

OBSERVATIONS

ON THE DOCTRINE LAID DOWN

BY

SIR WILLIAM BLACKSTONE,

RESPECTING

THE EXTENT OF THE POWER

C. OF THE *C.*

BRITISH PARLIAMENT,

PARTICULARLY WITH RELATION TO

I R E L A N D.

IN A LETTER TO SIR WILLIAM BLACKSTONE,

BY

CHARLES FRANCIS SHERIDAN, ESQ.

MEMBER OF THE IRISH PARLIAMENT,

AND AUTHOR OF THE REVOLUTION OF SWEDEN

WITH

A POSTSCRIPT ADDRESSED TO LORD NORTH,

UPON THE AFFAIRS OF THAT COUNTRY.

D U B L I N:

PRINTED FOR THE COMPANY OF BOOKSELLERS.

M,DCC,LXXIX.

OF SERVA TIONS

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M D C C L X X I I

A

LETTER, &c.

SIR,

After the time which has elapsed since the publication of your Commentaries on the Laws of England, and the reception they have met with, you may perhaps be surprized at an Address to you upon the subject of some of the doctrines contained in that work. But independent of the consideration, that it is never too late to detect error, the longer the nature and tendency of those doctrines may have remained unnoticed, and the more general the reception of the work which contains them may have been, the more it is become necessary to point out whatever may be erroneous in positions, sanctified by a name, certainly not destitute of authority. The doctrines I allude to are those by which you endeavour to establish the uncontrolled, absolute, despotic power of Parliament.

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This

This, Sir, is a question which includes in it much more than the major part of your readers may be aware of. And as your Book, from the liberality of the style in which it is written, is perhaps the only one upon the subject of the law which has been generally read by those who do not make the law their profession, it is necessary to warn such persons of the danger of too hastily adopting opinions, the consequences of which they in all probability do not foresee. When Country Gentlemen, for instance, who are seldom in the habit of minutely investigating subjects of this nature, are told by Sir William Blackstone, the only Law-author with whom they are probably at all acquainted ; an author too who has been considered as one of the most constitutional writers of the age ; whose authority has been quoted by writers the most zealous in the cause of liberty ; when these Gentlemen, I say, are told by you, Sir William, that the power and jurisdiction of Parliament is *se transcendant* and *absolute*, that it cannot be *confined* either for causes or persons within *any bounds* ; that it can in short do *every thing not naturally impossible* ; they will be apt to form very erroneous conclusions with regard to the justice and equity of certain measures pursued in this Country for some time back ; and they must likewise be led to entertain opinions concerning the nature and principles

ciples of our Constitution, very wide of the Truth.

You, Sir William, who hold that a competent knowledge of the *Laws* of that Society in which we live, is an almost essential part of liberal, polite education, cannot but allow, that thoroughly to understand the nature and principles of the constitution itself, which is the source of a part of those Laws, and a Bulwark to all, must be equally necessary to the Gentlemen of this Country. That this is a knowledge equally requisite to those who are to become the Guardians of that Constitution; who are to watch and avert every dangerous innovation; who are bound (as you so well observe) “by every tie of nature, honour and religion, “to transmit that Constitution, and those Laws “to their posterity, amended if possible, at least “without any derogation.” You cannot but be convinced, that however attached a free people may be to their Liberties, their attachment to them will not alone be sufficient to enable such a people to preserve them. Zeal in the best of causes is frequently blind, and often misses its object. To a *love* of liberty should therefore be joined an accurate knowledge of the *nature* of liberty: At least a free people should perfectly understand those leading and immutable principles,
upon

upon which every form of Government that has freedom for its object, should be founded. without this, they can never guard against those minute and indirect encroachments of power, the design of which is generally concealed, and the effect often remote: without this, the popular branches of the legislature will not be able to perceive how far an artful and insidious, but well directed policy, may render their *own power* instrumental in undermining *itself*. In short without this, our attachment to liberty would often be found to have answered no other purpose than to make us regret, when it was too late, that we had not better understood the means of preserving it.

That you, Sir William, then, should on this most important of all subjects to Englishmen, attempt to mislead their Understandings; that you who have shewn yourself so excellent an expounder of our Laws, who in every other part of your work are no less remarkable for soundness of sense, than perspicuity of style, should, in treating of the fundamental principles of the Constitution itself, should there, and there only, be inconsistent, contradictory, and in your conclusions frequently absurd, is I own somewhat extraordinary.—You have certainly proved yourself every way qualified to be a judge, but very unfit to be a legislator.

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Was this accident or design? For the sake of your reputation I should wish, odd as it may seem, that it were accidental; but how came this accident to happen to you, *only* in this part of your work: you and I Sir William know, that the doctrine of the Omnipotence of Parliament is a very favorite one in the Quarter of Promotion; and it was very natural you should prefer a seat on the Woolfack, to one in the House of Commons.

For my part I have ever had such inveterate prejudices in favour of Liberty, that I could never relish the Idea of an arbitrary despotic power's being lodged by our constitution in any person, persons, or different bodies of Men whatever. I have ever entertained such an unaccountable opinion of the sacredness of those rights which are emphatically called the *birth-rights* of Englishmen, that I conceived even the Parliament, omnipotent as you are pleased to allow it to be, could not constitutionally infringe any one of them. I could never be prevailed upon to think (a task you have undertaken) that Parliament had no rule of action, no measure of conduct but discretion. I could not forget that there has long existed and still does exist a Magna Charta; that this Magna Charta however distant the date of it, was even then only declaratory

tory of the Principal Grounds of fundamental laws and liberties long antecedent to itself, and consequently still longer antecedent to the very existence of Parliaments—I could not forget this Charter was afterwards confirmed by the statute of *Confirmatio Cartarum*. which directs the Magna Charta to be allowed as the Common Law. That no less than two and thirty corroborating statutes were subsequently passed, all calculated to perpetuate the Great Charter, and the liberties of the Kingdom; and passed too by parliaments not much acquainted with pensions, places, contracts, or Lottery Tickets. That after some interval another parliamentary declaration of the liberties of the people was assented to by Charles the first; and lastly I could not forget the Bill of rights, a Declaration delivered to the Prince and Princess of Orange, not in fact by a Parliament, however a convention of the leading persons of the Kingdom might have been so called, but by the people of England: and when afterwards enacted in Parliament, the act itself recognized all and singular the rights and liberties asserted and claimed in that declaration, to be the true, antient and *indubitable rights* of the people of England. I say, not being able to forget this Magna Charta, this *Confirmatio cartarum*, this bill of rights, I mistook them for
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the measure of the conduct of Parliament; I mistook them for the limits of Parliamentary power; I mistook them for the rule, by which as you observe, Sir William, the Commons of England are *bound* to transmit that constitution, and the laws of this Kingdom, to their posterity; amended, if possible, at least, without any derogation.—I could not readily comprehend your doctrine, that notwithstanding the commons are so bound, yet that Parliament had an indubitable right to do every thing not *naturally impossible*. I could not conceive that Parliament had an indubitable right, whenever they thought proper, to *take from* the people, what an act of Parliament itself acknowledges the People to have an indubitable right to *keep*.

I have said, Sir William, that in treating this subject, you are confused, inconsistent, and in your conclusions frequently absurd. The evidence I shall produce to make good my assertion, I am sure you cannot object to. It is no other than your own. I shall lay before you and my readers, what you have said on *both* sides of the present question.

B

Sir

Sir William Blackstone. Sir William Blackstone.

Page 160.

The *power* and jurisdiction of Parliament is so *transcendant* and absolute, that it cannot be confined either for causes or persons within *any bounds*. It can in short *do every thing* not *naturally impossible*, and therefore some have not scrupled to call it by a figure rather too bold, the omnipotence of Parliament.

Page 49.

Wherever the power (of making laws) resides, all other must conform to and be directed by it; whatever appearance the outward form and administration of Government may put on, it is at any time in the *option* of the legislature to *alter* that form and administration

Page 54.

Those rights which *God and Nature* have established, and are therefore called *natural rights*, no *human legislature* has power to abridge or destroy, unless the owner shall commit some act that amounts to a forfeiture.

Page 50.

If ever it should happen that the independence of any one of the three branches of the legislature should be lost, or that it should become subservient to the views of either of the other two, the legislature would be *changed* from that which was *originally* set by

by a new *edict* or rule, otherwise the constitution would be at an End.

up by the *General consent* and *fundamental* act of the Society. When (according to Mr. Locke) the people would be at liberty to constitute to themselves a new legislative power. And

Page 211.

Whenever a question arises between the Society at Large, and any persons vested with powers originally delegated by that Society, it must be decided by the *voice of the Society itself*.

Page 160.

It (the Parliament) hath sovereign and uncontrollable authority, &c. &c.—*this* being the place where that *absolute despotic power* which must in all governments *reside somewhere*, is entrusted by the Constitution of these Kingdoms.

Page 158.

In a free state every man who is supposed to be a free agent, ought to be in some measure his *own Governor*, and therefore a *branch* at least of the *legislative power* should reside in the *whole body of the people*.

Page 161.

The Parliament being the highest and greatest court, over which none other can have jurisdiction in the Kingdom, if by any means a misgovernment should any way fall upon it, the Subjects of this Kingdom are left *without all manner of remedy.*

Page 144.

To vindicate their rights when actually violated or attacked, the subjects of England are intitled, in the first place, to the regular administration and free course of justice in the Courts of Law; next to the right of petitioning the King and Parliament for the redress of Grievances; and lastly to the right of *having and using arms* for self preservation and defence, and all these rights and liberties it is our *birth right* to enjoy entire.

It were perhaps unnecessary for me to comment upon any of the preceding passages. You have been so successful in confuting *yourself*, that there might be an appearance of vanity in my thinking I could add any thing more pointed against your own positions, than what has been already advanced by you. In this respect however as I should be
proud

proud to tread in your foot steps, permit me to make a few remarks upon one or two points, to which, probably in your hurry, you forgot to furnish so good an answer, as you have done to some others of greater consequence.

