

THE
RIGHTS
OF THE
IMPERIAL CROWN
OF
IRELAND
ASSERTED AND MAINTAINED,
AGAINST

EDWARD COOKE, Esq.

REPUTED AUTHOR OF A PAMPHLET,

ENTITLED,

“ARGUMENTS FOR AND AGAINST AN UNION, &c.”

IN A LETTER TO THAT GENTLEMAN.

BY GEORGE BARNES, Esq.

LATE OF THE ROYAL NAVY,

AND NOW BARRISTER AT LAW.

“Nor pains nor death to guard our sacred laws,

“But bravely perish in our Country’s cause.”

Prologue spoken by Prince, now King George, in the
Year 1749, at Leicester-House.

Belsham’s 1st Vol. of Geo. III. page 7.

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Houses of the Oireachtas

P R E F A C E.

READER,

I HERE present you with my humble sentiments on a subject of the greatest importance. The favourable manner in which the speech I made at the Bar-meeting was received by that learned and respectable body, was certainly the impelling motive; but a sense of Public Duty was the deciding principle, which has induced me to launch my Frigate of Patriotism into the Sea of Public Opinion. A Student in the cannon and municipal law, I am determined my acquirements in both shall be at the service of my Country, and exerting, as I ever will, whatever talents I possess at the Bar in defence of her liberties, if attacked in the courts by usurped or illegal prerogative, so am I equally determined, if the moment shall make it necessary, to support her rights, and with them the *just and acknowledged prerogatives* of the Irish Crown, by the knowledge I derive from the former law, in the field of martial

martial glory.* A seaman by profession, I will ever be found

“ True to my trust when sacred duty calls;”

and conscious as I am, I should be unworthy of the name I pride myself in, if I hesitated, where delay may be dangerous, I here, in the language of that glorious patriot, Lord Ruffel, elegantly verified by the father of the present Mr. Canning, declare, that these

“ Are the fixed sentiments, that rule my soul;

“ *Time* cannot change, nor *Tyranny* controul.”

If any should think, I have impertinently added to the large number of Pamphlets, which has already appeared on the subject of the Union, I beg them to remember, that, in times of danger, seamen do not content themselves with passive courage; no, the naval poet will tell them, that

“ Tho’ their firm hearts no pageant honour boast,

“ They scorn the wretch that *trembles* at his post:

“ Who, from the face of danger strives to turn,

“ Indignant from the social hour they spurn.”

FALCONER.

N. B. That the correctness of my quotations may be the more easily ascertained by the Public, I have preferred the editions of the books quoted, which are in the Dublin Library, Eustace-street, to all others.

THE

* *Ostendite Bellum, Pacem Habebitis.*

THE
RIGHTS
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SIR,

BY your Pamphlet, entitled, "Arguments for and against an Union, &c." you have forced every question relative to that important subject into discussion; you, therefore, Sir, are answerable for all the consequences, whatever they may be, which shall attend the discussion of the question of Union, at a moment when it is impossible the public mind can as yet have settled into the regions of good humour and good temper, after the unhappy disturbances which have shook the country to its centre. You say "the question is of such extent and importance, and applies so warmly to all the feelings, prejudices, and passions of the human mind, that it cannot fail to be universally debated; the only fear is, that it will not be properly debated." When a proposal is made by you to a great and generous nation, as wicked and as
base

base in principle, as that of Sextus to the noble Lucretia, you express your fears lest the insult should be resented by Roman, that is by Irish courage; yes, Sir, I trust should the folly and madness of British Ministers, flushed with Naval greatness, acquired, however, by the assistance of Irish valour, impel them to attempt the enjoyment of a lawless embrace, that they shall find, that the chastity of the fairest virgin that ever appeared in this sublunary world, will be defended by brothers, who would willingly die in defence of her honour; yes! they shall find, that not only ten thousand, but ten times ten thousand swords, "shall leap from their scabbards to avenge the insult," and learn to their cost, that in the defence of virgin innocence, with Irishmen, "the age of chivalry is not gone."* Having expressed myself in the only language which I conceive fit for an honourable and ingenuous mind to speak, when a proposition of infamy is made to it, I will in the sequel condescend to argue the "question of terms," to prove to those who can deign to calculate, when prostitution is the price of supposed acquisition, that if they can think as lightly of honour, as Falstaff, they have no means of compelling the adulterer to keep his promise, and save the character of the lady, by a marriage; nay, even the *settlement* itself, being for an immoral consideration, would not be enforced in any court; and still more dreadful to tell, Sir, we should in that case, be deprived of the chance derivable from honourable feelings in opposition to strict law, as then there

* Burke's *Reflec. on the French Revolution*, 112,—13.

there would be no Court competent to try the question of immorality. Nor can, nor will the justice of the opposition which, if necessary, I propose should eventually be made to a Union, be denied by any persons of the present day, who were members of the Bar, the Volunteers, that illustrious band, not made up of a *sect*, but of a nation, of Roman Catholics, Presbyterians, and Protestants, unrivalled in either ancient or modern history, forgetting their feuds, and in mutual love embracing each other; they united under the more glorious, more excellent, and truly Catholic names of Volunteers and Christians; they stepped forward, and, subordinate to the Irish senate, asserted the independence of the Irish monarch and nation, in opposition to a British legislature. This *great* and never-to-be obliterated benefit, we owe to the prudence and magnanimity of that body of men, which, while there is an infant tongue to lisp their names, will be spoken of with veneration and gratitude; or the members of either House of Parliament; in the year 1782. All these bodies did then separately resolve, they would risk their lives and fortunes in defence of the independence of Ireland. At that period, when a Hufsey Burgh animated the Bar, a Sharman and a Brownlow led the patriotic band, a Yelverton and a Hartley in the Commons House seconded the motions, and supported the principles of the father of Irish Freedom, from whence our increased trade, our improved agriculture, and our advancements in literature, and our extension in science, have arisen; and when the good Leinster, and the wise and virtuous Charlemont,

mont, gave efficacy to the resolves of the Commons, by their votes in the Upper House of Parliament. Previous to my considering this scheme of yours, which proposes “so much actual crime, against so much contingent advantage,”* I shall take the liberty of observing on that part of your pamphlet, which is in the nature of previous remarks. You say,† “let us first view the question in the abstract. Two independent states, finding their separate existence mutually inconvenient, propose to form themselves into one state for their mutual benefit. Every independent society or state has a right, consistent with its existing duties and obligations, to propose the means which appear most probable to the attainment of the happiness of its people.” The *truth* of these abstract propositions, *guarded* by this proviso, that in the *exercise* of this *right*, *nothing* is done, which may *prevent* posterity having the *full enjoyment* of *those privileges* which they derive from God and Nature, and not from society,‡ I mean not to dispute. But as most false conclusions are drawn, from these admitted premisses, and in the shape of arguments strewed over the surface of your pamphlet, it shall be my business to enter into a philosophical analysis of these principles, and, I hope, by such investigation, I will be able to make a more

patriotic

* Burke's Reflections on the French Revolution, 121.

† Page 2.

‡ The doctrine maintained by me respecting society, is asserted by Blackstone, vol. iv. page 85. “No Parliament can be abridged of *any* of its rights, by *any* precedent one.”

patriotic application of them. In this enquiry, the question of the *moral* incompetency of Parliament to create this Revolution, shall be demonstrated.

By the first position laid down in the paragraphs I have quoted, you have necessarily re-broached that doctrine, *separation*, for the avowal of which, you have assisted to punish certain persons. Union and Separation being necessarily correlative terms, it is, Sir, impossible that any rational person, bona fide, intending to devise means for the removal of such evils, as those arising between two independent states, occasioned by their "separate existence proving mutually inconvenient," should come to a decision on that point, without taking into his contemplation the advantages and disadvantages attending a union, and a separation, and then, and not before, decide on an impartial view of both situations for the *less* evil. He who decides without viewing the question proposed to him for his consideration in every light it can be seen, decides upon *ex parte* evidence: and though it be *possible* for such decisions to be right, the probability is, they are wrong. This fair and candid statement of what the question of union necessarily involves, proves the good sense of the resolution moved by Mr. Saurin at the meeting of the Bar, and agreed to on a division by 160 to 32, "That the present moment was not the season to agitate such a question." But, Sir, no rational man will determine that, because he suffers acknowledged evils, he is, to remove those evils, to resign the guidance of himself to the absolute will of another

ther for ever, and without the most remote possibility of being ever again, *fui juris*. At least, Sir, if reason ever does so decide, it is after the most infallible certainty, that he neither can by his own good sense better his present condition, nor by any other change, improve the advantages God and nature has given him. Have you then proved this is the situation of Ireland? have you shewn there is in the Irish Parliament such a total inability to relieve the wants, to improve the advantages of this island, greater by the bounty of a kind Providence, than any in the world? you have not even attempted to bring any *proof*, though the *libellous* assertion has come from your pen, and though it is not my intention to proclaim the infallibility of the Irish Legislature, or to shut my eyes to its aberrations from the cause of its country, and its apparent partiality to the mercantile interest of England, yet I cannot believe that if the ties of natural love are not sufficiently strong, to make the maternal parent discharge her duties to all her children, the best recipe for such an evil, is a step-mother; nor can I readily credit the flippant assertion which is made, that the merchant of Cork and Waterford will agree to withdraw his allegiance from that Parliament whose fiat authorized his vessels to plow the West Indian seas, and whose* mandate of compact with the
Directors

* By the Irish Statute of the 33d of Geo. III. cap. 31. entitled, "An Act for Regulating the Trade of Ireland, to and from the East Indies, under certain Conditions, and Provisions, for

Directors of East Indian Commerce, has brought the ships of the India Company to one of these very

for a Time therein mentioned." The preamble of this Statute, the act of the independent, not the provincial Irish Legislature, after reciting the British act passed for granting a prolongation of the East India Company's Charter for *twenty-one* years, from the first of March 1794, goes on and states, And whereas the confirming by an act of the Legislature of this kingdom, the exclusive privileges of the said Company, upon the *terms* and subject to the several *limitations, provisions, regulation, and conditions* in and by *this act made, expressed, enacted or provided*, will conduce to the strength and wealth of the British empire, so essential to the advancement of the trade and prosperity of this kingdom; and it is therefore *expedient*, that the said *privileges* should be confirmed: It is therefore enacted by the King, Lords and Commons of Ireland, "Who alone could surrender the undoubted right of the Irish subject to trade to the East Indies, that so long as the subjects of this country enjoy the privileges reserved for them by this act, so long does the legislature of Imperial Ireland, allow to the British East India Company, the exclusive navigation of the Indian sea." By the 2d sect. of this act, the subjects of this kingdom are to export their goods to the East from the port of Cork. By the 7th sect. the India Company must provide 800 tons of shipping yearly for the Irish merchants, if they want them; and by the 8th sect. one of the Company's outward-bound ships is to touch at Cork between October and February every year. By the 9th sect. freight to be the same from Cork as from Great Britain. By the 19th sect. it is expressly provided, that if any cession of territory be obtained from the Chinese Government by said Company, the subjects of this kingdom may navigate with their ships in the Eastern seas, or on the coasts of Japan, Korea and China, on the same terms, and under the same restrictions of the subjects of Great Britain now do." What Irish merchant after
reading

very ports for the accommodation of the Irish merchant, an advantage which no Englishman enjoys on the long coast of England, west of the Thames,

reading this act, can say that for the enlarging his commercial connexions, it is necessary he should agree to the sacrifice of the independent Legislature of his country, let him from this rather learn this incontrovertible truth, that commerce is the *child*, not the *mother* of Liberty, and that he who sacrifices the *latter* in hopes of obtaining the former, will when too late find, that in parting with the security of his treasure, he parts with the treasure itself. Acquainted with the merchants of the capital, whose brother I am, as being free of their guild, I believe them to be incapable of lending their assistance to the annihilation of that national grandeur, which their former patriotic exertions so greatly contributed to promote, and in the continuance of which they are so materially interested. Under any circumstances to consent to it, would be ignoble, but with such a positive parliamentary proof of the capability of an Irish Senate, to improve the natural advantages of this island for trade and commerce, would be to sell their "birthright for a mess of pottage." The act here quoted is the very consummation of Legislative Independence, every other act, compared with this, was a statute of assertions and just theories, but here theories have been reduced to practice, and assertions bottom in argument; yes, the British India Company which as such, had for upwards of a century traded to the East, without knowing of, or caring about an Irish Parliament, acknowledged its authority in the year 1793, and to obtain the exclusive trade of the Indian seas, agreed that Irish subjects might trade to their possessions, on the conditions prescribed by an act of the Irish Legislature. Good Heavens! my beloved countrymen, surrender this, and every other imperial right *five* years after their perfect recognition by those whose interests induced them, and whose power enabled them to give the most effectual opposition!

