the *Abstracts* of the Debates' (BL, Add. MS. 47033, ff. 89, 94: Coghill to Percival, 1, 4 May 1731. Emphasis added).

⁵ *H.P., 1690-1715*, vol. i, p. 23.

⁶ See also, e.g., the occasions in 1739 and 1741 on which Sir Robert Walpole took notes of William Pitt's speeches in order to answer them: Peter D. G. Thomas, "'The Great Commoner': The Elder William Pitt as Parliamentarian", *Parliamentary History*, xxii (2003), pp. 145-63, at p. 150.

Campbell confessed that 'I could give him but an indifferent one for not expecting any [?] debate, I went late into the House & was obliged to sit at the bottom under the Gallery where one cannot hear well, but I told him as much as I could'. One of Campbell's contemporaries showed that hearing a speech was not always enough; one also had to understand it: 'We had 2 Speeches from Doddington and G. Grenville; the Drift of the First I am still at a loss to comprehend, It was beating the bush, -- I think he is sick of the Enquiry [into a miscarriage of a Mediterranean seafight]'.⁷ Campbell also showed that memory sometime played a part, notes presumably not being taken at the time, but it could sometimes prove faulty: on 11 February 1745 in a Commons debate he had to confess that 'I have forgot the Numbers at the Division being put out of my head by what follow'd which was the second reading of the Bill'.⁸

Two documents in the Holland House papers at the British Library may well be unique for the insight they give the historian into the compilation of a 'verbatim' account of part of a debate in the House of Lords on the Clandestine Marriage Bill in June 1753.⁹



Fig. 1 Philip Yorke, Earl of Hardwicke, Lord High Chancellor of Great Britain.
After T. Hudson.

⁷ BL, Add. MS. 35351, f. 60: P[hilip] Y[orke] to [Hardwicke], 22 Mar. 1744/5.

⁸ Carmarthenshire R.O., Campbell of Cawdor MSS: John Campbell to Pryse Campbell, 2, 18, 25 Feb. 1743/4, 19, 24 Jan., 12 Feb. 1744/5. I should like to thank John Davies, the Carmarthenshire county archivist, for providing me with copies of the Campbell letters.

⁹ BL, Add. MS. 51428, ff. 51-4: printed in the Appendix below.

II

The original Clandestine Marriages Bill was brought into the House of Lords on 19 March 1753, and was passed and sent to the Commons on 4 May,¹⁰ where it received its first reading on the 8th.¹¹ The bill, originally the work of Lord Bath, had been revised extensively by Lord Chancellor Hardwicke who, according to Horace Walpole (an opponent of the bill), 'grew so fond of his own creature, that he has crammed it down the throats of both Houses – though they gave many a gulp before they could swallow it'.¹² The bill was attacked by a group of M.P.s led by Charles Townshend and Henry Fox, the latter of whom considered the bill a personal slight on his family for both he and his elder brother, Stephen, had contracted clandestine marriages.¹³ Henry Fox, who in the words of Walpole 'mumbled the Chancellor and his lawyers',¹⁴ described the bill as one 'that will have more pernicious consequences than any I ever saw offer'd to the House. I am quite unhappy about it'.¹⁵ On 26 May Fox wrote to his brother, 'I was Yesterday for the 3d time in the House till near eleven at Night in the Committee upon it & We have got through 3 Clauses only. I fight strongly against it, and give great Offence, I believe, both to those who drive [Hardwicke] and are driven [Henry Pelham]

¹⁰ At the division on 4 May Horace Walpole reported that 'the Duke of Newcastle did not vote' (Horace Walpole, *Correspondence*, ed. W.S. Lewis, 48 vols (New Haven, 1937-83), vol. xxxviii, p. 362: to Conway, 24 May 1753). This lack of support, according to Walpole, caused Hardwicke to tell Pelham, Newcastle's brother, that "I will be supported in this, or I never will speak to you again." (Horace Walpole, *Memoirs of King George II*, ed. John Brooke, 3 vols (New Haven, 1985), vol. i, p. 230). In Hardwicke's papers, the only document directly related to 6 June 1753 is a copy of the Lords' presence list for that day in the hand of one of the clerks of the House (BL, Add. MS. 35877, f. 125). Such lists are not common in the Lord Chancellor's papers, therefore it is possible that Hardwicke acquired this copy for some purpose. There is one possibly significant difference between this 'rough' list and the final one printed in the Journals (*L.J.*, vol. xxviii, p. 149): Newcastle (along with Bedford) has been squeezed into the list in his appropriate place, but he does not appear on the printed list (though Bedford does). Could this indicate that Newcastle's early opposition to the bill lasted longer than has been thought, and he did not wish to vote for the bill or to be seen to oppose the Lord Chancellor, so arrived late? Or is this just a mistake in compilation on the part of the clerks?

