EARL of BELLAMONT's

SPEECHES,

IN THE

HOUSE OF LORDS,

ON

FRIDAY THE 13th AND MONDAY THE 16th FEBRUARY, 1789.

DUBLIN:

PRINTED BY P. BYRNE, No. 108, GRAFTON-STREET.

M,DCC,LXXXIX.

Houses of the Oireachtas

Houses of the Oireachtas

HEADS

OF THE

Earl of Bellamont's Speech

UPON THE

Motion for adjourning the Conſideration of a Meſſage from the Commons, deſiring the Concurrence of the Lords in the Addreſs of that Houſe to the Prince of Wales, *requeſting his Royal Highneſs to take upon him the ~~Government~~ Regency of this Kingdom.*

Houſe of Lords, Friday 13th February, 1789.

LORD BELLAMONT ſaid, that although the queſtion of adjournment was the only queſtion before the committee, he would take that opportunity to meet the principle of the addreſs with that fairneſs and fullneſs with which he ever had and ever ſhould meet every queſtion in that Houſe. That he was further induced ſo to do, leſt lords might feel their delicacy committed with regard to the general queſtion, by

Houses of the Oireachtas

having taken their ground upon the queſtion of adjournment, before they were apprized of the nature and tendency of the addreſs. Having deſired the clerk to read the addreſs, his lordſhip ſaid he did not heſitate to affirm *that it was inadmiſſible; that it was founded upon aſſumption of authority, in violation of original compact, and ſubverſive of the Imperial Conſtitution of England and Ireland;* a poſition which he pledged himſelf to eſtabliſh before he ſat down, as well from thoſe principles which direct and regulate the formation of civil government in the abſtract, as from the *common law of England and Ireland*, and from the *ſtatute law of this realm.* He ſaid that if in the entire range of human affairs there be a principle uncontroverted and incontrovertible it is this, that in the diſtribution of the ſeveral powers of every ſtate, which in any ſort partakes of a monarchical nature, the *executive and fedarative be reſient in a unity of perſon, quoad that ſtate.* That to depoſit thoſe powers in the hands of different perſons, or to render them ſubject to controul, ſo far as they extend by the conſtitution of that ſtate; would neceſſarily induce diſtraction in its councils, publicity in its negociations, and inefficacy in the execution of its meaſures. That the ſame principle which in a ſimple monarchy requires a unity of executive

tive with regard to itſelf, does in conjunct empires compoſed of more than one monarchy, demand that the unity of perſon as to each, be reduced to an identity of perſon as to both. That, as in ſimple monarchies, a divided executive would neceſſarily be followed by weakneſs; ſo in conjunct empires, a diſunited or different executive muſt be inſtantaneouſly productive of confuſion. Under ſuch a government the empire collectively taken, would at one and the ſame time be expoſed to peace and war with one and the ſame powers; the ſame articles would at one and the ſame time be lawful and contraband. In a word, that a government thus conſtituted, would involve ſuch a political and commercial chaos, that the reſources of the ſtate being thus turned againſt itſelf, it would fall with rapidity in proportion to its own weight, if not prevented by ſeparation, which would in the end effect that ruin it vainly endeavoured to avert. He ſaid he was almoſt aſhamed to trouble their lordſhips with this A B C detail; but when the conſtitution is attacked in its very foundation, it can only be defended by recurring to its fundamental principles. Upon theſe principles it was that Henry II. a great and politick prince, ſo ſoon as he had obtained a footing in this kingdom,

called upon the people of Ireland as follows: Already king of England, do you recognize me Lord of Ireland, I will be equal father over both. You ſhall have like liberty, like law adminiſtered in like manner by your own legiſlature; in a word, like conſtitution as my people of England. You ſhall enjoy civil, real, perſonal, commercial, judicial, and legiſlative rights at home, political ſecurity abroad; upon this ſimple condition, *that I, my heirs and ſucceſſors be henceforth for ever recognized and acknowledged Lords of Ireland.*

The PEOPLE OF IRELAND had the wiſdom to cloſe in with thoſe terms as proffered by the Britiſh Monarch, thus eſtabliſhing A UNITED EMPIRE IN A UNITY OF EXECUTIVE FOR BOTH REALMS.—