Thames, and into two of the ports † of which island, those ships do regularly sail. Had you, Sir, before you undertook to prescribe a remedy for the evils endured by the Irish nation, in consequence of the kind of connexion existing between her and England, searched, as was your bounden duty, the page of history, and seen what remedies the wisdom of nations had approved of, you would then have found a more gentle, and more effectual prescription in the Dispensatory of Europe. You should before you proposed to Irishmen, the annihilation of Irish independence, a *Union*, as the only means of having the *real* interests of the country attended to, have enquired, whether there existed, in the Governments of Europe, two countries so connected, as Ireland and England are; and if there be, whether to promote the *real* interests of the country representing Ireland, it has been necessary for her, to surrender the rights which her inhabitants acquired in right of being the children of that Supreme Being “whose mercies are over all his works; and whose service, is perfect freedom.” If enquiry had furnished you with a case in point, you should have consulted the history of that country, and have learned to what it owed its rise and progress; and learned as you are, you must know that similar causes, would produce similar effects. As I presume, Sir, you are ignorant that there exists an example in Europe of a people connected with another nation, as independent Ireland is with Great Britain

by

† Portsmouth always, Plymouth sometimes.

by the Executive Magistrate, preserving their rights and liberties, and with them, the *means* of advancing their *own* interests, in defiance of the *corrupt* ministers and their deputies, of the *greater* state, you will know by looking into the works of a gentleman, who with another person was exempted from the Royal Pardon offered to Rebels during the American war. This *kingly* Rebel has of late become a great favourite with his Majesty's Ministers, and therefore I presume his authority will not be denied by you. "The people of Biscay, says Mr. Adams, vol. 1st. p. 16,* while their neighbours have long since resigned all their pretensions into the hands of Kings and Priests, this extraordinary people have preserved their ancient language, genius, laws, government, and manners, without innovation, longer than any other nation of Europe. In consequence of their having united their country under the title of a Lordship, with Castile, by which convention the King of Spain is now Lord of Biscay. The capital of this country is Bilbao. The whole is a collection of very high and very steep mountains, rugged and rocky to such a degree, that a company of men posted on one of them, might defend itself as long as it could subsist, by rolling rocks on their enemies. Active, valiant, generous, brave, hardy, inclined to war and navigation, they have enjoyed, for two thousand years, the reputation of the best foldiers and failors in Spain, and even of the best Courtiers. In 1632, the Court wishing, I suppose,

* Adam's H. of Rep.

pose, to lay the *foundation of an incorporate Union*, laid a duty upon salt, the inhabitants of Bilbao rose, and massacred all the officers appointed to collect it, and all the officers of the Grand Admiral. Three thousand troops were sent to punish them for rebellion, these they fought and totally defeated, driving most of them into the sea, which discouraged them from pursuing their plan of taxation; and *since that time* the King has had no officer of any kind, in the Lordship, except his Corregidor,* that is, he has had no Government since that time in the country, composed of clerks from Madrid; but the Biscayans have been allowed to manage their *own* concerns, and to make the most of their natural advantages; nor does the King of Spain find they are less dutiful subjects to him, because they have resisted oppression, or because he regards them as his legitimate not his step-children. He sees them under their native authority, a happy, a great, a dutiful, and a united people, and he receives, through the medium of his navy, his army, and his revenue, the fruits of this system, in the strength and prosperity arising from such a national Government. While under the pro-consular arrangement, he but reaped an ample harvest of slaughters, assassinations, and rebellions, we will hear the royal rebel, Adams, to this point, and we shall in his works see what this national government, this home government of King, Lords, and Commons has done. “In riding through this little territory, you would fancy yourself in Connecticut: instead of miserable huts,

* Adams's H. of Rep. vol. 1st. p. 18.

huts, built of mud, and covered with straw, you see the country full of large and commodious houses and barns of the farmer, the lands well cultivated, and a wealthy happy yeomanry." What! can this be true? Popish Biscay resemble Protestant Connecticut! Yes, in comfort, rival Protestant England. "Some writers," says Mr. Adams, "ascribe their flourishing commerce to their situation, but that cannot be, he says; for as this is no better than that of Ferrol, or Corunna, that advantage is *more probably* due to their liberty." This apostate son of freedom, would when he had principle, if ever he had any, have substituted the word *certainly* for probably. On pages 3 and 4, you endeavour to support what you call abstract reasoning, and which, as I have not wholly answered, I am not done with yet, by what you call examples; and as those may be termed practical reasoning, in opposition to the other, you will permit me, before I perform my promise as to the former, to refute the apparent strength with which, as a military secretary, you have entrenched your abstract arguments, by those practical examples. It is a little extraordinary that you, Sir, an Englishman, defending English interests, should in writing make use of an Irish figure of rhetoric, called a blunder, (for as an example,) for the Irish uniting themselves to England, you produce the disunion, *i. e.* the *separation* of the Seven United Provinces from the Spanish government. This, however, may serve as a hint to Englishmen, not to ridicule their brother Paddy so much for his blunders, while they themselves cannot avoid making bulls. This blunder of yours affords

me

me an opportunity of making one or two reflections on the situation and conduct of the Seven United Provinces, that may not be unworthy of attention in modern times. Hume in his History informs us,* "that the revolt of those provinces was caused by the tortures, the cruelties, and the oppressions of Alva, who finding at last the pernicious effects of his violent councils, solicited to be recalled." The *regular* government of Spain administered by Alva in the Low Countries produced their revolt, and the desperate defence of Harlem, a defence, says Hume, "which nothing but the most consuming famine could overcome," and which glorious resistance of the *oppression* of a regular government was revenged by the execution of more than 20,000 of the inhabitants. "This extreme severity, instead of striking terror into the Hollanders, animated them by despair; and the vigorous resistance made at Alkemaer, where Alva was finally repulsed, shewed that their insolent enemies were not invincible. Requesens, Commendator of Castile, was sent from Italy to replace Alva; and this tyrant departed from the Netherlands in 1574, leaving his name in execration to the inhabitants, and boasting, in his turn, that during the course of five years he had delivered above 18,000 of these rebellious heretics into the hands of the executioner." You see, Sir, how religion can always be bandied about by politicians, and made the pretext for punishing what, in the eyes of the Alvas and Requesens, in every clime, and every country, is the *real* and the

* Hume's H. of Eng. vol. ii. p. 516, &c.

the *only* crime, the demand of equal civil privileges, without any regard to religious distinctions; this we find, on the authority of Hume, was a crime, in a Protestant and an Orangeman in the Seven United Provinces under the government of Alva, for all these heretics were the persons who fought under the Prince of Orange. And on whom were the cruelties of Alva, and the tortures of Requesens exercised? On Orangemen. So weak, so impolitic is it for any body of men to sanction what they admit to be wrong, because that they at the moment, from existing circumstances, find themselves exempted by power, from that extraordinary severity of punishment, which they keep *only* for their enemies. Ignorant indeed must such men be of the changes and chances of this mortal life, who think any sublunary situation is founded on a rock, against which in all the mutations of time, the waves of physical power shall strike in vain. The justness and correctness of the above remarks I can prove by royal authority, in the language held by one of Sesostris's captive Kings, when tied to the chariot wheel of his royal brother, and conquerer; who, in reply to a question put by the monarch to his captive brother, which demanded of him a reason for looking back "on the wheel of the chariot with such uncommon attention," replied, "the going round of this wheel, O King! recalls to my mind the vicissitudes of fortune; for as every part of the wheel is uppermost and lowermost by turns, so it is with men, who one day sit on a throne, and on the next are reduced to the vilest degree of slavery.*—

These observations were not thrown away on the haughty

* Dobbs's Un. Hist. Vol. I.

haughty Egyptian; and he no longer permitted such an unworthy treatment of the captive Prince." May all who read this, improve themselves as much by the relation here given of it, as Sesostris did by hearing! You will permit me to say, that these observations are far from being irrelevant to the question of Union, as, certain I am, the British Premier hopes that such are our internal hatreds and animosities, that he may seize the present moment to force it on the nation. My intention is to impress oblivion and forgiveness of *all* injuries on *all* sides of what has past, as a duty imposed on us by our mild and beneficent religion, and made politically necessary, by all the various self-interests of the kingdom, so numerous, as to make a national one. And to induce *all* my countrymen to adopt this kind of conduct universally, which alone is real magnanimity, and true policy. I have detailed the cruelties of the Low Countries at large, and made the just reflections on such conduct; to prove, that however little, interested, or vulgar minds, may think our misfortunes and our cruelties have arisen from circumstances purely local, particular religious opinions, or from the Irish character being incurably bad, as some have dared to say, they are the universal and inevitable effects of an ignorant poor, and a gentry, some of whom are more inclined to delight in the pleasures of the field and the table, than in enlarging and improving their minds, by the study of history, and by learning from thence, the causes which in former times produced disorders, either secure themselves from such evils by preventing the machinations which created

created them, or by political foresight acquired by study, diminish, by well-timed alteration, the force of those evils they cannot avert. Your second example is the Union of the Sabines with the Romans: if we recur to the history of that affair, we shall find that on examining the compact, three most strong objections arise to the conclusion made by you from that Union. History* informs us, that "Tatius, king of Cures, a Sabine city, was the last, although the most formidable, who undertook to revenge the disgrace his country had suffered. In the discharge of this patriotic duty, he had obtained possession of the capitol of Rome, which enabled him to continue the war at pleasure; at length, however, the tediousness of this contest began to weary out both parties, so that each wished, but neither would, sue for a peace. At length, the historian tells us, they met in battle array, between the Capitoline and Quirinal hills. In the middle of this engagement, the Sabine women that had been carried away, flew in between the combatants, and, by their tears and entreaties, procured that Union which is now the subject of discussion."

The articles shall now be produced, and then the objections will be urged. By these articles it was agreed, "that Romulus and Tatius should reign jointly in Rome *London*, with *equal* power and prerogative. That a hundred Sabines should be admitted into the Senate. That the city should retain its former name; but, as a compensation for this violation

* Goldsmith's H. of R. vol. i. pages 11, 12.

lation of equality in the treaty, that the citizens should be called Quirites, after Cures, the principal town of the Sabines, and that both nations being thus united, such of the Sabines as chose it, should be admitted to live in, and enjoy all the privileges of citizens in Rome." First, then, as to the treaty, it is a federal, and not an incorporate Union, preserving, by compact, all imperial independence; it is, therefore, not a case in point, we find that Rome herself, at this time, had no more senators than one hundred, and by the federal articles, this Sabine town was to have as many. Equal numbers then of senators, make a Union of Senates, not a subjection of legislatures, such a Union of kingdoms is neither a surrender of national power, nor any acknowledgment on the part of the one, of superiority in the other, but a joint determination of both, to protect their individual liberties by their collective strength. In this act of the Sabines, they did not *change* the substance as is proposed by you, but regulated the mode. But, Sir, with all the security paper could give the Sabines for their independence, this federal Union, by compact, became, by the necessary influence of Imperial Rome, an incorporate one; and thus furnishes Ireland with an argument, drawn from experience, of the absurd folly of a nation, able as she is, to defend herself by the strength of her own sons, to make parchment writings, drawn by the subtle and apostate Mr. Pitt, the protectors of her liberties and her honour. While this consequential incorporation strengthens all I have advanced, it does not prove your position, the treaty *bonâ fide* proposing federal,

federal, not incorporate Union. Secondly, the physical Union of the Sabine city with Rome, creating "a necessity, not chosen, but choosing," a circumstance not applicable to Ireland and Great Britain, and which shall be enlarged upon, when the Scottish Union is considered; and at the same time, a list shall be given of the Scottish worthies who sold their country for prompt payment, together with the price of their *patricidal* conduct, as a lesson and a warning to my countrymen. Thirdly, one of the articles of this treaty might, under the existing circumstances of the Sabines, as of the Scots, have been a great inducement to them to form this alliance, which is its proper name, and not Union; the article is the one, which states, "that both nations being thus united, such of the Sabines as chose it, should be admitted to live in, and enjoy all the privileges of a citizen in Rome."* The Union which this article proposes, happily subsists at present between Great Britain and Ireland, to their mutual advantage; and long may this, but no other Union exist. You almost create a doubt in my mind, whether you be in earnest with your proposition, when as examples to convince Irishmen they cannot be degraded by the merging of their legislature, you state, "that a Mercian was not degraded by becoming an Englishman, &c." not to notice the insult offered, by supposing that there is any parallel between the kingdom of Mercia, and this great nation, containing nearly 5,000,000 of people, and giving to the service and defence of the empire,

* Goldsmith's H. of R. vol. i. p. 12.

empire, a force, greater in number, than probably all the subjects of the Mercian monarch. I will meet you fairly on the subject, and tell you, that the true reason why the particular kingdoms of the Heptarchy did not suffer by merging in the English monarchy, was, because they carried equal political power into the senate of the nation. Because the votes of no one kingdom, if the members had been weak enough to set up a distinct interest, could have advanced its individual prosperity, at the expence of the nation; and this consciousness of inability, must have smothered the incipient thought. But will Ireland go into the British Legislature, with political power sufficient to defend her against the attacks which may be made on her fishermen, for the great crime of catching herrings at Waterford and Wexford? against an address to the king, * to suppress her Woollen Trade. No, Sir, 558 British members against the Irish representatives, supposing them to be unanimous, will be too powerful to be overcome; nor will your assuring the Irish nation, that their interest shall be identified with the British, after the Union, remove their fears; they will answer you, by producing the innumerable Acts of the English Parliament,

* In the year 1698 petitions were presented to the English Parliament, stating a *singular* grievance suffered from Ireland, by the Irish catching herrings at Waterford and Wexford, and *ruining* petitioners markets. English Commons Journal, vol. xii.