¹¹ For the background to and the passing of the 1753 bill see R. B. Outhwaite, *Clandestine Marriage in England, 1500-1850* (London, 1995), ch. 4.

¹² Walpole, *Correspondence*, vol. xxxvii, pp. 361-2: to Conway, 24 May 1753. See also *ibid.*, vol. ix, p. 147: to Montagu, 22 May 1753.

¹³ Henry Fox had married a daughter of the Duke of Richmond for love; Stephen Fox (Lord Ilchester by the time of the debate in June 1753) had married for money. For a brief outline of these marriages, see Romney Sedgwick, *History of Parliament. House of Commons, 1715-175*, 2 vols (London, 1970) [hereafter *H.P., 1715-54*], vol. i, pp. 48-9, 150. One of Fox's objections to the bill was that he thought 'that the legitimacy of the children of ev'ry family will come into question, if this bill passes' (Earl of Ilchester, *Henry Fox, First Lord Holland*, 2 vols (London, 1920), vol. i, p. 187: Fox to Ilchester, 15 May 1753). No doubt Fox feared for his own and his brother's children.

¹⁴ Walpole, *Correspondence*, vol. xxxvii, p. 363: to Conway, 24 May 1753. Fox blamed the defeat of his side on the bill in the Commons to pressure from the Lord Chancellor: 'it is not to be believ'd how strong a point he makes of it, and ev'ry lawyer in the House was sent down to vote for it' (Ilchester, *Henry Fox*, vol. i, p. 187).

¹⁵ BL, Add. MS. 51419, f. 206: Fox to [Ilchester], 24 May 1753, quoted (but not referenced) in Ilchester, *Henry Fox*, vol. i, p. 188. Philip Yorke thought he had detected a further motive of Fox's, other than the personal slight: 'One must be very ignorant of the present State of the Court not to see, that tho the Ch[ancello]r was made the Butt, the 2 Brothers [Newcastle and Henry Pelham] were really struck at, and He [Hardwicke] was to be run down for adhering to them' (BL, Add. MS. 35398, f. 116: Yorke to Dr Thomas Birch, 12 June 1753).

in this cursed affair, which will pass by a Majority of two to one or more against the Opinion of 4 in 5 of those who vote for it'.¹⁶ The result of the debates in six committees of the whole House, which grew increasingly heated and personal, as Charles Yorke, Lord Chancellor Hardwicke's son, defended his father against Fox's attack, was several amendments to the bill, including new clauses, which passed on 4 June. The bill then returned to the Lords where it was again debated on 6 June. The Duke of Bedford tried to reopen the discussion of the whole bill, arguing that it had been extensively altered while in the Commons. Hardwicke reminded the Duke that the procedure was to object to each alteration at the third reading. Lords Sandys and Bath defended the bill. Eventually Hardwicke, in a speech described by Walpole as 'the most outrageous invective on Fox that ever was heard',¹⁷ justified the amendments, whilst not approving of all of them, in a passionate speech (the one recorded by Fox)¹⁸ lasting 'near three quarters of an hour'.¹⁹ Hardwicke turned the attacks on the bill into an attack on the law, its officers and the constitution. 'One senses that he had had silently to take much abuse in the course of the debate in the Commons; and that now he felt it was his turn'.²⁰ After his speech and one by Thomas Secker, Bishop of Oxford, the amendments were agreed to without a division, and on 7 June the bill became an act when it received the royal assent.