He ſaid he would not treſpaſs upon the Houſe by entering into minutiæ as to thoſe remote times, the records of which were only to be found in preſcription; he would carry their lordſhips forward to an æra, at which the enlightened policy of the age did, in the entire tenor and ſpirit of each act, emphatically declare the great end and object of it. The firſt ſtatute to which he ſhould call their lordſhips attention was, the 10th of Henry VII. commonly

commonly called the law of Poyning; a period almoſt four hundred years diſtant from that to which he had at ſetting out alluded; during all which time, our recognition as to the crown of Ireland had invariably followed the appointment to the crown of England. He here obſerved, that as the object of this act was to maintain the dependence of the crown of Ireland upon the crown of England in the exerciſe of the legiſlative powers of the parliament of Ireland; the ſilence of this ſtatute with regard to the principle which it went to maintain, combined with the invariable practice which he had juſt now ſtated, more powerfully aſſerted, that ſuch was the *common law of both kingdoms*, than volume sof Declaratory Law could have eſtabliſhed.—The next ſtatute, to which he ſhould refer, was the 28th of Henry VIII. Chap. 2. entitled "An act of Succeſſion of the King and Queen Anne;"—the object of this act being to diſannul the marriage of Catherine of Aragon, and to illegitimize her iſſue, transferring the ſucceſſion of the crown to the heirs of Anne Boleyn the then eſpouſed conſort; it ſets out with a declaration of the common law of both kingdoms; founding the title of the King and his heirs to the crown of Ireland, upon his right and title to the Imperial Crown of England, under the following

following expreſs terms, viz. " where unto this your land of Ireland is appending and belonging." Thus far, ſaid he, the annexation of the crown ſtands eſtabliſhed by double proof. By the ſilence of the one act, the object of which was to maintain the principle in the exerciſe; and by the expreſs declaration of the other, claiming the right, by virtue and authority of the principle.—The next ſtatute to which he adverted was the ſtatute of Hen. 8th. Chap. 5. " authoriſing the king, his heirs, and ſucceſſors, to be ſupreme head of the church of Ireland." His Lordſhip's comment upon this ſtatute was, that although it paſſed in the very ſame ſeſſion, and ſubſequent to that, recognizing the right of the King and his heirs to the Crown of Ireland; the Parliament of Ireland again ſet forward his right to the Crown of England, as the moſt conſtitutional title to the Crown of Ireland, limitting the ſucceſſion of his heirs to the Crown of Ireland under theſe reſtrictary words, " being Kings of the ſaid Realm of England:" and this at a time when every idea of merging or extinguiſhing the crown of Ireland in the crown of England, was ſo remote from the intention of that act, that it is therein expreſsly enacted, that the King ſhall be accepted, taken, and reputed, the only ſupreme head on earth of

the

the whole church of Ireland, called (*not Eccleſia Anglicana* collectively,) but *Hibernica Eccleſia*; thereby maintaining and preſerving the rights and prerogatives of the Crown and kingdom of Ireland, clear, diſtinct, and entire, as well in Church as in State.

The next ſtatute, his Lordſhip brought forward was the 33d of Henry VIII. chap. 1. entitled an act, " That the King of England, his heirs and ſucceſſors be Kings of Ireland." He here applied to the Houſe and aſked, do you conſtrue this act a declaratory law, or an enacting ſtatute. Do you ſay it is a declaratory law, you cannot withhold from it the validity of common law preſcription. Do you ſay it is an enacting ſtatute, you inſtantly cloath it with the authority of expreſs ſtatute law. The fact is, it is both declaratory and enacting. Declaratory of the principle as to the time paſt; enacting with regard to the right and principle for ever, as to the time to come. His Lordſhip next referred to the 2d Eliz. chap. 5. " An act of recognition of the Queen's highneſs title to the Imperial Crown of this realm." He here ſtated, that although the right of Elizabeth had been recognized by this kingdom by the 28th Henry VIII. ch. 2. that altho' no bar to her ſaid title was ex-

tant

tant by any law of Ireland, ſave only by a ſubſequent act of the 28th of that Monarch *, and by the 3d and 4th of Philip and Mary; the repeal of which former act ſo far as relates to the divorce of Anne Boleyn, and to the illigitimacy of Elizabeth, and the repeal of which latter ſtatute, ſo far as relates to the confirmation of the marriage of Catherine of Aragon, and to the legitimizing of Mary, would *ipſo facto* have done away ſaid bars, leaving the recognition of Ireland as touching the right and title of Elizabeth to the crown of this realm, in full force and effect; the Parliament of Ireland conſidered it a more conſtitutional proceeding, to inveſt her with the crown of Ireland by virtue and authority of the Engliſh ſtatute made at Weſtminſter in the 35th of Henry VIII. notwithſtanding that the ſtatute of Weſtminſter had never been until then adopted by this kingdom.