When you say it is at any time in the option of the Legislature to alter the form of government, you at the same time assert that it is in the option of the Legislature to alter *itself*; for I believe even you, Sir William, can hardly deny that a form of government cannot well be changed without making a proportionable alteration in the nature of the Legislature acting under that form of government: and your conclusion that the constitution would be at an end, unless the Legislature were vested with the power of destroying it, is I own a species of Logic to which I am not much accustomed. The reader will however have perceived that the Legislature which in Page 49 might at any time, by a new edict or rule, have altered itself, in page 50 must on no account whatsoever be changed from that which was originally set up by the general consent and fundamental act of the society.

When also, Sir, you say that the Parliament is the place where that *absolute despotic* power, which must in all Governments reside somewhere is *entrusted*

trusted by the constitution of these kingdoms, give me leave to tell you that to talk of *absolute despotic* power being *entrusted* is a contradiction in Terms. Really, Sir William, you treat your readers with too little ceremony: For decency's sake you should suffer a few Pages to intervene whenever you are disposed to differ from yourself: but a flat contradiction in the same sentence, is certainly holding their understandings in too great contempt. Neither will your having afterwards contradicted another part of the same sentence with a little more regard to decorum, that is, at the distance of some pages, be deemed a sufficient apology for your breach of it here.

I need not tell you, Sir William, that a Despotic, necessarily implies an unlimited power; whereas an *entrusted* power, must, from the very circumstance of its being a *trust*, be limited in its exercise, to the objects of that trust.

Consequently to say that a *despotic* power is *entrusted*, amounts pretty nearly to the same thing as to assert that the same power can be at once arbitrary and limited. This, Sir, I take to be too gross a contradiction, to find a place even among your observations upon the principles of the constitution.

You

You say that an absolute despotic power must in all governments reside *somewhere* ; yet you admit that in a free state *a branch* at least of the *Legislative power* should reside in the *whole body of the People* ; and that this power when the territories of the state are small, and its citizens easily known, should be exercised by the people in their *aggregate or collective* capacity, as was wisely ordained in the petty republics of Greece, and the first rudiments of the Roman State. Let me ask you, Sir William, where was this absolute despotic power lodged in the governments of those Grecian Republics, in which Laws were made upon the proposal of the Magistrate, with the knowledge, and *by the command of the People* ?

It were surely a wretched quibble, and strange abuse of terms, to say that a man can exercise absolute despotic power over *himself* ; and unless you avail yourself of this quibble, I am of opinion you will find it hard to point out the place, where in the governments above alluded to, that absolute despotic power was lodged, which you say in all governments *must* reside somewhere.

I shall now beg leave to make a few remarks upon an attempt of yours to refute a doctrine laid down
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down by Mr. Locke. You say it must be owned that he and other theoretical writers have held that
 “ there remains still inherent in the people, a supreme power to alter or remove the legislative
 “ when they find the legislative act contrary to the trust reposed in them : for when such trust is
 “ abused, it is thereby forfeited, and devolves to those who gave it.”

“ But that however just this conclusion may be in theory, you cannot adopt it, nor argue from it, under any dispensation of government at present actually existing. For this devolution of power to the people at large, includes in it a dissolution of the whole form of government established by that people ; reduces all their members to their original State of equality, and by annihilating the sovereign power, repeals all positive laws before enacted.”

Now, Sir, I am to conclude from what you have said, that your not adopting the doctrine held by Mr. Locke proceeds from your great regard for the form of government originally established by the people : for it is the dissolution of that form of Government that you seem to apprehend might be the consequence of admitting, “ that there remains at all times inherent in the people a supreme
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“preme power to remove or alter the legislative.”—
 But when is it that Mr. Locke allows the people to exercise this power, or when indeed is there any probability that this power would ever be exercised by them? Why, when they find the legislative act contrary to the trust reposed in them; a part of that trust, as you with so much warmth and eloquence, have on an other occasion observed, is to preserve that form of government inviolate; but, if instead of fulfilling this part of their trust, they should attempt from personal views to subvert the constitution, and should succeed in their attempt; would not this likewise be a dissolution of the whole form of government established by the people?—And, why did not your regard for its safety, make you perceive that this might possibly be the consequence of your not adopting the position laid down by Mr. Locke? *You might have recollected, Sir William, that there was once a Parliament which gave to Royal proclamations the force of Law.*

The Case then as you have stated it stands thus.—You *admit* that the form of government is originally set up by the general consent and fundamental act of the people;—but this form of government being once established you *deny* that

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there can afterwards remain any share of power inherent in the people for the purpose of preserving it; because, say you, the exercise of such a power would *ipso facto* include in it a dissolution of the form of government: And in order to prevent such a dissolution from taking place, those who are intrusted with the care of preserving it, are to be *absolute, uncontroled, nay omnipotent*. It is to be at any time in their option by a new *edict* or *rule* to *alter* it in what manner they think proper; whilst non resistance, and passive obedience, are to be the rule of conduct of the people, by *whose fundamental act*, you yourself acknowledge that form of government was originally set up.

This, Sir, may for ought I know be very sound logic, but I confess I do not thoroughly comprehend it.

In the next place, Sir, when you assert that the exercise of a power inherent in the people to preserve a constitution they had themselves established, would reduce all the members to their original state of equality, and by annihilating the sovereign power, repeal all positive laws before enacted; I think these positions are not quite so self evident as to have rendered all proof superfluous. That the people of England *have* been guilty

guilty of such exertions, our history, I believe, will furnish sufficient testimony; but I do not remember such consequences to have followed.

The reducing of property to a level throughout a kingdom, is not a point quite so easily to be accomplished, as that of the removal of persons entrusted with the powers of government; nay, I will venture to pronounce it to be an absolutely impracticable one in a civilized society; and as long as property remains unequal, all the members of the community, can never be reduced to their original state of equality.

The sovereign power you have (p. 49.) defined to be the power of making laws; and you admit that in a free state, a branch at least of the legislative power, or the power of making laws, should reside in the whole body of the people; consequently you allow, that a branch, at least, of the sovereign power resides in the people. I do not then conceive, how the whole sovereign power would be annihilated, in the case you have supposed; for surely this branch of it would still continue to reside where it did before. In truth, Sir William, you appear strangely perplexed in your attempts to refute a doctrine, laid down by one, whose name, I trust, will ever be held in the highest veneration by Englishmen.

A doctrine, which I am bold to affirm, should be the first article in the political creed of every free-man. Give me leave to point out to you, the reason of your perplexity. You have confounded, whether inadvertently or designedly, I shall not take upon me to say, the form of government itself, with the persons acting under, and entrusted with the powers derived from that form of government. The King, Lords, and Commons, are *not* the constitution, they are only the *creatures* of the constitution. By removing, therefore, or altering the legislative power, when they, to whom that power is intrusted, act contrary to the trust reposed in them, I do not conceive, that Mr. Locke meant any thing more than changing the hands, in which the right of exercising the powers of government, had been placed. When, therefore, you say, Sir, however just this doctrine of Mr. Locke's may be in theory, you cannot adopt it, or argue from it, you seem to forget your own position, "That
 " whenever a question arises between the society
 " at large, and any magistrates, vested with pow-
 " ers, originally delegated by that society, it
 " must be decided by the *voice of the society itself.*"

And certainly, one would imagine some striking events in the history of this kingdom, had then escaped your recollection, particularly the Revolution, which placed William the Third upon the throne. This, Sir, was a case, which bore a very
 strong

strong resemblance to a devolution of power to the people at large: yet it was not followed by a dissolution of the whole form of government, established by that people; nor by all the members being reduced to their original state of equality; nor by an annihilation of the sovereign power. Need I remind you, Sir, by what it was followed? The more clearly ascertaining, and firmly establishing, the rights of the people of England.

Were you really serious then, Sir William, in asserting, that such a case must at once destroy all law, and compel men to build afresh upon a new foundation? Does the very existence of the laws, liberties, and rights of Englishmen, rest upon the *persons* of those, who derive all their authority from a form of government, established for the purpose of preserving those laws, liberties, and rights? Does the dissolution of the *beings created*, annihilate *the powers* creating? Or is that legislature originally set up by the *general consent and fundamental act of the society*, necessarily destroyed, whenever the *persons* acting under that legislature, and entrusted with the care of its preservation, shall be removed for a breach of their trust?

It is admitted, I believe, that a very clear distinction is made between the *person* of the King, and the *Crown of Great-Britain*. And that society,
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whose fundamental act originally set up the legislature, may make a distinction equally clear, between the *persons* of the legislators, and the *British Constitution*. That constitution, Sir, must last as long as it is the general opinion of the people, that it should last, provided they possess sense to guard against encroachments, and spirit to repel them. It may happen that encroachments on the constitution can only be repelled by the people's resuming the powers they had delegated, by taking under their own protection a form of government, they had themselves established, till they shall have appointed more faithful guardians to it, than those who shall compel them to have recourse to this expedient. But precarious, indeed, will be the tenure, by which they must hold that form of government, if, with your friendly assistance, Sir William, the people are led to confound the trustees of the constitution, with the constitution itself: if they are taught to think, that those trustees are omnipotent; that they possess of right a power to do every thing, not naturally impossible; and that consequently, however, they may misgovern, the subjects of this kingdom are left without all manner of remedy. This must certainly be allowed, if the doctrine, you labour to establish, be adopted. According to that doctrine too, the truth of Montesquieu's assertion (which you have quoted on the occasion)

“ that

“ that the constitution of England will perish,
 “ whenever the legislative power shall become
 “ more corrupt than the executive,” would be in-
 dubitable. There are persons, Sir William, who
 conceive that contingency to have taken place ;
 but, I trust, the consequence has not yet followed.
 On the other hand, if the omnipotence of parlia-
 ment be denied ; if the people are persuaded, there
 must ever remain, inherent in them, a power to
 assert “ those rights derived from God and Na-
 “ ture,” whenever they shall be invaded, whether
 by the *whole* legislature, or any branches of it, it
 is not *then* that the corruption of the persons en-
 trusted with the exercise of the legislative power,
 would finally destroy the liberties of England,
 No, Sir, then only could it happen, that the Bri-
 tish constitution would be in danger, when the
 whole body of the people themselves shall have
 become equally corrupt with their trustees. When
 among them venality shall have poisoned the
 spring of public virtue ; when all apprehensions,
 from a standing military force, shall have been
 lost, in habits of acquiescence and servility ; when
 all zeal for the public welfare shall be exploded,
 and the very name of patriot, converted into a
 term of ridicule ; when the spirit of domination
 shall begin to prevail among them ; when the doc-
 trine, that *all* men in their public capacities, are
 equally selfish, venal, and corrupt, all influenced
 alike,

alike, by the same views of sordid interest; when these doctrines shall have been insidiously propagated by the enemies, and foolishly admitted by the friends of the constitution; when, in short, liberty shall have become almost unpopular to Englishmen; it then only, I say, can happen, that the British constitution will perish.