The perceived personal nature of the bill by Fox and his attack on it and the Lord Chancellor are reasons enough why he would want to be present in the Lords on 6 June to witness Hardwicke's response, for he 'expected the Chancellor would fall severely upon him' (fig. 2).²¹ However, there was a further spur to Fox's attendance at the Lords' debate: after the

¹⁶ BL, Add. MS. 51419, f. 207. For the identification of Hardwicke and Pelham ('driving against his own Opinion'), see *ibid.*, f. 206. Walpole reported on 29 May that 'Mr Fox and Mr Pelham have had very high words on every Clause, and the former has renewed his attacks on the Chancellor ... Mr Fox, I am told, outdid himself for spirit and severity on the Chancellor and the lawyers' (*Correspondence*, vol. xxxvii, p. 365: to Conway). See also Walpole, *Memoirs*, vol. i, pp. 343-4. Lord Chesterfield described Fox as falling 'upon the Lord Chancellor with great virulence and he did not spare Mr Pelham' (*Letters of Philip Dormer Stanhope, 4th Earl of Chesterfield*, ed. Bonamy Dobree, 6 vols (London, 1932), vol. v, p. 2030: to Solomon Dayrolles, 22 June 1753).

¹⁷ *Correspondence*, vol. ix, p. 149: to Montagu, 11 June 1753. Sir Thomas Robinson, on the other hand, thought it 'one of the finest performances I ever heard in Parliament' (Philip C. Yorke, *The Life and Correspondence of Philip Yorke, Earl of Hardwicke*, 3 vols (Cambridge, 1913), vol. ii, p. 122: to Hardwicke, 6 [?] June 1753).

¹⁸ Described by Fox as a 'most extraordinary & passionate Speech against me' (BL, Add. MS. 51419, f. 208: Fox to [Ilchester], 8 June 1753). Chesterfield wrote that the Lord Chancellor 'fell upon Fox most bitterly' (*Letters of Chesterfield*, ed. Dobree, vol. v, p. 2031).

¹⁹ Cobbett, *Parliamentary History*, 36 vols (London, 1806-20), vol. xv, p. 85: Birch to Philip Yorke, 9 June 1753.

²⁰ Outhwaite, *Clandestine Marriages*, p. 84.

²¹ Richard Rigby reporting a conversation with Fox to Bedford: Lord John Russell, *The Correspondence of John, Fourth Duke of Bedford*, 3 vols (London, 1843), vol. ii, p. 126. I have in this note assumed that Fox was present in the Lords at the delivery of Hardwicke's speech. However, there is one piece of evidence, from an eyewitness, which indicates that Fox may not have been present at the debate on 6 June, a fact accepted by one of Fox's biographers: Cobbett, *Parl. Hist.*, vol. xv, p. 86: the Rev. Dr Thomas Birch to Philip Yorke, London, 9 June 1753; Ilchester, *Henry Fox*, vol. i, p. 193. Birch, together with another source (H.M.C., *Carlisle MSS*, p. 26: Robert Orde to [Lord Carlisle], Petersham, 16 June 1753) agree that Fox was at Vauxhall in the evening where he received the news of the speech; Birch says Fox then collected 'a little circle of young members and others'. Could it be that it was on this occasion (or on the following day) that Fox reconstructed his version of the speech (which is in his hand) from the recollections of others? Fox's version is very close to the other two we know about, by Walpole (a possible eyewitness) and Birch (a known eyewitness), that it seems likely to me that Fox was present, and I believe he had pressing reasons to be present. If he was not present and reconstructed the speech (in Vauxhall Gardens or elsewhere) from the information of others (were these others eyewitnesses?), it may reduce the likely accuracy of Fox's version, but his drafts still show his quest for accuracy.

death of Thomas Winnington in 1746, Fox had become the Prime Minister, Henry Pelham's unofficial 'deputy' in the Commons, and was regarded by many as his natural successor. Fox's relations with the chief ministers, Newcastle and Hardwicke, were, however, already strained by his allegiance to the king's second son, the Duke of Cumberland. Fox quickly realized that his attack on the Lord Chancellor via the Clandestine Marriages Bill had gone too far²² and had weakened his position in the ministry even further,²³ and he vigorously back-peddled, with great professions of regard, and denying he had intended his remarks to apply to Hardwicke. He thus laid himself open to Hardwicke's rejoinder in the Lords: 'I despise the invective and I despise the recantation; I despise the scurrility ... and I reject the adulation'.²⁴ Fox paid for his misjudgment in attacking the Lord Chancellor the following year when in March 1754 Pelham died and Hardwicke successfully used his considerable influence against Fox becoming first minister. Fox not only needed to be in the Lords on 6 June to hear the fate of the Clandestine Marriages Bill, but to hear the Lord Chancellor's precise reaction to Fox's attack. If the record made by Fox of Hardwicke's speech was to be used in Fox's fight to regain his standing with the ministers²⁵ then it had to be as true to the original as possible.