Thus far, ſaid his Lordſhip, for the proceedings of the Parliament of Ireland with reſpect to the principle of annexation, previous to the revolution. He ſaid he would now call the attention of the Houſe to that memorable æra, at which the wiſdom of our anceſtors renovated and eſtabliſhed

* This act is not to be found upon the Statute Books.

the

the conſtitution, by defining the diſtinct lines and rights, as well of the reſpective crowns with regard to each other, as of the ſeveral departments of each kingdom with regard to itſelf. Having read the preamble to the 3d and 4th of William and Mary, intitled " An act of recognition of their Majeſties undoubted right to the crown of Ireland, foraſmuch as this kingdom of Ireland is annexed and united to the Imperial Crown of England, and by the laws and ſtatutes of this kingdom, is declared to be juſtly and rightfully depending upon, and belonging and for ever united to the ſame, and the Kings and Queens of England are by undoubted right Kings and Queens of this realm"—He demanded is there any man without doors, for certain he was there is no man in either Houſe of Parliament would wiſh to do it ;—is there, ſaid he, any man without doors who has the hardineſs to queſtion the authority of this ſtatute. Should any man dare to call it into doubt, he would tell ſuch a man, this ſtatute is the baſis of that ſacred ſuperſtructure the 2d of Queen Anne. He then ſtated to the Houſe the 9th of William III. entitled " An act to hinder the reverſal of ſeveral outlawries and attainders," an act by which, ſaid he, the Parliament of Ireland limitted and controuled the King of Ireland in the exerciſe of

 the

the higheſt prerogative of the crown, the ATTRIBUTE OF MERCY. He here obſerved, that the criminality ſetforth againſt the Earl of Tyrconnell, whoſe attainder it went to render irrevocable, was founded upon this charge; that whilſt Lord Lieutenant of King James II. then as yet Monarch of Ireland, he had oppoſed King William, as yet *unrecognized by Ireland*; claiming the crown of Ireland, under the ſole appointment of *the Lords and Commons of England*. Your Lordſhips, ſaid he, are now to turn your eyes to the 2d of Queen Anne, ch. 5. the firſt in magnitude, though laſt in order of time, the great conſummation of all our wiſhes; that from which we derive every bleſſing we enjoy under the illuſtrious and auſpicious houſe of Brunſwick; an act, which derives its own authority from the 3d and 4th of William and Mary, which latter is itſelf founded upon the great charter of our liberty, the BILL OF RIGHTS.

Such, my Lords, is the baſis upon which I found the principle of unity of executive,—a principle which notwithſtanding repeated inſurrections and rebellions in both kingdoms, has ſtood the ſhock of time for a ſeries of upwards of 600 years; during which, the reſpective crowns of the united realms, have ſeven times

changed

changed the line of ſucceſſion; during which Ireland maintained, and unremittingly aſſerted her fundamental right to a free independent legiſlature, as well excluſively as incluſively; a principle in fine of ſo ſacramental a nature, that the capricious tyrant Henry VIII. who made and unmade at will, laws human and divine, bowed down before it. Such, his Lordſhip ſaid, it muſt be acknowledged was the conſtitution prior to 1782. He would now inveſtigate whether the renovation of right which took place at this latter æra, has in any thing, or in what, altered the conſtitution of Ireland with regard to this principle. The grievances ſtated in the articles of the 17th of April, were four in number, viz. a perpetual mutiny bill, the claims of Great Britain infringing upon our legiſlature and judicature, the interference of the Privy Council, in originating and ſuppreſſing of bills, and the practice of altering them in their progreſs, there and elſewhere. With regard to the mutiny bill, his anſwer was, that as ſtanding armies were unknown at the time that our original compact took place, a mutiny bill whether limitted or perpetual, could not form any part of our original conſtitution. With regard to our legiſlative and judicial rights, of which the 6th of George I. alone claimed by right to deprive us; as that

claim was not ſet forward until upwards of 500 years ſubſequent to the reign of Henry II. it could not either, form any part of our original conſtitution. With regard to the law of Poyning, the object of which was to maintain a unity of executive, in the exerciſe of legiſlation; his anſwer was, that the law of Poyning is not repealed, but modified. It is indeed purged of every infringement upon our legiſlative rights; but the dependance of the crown of Ireland, upon the crown of England, is by the proviſion in the 21ſt and 22d of the King, ch. 47, which modifies that act, kept alive and preſerved, by this expreſs ſtipulation. "That all ſuch acts as ſhall be returned into this kingdom *under the Great Seal of Great Britain*, without addition, diminution, or alteration, and *none other*, ſhall paſs in the parliament of this kingdom." He was therefore founded to conclude, that the renovation of right in 1782; ſo far from altering the conſtitution with regard to the dependence of the crown of Ireland, upon the crown of England, has in the renovation of our rights, renovated that principle likewiſe, inaſmuch, that the condition being thereby recognized in its fulleſt extent on the part of Great Britain, the obligation is rendered by ſo much the more forcibly binding on the part of Ireland. His Lordſhip having then called

called for the Lords Journals of the 17th of April 1782, read the addreſs of that Houſe to the King, ſetting forth the grievances of this kingdom; commenting on ſaid addreſs, paragraph by paragraph, in ſupport of the above ſtatement.