But even, supposing that no future period should ever exhibit so melancholy a picture of the depravity of the people. On the contrary, admitting that they should continue to be possessed of integrity, public virtue, and love of liberty: these qualities would avail them little towards preserving their constitution, if they are taught to believe in the omnipotence of Parliament, unless Parliament shall likewise be possessed of the same virtues in the same degree; unless the character of the *legislature* shall correspond with that of the *nation*. In Sweden, Sir, integrity, temperance, and the absence of every vice, consequent upon venality and corruption, formed the national character of the *people*: that of the *states* was the reverse: *theirs*, was marked by a venality equally disgraceful and notorious. In that country, the doctrine of the *omnipotence* of the *states* was asserted and maintained—And Sweden is enslaved.

I hope,

I hope, Sir William, you will do me the justice to say, I have kept my word with you. I think it is tolerably apparent, that with respect to those doctrines in your book, which I have alluded to, you have been inconsistent, contradictory, and in your conclusions, sometimes absurd. But these qualities, like the doctrine of the omnipotence of Parliament, cannot fail to recommend you in that quarter, where they are in daily practice. Where the parties act, as you write. Where inconsistencies, contradictions and absurdities, are to the full as conspicuous, with regard to measures, as they are in your book, with respect to doctrines.

If you have laid down irreconcilable positions, and that it has happened to you frequently to contradict yourself, it cannot injure your reputation with those, who have it most in their power to reward your merits.

Perhaps, Sir, I have been hasty in attributing the inconsistencies and contradictions, which you have suffered to appear in your book, to any interested views. Perhaps you did *not* consider this as an oblique method of paying your court to ministers. It is not impossible, but that being of a conciliating disposition, your only object was to stand well with your readers of every description. With this view, you endeavoured to accomodate

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your doctrines to the taste of all parties. That the advocates for power, and the friends of liberty, might have equal cause to be satisfied with some of your positions, you asserted the omnipotence of Parliament to flatter the one, and you talked of rights derived from God and Nature, which no human legislature has power to destroy, to pay your court to the other. You did not, for you could not forget, how widely you must, for this purpose, differ from yourself: but perceiving, that no inconvenience results from a similar practice, which obtains, *where* least it *should* obtain, and where the frequency of it has destroyed the ancient connection, which, on the like occasion, was wont to subsist between detection and disgrace; you boldly, and as you imagined, perhaps, securely followed the examples there set before you. You, however, forgot that there is but *one place*, where the text is allowed to bear no sense, but what the commentator thinks proper to give it: where the affirmative and negative of a proposition, are in their turns asserted with equal confidence, on the one hand, and admitted with equal complaisance, on the other; where opinions are held to be superior to arguments, and assertions to proofs; where truth cannot persuade, nor even facts convince. Your abilities, Sir William, are unquestioned; but they, whose example you have so closely followed, are, beyond doubt, masters of certain powers
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of persuasion, to which you can have no pretensions. It was unwise in you to have overlooked this circumstance, and I trust in the next edition of your Commentaries you will reflect that it is not within the reach of every one's talents to convince the understanding without proof, and subvert truth without argument.

In the mean time I shall, with deference, submit to your consideration a few observations, on the nature of liberty, on the true principles of the British constitution, and on the extent of the power of Parliament.—I shall endeavour to supply what upon these heads is deficient in your book; and though I am aware that this subject has been so frequently handled, that it may appear almost impertinent in a writer to think he can add any thing new upon it, yet as the controversy it has occasioned is by no means at an end, as a variety of opinions still prevails concerning this very important point, a point upon which it would be so much for the interest of the constitution, as well as so conducive to the prosperity of the nation, if identity of opinion could be obtained, I shall venture to hope that every attempt towards procuring so desirable an end may pass at least without censure.

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I entirely agree with one of the most amiable characters, and able writers of the age, that civil freedom is not a thing that lies hid in the depths of abstruse science: and that all the just reasoning that can be upon it, is of so coarse a texture, as perfectly to suit the ordinary capacities of mankind. Yet to consider the arguments daily made use of in conversation, and to reflect on all that has of late been written upon this subject, one would be tempted to imagine there was no question of more difficult investigation; none in which the truth was more involved in intricacies; or in which it depended in a greater degree upon the niceties of metaphysical distinctions. But should the whole of this question be found to rest upon a few simple principles, the truth of which must strike the sense, and come home to the feelings of every man; and upon a few deductions from those principles, equally simple and equally obvious to the plainest understanding; it were much to be lamented that upon a question of such a nature, a people deeply interested in its determination, should entertain sentiments so various and apparently irreconcilable. This, far from being a theoretical point or abstruse matter of speculation, like those abstract questions in metaphysics and mathematics, which are fit only to engage
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the attention of scholastic disputants, with regard to which, so far as it can affect society, it is of no manner of importance, whether the parties reason right or wrong;—is, on the contrary, a question which may affect the dearest interests of society, and goes directly to the practice and conduct of a nation. To the erroneous opinions which have for some time obtained in this country respecting the nature of liberty; to the inaccurate ideas which have prevailed here, concerning the true principles of the constitution; and particularly with regard to the extent of the *power of Parliament*, those calamities in which the kingdom is at present involved, may in a great measure be attributed.

Had not this been the case, I am persuaded, however blind they might have been to their true *interest*, the national *justice* of Englishmen would have supplied the place of the *policy* they might have wanted, and have stepped in between ruin to themselves, and persecution; unavailing persecution to others. I do not mean to revive the American question. Our ministers have indeed with respect to us, rendered that a mere matter of speculation. The Americans have decided it for themselves. But as Great Britain has still remaining some *other* dependencies, *one* of which particularly suffers very

very severely from the narrow illiberal system of policy, which, with respect to that unfortunate country, has long marked and disgraced the councils of this kingdom; for the sake of those dependencies alone, without in the least alluding to America, I think it highly requisite that juster notions concerning the nature of liberty; more accurate ideas respecting the principles of the constitution, and particularly with regard to the extent of the *power of parliament*, should prevail in Great Britain, than those, the artful propagation, and inconsiderate admission of which, have already cost us thirteen provinces.

I shall premise that I mean to be as concise as the subject can possibly allow me to be.

Readers of a certain complexion, who are great œconomists of their reasoning faculties, might be alarmed at the expence of thought, which the getting through any considerable number of pages upon a subject of this nature would probably lead them into; I shall therefore condense what I have to say upon it as much as I am able. I must likewise declare, that what I shall now offer upon it, is not addressed to the present ministry; for tho' from a certain *activity* of disposition, they have a thorough contempt for that *tardy*
species

species of wisdom which is the result of experience; though the event of past measures, never directs them in their choice of future; yet I do not apprehend at the present rather dangerous crisis, they will venture with regard to the remaining dependencies of Great Britain to hold in any degree that sort of language, which has lost them the others. What I shall here offer, is not therefore, I say, designed for the use of the persons at present in power, but for *their* use who shall have the conduct of our affairs when they are in a *prosperous* situation. I should be happy that those persons might carry with them into office, such just notions of liberty, such accurate ideas of the principles of the constitution, and such liberal opinions respecting the *true* interests of this kingdom, as must lead them to respect the rights, and consult the prosperity of her remaining dependencies. And I trust, when they come to consider the conduct of Great Britain with regard to Ireland in particular, they will find a degree of oppression in it, totally repugnant to those just notions of liberty, to those accurate ideas of the principles of a free constitution, and to those liberal opinions respecting the interests of this kingdom, of which I hope they will be themselves possessed, and to inculcate which is the sole object of the following sheets.

In

In most of the publications upon the subject of liberty, and the power of parliament, which the American question gave rise to, there appears a strange confusion of ideas in the writers, owing to a misapplication of terms, of which the major part of them may with great justice be accused. For instance, no two ideas should be kept more distinct from each other, than those of *power* and *liberty*; yet by these writers they have been perpetually confounded. Thus the general notions, that licentiousness is the extreme of liberty; that men give up a part of their natural liberty, when they enter into society; and the opinion that civil liberty can only be enjoyed in its most perfect degree in states where every member is capable of giving his suffrage in person, I apprehend will be found to be all erroneous, and to proceed from there not having been a distinct line drawn, between liberty and power.

The necessity of recurring to first principles, in treating of a subject of this nature, is obvious. I shall therefore in the first place observe, that the rights of mankind in society are of two sorts; *natural*, or such as existed antecedently to the establishment of any government; and *incidental*, or such as individuals derive from the establishment of government. And I shall beg leave to lay down the following positions.

[a] There

[a] There *are* rights derived by mankind from God and Nature.

[b] All the members of society having an equal share in those rights, are naturally equal.

[c] The principal aim of society is, to protect individuals in the enjoyment of those rights, vested in them by the immutable laws of nature.

From these three positions it follows, in the first place, that the power of the government established by that society; can never extend itself to the infringement of those inherent rights. And in the second place, from the natural equality of the members of society; it likewise follows that *all* the power vested in the government is delegated to them *by* the society, and that consequently, the government can be possessed of none, of which the parties delegating, were not previously possessed themselves.

Now to apply this to Great Britain, I shall lay down these fundamental truths: 1st, That the parliament of this country cannot be possessed of a power to deprive the inhabitants of it, or any individual in it, of the smallest of those rights,

[a] Blackstone's Commentaries, page 54.

[b] Black. Com. page 48.

[c] Black. Com. page 124.

derived from God and Nature, unless forfeited by some act of the owner.