These factors undoubtedly account for the striving for accuracy that is clear from the text of the two drafts left us by Fox with its numerous crossings out and insertions of new words, possibly after further reflection or after consulting others that had been present. The third marginal note to Fox's initial draft makes it clear that he consulted others over the accuracy of his record, even down to an individual word: 'insidious' as he first wrote, or 'intricate' as most thought.²⁶ A historian, let alone a less concerned observer, might react with the question: 'Does the accuracy of one word matter in the context of a whole speech?' Clearly if one is trying to record correctly a speech then the accuracy of all words matters, particularly if, as in this case, the recorder (to whom the word in question referred) might have required the speech as ammunition in a possible battle to regain his standing in the ministry. After all the possible

²² Cornelius Amyand, M.P., reported to Newcastle that on 4 June 'Mr Fox began by declaring, in a mild manner, that he wished to have avoided all the debate that had passed upon the bill, that he had possibly been warm, and that when he applied the words cruel, etc., etc., to the bill, he was far from applying it to the authors of it. ... After all this apology for warmth and personality, he spoke with great honour of my Lord Chancellor ... but the present bill he still called scandalous, etc., etc., ... It was full of recantation for his warm behaviour, and was void of reason and argument' (Ilchester, *Henry Fox*, vol. i, p. 191).

²³ Fox was at this time Secretary at War. Walpole reported on 11 June that '[t]he town says that Mr Fox is to be dismissed, but I can scarce think it will go so far' (*Correspondence*, vol. ix, p. 150: to Montagu).

²⁴ Quoted in *H.P., 1715-54*, vol. ii, p. 49.

²⁵ Fox wrote on 8 June 'I shall see the King on Monday. They have made, or try'd to make (I can't yet tell which) Him believe that this Opposition of mine was an Attempt to set up a Party to oppose His Measures' (BL, Add. MS. 51419, f. 208: Fox to [Ilchester], 8 June 1753). Unfortunately for the historian Fox left it to Lord Digby to give Ilchester (Digby's brother-in-law) a full account of what Fox termed 'our late Parliamentary fracas' (ibid., f. 209: Fox to Ilchester, 12 June 1753; see also f. 208). Digby's letters appear not to be in the BL's Holland House papers. Chesterfield recorded that after Hardwicke's speech 'Fox made very mean submissions to the ministers, invited them all to dine with him at Holland House, and so this affair is patched up till it break out again' (*Letters of Chesterfield*, ed. Dobree, vol. v, p. 2031). Fox was unknowingly following Philip Yorke's advice: 'Mr F[o]x will have time to cool between this and next Session, and if he is wise, He will draw some usefull hints for his own Conduct of this kind where the Public alone was concerned' (BL, Add. MS. 35398, f. 116: to Dr Birch, 12 June 1753).

²⁶ Even here, however, we cannot be sure which word is correct; 'intricate' is chosen only by a majority, but Horace Walpole (*Memoirs*, vol. i, p. 233) has the word 'insidious' in his version of the speech.

mistranscription of a word in the notes of a council meeting in 1640 contributed to Thomas Wentworth, 1st Earl of Strafford, losing his head in 1641.²⁷