In this year, also, the English Lords and Commons addressed King William, to employ his influence in Ireland to "suppress the woollen manufactures therein," with which request, this *equal* father of all his subjects complied.

liament, passed to the injury of Irish interest, at the very moment that that Parliament presumed to assert the right of binding this country by its power, and therefore, by asserting a parental authority, was, in honour bound, to afford paternal kindness. Sure experience, the unerring guide in politics, which, by showing what has been, affords a datum for what is to be, denies the truth of your proposition, "that Ireland, after the Union, will gradually rise to the level of England."

The next of your practical arguments which I shall refute, is that drawn from the United States of America, (for I purposely reserve that of Scotland, for the last of the practical arguments) the history of whose government and constitution you have most grossly misrepresented, with an intent to press it into your service. Page 17, You say—"All writers have agreed in condemning what is called an *imperium in imperio*. Franklin and Washington, the founders of the American empire, had not courage in their first project of a constitution for the American States, to exclude this radical evil, but left each state independent. The Americans projected a new constitution, in which this original vice was remedied? the *separate* independency of each state was wisely relinquished; a general legislative, and a general executive, were formed for the government of the Union in every imperial concern; and each respective state was confined to local and municipal objects." Sir, whenever any man voluntarily undertakes to instruct mankind from the historic page, he is bound to make known every circumstance that can illustrate the principles he proposes

poses to inculcate, from the examples he produces. He is not at liberty to state examples which particular circumstances, when known, will prove, that no similarity exists between the things compared. To apply this abstract position to your conduct in the account of the American Union, it will be necessary to shew the misrepresentations which must *ex necessitate rei* arise in the mind of every reader of your pamphlet, unacquainted with the nature of the American constitution; and this false gloss receives the sanction of him, of whom it has been truly said,

“Eripuit cœlo fulmen, sceptrumque tyrannis.”*

The American Union, be it known, Sir, is a federal, and not, what you propose, an incorporate Union, and so the Congress call the constitution of the United States; and they have ordered a federal city to be built, to prevent Philadelphia (London) or any other state capital, from acquiring too great an ascendancy in the government of the United States; and thereby, creating through its influence an incorporate Union. If you examine, minutely, the duties imposed by the constitution upon the Congress, in its legislative capacity, for the Union, you will find, that out of seventeen, eight of them do with us belong to the crown in right of its prerogative; *e. g.* coining money, declaring war, &c. and four of them include matters of prerogative and legislation. The nature then of American government being republican, it became necessary that in constructing the federal constitution, those powers, which, as relative to England and Ireland, might, by a partial exertion on the part of the one or other, do general mischief,

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* “Who free’d a world, and tam’d the lightning’s flame.”

or affect imperial interests, should be committed to that body, which in the republic held prerogatives which in England and Ireland are exercised by the crown, as the centre of Union; and that, Sir, could only be the federal Congress, republicans not allowing to one man the right of involving a whole nation in a war at his own pleasure. The same cautious and humane policy forbids that an individual state should blindly hurry the Union into a war. You will find, on consulting section 2, article 1 of the federal constitution, that it is provided * “that every state shall have one member in the House of Representatives, and that any additional number shall be in proportion of one to 30,000 inhabitants; and by section 3, of said article, the Senate of the United States shall be composed of *two* senators from *each* state, chosen by the legislature thereof for six years; and each senator shall have one vote: by section 8, page 13, Congress is to provide for organizing, arming, and disciplining the militia, and for governing such part of them, as may be employed in the service of the United States, *reserving* to the states *respectively*, (they are not *cooked* then by an incorporation as you assert) the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress. To exercise *exclusive* legislation, in all cases whatever, over such district, not exceeding ten miles square, (incorporate America, notwithstanding your insinuations and assertions,

* Federal, not incorporate constitution of America, printed for Debrett, 1795.

fertions, consists of no more than ten miles square; whilst the federal, or, as you would wish to call it, the *imperium in imperio* America, extends over thousands of miles) as may by *cession* of particular states, and the acceptance of Congress, become the seat of the Government of the United States." This correct statement from an authentic document, I hope, has convinced you that America is no more a case in point, than the Sabines, both being federal, not incorporate Unions, and the American States, like the Governments of the Heptarchy, come into the general legislature on terms of political equality. Whatever difference of opinion, Sir, may exist respecting the House of Representatives, on account of the number of members increasing in proportion to the population, none can by possibility arise respecting the Senate, for in that body it is, the States are represented, and that representation which proves that they meet as States on equal terms, is the same throughout the federal Union. To this Legislative Assembly, is confined by the 2d sect. of the 2d Article of the Constitution, the right with the President and two-thirds of them approving, to make treaties, this power in particular, which they exercise conjointly with the President, and many others which belong to them exclusively, from the unity and bond of government, in the producing of which, each being equally represented in the Senate, has equal power, and therefore can always defend itself against the ambition and interestedness of any particular State, should it be urged to so unpatriotic an act, by its vanity or its pride.

When

When General Washington, as you observe on page 18, addressed the people of America on offering the present Constitution to them, he said, "In all our deliberations upon this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our property, safety, perhaps our national existence." All these reasons, Sir, might have been very cogent with the States of America, but convincing however as they might be to an American, General Washington did not think them strong enough to ask an Incorporate Union on the strength of them; but, Sir, whether they were strong or weak as addressed to Americans, they avail not, when offered to Irishmen; we can defend, and have defended our property, preserved our safety, and national existence for 632 years, by a *connection*, not a Union with England. I nowhere read, Sir, in your long quotation from General Washington's letter, that he proposes to any State to surrender its dignity to Philadelphia; *London*, on the contrary: I find national honour is prized so high in America, that no State would yield precedence to the other, and therefore Congress has allotted ten square miles, taking in a part of every State, for the federal Government, and entitled it not Pennsylvania, or New-York, but United States. In regard to the Test Laws and religious establishments you speak of, on page 16, as being in the United States, no such things exist, unless an acknowledgment of the Supreme Being be called one. In the pledge given by the President of the

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the United States, it is worded, so as to suit either the man who will take an oath, or him who will only affirm. In America, I can assure you, Sir,

“ No Test Act, there, with pious rancour reigns.

“ No bloated Priests count godliness by gain,

“ While starving Curates supplicate in vain.

“ As *all* religions with one voice agree

“ To preach *good* morals, every sect is free.”

I have met you fairly in argument on some of the cases brought by you to prove the propriety of an Incorporate Union, and, I trust, without vanity, exposed their fallacy, and proved they were irrelevant. I will now shew you that if I had preferred precedent to reason, and the weight of a great name, to argument, that I could have overthrown your assertion by authority. This memorable treaty, (the Scotch Union) the *first* of the kind recorded* in history, “ for there never was at any time or in any place an example of two Sovereign kingdoms *incorporating* themselves in such a manner.” These are the words of Lord Halifax, in a letter addressed to the Court of Hanover, on this welcome and interesting occasion. I will now, Sir, with your permission, discuss the question of the Scottish Union. And when I look back and consider the manner in which that measure was carried into effect, as well by the Scottish, as the English Ministry, language cannot sufficiently express my feelings, in reading of conduct so base and treacherous, so mean and arbitrary. This treaty, which we are told was for the

benefit

* Belsh. 239.

benefit of both countries, was debated in private by the consent of the Commissioners of both kingdoms, and * “The day on which the Articles of the Scottish Union were presented by the respective Commissioners to Queen Anne, she dictated an Order of Council, that whoever should be concerned in any discourse or libel, or in laying wagers relating to the Union, should be prosecuted with the utmost rigour of the law. Since the creation of the world, has there appeared more unfair dealing in any business in which the interests of a nation were concerned, than this? What, Sir, a measure proposed, which I am told is to render me great service, and yet I must not discuss it! If the arch-angel, Michael, were to be the bearer of such a message, I would not believe him, but reply, “Begone, thou fiend, to the habitations of the spirits damned; for that alone can be the place of thy nativity!” ’Tis only fraud and superstition that require the aid of power; good faith and honour seek no such ally. But I will, for the present, suppose, that the Scottish Union was conducted on the principles of honour, and then see whether any or all the reasons which might have induced an honest, though not a magnanimous Scot, to have agreed to the Union, do or do not apply to Ireland; because if they do not, Scotland, the *only* instance in the world of an Incorporate Union, is not a case in point.

First. Scotland wanted that great palladium of a people’s liberty, the Habeas Corpus act, and which England enjoyed, together with more equal laws generally,

* Smoll. 2d vol. p. 76.

generally, and greater protection which the inhabitants of that country received, by its having earlier emancipated itself from the feudality of the north.

Secondly. The danger of having a different Sovereign on the death of Queen Anne, from that of England, and the possible consequence of not only the whole kingdom being obliged frequently to draw itself from the arts of peace, to maintain their right in the field to exercise those arts, and the certainty, by the experience of ages, that a country so conterminous to a richer and more populous nation, like England, must ever expect to have its frontiers ravaged and depopulated by an invading foe. Nature, and Nature's God, have been in this, as in every thing else, the guardians and defenders of Ireland.

Thirdly. A reason that flows from the former, as a corollary, the physical union of the *two* countries, in *one* island.

Fourthly. The impossibility of trading either to England, the Plantations, or the East Indies, without a Union, and the *certainty* of trading with it.

Fifthly. As a corollary flowing from the last stated reason, the desire increased, and the necessity made more urgent, by the failure of the Darien Company, and which, added to the honest, though not magnanimous Scot, as I have termed him, a company of bankrupts, ready to sell the independence of their country, to repair their shattered fortunes. That these persons were greatly influenced by the commercial advantages which they were sure of *reaping* by it, and could not *gather* without it,

I state

I state on the authority of an English historian,* who has disgraced his name and country, by using the word honourable, when speaking of a dishonourable and inglorious action. His words are, "Also those who had engaged far into the design of the Darien Company, and were great losers by it, saw now an honourable way to be reimbursed; which made them wish well to the Union and promote it."

Sixthly. The Scotch had no naval protection for their partial commerce, and therefore a Union to them, with a country whose fleet was superior to that of the world, became a reason with the wise part of the community for acceding to it, and an object to all.

Seventhly. Although the Scotch in agreeing to the Union sacrificed national glory, yet they obtained all the positive advantages here enumerated by the *very* act of *signing* the deed of Union, and took their chance for the contingent advantages of English capital, and that farago of nonsense, with which the advocates of an incorporate Union stun our ears in every company.

Eighthly. The danger at *that* time of the Pretender re-asserting his claim to the Throne of Scotland, which would have been greatly strengthened by the death of Queen Anne, if no successor had been named previous to her death.

Ninthly. The Scotch were considered as aliens in England, and had the statute, by which they were deemed aliens, repealed, I do admit, before the Union; but

* Tindal, 3d vol. p. 511.

but certainly the English Parliament considered the signing of the treaty, as the purchase money of that repeal. Now the Irish are not aliens in England, and by the opposition the British Minister ever gives to the passing of an absentee tax in this country, it is not very likely they ever will be declared aliens. The English nation knows the value of money too well, to alienize two millions sterling. Now, Sir, I defy you, with all your sagacity, to point out any one of the nine reasons here assigned for the Scottish Union, applying to the incorporate Union of Ireland. We are not, as they were, without a Habeas Corpus act; and though some men of high naval rank have dared, in particular instances, to convert this first of blessings into an engine of oppression, by making *false* returns to writs, yet those who have witnessed the judicial dignity of the Court of King's Bench last term, when only a *suggestion* of such a conduct was made at the Bar, are in no great apprehension that a conduct, which is as unbecoming of the gentleman, as it is derogatory to the naval rank of him who has practised it, will ever be renewed. This conduct, with the no less constitutional enforcement of obedience to a writ issued by that court, to bring up the body of the late Mr. Tone, but to which obedience at first was refused, are the best and strongest refutations I can give of your libellous and daring assertions respecting the Judges of the land, in your attack on the Bar, pages 34 and 35. That court enables me to shew you three Judges, every one of whom made the House of Commons the vestibulum to the Bench; yet, on these important occasions, they neither mani-

fested an ignorance of the laws, nor a want of judicial firmness; and the second Judge of that Court, with Mr. Baron George, are proofs that professional knowledge and an honourable discharge of the duties of subordinate situations do not make a seat in Parliament the "one thing needful," to sitting on the Irish Bench; forced, as I am, to give a candid opinion of the Irish Bench, as compared with the English, I will not hesitate to pronounce what at any other time, and on any other occasion, might be considered abject servility, (a character which I have no hesitation in saying will never be imputed to me, by those who know me,) that I do, in the face of my Country, and in the presence of the Supreme Being, declare it as my opinion, that the abilities and talents of the Judges of the two countries, fairly and impartially considered, are at this moment on a *perfect* equality. Before I return to the Scotch question, I will say, and stake my professional character as a lawyer with the Bar and my Country, that no pamphlet has been written by any convicted libeller within the last two years, on whom the vengeance of the law has fallen, so libellous, and so treasonable, as that which public rumour has given to you; and there was a period in Irish history, and that within my memory, when an Attorney General would not have thought he discharged his duty to the Country, if he had not indicted the author for high treason, unless the patriotism of the House of Commons had preferred an impeachment, as a punishment better adapted to meet the different degrees of crime, with which this pamphlet abounds. If the author of this pamphlet, be

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he who he may, is not punished, I will then indeed believe, what he has laboured so anxiously to prove, that Irish interest is sacrificed to English, and will say with the poet,

—————“ Plate fin with gold,
 “ And the strong lance of justice hurtless breaks ;
 “ Arm it with rags, a pigmy straw doth pierce it.”