2d, That the parliament of this country are rightfully possessed of no powers which can affect the natural rights of mankind, of which the members of the community, in their *individual* capacity, were not *themselves*, previous to any delegation of their power, *already* possessed. Nor can the parliament of Great Britain be rightfully possessed of *any power whatsoever*, of which the members of the community, were not themselves in their *collective* capacity antecedently possessed.

In the next place, the plain obvious method of ascertaining what degree of power the legislature of a free people may in either case possess, is to annalise those rights which God and Nature have established—and afterwards to consider what must be the necessary consequences of admitting, that those rights are unalienable, and therefore beyond the reach of any human legislature.

The three primary rights derived from God and Nature, are, 1st, The right of personal security; by which not only the life of an individual should be considered as sacred, but his person should be protected from every species of injury

injury that could be inflicted upon it by other individuals.

2dly, The right of personal freedom, or of regulating our own motions without any foreign controul, as long as they do not infringe upon the natural rights of others.

3dly, The right of enjoying unmolested, not only whatever is necessary for the preservation of the two preceding rights, but whatever property an individual may have acquired, provided such acquisition was made without invading the natural rights of other individuals.

The depriving a man of his life, or wounding his person, is a breach of the first of these rights; the confining his person, or compelling him to act contrary to his inclinations, is a breach of the second; and the dispossessing him of what he had acquired without any injury to others, is a breach of the third.

These then are what are commonly called natural rights, or as they are sometimes more emphatically styled, the birth-rights of the people of England; and the full complete possession of these, constitutes *liberty*.

Here it is to be observed, that from the rights already enumerated, there necessarily arises, a fourth, or rather a fourth is implied. This is, a right in individuals, to repel by force every invasion of the preceding rights; for it were absurd to allow that individuals had a right to *possess*, what they had not a right to *defend*. Now I have separated this latter right from the other three, because it is different in its nature. It is not, properly speaking, one of the constituent parts of liberty, any more than the garrison which is to defend a fortress, is a part of the fortress; because the full enjoyment of personal security, personal freedom and private property, might possibly by sufferance be possessed without it; but such liberty would be precarious, and therefore this fourth right is essentially necessary, to give it stability, though not absolutely so to its existence. Thus a people *may* by indulgence, enjoy a very perfect degree of freedom under any form of Government; but the Government itself cannot be nominated a free Government, unless it provides against every attack made upon any of the natural rights of mankind, not only by *individuals* upon *individuals*, but from its own particular construction, against any attack which might be made by the *legislature* itself, upon the rights of the community. This

last

last mentioned right, not being a constituent part of freedom, the exercise of it is *not* an *act* of liberty, but an act of *power*; and here I shall draw the distinction between the two. The acts of an individual may be of *two sorts*; the first, where the action terminates in *himself*, or in something which relates to *himself* alone, and in which his *own will* only is concerned. The second, where the action terminates in *another*, or what relates to *another*, and which tends to control the *will* of *another*. The uncontrolled exercise of the first of these, is *liberty*; the unrestrained exercise of the second *would* be *power*, not liberty. When therefore writers say, that “Natural liberty consists properly in a power of acting as one thinks fit, without any constraint or control, unless by the law of nature.” [a] It is evident they confound these two very different species of acts, and it is owing to their having thus confounded them, that they assert, that every man “when he enters into society, gives up a part of his natural liberty as the price of so valuable a purchase.” [b] The fact is, he gives up *no* part of his natural liberty; he retains all his right to the exercise of the *first* species of *acts* I have mentioned, in which

[a] Black. Com. p. 125

[b] Black. Com. p. 125.

liberty consists, and only suffers himself to be restrained in the exercise of the *second* species of *acts*, to be unrestrained, in which would constitute not liberty, but power.* So far then from the assertions of these writers being well founded, the truth is, that the three natural rights first mentioned of personal security, personal freedom, and private property, which together form the sum of liberty, can only be securely enjoyed by means of society. For as individual strength, could not always guard against individual oppression, unless men were restrained from exercising acts of power towards each other; the consequence would be, that the *strong* would have it at their option to deprive the *weak* of all their natural rights; so that instead of there being any general *liberty* among individuals thus circumstanced, there would only be an abuse of power on the one hand, and oppression on the other.

Here I shall beg leave to recapitulate as concisely as possible what has been said.—

* Hence licentiousness cannot with propriety be called the extreme of liberty; it is on the contrary an assumption of power in those who are guilty of it, and an encroachment upon the liberty of those against whom it operates; and it is in fact a temporary species of arbitrary power, usurped by the many.

The

The rights derived from God and nature, which no human legislature has power to abridge or destroy, unless the owner shall forfeit them, are,

- 1st, Those of personal security.
- 2^{dly}, Of personal freedom.
- 3^{dly}, Of private property.

Out of these three, necessarily ariseth a fourth—that of defending them. To the compleat enjoyment of the *three first* of these rights, the idea of *liberty* must be *confined*. The exercise of the *fourth* right is an act of power, but then it is a naturally just act of power, because exercised only in defence of natural rights. Every other act of power which tends to encroach upon some natural right, is consequently naturally unjust. Now the object of individuals, when they set up a legislature by which they are to be governed, is, that every member of the community should be equally protected in the enjoyment of the three primary natural rights; which can only be done by turning the collective strength of the community against such individuals, as should invade the rights of other individuals. And from the necessity of giving this collective strength one uniform direction and operation, arises the necessity of establishing

blishing a form of Government. The establishing of such a form of Government, is an exercise of the *fourth natural right* I have mentioned, that of defending the three primary rights;—it is consequently an act of power—an act exercised in virtue of that fourth natural right, one part of which must certainly be, that the people can give to the Government they set up, what form they think proper; and therefore the legislature must not be “altered from that which was originally set up by the general consent and fundamental act of the society.”[a]

Having laid down these premises, having shewn in what the three primary rights derived from God and Nature consist;—having pointed out a distinction I hope sufficiently clear, between liberty and power, and shewn that there is but *one* species of acts of power naturally legal, the exercise of which forms the fourth natural right, that of defending the three primary rights, and compelling individuals to respect those rights in each other; let us next consider what it is a people *give up*, and what it is they *retain*, by submitting to the regular administration of a Government.

[a] Black. Com. p. 50.

Nothing can serve more clearly to ascertain this point, than the distinction which in the four natural rights already stated, has been made, between the fourth of these rights, and the other three. As liberty consists in the complete enjoyment of the three primary natural rights, it follows, that a people, in order to remain free, must never surrender any one of these into the hands of Government; for they are those, "which no human legislature has power to abridge or destroy." It is then the exercise of the *fourth* right only, with which Government can be entrusted:—from *that* right Government derives all its powers; and that right arising from nothing more than a power in individuals to defend their *own* liberty, not to attack that of *others*, the power of Government can extend no farther, than to take such measures, to enact such laws, establish such regulations, and use such compulsory methods, as may seem necessary to protect the rights of the society at large. The exercise of this right then, when lodged in the hands of Government, becomes the power of directing the collective strength of the community in the *same* manner, and for the *same* purposes, as individual strength might have been rightfully exerted, previous to the establishment of Government. But the power of directing the collective

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strength of the community, was too important, too formidable in its nature, ever to be *surrendered* by that community, into the hands of their Governors; they only *entrusted* them with the exercise of it in general, because individual strength could not always be found adequate to the purpose of guarding against individual oppression; but never so far divested themselves of their right, to exert that individual strength in defence of their *other* rights, as not to retain and exercise a share of it, whenever their personal safety is at stake. But this is not all, the trustees must likewise retain the power of assuming the whole of the fourth right, at certain stated intervals; not indeed for the purpose of exercising it themselves, for the same objections would still continue against their doing this, which had originally induced them to entrust the exercise of it to others; but they must resume it at fixed intervals, in order to prevent the trustees from considering themselves as the proprietors of it; in order to guard against the abuse of it; and to limit its use to the objects for which it was entrusted; and this power of resumption, under certain regulations, may justly be considered as a part of the fourth natural right of which the community had *never* divested themselves.

From

From this description of the natural rights of mankind, of the difference between power and liberty, and of the only species of power of which individuals can be rightfully possessed, and consequently the only species of power they can delegate, we may collect how far the power of the legislature of a free people, must necessarily be circumscribed. Being in fact, nothing more than a delegated power, to exercise the *fourth* natural right of the people, that of defending their three primary rights; as the power of individuals goes no farther than this right admits of, neither does that of the legislature. And as the *entire* exercise of this fourth right, is never surrendered by individuals; since they always retain the exercise of a part of it in their own hands; [a] it follows that the legislature is possessed of no power to infringe, not only any of the three primary rights of mankind, but they also must not encroach upon that part of the fourth right, which the community have reserved to themselves.

[a] I shall presently shew, that the share a people retain of this fourth natural right in their *own hands*, constitutes what is called their *political liberty*, as the complete enjoyment of the three primary rights forms their *civil liberties*.

Hence the truth of the two fundamental positions I have laid down with respect to the British Parliament becomes evident. Viz. 1st—That the Parliament of this Country is rightfully possessed of no power to deprive the inhabitants of it, or any individual in it, of the smallest of those rights, the enjoyment of which constitutes liberty; nor to take from them that share of the exercise of the power of defending those rights which they have retained in their own hands.—I have defined that share to consist in the checks the Community have placed upon their trustees, and particularly the right of resuming at stated intervals the powers they had delegated.^a

Note.

^a This right inherent in the community of resuming at stated intervals the powers they had delegated, is the bulwark of the constitution.—As it is a right possessed by the community at large, so by the community it must be defended; and consequently it includes in it the *right* of resistance whenever it is invaded. If I am asked how these intervals are to be ascertained, I answer, by the length of the period for which the community *understand* they are delegating their powers, at the *time* of delegation.—I know that Parliament have of their own authority thought proper to prolong that period—but their having done so was in the nature of things a breach of the constitution, and a violation of the rights of the people—It was a precedent too which I hope will never hereafter be imitated.