He ſaid it remains to conſider, whether this principle of UNITY OF EXECUTIVE with regard to the appointment to the CROWN, does in any thing, and in what, vary when applied to the appointment of a REGENT to this kingdom. He need but obſerve, that every attempt to draw a line between the appointment to the *one*, and the appointment to the *other*, is a diſtinction without a difference. The function of the Sovereign, is to maintain, and exerciſe, the powers of the third eſtate, namely the executive. The function of the REGENT, is to ſupply the deficiency ariſing from the indiſpoſition or incapacity of the SOVEREIGN, as to the exerciſe of thoſe functions. Thus, the function of the *Regent*, ſo far as it extends, being one and the ſame with that of the *Sovereign*, it follows from every principle, both of law and reaſon, that the right of appointing to the *Regency*, is inherently attached to, and inſeparable from the right of appointing to the *Crown*.

Let

Let us then for a moment ſuppoſe that the principle which you are labouring to eſtabliſh, ſhould in the preſent inſtance take place; that by anticipating the appointment of the Lords and Commons of England, you ſhould appoint one perſon to the *Regency of Ireland*, whilſt they (which is yet poſſible), may be reduced to the neceſſity of appointing a different perſon to the *Regency of Great Britain*. What would be the ſituation of the *Regent* of *Ireland*, or what the ſituation of a *King* of *Ireland*, appointed in ſuch manner. Endowed with the regalia of ſovereignty, but arreſted in the exerciſe of every regal power. He would have a military eſtabliſhment without law or ſubſiſtance; a civil eſtabliſhment without ſalary; a board of revenue without exciſe; a board of treaſury without revenue. Compelled to tranſmit under the great ſeal of Ireland every bill which ſhould paſs her Lords and Commons, precluded even from the return of every bill which ſhould not receive the great ſeal of England, which great ſeal is under the dominion of the King or Regent of that realm; he would be a third eſtate without a negative in the firſt inſtance, without a faculty of aſſent or affirmative in the laſt. Such would be the ſupreme ſovereign monarch of Ireland, *a Rex qui Regem habet*, ſuch the imperial independent

pendent realm of Ireland; *a regnum quod alio ſubjicitur regno.* Thus, my lords, ſaid he, ſo often as the imagination overleaps all bounds of right, it inſtantly loſes ſight of all principles of reaſon. Much has been ſaid with regard to the principles of contending parties in Great Britain. The ſubject tranſcends all party conſiderations, as much as the high perſonage who has been more than once improperly alluded to, is placed above all poſſible reach of rivality. Limitations and reſtrictions have been likewiſe touched upon, and ſomewhat bordering upon implied ſuſpicion, has been more than once glanced at. With regard to reſtrictions, he had not fully conſidered whether or no aſſimilation may require that they be followed up ſo far as they apply to this kingdom. With reſpect to the implied charge of ſuſpicion, he would ever be foremoſt to ſay that every quality of the Prince of Wales, even the overflowings of thoſe qualities, if he might preſume to make uſe of the expreſſion, refuted every ſuch idea. He entreated noble lords not to wound his ears with inſinuations, which no heart was ſo depraved to conceive, no tongue ſo daring to utter; which could not have obtained the vehicle of human breath; but that thoſe noble lords from whom they had tranſpired, felt their own indemnity

in

in the *quo animo*, in which they claimed to urge them. He ſaid that next to the King, he loved and honoured the Prince of Wales; that he conſidered their intereſt one and the ſame—put us to the teſt—let the commons ſend forward a vote of credit into this houſe—we will glory in curtailing our perſonal parade, to ſupport the eclat of the Prince, the ſplendor of the Regent, without diminiſhing the inherent dignity of our beloved monarch or his truly amiable and royal conſort.

He ſaid attempts had been made to argue *ab uſu ad abuſum*. It had been aſked, ſuppoſe Great Britain had nominated any other perſon than the Prince of Wales, or had nominated his Royal Highneſs under ſuch reſtrictions and limitations as he could not accept, would Ireland have been bound to follow ſo extravagant a proceeding? His anſwer was, that before their lordſhips could take credit for that argument, they muſt firſt prove that the reſtrictions impoſed upon the Prince, are ſo ſubverſive of the Britiſh conſtitution, as to diſſolve her entire government within herſelf; or ſo invaſive of the rights of Ireland as to diſſolve our original compact with Great Britain.