Given, as I ever have been, and ever shall be, to find fault with the conduct of public officers, if I see reason for it ; I never have, nor will I ever in condemning the man, or the particular measure which calls in my mind for reprobation, endeavour, as you have, to excite in the public mind an abhorrence of the constituted authorities of the state, where I either reside, or occasionally live in ; and let the world, from the difference, not only of our sentiments, but our conduct on this occasion, learn it is neither the lover of reform and democracy who wishes to destroy all veneration for antient institutions, and national government, however anxious he may be to give them a direction more suitable to their original creation, but, the idolizer of tyranny, and the advocate of national humiliation. But, Sir, to return to the first of nine reasons which might have influenced an honest Scot at the time of the Union : you will please to remember, that the latter part of that reason mentions, that the laws of England were *more equal* than *those* of Scotland, and the subjects *found* more protection from the law in the *former*, than in the *latter*, a *glorious* superiority,

“ Which men to speak, and angels joy to tell.”

Would

Would that this were always, would that it were her only ambition ! then indeed would her very enemies rejoice in being vanquished by her ! Let Irishmen, let modern Britons, be instructed by this Scottish *reason* for surrendering national glory, “ *better protection ! more equal laws !* ” modern theory, proved by *antient* practice. This latter part of the first Scottish reason, however right it may be to pervade our minds, and influence our practice, is not, in *point* of law, true ; and although some may imagine that the violence which, for a season, disgraced certain bodies of Irishmen, invalidates this reasoning, I contend it does not, and answer them in the words of Zamti :

———Tho’ ruffian pow’r

May for a while suppress all sacred order,

And trample on the rights of man ; the soul,

Which gave our legislation life and vigour,

“ Shall still subsist above the tyrant’s reach,

—“ The *spirit* of the laws can never die.”*

The second reason, respecting the danger of a different Sovereign, has no existence ; and, because no such danger does exist, your assertion, page 11, “ that Ireland stands at present in the same situation as Scotland did before the Union,” is not true in fact. But the danger of not continuing to have the same Sovereign, might well affect the good, and wise, in both countries, who by anticipation figured to themselves the future slaughter and devastation which might by possibility arise from the ambition of neighbouring Sovereigns,

* Act II. of the Orphan of China, by Arthur Murphy, Esq.

Sovereigns, whose territories, and whose boundaries, were not meted and fenced by a St. George's channel. The statutes of declaration and recognition do, by joining the two crowns in the natural person of the English Sovereign, place in his hands, by prerogative, those powers which alone can endanger the security of conterminous states, the *powers* of peace and war, and thereby dissipate, in the minds of the people of England, those fears which they entertained respecting the dubious Scottish succession. And as to your attack on the independent legislature of Ireland, page 13, for their conduct at the time of the Regency, which received the approbation of the whole people of Ireland, I answer, that first, you are an Englishman, and therefore no judge of the duties, nor an advocate of the rights of an Irish legislature; and secondly, Sir, I refer you to the Journals of that House, of which you are a member, for the censure passed on those who, like you, presume to arraign a proceeding, so conformably to the only case at all analogous in history, the *appointment by address* of the Prince of Orange, at the Revolution. Proceedings, more legal, more parliamentary, or more constitutional, never were resolved on in any parliament, than those on the Regency, which, notwithstanding your original disapprobation of them, have received the sanction of the present keeper of the King's English conscience, one of the Secretaries of State, and other members of the present British Cabinet. But what is of much more consequence, they have been sanctioned by the approbation of him, who is most materially interested in the propriety of the measure, the Prince of Wales.

Passing

Passing over the third, fourth, and fifth reasons, Sir, for the Scotch assenting to the Union, as not requiring any comment, carrying in themselves sufficient proof of their non-application to Ireland, I shall make an observation on the sixth, for the sake of remarking on your assertions, page 50, respecting the defence of Ireland, as insultingly as incorrectly stated. The sixth, states the Scotch to have had no navy for the protection of her trade, and so you say of Ireland. This proposition I deny upon the authority of one, whose memory is respected for the exertions he made in the cause of Ireland in the year 1782; I mean the late Henry Flood, who, speaking on the Commercial Propositions in 1785, to this very subject,* he said, "above a hundred years ago, in the fever of the restoration, and in the infatuation of this kingdom, Ireland had made a perpetual grant for the support of an Irish marine. This, England never permitted to be applied. Why? Because she wished that Ireland should have no marine; because she wished to have a monopoly of navy to herself—for what purpose, let her subsequent conduct to Ireland explain. What follows? English Ministers, in spite of law, *disappropriated* this fund, and applied it to an *overgrown* land-army, *rather* than to a marine. The *defence* of *this* land-army Britain had, and Ireland had the *burden*. With what grace could Britain, with what grace can Mr. Cooke after this, come to Ireland, and say, you do not support a marine; when Britain herself prevented Ireland from doing so? When a monopoly of navy was the choice of Britain, what

* Woodfall's Debate, p. 89.

what right had she to say, that Ireland ought to pay Britain, for her having her own choice? When British Ministers, contrary to legal appropriation, had applied the marine fund of Ireland to a land-army, for the convenience of Britain, what right had they to come to Ireland to demand a new marine fund; and that, not for an Irish marine, but for the British navy?" I think it will be generally admitted, that the sluice I have drawn up, has let in such waves of argument, as have drowned you in the *flood*. Permit me now, Sir, to assign another reason, why we are entitled to the protection of the navy, not of England, but the empire, and which is doubly strong, because it will prove, that it is not in the power of the British Minister to take it from us. Great Britain could not, without the natives of this country, man such a fleet as that under Lord Howe, on the glorious first of June, and carry on her commerce: in that very fleet there was a ship, the *Invincible*, not the least distinguished on that memorable day, commanded by our countryman, Capt. Pakenham, manned, as I have some reason to believe, with none but Irishmen; upon the whole, I do, from actual knowledge, as far I can pretend to speak, without having ever counted numbers, declare it as my opinion, that the British navy, including the officers and privates of the marine corps, does, *communibus annis*, owe half its strength to the people of this kingdom; yet my ears have been frequently assailed by declarations of English officers, that they would have no more Irishmen on board their ships than main-masts. To myself, Captain Milliken, who com-

manded

manded the Dunkirk at Plymouth in 1782, said, on seeing two or three very fine Portuguese on the quarter-deck, I would rather have those men, than ten of your damned infernal countrymen. National feelings were superior to personal safety, and I replied, "If you were any where else but here, you dare not say it." He was too old to be affronted by a boy, and my years saved me from the punishment which I had incurred under the articles of war. Such is the contumely with which Ireland and Irishmen have been always treated by England and Englishmen. Convicted on this head you now are, Sir, of ignorance, or misrepresentation, and I give you your choice; if the former, you prove your utter incapability to instruct the nation on a subject which includes every thing that is dear to man, being *inops consilii* on some essential points, the rightly understanding of which are essentially necessary to the forming a grave opinion on so momentous a question; if the latter, then have we proof positive, you will sacrifice truth, and Irish honour, to the interests of what you deem "your better country." Your assertions, respecting the military force, are, if possible, more insulting, and equally void of all foundation; indeed, Sir, your memory, on this subject, seems to be formed after the fashion of your prototype, Mr. Pitt, at the Old Bailey, on the trial of Mr. Tooke, where I witnessed his "remembering to forget" every circumstance attending the most material act of his life; yes, that very act, to which he now owes his elevation; every faculty of my mind must be annihilated, before I can

can believe such a thing possible. You, Sir, who have been so long a military secretary, and attended the passing of the mutiny act so frequently in the House of Commons; you who have been for more than twenty years about the Castle, in some shape or other, not know the compact* entered into by this country, during the viceregency of the Marquis Townshend, for the raising and paying 15,000 men, 12,000 of whom were to be at *all* times in this kingdom, and of the repeated violations of that compact! Search, Sir, the journals of the House in which you sit, and you will find, that the military returns, for the year 1777, state but 3,000 men to be in the kingdom; though, by sacred faith plighted, the country was never to be without 12,000, the surplus having been raised for the express purpose of accommodating Great Britain, that being the *quota* agreed upon by the cabinets of the two countries, to be sent by this kingdom, to the army of the empire. And where, Sir, were the 11,000 men sent from this country? I will tell you, in the language of Mr. Pitt, when in one of his insane fits of liberty, on his first entering the House of Commons of Great Britain, he told that house, "the army of the empire was mouldering away by sickness in America, or *only* obtaining victories over our brethren there, fighting in the *holy* cause of liberty." Yes, Sir, to America they were sent, to prevent the establishing of that constitution you have so misrepresented. Can you, Sir, forget, that in the following year, 1778, when the sovereign of Belfast wrote to Government for a military force

to protect that town from some French privateers, that the Lord Lieutenant could send no greater force than a dismounted troop of horse, and a company of invalids? Do you forget, that about this time, Great Britain, whom you say protects us, did tell us then, we must *protect* ourselves, notwithstanding we paid 12,000 men for that purpose? and Great Britain, in violation of compact, took them to aid her, in her war against Freedom, declared to be so by the *infallible* authority of Mr. Pitt; but in fighting against Liberty, the Irish arm was unnerved, and that it may be ever so, "God, of his infinite mercy, grant." And did we then manifest an inability to afford ourselves protection! No, Sir, that patriotic band, the Irish Volunteers, protected Ireland free of *national* expence, while *her* army, paid for that very purpose, fought the battles of Britain. Yes, Sir, that body of men, from "whose merit," you say, on page 43 "you do not mean to detract," though on page 48, you dare, in a covered way, to traduce their memory, by insinuating that they have done something which they ought not to have done. Sir, no man applies the phrase "took advantage," to an honourable transaction; it is only when we speak of something base we use it, not when we have obtained redress by an application to the law; and I would have you to know, that the same right, which the law of the land gives to an individual to avoid a deed, signed by him in confinement, or by compulsion, Nature, and Nature's God, has given to nations; and the Volunteers, in declaring the deed by which the legislative rights of Ireland had been transferred

transferred to Great Britain to be void, the same having been obtained by force, fraud and covin, acted as the sons of *him*, who wills the freedom of all *his* creatures. Protected by *his* power, animated by *his* spirit; and relying on the justice of our cause, if Great Britain will make use of her 40,000 sharp arguments, to convince us we ought to dethrone the king of Ireland, we will dare to meet her in support of *his* crown, "and we should doubt the existence of a Providence, if we doubted of success."* Sir, a malignant fever raged in your veins, and those of some you are intimate with, at the institution of the Volunteers; and though acting under its influence, from that day to this, none of you have ever dared openly to condemn them, yet you have secretly aspersed them; neither will you ever forgive them the original sin of establishing the independence of the Irish Legislature. You, Sir, would prefer being a clerk in a provincial registering assembly to the British Parliament, rather than a member of a national legislature. On this subject of Ireland being protected by England, I would proclaim it to the world, that her Volunteers protected her in the year 1781; when the pride of Britain, commanded by Sir Charles Hardy, fled up the English channel before the combined fleets of France and Spain. You seem, Sir, to have forgotten, what, as military secretary, you could not but have known, that Mr. Pitt, during the Westmoreland Administration, stripped

* Address of the Dungannon Convention in 1782, to the minority of both Houses of Parliament.

stripped this kingdom of its troops, in violation of the compact recited, to send them, I suppose, to fight "in *his* holy cause of liberty;" short as his memory is, yours indeed must be shorter, if you have already forgotten, that in your place, in the senate, you opposed a motion, made by Sir Laurence Parsons, on this subject.* Thus, Sir, have I endeavoured to refute your assertions, page 50, respecting the protection afforded by England, stated in language the most insulting, and which, not being founded in fact, adds injury to insult. Conduct, such as this, is well detailed by the royal psalmist.† "For it was not an enemy that reproached me; then I could have borne it; neither was it he that hated me; but it was thou, a man, my equal." I trust, Sir, my countrymen of all ranks and descriptions, of all ages and religions, will make the just improvement of this paragraph, with which you have favoured them, that they will from it practice, as men, the moral of that lesson which they learned as children—"the bundle of sticks;" that they will adjust their differences, and, above all, remember that, by whatever creed they worship, they are not the disciples of him whose religion they profess to be of, if they do not forgive each other. Yes, my Countrymen, by whatever particular name you are known, by

— "Whatever title please thine ear,
"Dean, Drapier, Bickerstaff or Gulliver."

let us remember that if we are, what we stile ourselves, Christians, it is our duty as such, and our

* Vide note to p. 47.