Hence

Hence we may judge how far the power of Parliament may be styled despotic; how far they can alter the legislature by a new edict or rule; and how far, should a misgovernment fall upon them, the people are left without all manner of remedy.—2dly, The second position laid down is, that, as all the just power of government is nothing more than the exercise of the concentered rights of individuals to defend their personal security, freedom, and private property; supported by the collective strength of the community, and applied in favour of the whole community, for the same purpose that individual strength might rightfully have been exerted against individual oppression.—

It follows, “ that the Parliament of Great Britain are rightfully possessed of no power which can affect the natural rights of mankind, of which the members of the community in their individual capacity, were not themselves previous to any delegation of their power *already* justly possessed.” Nor can the “ Parliament of Great Britain be possessed of any power whatsoever, of which the members of the community in their collective capacity were not antecedently possessed.” Now as no one individual possesses of right a power to invade the natural rights of another individual,

individual ; neither can a number of individuals, or a community, however considerable, possess of right a power to invade the natural rights of another set of individuals, or other community however inferior. If one community therefore can, of right, have no power over another ; neither can the government of one community, over that of another.—For as the government derives all its powers from the community which established it, it cannot be possessed of more than that community had to give. Hence we may judge how far the power of the Parliament of Great Britain can extend itself over (what are called) the *dependencies of this kingdom.—We may judge with how much justice that Parliament may say to distant communities, “ We who derive
 “ all our powers from the community to which we
 “ belong, who have been entrusted with the col-
 “ lective strength of that community for the pur-
 “ pose of protecting their natural rights, will,
 “ because we are the strongest, direct that strength
 “ against you the people of another community.—
 “ We will assume powers over you, which the
 “ community from whom we derive all our own,
 “ do not possess themselves. If you are allowed

* Tho' in a free Empire the confederated Nations would be a much more proper term.

“ to enjoy any of those rights you derive from God
 “ and Nature, it shall be by our sufferance, and
 “ our indulgence. But whenever we think proper
 “ to signify our pleasure to you, you shall be bound
 “ by our sovereign will.^a

“ You the good people of Ireland, who form
 “ a different community from that to which we
 “ belong; who have a government of your own, and
 “ who are possessed of great natural advantages of
 “ situation, soil, and climate—you shall have
 “ a very scanty enjoyment of those advan-
 “ tages which you certainly have a natural right to
 “ possess; we will deprive you of the use of the
 “ Major part of them; not that an individual
 “ member of our community has any power over
 “ an individual member of your’s; not that our
 “ community itself has any just power over your
 “ community; but we, the legislature of our com-
 “ munity, who cannot be possessed of more power
 “ than what our community had to give us, will
 “ do all this, because it is our Sovereign will and
 “ pleasure.”

^a Statute 6 Geo. 1st, c. 5.

When Ireland is particularly named or included under
 general words, she is bound by English Acts of Parliament.
 Black. com. p. 103.

This

This language I confess would certainly be very proper, if the good people of Ireland could be persuaded that *they* had *not* as just a claim to the rights derived from God and Nature as their *neighbours*. If they could be brought to think that we the British nation were another chosen people, so highly favoured by Providence, that we alone possessed a title to those rights. But if on the other hand they conceive that asserting a claim of this nature would be a very unfair monopoly in us; if they think that *their* liberties, are the *birth rights* of *Irishmen*, just as much as our's are the birth rights of *Englishmen*, I imagine it would be difficult to persuade them this language is founded either in reason or justice.

Whoever has paid any attention to what has been said in the preceding sheets; will I trust scarcely talk of a title by Conquest. But should the insolence of pride, or the prejudice of ignorance and folly, suggest this Idea; should it be admitted that conquest gives a title (and what is equally false) that Ireland is a conquered country; what follows? are the present inhabitants of Ireland a conquered *people*? Are not nine tenths of that country in the possession of the descendents of those very persons by whom the conquest is presumed to have been made.

made? And if conquest can give a title, surely it must be rather to the descendents of the conquerors, than to the descendents of those who had no share in making the conquest. By what strange juggle in politics are the conquerors, of a sudden to be metamorphosed into the conquered? By what extraordinary mode of reasoning, can the descendents of those who staid at home; who neither shared the fatigue or danger of the expedition undertaken by their brethren; who could not have struck a blow; or spilt one drop of their blood on the occasion; by what extraordinary mode of reasoning I say, can these persons consider the descendents of those, who *did* share the fatigue, who *were* exposed to the danger, attending that undertaking, and who *did* spill their blood in the accomplishment of it—in the individually same light, as the people whom these adventurers had conquered?

But to return from this digression.

I have now stated, as briefly as possible, what are the natural rights of mankind.—In stating these I have shewn that liberty consists in the complete enjoyment of the three first, and that the

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power

power of government consists in the exercise of a part of the fourth; the whole of this last is never surrendered by the people. The enjoyment of the three first, constitutes the *civil liberty* of a society; the share they retain in their own hands of the fourth, forms the foundation of what is called their *political liberty*.

The immediate consequence of their retaining this share is the preservation of an identity of interest between them, and the persons to whom they delegate the remainder of their power; for it is by retaining this share that they are enabled to limit the time during which those persons are to act for them; and it is by that limitation alone, which bring the delegates back into the situation of those who had chosen them, that this identity of interest can possibly be maintained. In arbitrary governments, where there is no *political liberty*, the whole of this right is surrendered into the hands of the sovereign; consequently tho' under a good Prince the people may be suffered to enjoy without molestation the other three, it is at the option of the sovereign to deprive them of these rights when, and in what degree he thinks proper. The only permanent security then a nation

nation can have for the certain enjoyment of their *civil liberty*, is their *political liberty*. They forfeit *that*, the moment they surrender the *whole* of what I have defined to be the fourth natural right. The part they retain in their hands, they must ever watch with the most jealous vigilance, and defend with the most active spirit. In our constitution this part chiefly consists in the rights of *Freeholders* considered as such. — But there is this difference between civil and political liberty. In a free state, every individual member of the community ought to have the full and complete enjoyment of the first; it is by no means necessary that every individual member should actually exercise the second. If a part, not indeed an inconsiderable part of the Community, but so numerous a one, as will place it beyond the reach of the resources of government, to purchase of them the right itself, possess the actual exercise of it, it will be sufficient to procure to the whole community the complete enjoyment of civil liberty.* I do not, for instance, imagine that the Freeholders of England could easily be brought to part with the *right* of voting, however they may be induced to dispose of their

* In England this part of the community is certainly not so considerable as it ought to be.

votes to the best bidder. And as the part of the community possessed of the exercise of this right have *one common* interest with the rest of the community, that *general* interest will, by so considerable a part of the people as that I have described, be as effectually defended, as if the whole community had the actual exercise of political liberty. Hence we may see how mistaken that idea is, that *civil liberty*, in its most perfect degree, can be enjoyed only in small states, where every member is capable of giving his suffrage in person.

The giving of a vote forms no part of *liberty*; it is an *act of power*, as has been very justly observed by an ingenious foreigner: it is only the exercise of that part of the fourth natural right which the people have retained in their own hands; consequently, the most complete degree of *civil liberty* may be enjoyed by a society, altho' every individual member of it may *not* have the actual exercise of this *act of power*. And in this country however political liberty may have been undermined by corruption, yet as it still exists, so the inhabitants of it possess civil liberty at this present day as completely as in the nature

* Mr. Delolme.

of things is possible, altho' every individual in it does not possess the actual exercise of the right of giving his suffrage in person. But I will go farther. The right of the people to vote at the election of those who are to be the trustees of their power, is of consequence only because this is probably the best method of limiting the time for which their trustees are to act: were there any other mode of limiting that time, or by which the people could resume the power they had delegated, than that of possessing a right after a certain period is elapsed, to appoint new trustees, civil liberty would in that case be equally safe. For instance, supposing at certain intervals the Freeholders had a right to assemble on the expiration of the term for which their trustees were to act; and then instead of proceeding to *chuse* the persons who were to succeed the last trustees, by voting for the candidates most agreeable to them, they were only to preside at the ceremony of the candidates drawing lots for a seat in the House of Commons, and that their power consisted in this right of assembling, in seeing that the candidates were properly qualified, and that the ceremony was fairly performed—tho' here would be no election, civil liberty would be perfectly safe without one, as long as the people retained entire this right of assembling at stated periods, of presiding at the ceremony

remony of drawing lots, of seeing that the candidates were properly qualified, and that the ceremony was fairly performed. In this case it is obvious that it would not be necessary that every individual member of the community should preside on these occasions, in order to enjoy a perfect degree of civil freedom. The whole object of a regulation of this nature being, that the time should not be suffered to elapse at which the power of the trustees ought to expire, without the people's asserting their right of having new trustees; this can be done just as well by a part of the community as by the whole; provided that part be sufficiently numerous, to render it impracticable, to purchase the right itself of them, and difficult for any collusion to take place between them and the candidates.

The whole system then of *representation* in this country, which has of late afforded such an ample field for controversy, is of itself of no farther use than as it serves to limit the duration of Parliaments: and that limitation itself is of no consequence any farther than as it serves to produce an identity of interest between the representative, and the remaining part of the community. Those powers still continuing in the people, which enable them to establish such identity of interest, do not constitute their liberties, but are the means of preserving them—and if from any circumstance whatever, that

that *identity* of interest were to be destroyed, or *could not exist*, the whole business of representation would be an idle form; the people would be deprived of the object for which they had retained their share of what I have defined to be their fourth natural right; consequently the power it gave them becoming ineffectual, would be in fact annihilated, and they could only hold their remaining rights by the sufferance of the representative part of the community. Now can this *identity* of interest subsist between the legislature of one community, and the people of another? If it cannot, every act of power exercised by that Legislature over the people of another Community, is a *usurpation of the fourth natural right of mankind*; of that right which can alone secure to the society the permanent possession of the remaining three; of that right which ranks among the number of such as "God and Nature have established, and which no human legislature has power to destroy."

I must here beg leave to remind the reader, that what I have hitherto advanced, relates only to the *natural* rights of mankind; which, from being such, must necessarily have existed antecedently to the establishment of any government. And I have endeavoured to shew, in the first place, how far the Legislature of a free Community must necessarily, with respect to that community, be circumscribed in

in its powers, by the existence of those rights. And secondly, how far the representative part of one community, can of right exercise any authority over the people of another.

What I have to say concerning the *incidental* rights of individuals, or those which they derive from, and could not possess without the establishment of governments, I shall comprize in as few words as possible.