He

He then ſaid, my lords to return. Having ſhewn your lordſhips that *unity of executive* is a principle founded not only in law but in reaſon; that it is not only the common law of the land in both kingdoms, but the expreſs ſtatute law of this realm, as appears from this chain of acts of your own parliament from 1495 down to the preſent time. Having ſhewn your lordſhips that as ſuch was the fundamental principle of the conſtitution from the earlieſt period to 1782; the renovation of our rights which took place at that happy æra, did with the renewal of the conſtitution renew in original force that fundamental principle of it: Let us now take a view of the conſequences which will neceſſarily follow, ſhould you this night run counter to, and violate that principle. What were the proceedings of the Lords and Commons of England upon the heartfelt calamity which this addreſs affects to ſupply?—They firſt recurred to precedent; when it fell ſhort they had recourſe to principle. They reaſon thus. Poſſeſſed of the power of nominating to the Crown, in caſe of an entire lapſe of the Crown; the right of nominating to the Regent, not being otherwiſe provided for by law, neceſſarilly devolves upon us. Thus as their right to nominate to the Crown, was the principle from which they deduced their

authority to appoint to the Regency; ſhould you this night eſtabliſh your power *de facto* to nominate to the Regency, it will hereafter be adduced as an argument, to claim *de jure*, the right of nominating to the Crown. As Great Britain declared that the *majus* includes the *minus*, Ireland will tell you that the *minus* implies the *majus*, and thus you will ſever the Britiſh empire, from its ſummit to its foundation, by inverting every rule of proceeding, as you are ſubverting every principle of right. You will be pompouſly told, in vain has Ireland recovered an independent legiſlature, in vain does ſhe enjoy all the bleſſings of civil liberty at home, of political ſecurity abroad; ſhe can never ſhine conſpicuous in the eye of nations, until ſhe has reſumed that firſt, and glorious prerogative, the right and exerciſe of conferring the ſovereign power of the ſtate. You will be told, in vain, have you eſtabliſhed the principle, ſo long as theſe indignant manicles *, which have been ſurreptitiouſly impoſed upon you through the medium of your own Parliaments, are ſuffered to remain on your ſtatute books; that they, with the authorities under which they derived, were obtruded upon you

* The Catalogue of Statutes upon which he had argued.

and

and recognized by you *in fraudem legis*, in injury of your rights, in violation of your conſtitution. Do I ſay ſuch is the language which will be held out hereafter, alas! my Lords, ſuch is the language, and ſuch are the principles, which, whilſt I am ſpeaking, are held out and diſſeminated through the kingdom by men of no mean talents or vulgar acquirements. A ſweeping conſtruction which by deſtroying every connection between Great Britain and Ireland, cuts up by the roots the right and title to every forfeited eſtate from the earlieſt day to the preſent hour.

He continued: if blind to the letter of the law, and deaf to the voice of reaſon, if regardleſs of yourſelves and your poſterity, you yet obſtinately perſiſt, I charge you by your allegiance and attachment to the beſt of Kings, by your attachment and adherence to the Heir Aparent and their poſterity; take heed, that your intemperate zeal do not ſhake that throne, the rights and prerogatives of which it claims ſo ardently to maintain. Should this addreſs be adopted this night, which GOD FORBID; *the crown of Ireland, is from that moment ſet adrift*, inſomuch that the very hour Great Britain ſhall have appointed a Regent; that is ſo ſoon as an Iriſh act of Par-

liament can obtain the Great Seal of England, my firſt care ſhall be to introduce into this Houſe, a bill re-enacting, the 2d of Queen Anne, *for the better ſecuring and ſettling the ſucceſſion of the Crown of Ireland*; that however I may have been baffled and defeated by numbers, in the maintenance of the permanent principle of *imperial annexation*, I may at leaſt, ſave the REGAL DIADEM, to the Royal Father, the Heir Apparent, and the Royal Houſe, amidſt the wreck and ruins of the Conſtitution.

HEADS

HEADS

OF THE

Earl of Bellamont's Speech

UPON THE

Report of the Committee for taking into Conſideration the Addreſs to the Prince of Wales, *requeſting his Royal Highneſs to take upon him the Regency of this Kingdom.*

Houſe of Lords, Monday 16th February, 1789.

LORD BELLAMONT who roſe in reply to Lord Pery, ſaid, that when the learned Viſcount had ſuggeſted "that every difficulty might be removed by adding certain words at the end of the addreſs importing that bills would be tranſmitted to Great Britain conformable thereto," he did expect his Lordſhip would likewiſe have ſuggeſted that certain words ſhould be withdrawn from that addreſs; for ſo long as the preceding part

part of that addreſs be ſuffered to remain, it is not in the power of words to qualify or render it conſtitutional or legal.—He ſaid you are now about to put the laſt hand to that act, which forever ſeparates the united ſiſter kingdoms.