† 55th Psalm, 12—13.

our interest as a nation, to fulfil the gospel precept, "of loving one another, as our Lord loved us."* We are, in consequence of our mutual bickerings, and railings, about to have our national honour, our national independence, assailed; and with it, all those advantages, which so abundantly follow in the train of commerce, unshackled by the partial laws of a foreign legislature, which, for 632 years, had unceasingly shewn by acts, that spoke trumpet tongue, an interest distinct from this country, which makes it idle to suppose, that a principle now worked into habit and prejudice by time, and sanctioned by authority, should be suddenly laid aside. It is incumbent on the advocates for an Union, to shew that England has hitherto in her transactions with this country acted with Roman faith; I will, in the sequel, prove she has with Punic. For the present we will hear Mr. Pitt on the policy observed by Britain, from the Revolution to 1779, as stated by him in his speech, February 22d, 1785, on introducing the Propositions passed by this country, into the British House of Commons, where they were converted into *the* twenty resolutions that contained the *degrading fourth* Proposition, which, though only to make a *partial* surrender of national dignity, damned them with my brave and generous countrymen. "† The House," he said, "would recollect that, from the Revolution (a sufficiently long time to prove to us the principles they were actuated by, and the *justice* that influenced those principles) to a period within the memory of every man who
heard

* St. John, 15th chapter, 12th verse.

† 17th Vol. Parl. Reg. 249.

heard him, indeed until these very few years, the *system* had been that of *debarring* Ireland from the *enjoyment and use of her resources*; to make the kingdom completely *subservient* to the *interests and opulence of this country*, without *suffering* her to share in the *bounties of nature*, in the *industry of her citizens*, or making them contribute to the *general interests and strength of the empire*." You have Mr. Pitt's authority for two things; first, that "*the general interests and strength of the empire* can be promoted without the *annihilation* of the Irish Legislature; and secondly, that by the *English system*, Ireland was "*debarred from the enjoyment and use of her own resources*;" and this, for what? The same Right Hon. Gentleman will tell us, "*to make Ireland completely subservient to England*." A country, acting in such a manner for nearly a century, offers good moral security for continuing a *commercial equality* with another country, when she stipulates her own legislature, tessellated with a few senators, from what she will deem the provincial one, shall be the judge of that equality. What, my countrymen, subverted this system, detailed by Mr. Pitt? British justice? No! the Volunteer Institution, the Parliament of Ireland, "they spoke, and it was done; they commanded, and it fell." My highest ambition is to animate you to tread in their legal, glorious, and constitutional steps; like them, let patriotism form an indissoluble bond of friendship between discordant sects; like them, reverence and respect the laws; and like them, *swear* you will pay no obedience to any power on earth, but the King, Lords, and

and Commons of Ireland; by such a conduct as this, we need not fear to meet the assailants of national dignity.

- “ I own the *glorious subject* fires my breast,
 “ And my soul’s darling passion stands confess’d;
 “ Beyond or *love’s* or friendship’s sacred band,
 “ Beyond *myself* I prize my native land;
 “ On this foundation would I build my fame,
 “ And emulate the Greek and Roman name,
 “ Think Ireland’s peace bought cheaply with my blood,
 “ And die with pleasure for my country’s good.”*

I will now take a conjoint view of the treatment Ireland and Scotland have received from England, in order to see whether it will not afford an unanswerable argument against *ever again* coming under a British Parliament. First, as to Ireland, and to go no farther back than the reign of Charles II. “ the Navigation Act forbids the importation of certain articles from † the Plantations, into Ireland, and which are particularly specified; Ireland, conceding the usurped power of the English Parliament to make the law, had a right to import the non-enumerated articles; but even the legal and rational construction of an Act of Parliament was too great a favour to be granted to Ireland, by English Commissioners of Revenue; and, therefore, executive tyranny was called in, to supply the deficiency of legislative injustice; and the statute received the *equitable and rational construction* of *intending to forbid* the Irish merchant from importing into this country, the *un-enumerated*, equally with the enumerated articles. Hear this, Irish merchants, and trem-
 ble

* Rowe.

† Anderson’s Hist. Com. Vol. ii. 625.

ble for your commerce while you hear! if a Union should take place; and above all, know, that this act of executive tyranny was legalized by statute in the reign of King William, the un-enumerated articles being then inserted in an Act of Parliament. In this reign also, as has been already stated, the Lords and Commons of England addressed the King, to suppress the woollen manufacture in Ireland, with which request his Majesty declared he would comply. Let the importations of English cloth, to this hour, decide whether he attended to the prayer of this tyrannous and iniquitous address. In this reign, the case of Ireland, written by Molyneux, was burnt in London by the common hangman, in obedience to the order of an English House of Commons. The copper coin of Ireland was permitted to be debased, in the reign of George I. to satisfy the griping avarice of an English merchant; and Swift, the best and sincerest of patriots, for exposing its baseness, had a price put on his head, and would, at the time, have suffered under the fury of ministerial vengeance:

“ But not a traitor could be found

“ To sell him for three hundred pound.”

Such was the system adopted for Ireland, when *provincially* united to England; a Union, which has not impressed Irishmen with such high ideas of either her honour, or her generosity, as to desire an *incorporate* Union; and surely no Irishman can be charged with partiality for holding this opinion, when even two Englishmen have sanctioned it by the accounts which they have given, at two different periods;

periods; the one, Sir John Davis,* Attorney General, and Speaker of the House of Commons of this country, in the reign of James the First; and the other, Mr. Pitt, in the present reign, when but one remove from his venerable and illustrious father, (one, who was

“ Form’d with resistless eloquence to charm,

“ And Britain’s sons with patriot ardour warm”)

speaking of this system, farther on, in the speech already quoted, he says, “ That which had been the system from the Revolution, *counteracted the kindness* of Providence, and *suspended the industry and enterprise* of man. Ireland was *put* under such restraint, that *she* was *shut* out from every species of commerce—*she* was *restrained* from sending the produce of her own soil to foreign markets; and all correspondence with the Colonies of Great Britain was prohibited to her, so that she could not derive their commodities but through the medium of Britain.” Having, by the authority of Mr. Pitt, and with the sanction of his name, fastened on England a system, which, in another part of the same speech, he calls, “ cruel and abominable,” I will proceed to shew, Sir, what I have promised, that England, in any contract she has made with this country, has observed it with Punic faith. To establish the truth of the position, it is only necessary, to restate the compact respecting the troops, which she has religiously observed, when she had no desire to break it, and ever broke it, when her interest required it, regardless of the defenceless state of this country, as has been already proved, by a recital of Lord Buckinghamshire’s answer to the Sovereign of Belfast;

nor is the instance I have given of the removal of troops, during the Westmoreland Administration, a proof of her having improved under the auspices of Mr. Pitt in that moral quality, honour; or her taking, in the year 1785, 140,000*l.* per ann. additional duties for commercial advantages to be granted, which, to this day, have never been given.* In viewing the conduct observed towards Scotland since the Union, I cannot say that it has pleased me in any case, where the interest of Scotland came, or was supposed to come, in contact with that of England. On three memorable questions, since the Union, have the rights and interests of the Scotch nation been surrendered to the interest, and sacrificed for the advantage of the English people. These sacrifices made, fall under three heads, and form three objections; the third and last will enable me to introduce Ireland again.

1st, The malt-tax.

2d, The law of treason.

3d, The abrogation of the rights of the Scottish Peerage, in violation of the Union, and the construction put on it by the Lords in 1708-9, and affirmed in 1787.

The malt-tax comes first under consideration. On the malt of Scotland it was agreed, at the Union, no tax should be laid on it during the war; but a Legislature, the majority of whom, was, by situation, placed above the reach of public opinion, the best security of national rights, and the strongest incitement to the honourable discharge of public duty, contemned the censure of a people they considered but as step-children; they passed this tax
in

* See Note inserted at the End.

in violation of the agreement, and in opposition to the united voice of the Scottish members in both houses of Parliament. This circumstance, practically proved to the Scotch the absurdity of having a foreign Legislature to watch over their interests; and, at a general meeting of the Lords and Commons of Scotland, it was resolved, that a bill should be brought into Parliament to dissolve the Union. Accordingly the Earl of Findlater, * ashamed, I presume, as Judas was of his *shekels*, and tired of his *shackles* stepped forward in the upper house, (the only place where the rules of Parliament would allow of its being offered, without asking permission) the advocate of his country's natural and inherent rights, but soon found that the Caledonian Samson met a Delilah in his sister England.

The

* This noble lord will be found among the Scottish worthies who sold their country; his services were estimated at 100l.

I have been told by a very old and very respectable gentleman, that Sir David Dalrymple, one of the Scotch members, having by this, and one or two other ineffectual struggles in defence of the particular interest of his own country, learned that all such attempts were vain, and that every question of that kind would be decided, not by *reason*, but votes, called his colleagues together, and pointed out the absurdity of such an opposition, but the still greater one, of not making the most of their situation. Since their efforts could not serve Scotland against the English interest, he proposed they should form themselves into a squadron to support the Minister on every question; and that the doceur obtained for their *good-will*, should be equally divided among them; and observed, that if they offered their services individually, they would be rejected, and the Scottish representation would be minus, the sum, the Minister would otherwise give.

The second objection derives all its strength from the people not choosing it ; my own opinion is, they were served by the alteration.

I will take leave to say one word respecting Ireland, before I consider and comment on the third objection.

In the view which I took of the injury done under the head of Ireland, to the different particular interests, I purposely omitted the consideration of the rights of one order of men, considered in their mere abstract capacity, that I might introduce it here, as a place more suited to their exalted rank ; but I must be allowed first to remind you, that I have, by incontestible facts from English and Irish records, proved, that at the period when the *provincial* Union subsisted between England and Ireland, the *interest* of the *fishermen*, the *manufacturers*, the *traders*,

give. This proposition, my reporter tells me, was agreed to, *nem. con.* and the bargain struck ; some are even disposed to believe, that the lease then made, was that of lives renewable for ever ; and it is said a clause of an unusual nature is inserted in this lease, that every *heir*, on coming into possession, pays a fine to the tenantry. Now if it be true, as a friend of mine has lately pointedly observed, " That where the Minister is, there will they be also," what is to become of the *liberties* of Englishmen should a Union take place, if the members of the Irish Parliament deserve the character given of them, by the author of the pamphlet I am answering ? for the world knows that Paddy is too fond of his friend, to prefer coventry to *company* ; it is probable, therefore, he may like Sawney's port so well, as to wish to take a glass, and in revenge for the injury done to his own country, assist in drowning the liberties of England.—Gee ho, John Bull, part not with the whip-hand.—Brother Tar, yield not the weather gage.

traders, the *merchants*, and with their interest, that of the *landed property* of Ireland, was sacrificed to the English people. To the landed gentlemen of Ireland, before I address the noble order, whose honours, as such, shall next be considered, I would speak one word; they, I know, pride themselves on their high notions of honour; to that honour I at present address myself: is the *annihilation* of the *existence* of the two houses of Parliament that discovered the *conspiracy*, the precise mode that men of honour would take to evince their gratitude for that favour?

I now recur to the third objection, and that, to shew to the peers of my native land, that, in the violation of the privileges of the Scottish peerage, they read their own, as certainly as effect follows cause, from the moment they commit their honours to the custody of the British Premier. The advice, which, with dutiful submission and respect I would presume to give them, is, consider, “for after judgment, death.”

To see more clearly the injustice of that decision, by which whatever of independence there might have existed in the Scottish peerage is completely destroyed, by permitting the peers of Great Britain to have a voice in electing, *not* the *Representatives* of the Scottish peerage, but of a *mongrel* peerage, whose interests, whose ideas, and whose sentiments must be English, not Scotch; and therefore no longer the guardians of the interests of Scotland in the house of Lords, the *necessity* for which Scottish guardians is admitted by the very terms of the Union, which provide that sixteen pro-
tectors

tectors of her rights shall sit in the upper house, it will be necessary to state a transaction that took place in the Scottish Parliament, when the Union was debated, and which bears on the present question. A clause was proposed, expressly guarding the rights of the Scottish peerage, and, which if agreed to, would have made the resolution of the British Lords in 1708-9 unnecessary, that resolution passed on the 1st of January, in that year,* is conceived in the following words: "That a peer of Scotland claiming to sit in the house of Peers by virtue of a patent passed under the great seal of Great Britain, and who now sits in the parliament of Great Britain, *had no right to vote in the election of the sixteen peers of Scotland in Parliament.*" What has since been done with this *legal, rational, and just* resolution, will appear in the sequel; the clause was however withdrawn, and it was asserted that it would be better to leave it to the house of Lords to decide on, whenever any case might arise which should make such a decision necessary. The case did arise in the person of the Duke of Queensbury, created Duke of Dover. On this occasion, and at this time, when all the parties were alive who had assisted in making the treaty of Union, and who, therefore, must be supposed as well able to explain the expressed and understood rights and interests, secured or created by that treaty, as their posterity four-score years after them; I say we may presume *these* were all considered and debated, and they did by their resolution prove, that the Scottish Lords had expressed

ill-founded

* Note 7 to page 97, of Christian's Ed. of Black. Com. Vol. 1st.

ill-founded fears, and that in the *justice* of the British Peers, they had ample security for the rights of their Peerage.