The first object of a free government is, to protect the *natural rights* of the community at large. The second is, to promote the prosperity and procure every possible advantage to the society, of which the situation, soil, and extent of the country they inhabit is capable. But, in the same manner, as the right of private property extends no farther, than to entitle an individual to the secure possession of what he has acquired, *without infringing* any of the natural rights of another individual of the same society; so the Legislature of one community, in their endeavours to promote the partial prosperity of that particular community, must not for that purpose encroach upon the natural rights of any other community connected with themselves, and only forming a *different* state in the *same* empire. For in a *free* empire, composed of different states, one *community* is to another, exactly what in the same community,

munity, one *individual member* is to another. If any persons should think proper to deny this position, I must desire they would recollect that I am speaking of a *free Empire*, and not of one in which the largest state is to be in itself free, but at the same time the sovereign of the inferior states. If it can be proved to me that *every* subject of the imperial crown of Great-Britain has *not* an equal title to those rights which are *derived from God and Nature*; if it can be proved to me, that we, the inhabitants of this kingdom, ought to monopolize those rights; and that tho' this country, separately considered, is itself free, yet the empire at large is *not* so; I say, if these points can be proved, I shall readily admit that the position I have laid down is false; till then I shall continue to hold it to be perfectly true.

I shall now make a few observations with regard to the second object of the legislature of a free community, that of promoting the prosperity and advantage, as well as protecting the natural rights of the society. I shall readily admit that for this purpose, a strong presiding, I might say, irresistible power, must be lodged in the hands of Government. To superintend and regulate all the complicated circumstances of trade, commerce, finances, fleets, and armies, which appertain to a great and flourishing

H society,

society, is the province of the Legislature. In short, over those rights of individuals, which in contradistinction to such as are founded in nature, I have called *incidental* rights, as being the result of, and owing their existence to the establishment of government; * and over those benefits to the community which are immediately derived from government, I shall allow the legislature, with respect to the community, over which it immediately presides, to have decisive, uncontrolled authority. But this distinction between natural and incidental rights must never be out of view; and the power of regulating or creating the latter, can never be extended to encroachments upon, or subversion of the former. For, if under the pretence of promoting the general advantage of the community, it were held to be justifiable to encroach upon the liberty of individuals; † it would be as difficult to set any limits to those encroachments, as to have any security that the power of making them for the ostensible purpose of procuring a general benefit to the community, would never be employed for that of subverting the natural rights of mankind.

Allowing,

* Such as rank, titles, dignities, offices, privileges, &c. &c.

† Therefore the excise laws, the game laws, and the practice of impressing seamen, as far as they go, are repugnant to the fundamental principles of a free constitution.

Allowing, as I do, that the powers of the legislature of a free country can go thus far, I trust, tho' I maintain it cannot go farther, the positions I have laid down will not be considered as speculations destructive to that superintending authority, which must reside in every government; and without the existence of which it would be impossible to preserve a due subordination among the people, or enforce a due obedience even to those laws which are calculated to preserve the general liberty of the community. Whilst I have endeavoured to draw the boundaries of this authority, I have, at the same time, allowed it a scope sufficiently ample to satisfy any ambition, which has not the destruction of liberty for its object. I have only asserted, that the power of a free government must necessarily be limited by the existence of those natural rights which it is admitted no human legislature *has* power to destroy. In consequence of its being thus limited, it is the highest of absurdities to say, that in this country the power of Parliament is despotic, that it can do any thing not naturally impossible.

The fact is, that in order to preserve the freedom of a people, such is the necessity of controlling the power of government, no matter in what hands such power may be placed, that the great object of
a free

a free constitution is, that by its own particular construction, by the opposition of interests between the constituent parts of it, the legislature shall be made to controul itself, and by that means render the exercise of a defensive power on the part of the people unnecessary. But tho' they may have endeavoured to prevent the necessity of taking upon themselves the defence of their liberties, by the manner in which they shall have arranged the powers of the legislature they have set up, yet the people have never divested themselves of the right of doing so. Should all their precautions prove ineffectual, (and the depravity of mankind may render them so, the infection of power too which tends as much to corrupt those who are possessed of it, as the contagion of example does those who are exposed to it) Should therefore, I say, all their precautions prove ineffectual, it were surely a solecism in politics, to assert that a people had a right to model their legislature in what manner they thought proper, yet, after it was so modelled, they had no right to prevent those whose duty it was to preserve, from subverting it. Why then may we not conclude with Mr. Locke, " That there ever
 " remains inherent in the people a supreme power
 " to remove or alter the legislative, when they find
 " the legislative act contrary to the trust reposed
 in

in them ; for when such trust is abused, it is thereby forfeited and devolves to those who gave it.”

If then the legislature of a free community must be thus limited with respect to that community over which it immediately presides, and from which it derives all its powers ; surely that legislature cannot be less limited with regard to other communities, over which it does *not* immediately preside, and from which it does *not* derive its powers.

On the contrary its just power over such communities must be infinitely more confined. In either case the natural rights of mankind must set limits to the power of that legislature. But in the first, the people of the community *have* in part delegated the exercise of one of their natural rights to the members of their legislature. In the second, the people of the other communities have *not* delegated to *that* legislature any powers whatsoever. Hence I have maintained that the parliament of Great Britain, not only cannot infringe any of the natural rights of the people of *this* country, who *have* entrusted them with power—But that the Parliament of Great Britain cannot of right exercise any act of authority over the people of other communities, who have *not* entrusted *them* with any power,
but

but have on the contrary delegated their power to trustees of their *own chusing*.

But it will be said, for I know it has been said, where then is that strong presiding power to reside, which is so necessary for the conservation of an unconnected and diversified Empire, like that of Great Britain?—If the inferior states are not to be dependant upon the superior state, how is the unity of the Empire to be preserved?

In answer to this, I would ask, what is the *unity* of a free Empire, in what does it consist?—For my part I can annex no other idea to the term, or can conceive it to bear any other meaning, than that all the constituent states of which such an Empire is composed, though distinct from each other, should notwithstanding with respect to *foreign powers* act as *one* state. That the enemy of *one* shall be the enemy of *all*, that the war commenced by *one* shall be the war of *all*; in short that with regard to foreign powers, they all should have but *one* interest. If it be said that the unity of the Empire means more than this, it must be that it also implies identity of internal government, identity of laws; but to imagine that such an identity can exist in a free Empire, composed

posed of parts widely distant from each other, of nations differing in character, differing in circumstances, yet all attached to liberty, all conceiving that each had a right to appoint the legislature which was to enact the laws they were to obey, and which alone could adapt those laws to the particular circumstances of each, would certainly be the height of political absurdity. It is an idea impracticable in a free Empire, and which only the iron hand of despotism could carry into execution. I shall therefore conclude that the unity of the British Empire, can possibly mean, nothing more, “than that all its constituent parts should with respect to foreign powers act as *one state*.”

I confess I have never heard any one hold this language respecting the unity of the empire, without some degree of astonishment. I was amazed to find it possible that any inhabitant of this country should be so totally ignorant of one of the most striking advantages of the British constitution. An advantage which gives it so decisive a superiority over a Republican form of government, as well as every other. Whether this latter form, may with respect to a single state, answer the purpose of establishing civil liberty, as securely as can be done by the constitution of Great Britain, I shall not take upon me to determine.

mine. But I am convinced that this constitution is the only one ever devised by the wit of man, under which, "separate and distant states, forming one Empire, may each of them enjoy the same degree of liberty, yet the unity of the Empire be preserved." Under every other form of government, in order to preserve such a unity as I have described, it is necessary that the inferior, when separate and distant states, should be absolutely *dependant* upon the superior state. By the superior state, I only mean that, which from being better inhabited and more wealthy than the others, happens to be the seat of government. Under ours it is only necessary that they should be intimately *connected with*, not *dependant upon* the superior state.

Linked together by one common relation to the supreme executive power; a power which can contract alliances in which the whole Empire is included; which can declare war, in the name of the whole Empire; and can make peace, which the whole Empire is bound to observe.—A power which can superintend and protect the separate interests of each community in the Empire; which can put a negative on every act of the legislature of any one state, calculated only

only to procure a partial advantage to that state, at the expence of the general good of the whole.

Linked together, I say, by a power like this, it is impossible for the unity of that empire to be more completely secured^a—Whilst at the same time, this executive power, common to every state, and forming a part of the legislature of each, is by the other parts of the different legislatures of each separate state, so limited in its exercise, that every distinct community can enjoy alike the same degree of civil freedom.

On the other hand where a Republic is composed of separate and distant states, I hardly think it would be possible to allow to each of these an equal degree of freedom, and at the same time preserve the unity of the Republic. For here that

I connecting

^a Montesquieu observes that the people of England are rather confederates than fellow subjects.—The different states which compose the British Empire, are in the same manner rather confederated communities, than subject to any one of the number; and as in the first case, the *unity* of the *society* is preserved by their common relation to *one legislature*; so in the other, the *unity* of the *Empire* is maintained by the common relation of these states to *one executive power*.

connecting link would be wanting which the executive power furnishes in our form of Government. In order that each constituent state of such a republic should be equally free, it would be essentially requisite that each should have a legislature of its own, for the regulation of its internal government. The moment we admit that the legislature of one community ought to make laws to bind the people of the remaining communities, though the unity of the republic would indeed by this means be preserved, there would be an end of the liberty of those states which should be compelled to obey Laws enacted by persons to whom they had delegated no powers. If each state then had a complete legislature of its own, and otherwise they could not all be free, a Republic so composed would be a confederacy of several Sovereign states, to be united only by a common interest. They could not properly speaking form *one entire state*, in the same manner that a variety of nations might form *one entire empire* under the British constitution, whilst each remained perfectly free. Consequently the unity of such a Republic, if its constituent states were distant from each other, would be altogether precarious and dependent upon the will of each confederate power.