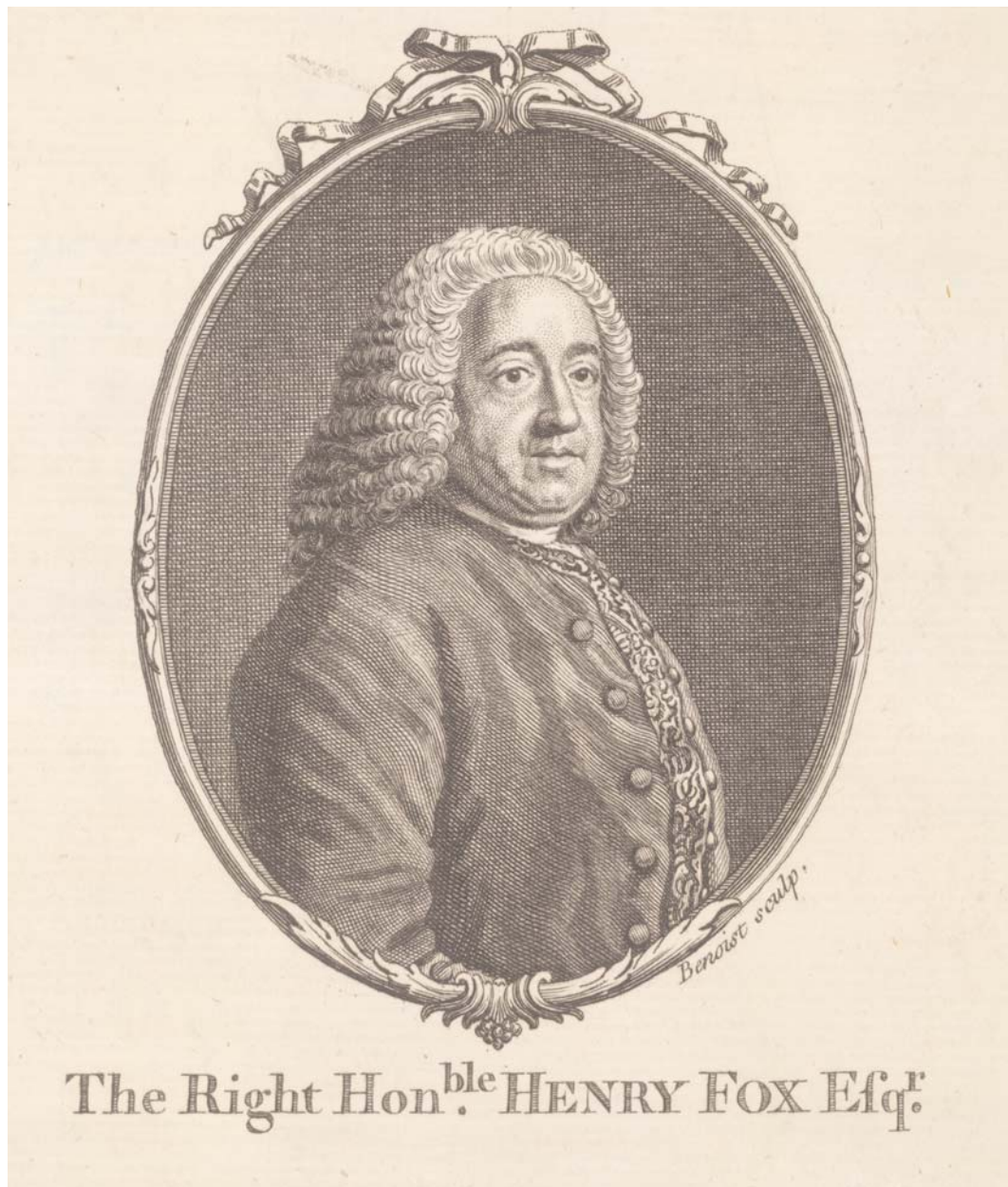


Fig. 1 Henry Fox, First Baron Holland. BL, Add. MS. 47790, f.67.

²⁷ Sir Henry Vane testified, based on notes he had taken surreptitiously at a meeting of the junto of the privy council for Scottish affairs, that Strafford had said 'You have an army in Ireland you may employ here [i.e., England]', but the context of the remark it was argued referred to Scotland or Ireland and thus 'here' should have been 'there', as it so appeared in a copy found later. See *Proceedings in the Opening Session of the Long Parliament. House of Commons and the Strafford Trial. Volume iii: 22 March-17 April 1641*, ed. Maija Jansson (Rochester, N.Y., 2002), pp. xix, 369 n. 15, 380 n. 77.

III

Besides Fox's drafts, we also have other accounts of the speech by Horace Walpole and the Rev. Dr Thomas Birch,²⁸ but Hardwicke's original draft (for according to Walpole,²⁹ the Lord Chancellor read the speech) does not appear to have survived in his papers. The question is: how accurate is Fox's version, and how does it compare with the others?