* On the 13th of February 1787, Mr. Pitt, Minister, it was resolved, that the Earl of Abercorn and Duke of Queensbury, who had been chosen of the number of the sixteen Peers of Scotland, having been created Peers of Great Britain, *thereby ceased to sit in that House as representatives of the Peerage.*† With this resolution I quarrel not; it is founded in law and justice, and conformably to reason, and is affirmatory of the principles, on which the resolution of 1708-9 is founded. In consequence of this resolution, two vacancies arose in the Scottish Peerage, and at the election which ensued, the Dukes of Queensbury and Gordon gave their votes as Peers of Scotland, in manifest violation of the resolution of 1708-9, founded, I contend, in law, and supported by reason and justice; the *legality and justice of it* did, on this election, come again before the Lords, and their Lordships did again firm it; and directed by their resolution of the 18th of May in this year, that a copy of the resolution of 1708-9 should be transmitted to the Lord Register of Scotland, as a rule for his future proceeding in cases of election. This determination, strictly consistent with law, and sanctioned by precedent, did by a fortunate concurrence of circumstances wonderfully serve the Minister, as he thereby got some additional friends in the Scottish Peerage; and, more strange to tell, by some extraordinary

* See Note inserted at the End.

† Annual Reg. for 1787, page 95.

dinary chance, the resolution of the 23d of May 1793, which we are about to consider, and which repeals the resolution passed in 1708-9, and affirmed in 1787, did not deprive him of any friend, but did also increase his happiness, by enlarging the sphere of his acquaintance. So wonderfully profuse of her favours to the Right Hon. Gentleman is the goddess, Fortune, that on no account will she ever suffer him to draw a blank. At the general election, which took place previous to May 1793, the Duke of Queensbury and Marquis of Abercorn, (the former one of the very Peers, *whose right* to vote had been denied by the Lords in 1787,) tendered their votes as Peers of Scotland; the Lord Register, knowing his duty too well to receive them after the order of the House of Lords of 1787 had been served on him, “ *commanding him not to take them,*” did refuse; the matter was moved in the House of Lords, and notwithstanding the former resolution, their Lordships did, on the 23d of May 1793,* resolve, “ that if duly tendered, they ought to have been counted ?” By this resolution, in violation of the spirit of the articles of Union, contradictory of the sense of that very House which passed it, as expressed on two former occasions, unfounded in law, unsanctioned by precedent, and unsupported by justice, the rights of the Scottish Peerage have been abrogated, and the people of Scotland are deprived of the guardians of their rights in the Upper House which the articles of the Union had guaranteed to them. A resolution, so repugnant to the rights of the
Scottish

* Brit. Lords Journ. for 1793.

Scottish Peerage, and so fraught with national evil, could not escape the eagle-eye of that sagacious nobleman, the Earl of Lauderdale; he addressed the House in the language, not of a *lordling*, but of a baron bold; and finding he was unable to convince them of the justice of his case, or the injustice their resolution would work, he entered, in an unanswerable protest,* his reasons for dissenting from their Lordships. Should the Peers of Ireland with this example before them of a violation of treaty, arising from design or misconception, agree to a Union, they will, when too late, find the only right they will be permitted to enjoy, will be that *innocuous one*, of *protesting*. H If

* The resolution of the 23d of May 1793, having been agreed to by the House, the following admirable protest, was entered by the Earl of Lauderdale, one of the sixteen Peers of Scotland, in which the propriety of supporting the resolution of the Lords in 1708—9, and confirmed in 1787, is maintained.—

DISSENTIENT,

“ BECAUSE,

“ The principles of their representation appear equally violated, whether it be considered as a compensation for the rights which the Scottish nobility surrendered, or as a security and guard for the rights which they retained. The right of representation being given to the Peers of Scotland, for the loss of their hereditary seat in Parliament, nothing seems more evident, than that the compensation cannot be justly claimed by those, who no longer suffer the loss. But while, by this resolution, the elective right is lavished on those, who have recovered an hereditary seat, its worth and value is diminished to the Peers of Scotland, who were justly entitled to that growing importance of their suffrage, which was to arise either from the operation of time in lessening their number, or from the promotion of their more favoured brethren to a superior class of Peerage.

LAUDERDALE.”

* British Lords, Jour. 1793.

If a plain, vulgar, and uneducated man were to read these contradictory resolutions, and observe, not only the length of time which had elapsed between the passing of the first, and its confirmation in 1787, and its repeal in 1793; but also, be told, that “existing circumstances” had made the confirmation and repeal equally favourable to the interest of the Minister; his vulgar, unfashionable, and uncourtly mind, would lead him to exclaim, what my respect for that House, and my *implicit* faith in their wisdom, will not allow me so much as to think, “political justice, is the creature of the Minister.” “When then long experience has taught us the absurdity of committing the decision to those whose conduct has provoked the question, and whose interest, authority, and fate, are immediately concerned in it.”* When we have the authority of Judge Blackstone, “that even an *infringement* of the *fundamental* and *essential* conditions of the Union, though a manifest breach of good faith, would not dissolve it;”† and he tells us in very plain and intelligible language, that a state so leagued, has no redress but by an appeal to the united legislature, (the majority of whom, it is to be recollected, created the evil complained of, and the chance of redress from such a body, is to be seen in the cases decided, and referred to above,) or, an appeal to Heaven. If then with nine solid reasons, every one of which did *ipso facto* by Union, put Scotland into the enjoyment of *substantial* blessings, and every one of

* Paley's Moral, Phil. vol. ii. p. 151.

† Blackstone's Comm. vol. i. p. 97.

of which that has a present power of existence, we do enjoy; that country could not be got to assent to her national degradation, but by force and fraud.* If, with the instances before us, of plighted faith broken, of injuries inflicted, and insults offered to her national dignity in the denial of justice, Irishmen will agree to a Union, I can only say, in classic language, "*Quos Jupiter vult perdere prius dementat.*" One observation I should submit to the good sense of the people of England, the truth and justice of it is supported by the history of all nations, and by none, more than their own, *though force may compel, it can never insure obedience.* The bigot James exemplified the theory in practice, and his posterity to this day, feel its effects; while the House of Hanover *rejoices* in the justice of a sentiment, which took it from the rank of a German Elector, and elevated it into that of a British Monarch.

On the conduct of France incorporating the Netherlands, &c. mentioned by you in page 9, I will, Sir, observe a dignified silence, for I will not condescend to enter into an argument with an Englishman, but Irish Minister, (whom I do not assert to be the author, but to whom public rumour has ascribed the pamphlet I answer) who holds the key of a goal in
which

* The Lord Godolphin prevailed with the Queen to lend her Scots Treasury the sum of 20,000, which the Earl of Glasgow is said to distribute to the *best advantage*, and for which he, some years after, accounted with the English Commissioners of Public accounts. Lockhart gives the following list of the persons to whom, the Earl *declared upon oath*, he distributed the money;

which men are imprisoned on a charge, the very *essence* and *substance* of which, is an imitation of French conduct,

	£.	s.	d.
To the Earl of Marchmont	1104	15	7
———— Cromarty	300	0	0
Lord Ormiston, Lord Justice Clerk	200	0	0
Duke of Montrose	200	0	0
———— Athol	1000	0	0
Earl of Balcarras	500	0	0
———— Dunmore	200	0	0
Lord Anstruther	300	0	0
Mr. Stuart, of Castle-Stuart	300	0	0
Lord Elphinston	200	0	0
———— Frazer	100	0	0
———— Cefnock, now Palwarth	50	0	0
Mr. John Campbell	200	0	0
Earl of Findlater	100	0	0
Sir Kenneth Mackenzie	100	0	0
Earl of Glencairne	100	0	0
———— Kintone	200	0	0
———— Forfar	100	0	0
John Muir, Provost of Aire	100	0	0
Lord Forbes	150	0	0
Earl of Seafield, Chancellor	490	0	0
Marquis of Tweedale	1000	0	0
Duke of Roxborough	500	0	0
Lord Ellibanks	50	0	0
———— Bamf	11	2	0
Major Cunningham, of Echet	100	0	0
The Messenger that brought down the Union	60	0	0
Sir William Sharp	300	0	0
Patrick Coultrain, Provost of Wigtown	25	0	0
Mr. Alexander Wedderburn	75	0	0
The Commissioners for Equipage and daily Allowance*	12,325	0	0
	<hr/>		
	20,540	17	7
	<hr/>		

* Tindal, vol. iii. p. 516

conduct, and an *alliance* with French principles; that conduct and those principles criminal in them, by your own vote in Parliament, to the extent of treason, are now recommended to the imitation and adoption of the yet-convulsed Irish nation, under the authority, and with the sanction of the *supposed* military Secretary.

I now proceed to the fulfilment of the promise made in the outset of this letter, "to demonstrate the *moral* incompetency of Parliament to legalize a Union." As every individual derives his right immediately from God, and not from man, to protect himself in the exercise of his rights against the attacks which lawless force, or ruffian power, may make upon him; so nations, which are composed of individuals, have the same right, and are bound to the same duty; the greatness of the nation, no more than that of the man, constitutes the moral right, though in both, in the exercise of it, the ability to support the right contended for, should be well considered. But though force, or the fear of force may cause moral rights to be in abeyance, it cannot annihilate them, the rights of a man who falls into a gang of thieves, are morally speaking, as perfect as the king on his throne, though the exercise of them be by force suppressed. To apply this reasoning: all nations are as to each other in a state of nature; they have a right to protect themselves by force against the attacks of others, and the duty of preserving themselves, flows from the right to preserve; but they cannot exert their physical force to the best advantage in war, or direct it to useful objects in
 peace,

peace, without a power adequate to the end; and as a few can always lead, advise, and direct, better than many, every nation has *appointed leaders* or *governors* to transact and manage for the many, that which must be ill done, if attempted by all. These leaders or governors have, in the different states of the world, obtained various names, and the powers of Government have greatly increased or diminished according to the forms established. But whatever title the Government bears, or whatever power may have originally been granted to it, no absurdity can be greater, than to suppose a clause in the grant, empowering the grantee to annihilate the grantor. Every state then I conclude, Sir, has the moral right to defend itself, and, if physically able, the political and moral duty of self-defence is cast upon it by the *divine hand* that created it, and a desertion of such duty is *treason* against God. This physical ability to defend, does not create the theoretical right, but invigorates the practical exercise of it, and adds the sanction of prudence, to the fiat of reason and the commands of duty. However then the surrender of national independence may be excused, pardoned, or extenuated, in a nation whose physical power is not equal to the repelling force by force, as a nation like the Isle of Man, placed under "a necessity that chooses, not is chosen," it never can be done by a nation able to maintain its rights, and asserts its honour, without a manifest violation of moral duty, and a criminal renunciation of the free-will granted by the Creator to the creature, for the regulating of his conduct, and for
the

the *abuse* of which he will be made answerable at the *day* of general judgment. As individuals are prevented by the great moral law from submitting themselves to the *arbitrary* will of another, whose power, if such submission were, morally speaking, valid, might command obedience to immoral actions; so nations created of a congregate body of individuals, cannot collectively have any power, which the persons composing them did not individually possess; and men, as individuals, not possessing the right, could not collectively have it; and, not having it, could not transfer it to their governors, who, in a moral and philosophical sense, are the national Representatives; as, in a legal one, the members of the House of Commons are the national trustees. Governors then, by whatever name they are called, or whatever title they assume, have only been instituted to do that which individuals, from their numbers, cannot do; they, as moral agents, being accountable to God "for all the acts done in the body," have not only no right to transfer their free agency to any other person whatsoever, but by so doing, commit the greatest crime against the supreme Majesty of Heaven, which creatures can be guilty of; a renunciation of self-government, their bounden duty, as moral agents, arising from free-will, the most distinguished faculty that can be granted to a creature, and a surrender of the proud superiority of man over all other beings, conferred on him, as a *dignified* and *infallible* certificate of his descent from the *great being*, in whose image he was created, "for in the image of God created he man."*

Four

*Genesis, 1st Chap. 27th Verse.