In God's name of what have you to complain, or to what would you aſpire? Do you complain of the compact itſelf? It was the ſovereign act of the people of Ireland in treaty with the Britiſh Monarch. Do you complain of the principle? It is a fiduciary depoſit committed by the people of Ireland to the Lords and Commons of England, a portion (if you will) of the ſovereign power of the people of Ireland, thus transferred by the people of Ireland, for the mutual benefit of both kingdoms. In the name of common ſenſe; with whom ſave only the Lords and Commons of England could this truſt be depoſited. Not with the King. The object is to ſupply the lapſe of the crown, or any deficiency which might ariſe in the exerciſe of the regal function. Not with the Lords and Commons of Ireland. The treaty was not between the people of Ireland and the Parliament of Ireland, but between the people of Ireland and the King of England, for the purpoſe of uniting the crowns of both realms. Not with any foreign Potentate.

That

That would be to introduce an *imperium ex imperio*, a fourth eſtate, which being foreign to each, would be ſubverſive of both. With whom then could this truſt be depoſited? With the Lords and Commons of England alone; not in their legiſlative, but in their political capacity; the two ſurviving eſtates thus repreſenting the Britiſh ſtate, for the ſole purpoſe of reſtoring the third eſtate, by appointing to the executive of both kingdoms. Once more I aſk what is the nature of this truſt? It is a transfer of a portion of the ſovereign power merely *quoad hoc*. A power which expires in the very exerciſe. A power which having fulfilled its function, lies dormant until revived by a return of the occaſion; ſending back the party to whom it was committed, to a perfect parity with that from whom it was received. A power which as it muſt appoint upon equal terms for the latter, as for the former, cannot be abuſed. A power in fine, which the lapſe of time, together with every diſtraction ariſing from repeated inſurrection and rebellion in both kingdoms, have in a period of 600 years and upwards, called into action ſeven times only at the utmoſt. He conjured his countrymen not to ſuffer themſelves to be deluded and carried away by ideas which do not apply, by ſuggeſtons that this depoſit

on

on the part of Ireland, contains in it even a ſhadow of ſubordination or inferiority to the ſiſter kingdom. The dependance it creates is not that of the Parliament or people of Ireland, on the Parliament or people of England. It is ſimply this. A dependence of the crown of Ireland, on the crown of England. In other words *a unity of executive upon equal terms to both kingdoms.* He appealed to the underſtanding of men as well without doors as within, could one ſingle argument be adduced againſt this truſt, or againſt the principle of this truſt, which would not equally apply againſt every truſt, againſt every transfer, of every portion of natural liberty, for the benefit and ſecurity of civil ſociety and government.

He continued, ſince then no complaint can be urged againſt the compact itſelf, or againſt the principle upon which it is founded; have you any to advance upon the abuſe of that principle. By your addreſs of the 17th of April, 1782, (which I ſtated to you on Friday laſt). You emphatically declare the very reverſe; "that the crown of Ireland is inſeparably annexed to the crown of Great Britain, on which connection the happineſs of both kingdoms eſſentially depends;" and in your addreſs of the 28th of May you further

further declare, in expreſſions of the warmeſt acknowledgement, that " his Majeſty may have the firmeſt reliance upon the good faith, generoſity and honour of this nation." To what then do you aſpire by this addreſs. To ſacrifice a ſubſtance to a ſhadow, to exchange your rights, liberties and ſecurity for an ideal prerogative, which you yourſelves transferred for the wiſeſt purpoſes.

Thus unhinging your ſettled conſtitution, deſtroying your national credit, undermining your perſonal rights and titles, even to your eſtates and honours, by overturning the authorities under which you derive them; and this upon terms *of violating your ſolemn compact*, almoſt as ſoon as renewed.

He here took a view of the ſeveral arguments which had been advanced in ſupport of the addreſs, ſhewing the inconſiſtency of the meaſure, from the incoherence of the principles upon which it was ſupported. The Revolution had been adverted to. The proceedings of the Lords and Commons of England, at a time when the throne was vacant, were ſet up as a precedent for the Lords and Commons of Ireland, at a time when the throne is, bleſſed be God, full; a