Dr Birch's version of the speech is the longest of the three to survive and can, therefore, possibly be considered the fullest. It was sent to Philip Yorke, eldest son of the Lord Chancellor, who, having described the speech as 'my Lord's Philippic', however, pointed out that

[m]y Brother [Charles Yorke, who had defended his father in the Commons' debates and presumably was present in the Lords on 6 June] says Your Relation is a very good one, but that you have mistaken the Turn of the Speech in one place, which He will tell you of, when he sees you in Town;³⁰ but as He has carried your Letter away with him, in order to take a Copy of it, I cannot on memory refer to the passage.³¹

Birch responded to Yorke, referring to the speech, that he was conscious 'how very improper a Representation it was of a performance', but that it was 'admired by every impartial person who heard it, but *misremembered* by some, and misrepresented by others, as a passionate invective against the House of Commons in general'.³²

Fox's version is the shortest, concentrating essentially on the section of the speech which related to him and his attack on the lawyers and the Lord Chancellor. This is understandable if the purpose of his recording of the speech was as an aide-memoire to be used later in any possible defence of his position in the ministry. Thus this version (together with Birch's comments to Yorke) well illustrates two important aspects of any record of proceedings in Parliament: almost always a record will reflect the prejudices and agenda of the recorder, and the accuracy of what is written may well depend on the use for which the record was being taken, plus such external factors as whether the writer could hear, fully understand, or even remember what had been said.

Appendix: BL, Add. MS. 51428, ff. 53-4: draft account of part of a debate in the House of Lords, 6 June 1753, by Henry Fox.³³

D[uke] of Bedford said He was sorry to see the Methods us'd to cram this Bill down the throats of both Houses.

²⁸ Walpole, *Memoirs*, vol. i, pp. 232-3; Cobbett, *Parl. Hist.*, vol. xv, pp. 85-6. There may have been at least a fourth version of the speech: Dr Birch told Philip Yorke that Sir Charles Stanhope had sought out 'my Lord Willoughby, who, he was told, wrote Short hand, and from whom he therefore expected a Copy of a[?] Speech, which so well deserv'd to be preserved' (BL, Add. MS. 35398, f. 118: 16 June 1753).

²⁹ Walpole, *Memoirs*, vol. i, p. 232.

³⁰ This may refer to the passage concerning Fox ('intricate' vs 'insidious'), which does not appear in Birch's version.

³¹ BL, Add. MS. 35398, f. 116: Yorke to Birch, 12 June 1753, printed incomplete in Yorke, *Hardwicke*, vol. ii, p. 124.

³² BL, Add. MS. 35398, f. 118: Birch to Yorke, 16 June 1753 (emphasis added), printed incomplete in Yorke, *Hardwicke*, vol. ii, p. 124.

³³ Text in italics between square brackets is crossed out in the original; Fox's inserted text is in bold. Editorial insertions are in roman in square brackets.

Chanc[ello]r took this up, said, as to His Grace He had behaved conscientiously & candidly, but what He was going to complain of, had pass'd without those Walls & in another place.³⁴ This he often repeated, [+ +]³⁵ That [*it*] **this Bill** had been made an Engine of **Personality Intrigue & Faction**, with Pretensions of making a Party which had been **happily** seen thro' & defeated. That the attempts were from a [*Person*] dark gloomy & [*insidious*] **intricate Genius**. [+]³⁶ That to [*traduce*] **fall foul of the whole Body & System** of the Law was to mean to govern by Force, there was no **other** Alternative. That the King's Conscience & Justice [*& Majesty resided*] are in his Courts; **That the Majesty of the King might be said to reside there**. That He is represented by the Seals.

That He speaks thro' his Chanc[ello]r and His Judges; That what had been [*done*] **said** in another **place** was flying in the Face of the King. That He had been treated with the utmost Scurrility, but He despid that & the Author of it, [*&*] **as much as** the Adulation that had been offer'd to Him since, as a Beam of Light had broke in & inspir'd a Retractation. For He cant say that they were **by this time** inform'd that what they had done was [*dislik'd*] **not approv'd of & was neither the Way to Favour nor Popularity**.