Four steps have been made towards attempting to prove the proposition to be demonstrated; first, the right of self-government and self-defence, as contingent on the former, have been proved to be duties arising from the moral relations in which the creature stands to the Creator: Secondly, that men, by congregating into societies, neither enlarge nor diminish their moral rights or duties thereby, and this, because created by a superior power, no act of theirs can alter their nature: Thirdly, that they are bound, by all means in their power, to observe the great law of nature, "self-defence," and that this cannot be so effectually enforced by man in his individual, as his congregate capacity: Fourthly, that the *wants* of individuals, and the *super-added* wants of society, *prevent* them from employing themselves in this way, *without* absolving them, of the duty; and hence arises the *necessity* of leaders or governors, to see this duty performed; and, therefore, universal law proclaims what Lord Coke says is the law of England in Calvin's case,* "protectio trahit subjectione, and subjectione protectione." It follows as a corollary from these arguments, that Government, in which term is understood every thing appertaining thereto, and consequently the Legislature, is a *trust* estate, and the trustees have no power to commit waste, nor any right to cut off the entail; the fee-simple, says our countryman, Junius,† is in posterity. Such are the abstract reasons by which my humble judgment has been convinced of the truth of the proposition, ever since

I have

* 7th Report.

† Biographical, Literary and Political Anecdotes, Vol. 1st, page 16.

I have been able to think. Precedent, and the authority of the writers both on municipal law, and the Law of Nations, shall now strengthen and support metaphysical reasoning. First, then, shall be introduced the authority of the unanimous resolutions of that patriotic band, the *Lawyers Corps* of Volunteers, in 1782, who, when a Yelverton and a Hufsey Burgh, and a majority, if not all the present Judges of Ireland, adorned its ranks, were not ashamed to take, nor afraid to own, that *their* motto was "Salus populi, suprema lex;" and fully they proved that this was their motto in *deeds*, as well as in words: Their Resolutions will speak for themselves.

At a full Meeting of the Lawyers Corps, the 28th of February 1782, *pursuant to notice*.

Colonel EDWARD WESTBY, in the Chair.

The following Resolutions were *unanimously* agreed to:

Resolved, That the Members of the House of Commons are the *Representatives* of, and *derive their power solely* from, the people; and that a *denial* of this *proposition* by them, would be to *abdicate* the representation.

The other Resolutions, not applying to the present question, are not introduced here; suffice it to say, that they were truly patriotic. Such was the imperial and patriotic language of the Bar in 1782: but Dungannon had just before that spoken "in the thunder, as well as the music, of the spheres." The second authority, is the *indirect* one, of the present Chancellor, when Attorney General; and it is *direct* to prove *this fact*, that such was the love of national honour in 1785, that, according to his account of the

Propositions,

Propositions, the ability of the father of Irish freedom, and all his colleagues, would never have been able to have raised that general dislike to them, which pervaded the kingdom on that memorable occasion, if they had not proclaimed the attack which they made on *the independence* of Ireland, an attack, in his mind, unfounded, but which, if true, we are to understand from this speech, would have been *criminal*, the whole *strength*, not only of his argument, but of every man who spoke on the same side, consisting in a denial of this assumption, as they called it on the part of the Opposition, *for the express purpose of damning* with the nation, what by argument they were not able to *prove dangerous* to the commercial interests of the country, fighting in the mask of the Constitution, because national honour beat high in its defence, those mercantile boons, the sterling advantages of which, they could not deny. We will now hear his Lordship: “ I now come to the *great* argument of those who oppose this system*—the argument, if it deserves the name, which has been *trumpeted* forth by the enemies of Ireland (the Chancellor says they are the *enemies of both countries*, who would surrender the Irish Legislature; and so, in my soul, I believe they are) in both countries, to inflame *her* pride, and to *prejudice* her against this settlement. It is *asserted* again and again, that *this treaty* is an *insult* to Ireland—that it *strikes directly at the independence of her legislature*. This is the first instance in which Ireland has ever treated; and it is a *new idea* to me, that England, by *opening and carrying on a treaty* with her, as an *independent*

* Woodfall's Debates, p. 64.

dent state, insults her pride, and strikes at her independence."

The next authority is Mr. Burke, and his words are from a book, of which a *certain personage* said at levee, "Sir, every king in Europe is obliged to you for this work;" this book, the manual of modern cabinets, and which cost the English nation an enormous pension. Is Mr. Burke to be always authority for despotic acts, and of no weight on the side of freedom? His words are *—"It is indeed difficult, perhaps impossible, to give limits to the mere abstract competence of the supreme power, such as was exercised by Parliament at the Revolution; but the *limits* of a *moral* competence, subjecting; even in powers more indisputably sovereign, *occasional* will to permanent reason, and to the *steady* maxims of faith, justice, and fixed *fundamental* policy, are perfectly intelligible, and perfectly *binding* upon those who exercise any authority under any name, or under any title, in the state. The House of Lords, for instance, is not *morally* competent

* Reflections on French Revolution, 27.

In the reign of Charles II. it was determined in the case of Lord Purbeck, by the authority of the Lords themselves, which sanctions Mr. Burke's opinion, "that a title is inherent in the blood, and while that remains *uncorrupted*, can by no means be *extinguished by surrender or otherwise.*"|| Is the right then of an individual more valuable, than that of a nation? and shall an individual be, by positive law, rendered incapable of surrendering, or extinguishing the perishable honours of the peerage and the *moral* law, not forbid the extinguishment of an unalienable birth-right? This indeed, would be to invert all order, and boldly affirm the creatures of man, are superior to those of God.

|| 1st Show. C. I. Titl. Dign'. Litt. 242. Hitt, 131.

petent to *dissolve* itself, nor to *abdicate*, if it would, its *proportion* in the legislature of the kingdom. Though a king may abdicate for his own person, he cannot *abdicate* for the *monarchy*. By as strong, or by a *stronger reason*, the House of Commons cannot *renounce its share of authority*. The *engagement and pact* of society, which generally goes by the name of the Constitution, *forbids such invasion and such surrender.*" The *constituent parts* of a state, are obliged to hold their *public faith with each other, and with all those who derive any serious interest under their engagements, as much as the whole state is bound to keep its faith with separate communities, otherwise competence and power would soon be confounded, and no law be left but the will of a prevailing force.*"

I now, Sir, have discovered your fundamental objection to the mode the Irish Parliament took of appointing a Regent; they have not furnished you with a precedent of that extraordinary nature the English Parliament has, and which would enable you, without much difficulty, to prove the right they obtained from that Act, to destroy themselves. The two Houses of Parliament in acknowledging their inability in their individual capacity, to perform any legislative Act, have proved to the world, what it never knew before, excepting in the English language, that two individual non-entities, could conjointly produce an entity, which, in return, should kindly vivify the dead bodies, to which it owed its existence; and then, that they and it together, should form a being completely dependent on themselves not equally perfect, as he should be, with the person,

son, whose place he was *pro tempore* to supply. The Irish Parliament, conscious that the melancholy and awful cause which created the *necessity* that called upon them to act, had had its operation in the wisdom of a power it could not controul, proceeded to act, not because, *legally* speaking, they had a power to act, but because the law had left this a *casus omissus*, and unless they had acted, there could have been no executive government. Their *right* then grew out of necessity, that word, equally the plea of the tyrant, and the justification of the freeman; it is in the exercise of the right, we discover the difference, the *former*, in his mode of supplying the deficiency, takes care that the remedy proposed, shall be the creating cause of generating necessities, and above all, shall never effect that which alone gives the *moral*, for there is no legal right of acting: the *latter*, adopts that mode, which not only annihilates the necessity, that produced the moral right of action, but by giving full powers to the substitute, fulfils the duty it undertook, and makes a recurrence to its own extraordinary power unnecessary, by giving to all the constituted authorities of the state, with the quickest expedition possible, the exercise of their legal and natural authorities, evincing by its *acts*, not its words, that it assumed *power to use it, not abuse it*. Such was the conduct of the Irish Parliament at the time of the Regency! such ever will be the conduct of all men, who look upon the chief magistrate of a country, as possessing his prerogatives and his powers for national, not individual benefit! His place, therefore, never can be said to
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have been supplied, until the person holding the station *pro tempore*, is invested with the authority, which in the original construction of the Constitution was deemed necessary for the preservation of each order, against the encroachments of the other, and for the fully discharging the duties of its own station.

But to recur to our quotation from Mr. Burke, which will be found on page 69—"The interest of that portion of social arrangement, called our country, is a *trust* in the hands of all those who compose it; and as none but *bad* men would justify it in abuse, none but *traitors* would barter it away for their own personal advantage."

The next authority I shall produce is the last clause but two of Mr. Orde's Bill, to present which, he obtained the leave of the House Commons, on the 12th of August 1785; the clause has the sanction of that House to the principle I contend for, "the *moral* incompetency of Parliament to create a Revolution."

"No law made by the present Parliament can *limit* or *restrain* the *free* and unquestioned *exercise* or discretion of any *succeeding* Parliaments, who must be *competent, equally*, as is the *present*, to every act of legislation whatever." To suppose then, that a Parliament cannot have power to deprive future Parliaments of their legislative rights, and yet have a power to annihilate the constitution of Parliament itself, from whence *these* rights flow, is a contradiction in terms, a mockery of sense, an insult to reason. This is a new species of morality, more
sinful

sinful to do the *less* than the *greater* crime, “ this is paying tithes of mint, and cummin seed ; but, omitting the weightier matters of the law, it is preferring judgment to mercy.” * To this I add the authority of the Lords and Commons of Great Britain, who in a joint address to the King on the 29th of July 1785, say on the resolutions they then presented to his Majesty, † “ They can only be carried into *effect* by laws passed in the Parliament of Ireland, which is *alone* competent to bind your Majesty’s subjects in that kingdom, and whose legislative rights we shall ever hold as sacred as our own.” Memorable words, “ whose legislative rights we shall ever hold as sacred as our own !” So long as the Journals of the British Parliament have existence, so long are the Lords and Commons of Great Britain estopped, by their own voluntary act and deed, from agreeing to a Union. If, in defiance of faith thus plighted, they shall attempt to propose it, they shall find that those recorded words, ‡ “ like the fingers of the man’s hand mentioned in Scripture, shall appear on the walls of their senatorial chambers ; they shall change their countenances ; they shall trouble their thoughts ; they shall loosen their joints, and make their knees to smite one against another ; they shall be the *Mene, Mene, Tekel, Uphrasin.*” †

The next authority is Molineux, whose case of Ireland was burnt, in obedience to the order of an

* St. Matthew, xxiii. 23d verse.

† Woodf. Appendix 24 to Irish Prop.

‡ Daniel, chap. v. verse 5.

an English House of Commons, by the hands of the common hangman, and who dare not at that time go to England, to see his friend Mr. Locke.* “The most learned in the laws, says this writer, have no more power to make or *alter* a constitution, than any other man; and their decisions shall no more prevail, than supported by reason and equity. All men are by nature in a state of equality, in respect of jurisdiction or dominion. On this equality in nature, is founded that *right* which *all* men claim of being free from *all subjection* to positive laws, until by their *own* consent they give their freedom, by entering into civil societies for the *common* benefit of all the members thereof. And on this *consent* depends the *obligation* of human laws; inasmuch that without it, by the *unanimous* opinion of all jurists, no sanctions are of any force. For this we might appeal, among many others, to the judicious Mr. Hooker’s Ecclesiastical Polity, book 1st. section 10, where much may be read to this effect, as also in Grotius, Puffendorf and Locke.” Let the English nation remember they incurred the whole debt of the American war, by violating the principles here laid down, in the words of the late Lord O’Neil, on a memorable debate, at which I was present; he said—“they first despised her weakness, then roused her to fight, and in the end taught her to conquer.”

The friend of Molineux, Mr. Locke, comes next in aid of freedom’s rights. “There remains still
inherent

* Case of Ireland, pages 101, 127, 130.

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 them; for, when such *trust* is *abused*, it is thereby *forfeited*, and *devolves* to those who gave it.* And what says Blackstone to this paragraph, from whose 161st page † I take it? not that it is not bonâ fide true, but his objection to it is, “that *under no dispensation of Government* can such theory be admitted. Why? Because this devolution of power, to the people at large, *includes* in it a *dissolution* of the whole form of Government. Established by whom? According to Blackstone, by *the People*, and reduces all the *members* to their original state of equality; and by *annihilating* the sovereign power, repeals all positive laws whatsoever before enacted. No *human laws* will therefore *suppose* a case, which at once must destroy *all law*, and *compel* men to build afresh upon a new foundation; nor will they make provision for so desperate an event, as must render all *legal* provisions ineffectual. So long therefore as the *English Constitution lasts*, we may venture to affirm, that the power of Parliament is absolute and without controul.” Two things are to be gathered from Locke’s text, with Blackstone’s Commentary:—First, that “when the trust is abused, it is thereby forfeited, and devolves to those who gave it;” but the learned Judge says, “that such a situation being a decomposition of society, laws, which are only made for man in a settled state, will not suppose a case, which in *rerum naturâ*, is a *destruction* of all law,

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* Locke on Gov. S. 149, 227.