precedent which in the preſent circumſtance has not been found to apply to Great Britain herſelf. A precedent which in no circumſtance, could from our conſtitution apply to Ireland. A noble Baron who had taken a leading part in the debate, had poſitively aſſerted that the addreſs is, of itſelf alone, a legal conveyance of the Regency of Ireland; nay more, that it was the only legal conveyance which from the nature of things could take place; founding his aſſertion upon this argument, that as no bill could be carried into a law until the third eſtate, namely the executive be previouſly reſtored; the appointment to the Regency muſt precede, not follow, the paſſing any bill whatever. Whilſt a noble and learned Viſcount, who is equally ſtrenuous in ſupport of this meaſure, did as poſitively aſſert that this addreſs was not, nor could not be in law a conveyance of the Regency; it was nothing more than an invitation to the Prince of Wales, praying his acceptance of that office, and notifying to his Royal Highneſs the intention of the parliament of Ireland, to tranſmit bills to legalize their appointment to it; conformable to which intention the learned viſcount had ſuggeſted the addition of thoſe words which he (Lord Bellamont) had ſtated at ſetting out. His Lordſhip continued, let us conſider how

the

the reſpective arguments will ſtand when collectively taken. The noble Baron aſſerts that the addreſs alone is a legal conveyance of the Regency of Ireland, a doctrine in which his opinion is backed by the opinion, of high legal authority. The learned Viſcount, who is himſelf authority of high legal weight, on the other hand aſſerts that the addreſs, if not followed by bill, is mere matter of compliment and nothing more; propoſing as an all ſufficient expedient, to legalize the illegality of the noble Barons conveyance of the Regency, by tranſmitting bills, which the noble Baron inſiſts muſt be in their nature illegal, for want of an executive to give them the force of law. His Lordſhip again appealed to common ſenſe, what muſt be the merits of a cauſe for which the united powers of ſhining talents and unqueſtionable legal knowledge are obliged to recur to ſuch a defence. Again, the learned Viſcount has ſaid, that Ireland has an undoubted right to create a Regent to herſelf; that nothing could be feared from the exerciſe of that right, for this plain reaſon, that if in the exerciſe of that right ſhe departed from the appointment of Great Britain, the Regent ſo created would find himſelf controuled in every legal act, the great ſeal of England not being under his dominion, but under that of the

Regent of England. His Lordſhip conceived that argument anſwered itſelf. The learned Viſcount has aſſerted that the right of Ireland to nominate a Regent to herſelf is clearly eſtabliſhed in this, that *no law* is to be found declaring or enacting that Ireland ſhall *not* appoint a Regent to herſelf, or providing for that appointment elſewhere.

LORD BELLAMONT ſaid, my anſwer is, the appointment to the crown of Ireland, in caſe of an entire lapſe of the crown, does both by common law and ſtatute law follow the appointment to the crown of England.—I therefore come forward with THE PRINCIPLE. Let the learned Viſcount bring forward *his exception* if he can.—I claim it for an eſtabliſhed maxim in law, and I ſpeak it in preſence of the learned; that as the greater power includes the leſſer, the right of appointment to the inferior office neceſſarily follows the right of appointment to the ſuperior, unleſs the appointment to the former, be by expreſs law transferred to ſome other department. With deference therefore to the learned Viſcount, I do aſſert, that the appointment *to the Regency of Ireland*, does by direct inference of law, follow *the right of appointment to the crown of Ireland*, unleſs the learned Viſcount can come forward

forward with a law expreſsly excepting and transferring the appointment of the Regency of Ireland to the Parliament of Ireland; an exception which the very baſis of his own argument precludes; the learned Viſcount having founded his plea upon this, that the circumſtance being original, no precedent can be found to apply, no law can be produced declaring or enacting that Ireland has not the right and authority of appointing a Regent to herſelf: The learned Viſcount thus labouring to eſtabliſh his negative claim upon his poſitive want of title.

He ſaid it has been aſked, ſhall we refuſe our concurrence with the addreſs of the Houſe of Commons. No man could entertain a higher reſpect than he did for that honourable Houſe, or for the perſons of many of its members; but ſo often as he ſhould ſee them however unconſciouſly exceed or run counter to the ſtrict lines of the Conſtitution, ſo often would he exerciſe the controul with which the Conſtitution has veſted him in matter of law, with which the law and uſage of Parliament have veſted him in matter of reſolution and addreſs as in the preſent caſe. It has been re-echoed within theſe walls, that the addreſs on the table ſtands ſanctioned by the Commons of Ireland, and by the voice of the

the nation. He did admit the aſſertion ſo far as relates to the Commons themſelves, but he denied it *toto animo* as applying to the nation at large.