That as to a young Person [f. 54] for whom He had great Respect, He was to be excus'd. Youth & Parts would make a Man desirous of Beauty & Riches, Flesh & Blood inspire such Thoughts & therefore He excus'd Him.

For one of graver Years, (the Speaker) **He answer'd his religious argument & said** He was a good well-meaning Man who had been impos'd upon by Words, He commanded the Lawyers & concluded **abruptly**. [*I want to know how*]

Qui m'epriise Cotin n'estime [*pon*] **point** son Roi

Et n'a selon Cotin ni Dieu, ni [Roi] foi, ni [L] loi.³⁷

BL, Add. MS. 51428, ff. 51-2: refined draft of part of a debate in the House of Lords, 6 June 1753, by Henry Fox.

Lord Chancellor insisted on ye D[uke] of Befords keeping to the Amendments & not debating the Bill. But on the last amendment, L[or]d Bath said there had been much faction & party in the opposition to the Bill. D[uke] of Bedford dislik'd the Amendment, but said He should say nothing against the Bill now, but [*only complain'd of*] **was sorry to see** the Methods us'd to cram it down the throats of both Houses.

Lord Chanc[ello]r (after agreeing with the D[uke] of Bedford in disliking the Amendment) took this up. He complimented His Grace of Bedford, & said that His Grace had behaved conscientiously and candidly, but what He was going to complain of had passed, without those Walls & in another place. This He often repeated. That He wonder'd why this Bill should have been treated as it had been since there was no Retrospect in it, nor in the Preamble any Censure on past Actions. But that the Bill had been made an Engine of Personality, of Intrigue, & Faction with Intentions of making a Party which had been happily seen thro' & defeated. That these were the Attempts of a dark gloomy and intricate Genius.³⁸ That the King is represented by His Seals & by His Judges, that He speaks by them, that His Conscience

³⁴ Marginal note: 'That what He complain'd of was new in Parliament. [N]ew in this part of the world. +'

³⁵ Marginal note: '+ + that he realy wonder'd why the Bill was so treated in such a manner there was no Retrospect in it, nor in the Preamble any Censure of past Actions.'

³⁶ Marginal note: 'Some say it was insidious but [to] most ther the Words was intricate.'

³⁷ 'He who despises Cotin does not respect his King, and has, according to Cotin, neither God, nor faith, nor law'. Charles Cotin (1604-82), known as l'abbé Cotin, was a poet, man of letters and member of the Académie Française. I would like to thank Dr Rima Deveraux for her help with this note.

³⁸ Walpole identifies this as Fox, see *Memoirs*, vol. i, p. 233.

& Justice are in his Courts, that the Majesty of the King may be said to reside in his Courts & that what had been said in another place was flying in the face of the King. But that [f. 52] the principles of those people were known, they who fell foul of & traduced the whole System & Body of Laws which were the King's Laws, meant to govern by arbitrary Force. There were but two Ways of governing, By Law or by Force there is no other Alternative.

That He had been treated with the utmost Scurrility but He had despis'd that & the Author of it, but not more than He despis'd the Adulation that had been offer'd to Him since as a Beam of Light had broke in and inspir'd a Retraction. For He could take upon Him to say that they were by this time inform'd that what Had been done was not approv'd. It was not the Way either to favour or Popularity.

That as for a young Person for whom He had great Honour & Respect,³⁹ He was excusable. Youth & Parts would make a Man desirous of Beauty & Riches; Flesh & Blood inspire such Thoughts & therefore (said He) I excuse Him.

For one of graver years, (then He answer'd the Speakers⁴⁰ Argument drawn from Religion.) He was a good Man, a well intention'd Man, but impose'd upon by Words.

He commended the Lawyers and concluded abruptly.

Qui m'éprise Cotin, n'estime point son Roi

Et n'a, selon Cotin, ni Dieu, ni foi, ni loi.

³⁹ Identified by Walpole as Charles Townshend (1725-67), M.P. Great Yarmouth 1747-56, Lord of Trade 1749-54: *ibid.*

⁴⁰ Arthur Onslow (1691-1768), M.P. Guildford 1720-7, Surrey 1727-61, Speaker of the Commons 1728-61. His speech in which he 'argued with great weight' was on 28 May: see *ibid.*, p. 229.