In

In Holland for instance each province has sovereign power within itself, or in other words, a legislature of its own; for could the legislature of any one of the provinces make laws binding to the other provinces, those provinces so bound would be no longer free. Hence the Provincial states of Holland have no manner of authority over the people who inhabit the provinces of Zealand, Utrecht, or any of the remaining six. It is true the unity of the republic of Holland is preserved by means of the States General, which serves as the link that ties them together. But it is because Holland is a compact state of small extent, all the provinces of which are contiguous to each other; and I have been speaking only of republics composed of separate and distinct states. There, I say, such an institution as that of the *States General*, could not be found equal to the purpose of establishing the unity of all the provinces of the republic, and at the same time leaving to each an equal degree of liberty. Suppose for instance, there were an American province which had acceded to the confederacy of the seven provinces of the Netherlands, and formed an eighth state in the Republic. That province would in the first place have a legislature of its own, and in the second, it would send deputies to the States General. But
the

the States General can neither make war or peace, form new alliances, nor impose taxes without the consent of every province. Consequently though the adopting of some one of these measures might be essentially necessary to the seven European provinces, yet this could not be done by the States General till the consent of the American province was previously obtained; independent of the delay, which such a proceeding must necessarily occasion, a delay which probably the situation of the Republic could not admit of, as it is impossible that the American deputies could have identically the same interest with the deputies of the other provinces, they might refuse their concurrence, to what might be highly advantageous to those provinces, but perhaps in some degree detrimental to their own: the consequence of which would be, that the States General must either proceed to bind the American province without the consent of the American deputies, or they must separate themselves from that province, and make war, peace, and levy taxes, without including it in any of the measures, which the occasion might render necessary. In the first case, the liberty of the American province would be at an end; in the second, the unity of the Republic would be destroyed.

But

But let us suppose the affairs of the republic, were to be decided upon in the States General by the majority of voices, and that consequently the consent of each province was not necessary to the measures the states might think proper to adopt ; what would follow ? I have already shewn that in representative assemblies, there should subsist an *identity* of interest between the body representing, and the people represented. What would be the case then with respect to that assembly, in which a great majority of the members, from being deputed from provinces situated in the same country, and lying contiguous to each other, would have one interest, whilst a small number, from being deputed by a distant province, situated in a different quarter of the globe, would have another ?—It is evident that here, there could *not* be an *identity* of interest between the whole of the representative body, and the whole of the people represented. And when in such an assembly, measures were decided upon by a majority of votes, the unity of the republic would indeed be preserved, but the independence of the distant province, would necessarily be sacrificed to the interest of the other seven. Consequently the inhabitants of that province, would not possess the same degree

degree of freedom, that those of the other provinces would enjoy. I repeat then my position, that the British form of government, is perhaps the only one, under which separate and distant states forming one empire, may each of them enjoy the same degree of liberty, yet the unity of that empire be preserved.

In our constitution the advantages which result from that power's being placed in the hands of one, *viz.* the Sovereign, which in republics composed of distinct and distant states, must be lodged in the States General, as in Holland, or in congress, are infinite.—The members of a congress, being deputed by different communities, must have *local* interests and strong *prejudices*; the Sovereign can have but *one* interest, and even *partialities* would be unpardonable in him. In a congress therefore, identity of interest cannot in all points exist. With the Sovereign, the prosperity of the whole empire, and his own particular advantage, are one and the same.—Placed at the head of a greatly diversified and widely extended empire, as was once the case, his power was universal in its use and extent, accommodated to each individual community, yet comprehending them all. He was to all, the bond of union; to all, the dispenser of justice; and enabled

enabled to become the protector of the rights of all, by giving a negative to every act of one community which tended to encroach upon the liberties of another. This was the situation, the glorious situation, in which the supreme executive power of the British empire placed him, in whose hands it was lodged.—To what has it been sacrificed? To return once more to you, Sir William Blackstone, it has been sacrificed to the doctrine of the, *supremacy and omnipotence of the British Parliament.*

As I have already had occasion to speak of the united provinces, I shall conclude with making one observation more upon their Government. It has been remarked by their historians, that in the *insolence* of that *pride* which *superior* strength and riches are wont to create, and in that *spirit* of *injustice* which *power* too frequently *inspires*: the province of Holland, because it was the *richest* and *the largest*, affected when there was *no Stadtholder*, to dictate to, and act the part of a *Sovereign* with respect to the other provinces. Holland therefore always opposed the creating of a Stadtholder; but the other provinces, considering a Stadtholder in the light of a *common protector* to them all, against the *encroaching spirit* of Holland, were as strenuous for having one. Unfortunate indeed would the
situation

situation of those provinces be, should ever the Stadtholder *league* with the province of Holland, to dispossess *them* of their rights. They would be enslaved. And I do not see what pretence the Hollanders would have to complain, should the *Stadtholder* afterwards pursue with respect to themselves, the same conduct they had observed with regard to others.

I am, Sir, &c.

THE AUTHOR.

POST-

P O S T S C R I P T

T O

L O R D N O R T H.

My Lord,

W H O E V E R considers how much the people of this country in their wishes respecting your Lordship, consult your disposition, would be tempted to conclude you were one of the most popular men in the kingdom.

Your Lordship from a certain Liberality of mind, which I apprehend you possess, can not with any sort of satisfaction submit to the drudgery of business. The nation perceives, and your Lordship does not affect to deny, your aversion to the dull toil of office; and it is surprizing, how happy it would make all ranks of people, to see your Lordship relieved from the burden of conducting the affairs of this country.

For my part, my Lord, tho' I would yield to no one, in the sincerity of my desire to see your Lordship placed in that situation, which is held to be the most consonant to your habits and inclination,

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yet

yet I confess this is a point concerning which I have my doubts. It is true you have acknowledged in the House of Commons, you were indolent; and this assertion of yours was so singular in its fate, as to be generally believed. It is true also you have declared in the same place, that you were forced into your present situation—that it was by no means an object of your ambition—and that you would be happy to resign it, the moment any man, in whom the nation placed as great a degree of confidence as you gave us to understand, they did in your Lordship, would venture to step into it.

Now, my Lord, were indolence and a love of ease, the most striking features in your Lordship's character, I should have placed some faith in these professions of yours. And indeed your conduct ever since I had the honour of hearing your Lordship make them, had almost led me to imagine you were in earnest. From your own account your Lordship's scruples, with regard to resigning your office, arose, from your possessing, as you insinuated, the confidence of the Nation—You thought yourself bound, therefore, to maintain your post in the hour of danger, till another man should arise, in whom the nation could equally confide. I say then, from the time your Lordship held this language, I could not help suspecting, you were resolved to remove
this

this bar to the enjoyment of the ease your Lordship is so fond of. Despairing, from the dearth of public virtue, to meet with a successor who should merit the confidence of the people in an equal degree with yourself, you determined at any rate to bring matters to a par. You rightly judged that it would be easier for *you* to lose that confidence, than for *others* to acquire it. And having by this means satisfied your scruples, you might afterwards have resigned with a good conscience.

It is some time since I could have heartily congratulated your Lordship on the success which has attended your endeavours in this respect. What you seemed to think the great objection to your quitting the helm of the state, you have most effectually removed. And I could long ago have had the pleasure of assuring your Lordship, that if the being possessed of the confidence of the People, was the chief obstacle that prevented your Lordship's indulging your love of ease and wishes to retire, it would have been hardly possible for you to lay your finger on a successor in whom the public would not place just as much confidence, as they do in your Lordship.

What has given rise to my doubts upon the occasion, was to find, that though the obstacle to your retiring was removed, your Lordship still continued in office. I concluded, therefore, that indolence,

and the love of ease, were *not* the most striking features of your character; that there was *another*, which was a still more marked one; and that, however fond your Lordship might be of retirement, yet as you had small pretensions to the *otium cum dignitate*, you wisely resolved to wait a little longer, till you could secure at least the *otium cum divitiis*.

Thus much, my Lord, by way of introduction; as I conceive there would have been great indecorum in my proceeding immediately to business, the first time I addressed myself to one who dislikes it so much: but I can assure your Lordship, you need not be alarmed at the present address. I am not going to request you to *do* any thing; I only design to comment a little upon some things your Lordship has left undone: of these, the reading of any of the preceding sheets, will most assuredly be of the number. However, should your Lordship be disposed to run your eye over these pages immediately addressed to yourself, I shall beg leave to inform you, that the preceding sheets treat of the natural rights of mankind; an attempt is made in them to draw the boundaries of the power of the British Parliament, and to shew what hardships and injuries a people connected with Great Britain may suffer, either from the abuse of that power, or from its limits not being properly ascertained.

When,

When, my Lord, I speak of the hardships, a people connected with this country, may suffer, the case of Ireland will naturally suggest itself to any one at all acquainted with her present situation. That situation is, indeed, as deplorable, as it has been undeserved. If the people of Ireland can accuse themselves of any thing, it is their having confided in those professions respecting them, of which your Lordship was so liberal in the course of the last sessions of Parliament. It is their folly in being duped into *hope*, by what should have created their *distrust*.

The system, my Lord, you then seemed to adopt with regard to Ireland was a right one. For my part, I know too well the force of habit, ever to imagine you will persevere in such a one. But if your Lordship has the good fortune not to be so well known in that country, as you are in this; if the people of Ireland were so weak, or so ignorant, as to suffer their expectations to be raised by the language you then held, they deserved, perhaps, to be punished for that weakness, but surely not by *you*, my Lord. Certainly *you* ought not to have withdrawn from them your protection this session, because you gave them reason to imagine you were their friend in the last.

People

People here, my Lord, would have understood you. Here ministerial professions can occasion no disappointment, for they create no expectation. But it was cruel in you, my Lord, to aggravate the calamities of a people, who, from living at a distance, are not equally conversant with the language of ministers, by adding to the other causes of their discontent, the disappointment of those hopes, yourself had raised.

Your friends say, my Lord, that it is your *fear* of the Scotch, which prevents your taking the part you ought, for the relief of our sister kingdom. If this be meant as a hint to the Irish, that when they appealed to your *justice*, they appealed to the wrong quarter ; that there was *another* much more easy to be wrought upon, which the sagacity of the Scotch had discovered. I doubt not, they will very readily understand it. There have, it is true, been lately some dangerous riots in Edinburgh, by means of which the people of Scotland have carried their point.