He ſaid that in 1172, the people of Ireland treated in perſon with the Britiſh Sovereign. That in 1782 the people of Ireland treated he would ſay in perſon, through the Sovereign of both kingdoms. Thus as the original compact which was the foundation of our rights, was the perſonal act of the people of Ireland; in like manner the renovation of our right was again the perſonal act of the Iriſh nation, tranſmitted only through the vehicle of their repreſentatives, acting under their expreſs inſtructions.—When the rights of Ireland were to be renewed, an appeal was made by the repreſentatives of the people, to the people. Inſtructions were applied for from every county, city, and almoſt every borough throughout the kingdom. Committees were appointed in every diſtrict which returned repreſentatives to Parliament. Every meaſure to be purſued being by them duly weighed and conſidered, every grievance to be ſtated, every redreſs to be demanded, was the perſonal requiſition of the people. Such were the proceedings of the repreſentatives and

people

people of Ireland, when the original compact and inherent rights of Ireland were to be renewed. Has any ſuch appeal been made in the preſent inſtance? have inſtructions been called for? have counties, cities and boroughs been convened for the purpoſe of conſidering this all inclusive meaſure? or have the people taken the lead and ſent forward their inſtructions to this effect? No ſuch thing.

The people of Ireland are a manly people; they will not ſteal upon the cabinet while the monarch ſleeps. The people of Ireland are a gtateful people; they will not forſake the beſt of kings whilſt his mortal frame ſuccombs under more than human anxiety for the welfare and happineſs of his ſubjects.

The people of Ireland are a liberal people; they will not ſurpriſe the unſuſpecting generous feelings of the Heir Apparent, turning his princely qualities againſt himſelf. The people of Ireland are a wiſe people; they know the law and the value of the law. Jealous of their rights they will not ſuffer thoſe rights to be ſubverted, nor the law to be ſuperſeded by *a reſolution of either or both Houſes of Parliament.*—Who are the people of Ireland? The aggregate

aggregate of ſenſe, information, principle, character and honour of the entire Iriſh nation, which is not contained within theſe narrow walls, or within the ſcanty diameter of another Houſe; THE SOURCE from which THE FONT OF HONOUR does itſelf derive; the tribunal to which all delegated power is mediately or immediately accountable; A TRIBUNAL before which *violation of compact* ever has and ever will ſtand ſelf condemned.

He ſaid, let us now take a view of the proceedings by which this addreſs has been brought before us. It was preſſed forward in the Commons in order that the nomination of the Regent in Ireland may not follow, but precede the appointment of the Regent in England. It has been kept back in this Houſe, in order that the communication as to the former, may not precede, but follow the appointment as to the latter.

Thus ſtealing a principle upon the conſtitution, by transferring the authority of a Britiſh act of ſtate, to the unauthentic reſolution of the Lords and Commons of Ireland.

He

He ſaid that as the learned Viſcount had ſuggeſted one propoſition, he would now come forward with another; (here there was a general cry of hear him, hear him.) As ſoon as the clamour ſubſided, his Lordſhip ſaid his propoſition was, that their Lordſhips ſhould cloath that addreſs *talis qualis* with the form of a bill, and that they ſhould that night, if they would preſs it forward through both Houſes, tranſmit it to Great Britain. He pledged himſelf that upon theſe terms he would withdraw all oppoſition as to himſelf; he would upon that ground for once preſume to pledge the noble Lords with whom he acted, that they would withdraw their oppoſition likewiſe.

He ſaid my noble Lords, you will not take me at my word, I know you will not. You know full well how ſuch a bill would be received. You know the truſty Guardian of the Seals would put his hand into the fire, e'er he would put the Great Seal of England to ſuch a bill.—You know the deſperate adventurer could not be found to dare to do it.—The Lawgiver might forfeit the confidence of the Prince, but the law would not forego his veneration; and therefore it is that you have recourſe to *this addreſs*; be-

cauſe as it has not weight to bring it to the TEST OF LAW, it has not ſtamina to be confronted with THE PRINCIPLES OF THE CONSTITUTION.

He ſaid my Lords, one word more. With regard to the principle of unity of executive we are all agreed. The only exiſting difference is how far that principle does apply to the caſe now before us. Without relinquiſhing my legal ground, I ſhall ever be ready to meet noble Lords upon the general ground of expediency and wiſdom, abſtracted from every other claim or conſideration.

I call upon you in your high capacity of hereditary judges of the land, of heriditary councellors of the King, to lay your hand upon your breaſt and to declare the verdict of your diſpaſſionate underſtanding. Will not Great Britain have reaſon to complain. Will ſhe not reproach us with alienating the affections of the Heir Apparent. Does not this addreſs amount to rivality confeſſed; ſapping the foundations of that national confidence, without which oaths are empty air, and bonds dead letter parchment; turning thoſe cordial affections,

which

which the great outlines of our reſpective ſituations with regard to each other have mutually ſown and cultivated in our minds; into jealouſies and heart-burnings, ever virulent and laſting, in proportion to the wounded affections from which they proceed.

F I N I S.

Houses of the Oireachtas

Houses of the Oireachtas