I most sincerely wish, the people of Ireland may not follow their example ; nay, hardly, as they have been treated by us, their national loyalty has ever been such, as almost to convince me that they will not.

not. But Edinburgh has no exclusive right to formidable mobs; and, I think, I have heard, that there has been occasionally something very like one in Dublin.

If your Lordship wishes to be farther informed on this subject, I would refer you to a certain right honourable member of the House of Commons,* well known for maintaining the doctrine of the right of that House to tax our sister country.

It is true likewise, that a large body of Highlanders, encamped some time since upon Arthur's seat, near Edinburgh, and refused to obey their officers; but it is also whispered, that in Ireland there are near 20,000 men trained and disciplined, who are not bound to obey any order your Lordship, or the secretary at war should send them. †

Your

* Mr. R——y, when in Dublin, and another right honourable gentleman, very narrowly escaped being hanged by one of these mobs.

† When, during the course of last year, great apprehensions were entertained in the North of Ireland, (where the linen manufactory is established, upon which the very existence of Ireland depends) either of an invasion from the French, or descents from the crews of privateers, who might, in the space of a night, do almost irreparable damage to that manufactory: strong representations

Your Lordship may perceive then, that it is, without doubt, in the power of the Irish, though I am convinced, it is not in their inclination, to appeal to the same *quarter* to which the Scotch have already appealed, with so much success. And indeed, the different treatment of the two kingdoms of Ireland and Scotland, will furnish a striking instance, that a loyalty, which is proof to all oppression, may be as great a misfortune to a people, as a proper spirit of resistance, may at times be advantageous to them.

Far be it from me to draw any invidious comparisons between the Scotch and the Irish. Let Scotland enjoy the benefits she reaps, from the conduct she has held—But certainly Ireland cannot be culpable, at least, in the opinion of Great-Britain, in not copying that conduct. And it is surely hard, that her attachment to this country, and her loyalty to her sovereigns, instead of being rewarded, should serve only to make the narrow-minded, and illiberal in this kingdom, imagine, they may venture, with *impunity*, to treat the Irish nation in what manner they think proper.

But

presentations of the situation of that part of Ireland, were made to government on this side of the water. The answer received was, you have *a troop of horse, a company of invalids*, if they are not sufficient, *defend yourselves*.

But would your Lordship know, what are at this day the sentiments of the people of Ireland, I believe you will find, that the sheets, preceding this address to your Lordship, contain, for the most part, their *political creed*; and with respect to the conduct of England towards them, they would say to the people of England, and to your Lordship,

“ We, your *fellow* subjects, *not* your *subjects*,
 “ have been long united to you, by the ties of
 “ friendship and consanguinity. Descended from
 “ the same ancestors with yourselves, we consider
 “ you as our brethren, but not as our masters.
 “ Having one king in common with you, it has
 “ been our peculiar misfortune, seldom, if ever,
 “ to enjoy the presence of our sovereign, since that
 “ period, at which *our* king* happened to succeed
 “ *your* throne. As if the constant residence of
 “ our sovereign in another kingdom, is not of
 L “ itself

* John, A. D. 1199.

John had been twenty-two years king of Ireland, when, upon the death of his brother, Richard the First, he, unluckily for Ireland, succeeded to the British throne. And during the course of those twenty-two years, neither Henry the Second, the father of John, nor Richard the First, his brother, ever stiled themselves kings or lords of Ireland. *Mollyneux's Case of Ireland*, page 31.

“ itself a sufficient misfortune, we apprehend that
 “ residence may formerly have given to the royal
 “ mind a bias in favour of that kingdom, which
 “ at the best amounted to an unjust partiality ; a
 “ partiality, which has proved fatal to the prosper-
 “ rity of Ireland. Certain it is, that the casual
 “ circumstance of our king’s residing among *you*,
 “ our fellow-subjects of England, gives to you,
 “ groundless, and strange ideas of a superiority over
 “ us, to which you have no pretensions—ideas,
 “ which we conceive owe their existence only to
 “ the insolence of pride, and which you can never
 “ carry into practice, but in the spirit of injustice.
 “ If we are poorer than you, to *what*, to *whom*,
 “ is our poverty owing ? If we are fewer in num-
 “ ber—who deprives us of that trade, the want of
 “ which, thins our country of its inhabitants.
 “ A country formed by nature, from its situation,
 “ its soil, its climate, to be the seat of plenty,
 “ wealth, and commerce—You, our fellow-sub-
 “ jects of England, have deprived us of the use
 “ of these, by a conduct as impolitic, as it is un-
 “ just ; a conduct as prejudicial to *your* interests,
 “ as it is fatal to *ours*. In lieu of plenty, wealth,
 “ and commerce, our ill fated country exhibits
 “ scenes of poverty, distress, and want. We have
 “ the finest harbours, without commerce ; a fer-
 “ tile soil, without agriculture ; manufactures,
 “ without a market ; and staple commodities,
 “ doomed,

“doomed, by your laws, to rot upon the ground,
 “which has produced them.”

“We conceive this conduct of your’s, to be
 “no less foolish than cruel; for we consider the
 “trade of Ireland, as a plant, the fairest blossoms
 “of which would ever be thrown into the lap of
 “the sister country. Not content with checking
 “its growth, you almost seem disposed to tear it
 “up by the roots. We have but two articles of
 “commerce. Our very existence depends upon
 “them—No consideration can prevail upon you
 “to lay an additional duty upon foreign linens,
 “imported into England, in order to encourage
 “the one; and for the sole purpose of gratifying
 “the avarice of contractors, you have lately suf-
 “fered an embargo to continue three years upon
 “the other, by which you ran the risk of its being
 “annihilated. Not content with cutting us off
 “from the means of enriching ourselves, you
 “plunder us of the produce of the little com-
 “merce, you cannot well deprive us of; the
 “wretched gleanings of your traders—A band of
 “hungry pensioners, and placemen without em-
 “ployment, annually consume in England, the
 “best part of that produce. Men, the major
 “part of whom are so far from having any claim
 “upon us, that their persons are as unknown to
 “us,

“ us, as their merits ; and even then their names we
 “ should never have heard of, but from reading
 “ them in the list of our plunderers. We cannot
 “ but think the great sums expended among you
 “ by our absentees, and the monopoly of our trade,
 “ ought to satisfy you : we think it hard you should
 “ rob a people, who have ever been so willing to
 “ give ; we think it hard, that the expences of an
 “ exhausted and almost bankrupt country, should
 “ be increased in proportion as her means begin to
 “ fall ; that she should be yearly plunged into new
 “ debts, the more it becomes evident, that the old
 “ ones are too heavy a burden for her ; we think it
 “ hard you should take from poverty, to give to af-
 “ fluence ; and to pamper the luxury of some, de-
 “ vote others to indigence and want.

“ What compensation do you make us, what
 “ do you afford us in return for all you deprive
 “ us of ? Is it protection ?—No—*We* have afford-
 “ ed protection to *you*—With more friendship per-
 “ haps than wisdom, we lent you our troops, which
 “ we continued to pay till the exhausted state of
 “ our finances rendered it impracticable, for the
 “ purpose of carrying on a war, in which we had no
 “ concern ; in order to subdue a country, with
 “ which, if subdued, you would not have allow-
 “ ed us to trade. We follow your fortunes, with-
 “ out

“ out partaking of your councils; we fight your
 “ battles, without sharing the honour of your
 “ victories; and we contribute to your conquests,
 “ from which you will not suffer us to reap the
 “ smallest advantage.

“ If we are allowed to have any thing in com-
 “ mon with you, it is your distresses, your mis-
 “ fortunes; we are involved in your calamities,
 “ but seldom taste of your prosperity. If, notwith-
 “ standing this, we have still continued attached to
 “ you; if our loyalty to our sovereign has ever
 “ been unshaken, it has been owing to a certain
 “ concurrence of circumstances, which had no re-
 “ lation to your conduct towards us, and which
 “ helped to counteract its effects. We are per-
 “ suaded at this day, there are none among us,
 “ who do not ardently desire, that the most inti-
 “ mate friendship, the closest connection, and the
 “ most *perfect community of interest*, may subsist
 “ between the sister kingdoms. We have lived
 “ in hopes, that the narrow, illiberal, and selfish
 “ views of some among you, would have yielded
 “ to the common advantage of both countries.
 “ We have lately been severely disappointed—
 “ yet we have shewn no resentment—We have
 “ submitted in silence. But if you have denied
 “ us the advantages we sought, and perhaps had a
 “ right

“right to expect, we cannot suffer our manufac-
 “turers to starve. In our present circumstances
 “we cannot furnish a market both for our own,
 “and yours: for some time past, they must have
 “perished for want, had not charity stepped in
 “between them and famine. And we trust, you
 “can have no reason to complain, should we
 “think it necessary to feed our hungry, and
 “cloath our naked manufacturers, before we
 “contribute to the luxury of yours.

“We shall still continue to flatter ourselves, we
 “shall meet at a future period with some relief:
 “but shall not expect it, till we behold in Great-
 “Britain a minister more steady than your Lord-
 “ship, and a spirit more liberal than that which
 “seems to prevail there at present.”

This, my Lord, is the language, which, I be-
 lieve, every Irishman would hold at this day. They
 now feel no resentment against your Lordship, for
 having disappointed their fondest expectations, as
 they have since become acquainted with your Lord-
 ship's character. They look down with pity upon
 the situation of those members in your house,
 who, from their connections with certain towns
 and boroughs, are compelled to be the tools of
 ignorance, prejudice, and illiberality. They do
 not

not conceive it possible, that any of those who opposed the Irish bills, could seriously think it right to sacrifice the interest of the whole people of Ireland, to that of every selfish, contemptible, petty manufacturing borough in England. But they look up with admiration and respect, to one or two characters in that House, but more particularly to one, whose merit, both for integrity and abilities, is above all praise; and who, most probably, has forfeited his future claim to the seat he now fills, by disdaining to become the instrument of the selfishness, or the advocate for the illiberality, of his constituents.

I know not, my Lord, whether these pages may contain any hints, that can be of use to your Lordship; if they should, such hints are perfectly at your service.

I have the honour to be, my Lord, with all the respect a friend to his country can have for your Lordship,

Your Lordship's

most humble, &c.

THE AUTHOR.

F I N I S.

Houses of the Oireachtas