† Bl. Com. vol. 1st.

law, and *compels men* to build afresh upon a new foundation:" The learned Judge, therefore, by this commentary, does admit the moral truth of the position, and does therefore lend his great name to the sanction of my theory; in the French Constitution, made by Robespierre, do I alone find that case provided for, which the learned Judge says, human laws will never suppose. The authority of Blackstone, then, to prove the omnipotency of Parliament to make a Union, as quoted by an anonymous Barrister, page 41, might have been spared by that learned gentleman, if he had read his author as carefully as, I presume, he reads his briefs; for he would then have seen, that the Judge spoke of a qualified omnipotency, not, as this gentleman asserts, an omnipotency to destroy the Constitution; but, as if he had said, a power coequal with its duties under the Constitution; for the *omnipotency*, contend for it how he may, is, by the very words of Blackstone, to last *only during the continuance* of the Constitution; so that by this, when the one is destroyed, the other ceases. His words are, "So long, therefore, as the English Constitution *lasts*;" and this is the second thing we learn from our legal commentator.

The last authority I shall quote, is Lord Chancellor Fortescue: * "A King of England, says the Chancellor, cannot, at his pleasure, make any alterations in the laws of the land; for the nature of his Government, is not only regal, but political. *Nihil potest Rex quam quod de jure potest.* The common and statute laws
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* Fort. De Land. L. Ang. 16.

of England are, in the mass and bulk of them, unalterable." The meaning of this, I take to be, that the laws of England, generally, being founded on the indisputable and acknowledged rights of mankind, such an abrogation of them, shall not take place, as to injure those rights.

I hope I have now, Sir, produced both argument and precedent, to convince you and every rational man, that Parliament has no right to make a Union; and that such an act, being beyond their power, they would, by doing it, decompose society, and abrogate all positive law.

While the Union of Scotland was actually on the tapis, we may remember, that by a proclamation, bearing the sacred name of Queen Anne, but in *reality* the Minister's, all discussion was forbidden, and every person, under the penalty of being deemed a libeller, was to believe that the Scottish members of Parliament were *influenced* by *nothing*, but the *Salus Populi*. Power, my countrymen, may at all times compel, yet it never could convince; and he who has read the list of the Scottish Senators, with their bribes, will assent to the truth of this proposition. The historian, in defiance of authority, summons a Scottish Chancellor to his bar, for his patricidal conduct, and pronounces, without fear, the sentence of Pope on the usurper:

" See Cromwell damn'd to everlasting fame."

At the bar of the historian, must plebeians, nobles, and kings, appear, and receive judgment, irrevocable, for their acts; and in discharge of the sacred duty he has imposed on himself, he is bound

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to warn the age in which he lives, against the craft of the politician, by fairly and impartially exhibiting the operating causes, which decide the conduct of *pretended* patriots, *really labouring for their own interests*, under pretence of serving their country. But why, Irishmen, should we express astonishment at the descendants of a Parliament, selling their *country* for £.20,000, who sold their King for a groat? that very King too, for remaining steady to whom so many of our Sarsfields lost their estates? What! shall an adherence to an Irish King, in one century, deprive Irishmen of their property, and force them to be exiles from their native land? and in a subsequent century, a no less strong attachment to a sovereign, who "claims his crown by the election, and *holds* it by the *affection* of his people," the *best* and *strongest* security of a monarch's throne, blot out their independent and imperial kingdom from the map of Europe, *that kingdom*, so much more ancient than the English monarchy,* "as to give precedence to Henry V. of England, in right of being Lord of Ireland, at the Council of Constance!" But how, my countrymen, can you suppress your indignation against the English Ministry, and their Anglo-Irish friends here, who can propose a Union? That very Ministry, who, with their adherents here, pronounced sentence of eternal damnation against the first National Assembly, for violating the rights of an assumed sovereignty of the Pope, (the friend of the British Minister every where, but in Ireland) in a

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* Crawford's Hist. of Irel. vol. 1st. p. 5.

real imperium in imperio, exemplified in the provincial government of Avignon, a territory, in *re-rum naturâ*, incapable of maintaining its independence; yet Ireland, Imperial Ireland, with a population of 5,000,000 of hardy people, shall, on the word of a so-journer, be pronounced an *imperium in imperio*, and as such, a Grand Jury of English clerks, at the Castle, shall take upon themselves to present it as a nuisance, and direct English soldiers to abate the same. In a public cause, if necessary, (though in a private one, *never*) it shall be found,

“ That *life* I contemn, and death I recommend,

“ He breathes not vital air, who’ll make me bend.

Sarsfield, Lt. Lucan’s Speech, Battle of Aughrim.

Yes, my friends, that very Ireland is called an *imperium in imperio*, which country is placed in that state, pronounced by the Royal wise man, in his Proverbs,* to be the happiest, “ having neither poverty nor riches, but fed with food convenient for her.” Rendered strong by the mercies of a kind and indulgent Providence, for the *moral* right of self-defence; *weak*, as would to God *all nations were!* for the *immoral* power of offence. Is a Union, an *annihilation* of national independence, the reward which English Royalists, and the King’s servants, would give to the hereditary lovers of a *limited* monarchy, and the unshaken loyalty of a generous nation? If such is to be the case, the year 1798 will prove the truth of what the Royal Psalmist has said in his hundred and eighteenth psalm, and ninth verse.

Mr.

* Prov. chap. xxx. v. 8.

Mr. Pitt having found fault with the National Assembly for having suppressed the Papal Government of Avignon, which was an imperium in imperio, in France, cannot now be astonished at the People of Ireland saying, Sir, "de te fabula narratur." France always condemned by Mr. Pitt, is ever followed by him.

On pages 30 and 31, you address a word or two to the Dissenters and Roman Catholics, each of whom you wish if possible to cajole, at the expence of one another, and both at the expence of the nation. I will, in my turn, address a word to them.

The situation of these two bodies of men is totally different in this country, from what it is in England. The former is only distinguishable *politically* as a Dissenter, by enjoying a *greater* privilege than a member of the Established Church; and in that situation he has been now for nineteen years, the test act of the 2d of Anne, cap. 6, having been repealed in his favour, by the 19th and 20th of Geo. III. cap. 6. The Dissenter is, therefore, now in a better situation under the existing laws, than the Churchman; because, if the former be in possession of an office, he can only lose it by the Legislature repealing the 19th and 20th of the King; whereas the latter, by neglecting to perform the requisites by law required, may, by the omission of the Legislature to pass the usual act for enlarging the time for persons neglecting to qualify, be deprived of his office; and religiously, by the paying of two clergymen, a grievance which he suffers in common with his Roman Catholic brethren, whose situation I shall briefly consider. The political disadvantages

disadvantages under which they still labour, I, in common with many others, lament; few, though too many they certainly are, compared with those they would assuredly be partakers of, if a Union should take place. I will not impose on myself the unpleasant and disagreeable task of weighing acknowledged grievances, and pointing out the exact plus and minus: I will content myself with assuming what is an uncontrovertible fact, that the Dissenters of both communions from the Established Church, enjoy privileges at present which their brethren in England do not; and I will then put it to any liberal man to decide, whether I hazard too much, in the event of a Union, in saying these privileges will be diminished, and the *specious* pretence for this unjust act, will be the necessity of having equal laws throughout the Union?*

I will now shew you, my countrymen, the outlines of such a speech as the great political juggler would order one of his Irish "Wha wants me?" to make, when introducing a bill into the Parliament of the Union, for such a purpose.

Mr. SPEAKER,

When I consider the honour which my constituents in Ireland have done me, by sending me into this House, I am at a loss to express myself in language sufficiently grateful. Recollecting, Sir, the honour done

* This was done, according to Blackstone, by the Statute of Wales, on the annexing of that principality to the crown of England, who says, page 94. vol. 1st, "that very material alterations were made in divers parts of their laws, so as to reduce them nearer to the English standard."

done me, and the duty imposed upon me by it, nothing but what I consider a more imperative duty, the *general tranquillity* of the whole Union, could induce me to move for leave to bring in a bill, which must injure the inhabitants of that part of the Union I represent, so much, as the one I hold in my hand, and which is entitled, "An Act to put the Dissenters of both Communions from the Established Church, of that part of the Empire formerly called Ireland, on the same footing with those of the same Communion in England." Sir, I do not mean to deny the truth of the principles which I know will be advanced by the Honourable Gentleman* opposite to me, the advocate of civil and religious liberty, and the steady and determined opposer of tyranny, *wherever* it may appear. Sir, I respect his character; and if it did not appear too presumptuous in me to offer an opinion on his acknowledged talents, I would say that Heaven had given them to him, not for the service merely of his own country, but for the general advantage of the great family of human kind. But, Sir, whilst I will admit the strength of his reasoning, and the impossibility of refuting his arguments on the broad principle of moral justice, or equal rights, you must permit me to say, that on this question of national tranquillity, and the *ease* of the executive government, I throw such arguments out of my contemplation; and I am sure *this House*; *which* did not think *national rights* any objection to the passing of the Union which annihilated them, will agree in opinion with me, that the partial rights of the Presbyterians and Roman Catholics

* Mr. Fox.

Catholics of Ireland, ought not now to be put in competition with the general peace of the Empire, which can only be established, and secured, by the laws being the same for people of similar religious persuasions throughout the whole Union. Humble as I am, Sir, on this part of the case, I fear not to meet the Honourable Gentleman himself, as his general cry is "*equal laws*;" will he then, an Englishman, agree that Irishmen shall enjoy advantages which the Legislature of his own country has *repeatedly* refused to the petitions of his constituents, supported by his *great*, and unrivalled *abilities*? Sir, I will detain the House no longer on this subject; my Right Honourable Friend* on my right, with his acknowledged *rhetorical* powers, will satisfy all your doubts, should any arise, and *even* your *qualms* of conscience, if any conscience you have left."§

Vulgar minds would think that Paddy played second, as well as first fiddle; but Seignior Pittachio, who understands managing the House better than ordinary people, otherwise commands. In obedience to a previous arrangement, John Bull, as if by chance, starts up, and thus addresses the Speaker:

" SIR,

Ordinary men would have been deterred from moving for leave to introduce such a Bill as that proposed by my Honourable Friend, and which, if he

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permits

* Mr. Pitt. § The love of Paddy's country is supposed to bear down Parliamentary decorum, at the moment he is concluding, a qualm of conscience having convulsed him, on account of the acknowledged injustice of the act.

permits me, I will second. Sir, he has laid this house, and the nation, under many obligations to him for his motion, and particularly honours me by accepting of my offer to second a Bill, which, by putting the Dissenters of all descriptions, scattered over the Union, on an equal footing, must prevent those bickerings which might arise from the want of it, and effectually deprive the Dissenters of England of the opportunity of complaining that they were on a worse footing than those of Ireland. Sir, I will not, any more than my Honourable Friend, deny, that when this Bill shall have passed into a law, the Dissenters of each communion in Ireland will *not* be *deprived* of franchises which they now enjoy, *greater* than those allowed to the same people here: but give me leave to say, Sir, they will have *no right* to complain at this *diminution* of privilege, as they are not put on a worse footing than their brethren here, and therefore, I think, they ought to be very well satisfied.

Sawney then rises and says—

MR. SPEAKER,

It may seem rather odd, Sir, that I, who am a Presbyterian, and whose National Church is protected by an express Statute, should vote for lessening the privileges of Dissenters, and bringing them, but *lately* emancipated from a Test Act, &c. under the provisions of so formidable law, a second time. But in truth, Sir, to me there appears *nothing formidable* in it; for such is the *ken* of my countrymen, and so great their ability and speed in learning any thing, that they, at sight, can read and understand the Creed of the Kirk, the Thirty-nine Articles, and the
Confession

Confessions of Westminster. In short, Sir, they never *stumble* at any thing, as my Right Honourable Friend* has *more* than *once* proved. Indeed, Sir, he, though a Presbyterian, never hesitates to *qualify* according to the Rights of the Church of England, if the office of Secretary of State, Treasurer of the Navy, &c. be vacant. Sir, he is a very good example; and I know no reason why these Irishmen should pretend to more religion than a Scotsman? Sir, I vote for the motion.

Mr. Fox then rose, and said, Mr. SPEAKER,

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more of his speech I dare not report; my humble talents will not soar to the elevation of his mind; sufficient to say, that whatever the classic mind has formed to itself in idea, of Demosthenic eloquence, falls short of the talents displayed this day by that great man. He is indeed one, whom I may say in the language of Pope, is able

To wake the soul by tender strokes of art,
To raise the genius, and to mend the heart,
To make mankind in conscious virtue bold,
Live o'er each scene, and be what they behold.

The Bill is then received, read a first, second, and third time, in violation of the ancient and established rules of Parliament, but strictly conformable to Mr. Pitt's newly-adopted plan of passing Bills of great moment, less consideration being necessary on such occasions, than on a Turnpike Bill—is sent to the Lords, agreed to by their Lordships; and at Eight o'Clock, the Lords Commissioners, in their robes, give the Royal Assent to “ a Bill for tranquillizing
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* Mr. Dundas.

the Union," by reducing the privileges of the Irish Dissenters, of both communions, to the English standard on that subject.

Whilst I cannot help thinking with Mr. Burke,*
 " That the state ought not to be considered as nothing better than a partnership in a trade of pepper and coffee, calico or tobacco, or some other such low concern, *to be taken up for a little temporary interest*, and to be disposed of by the fancy of the parties; *but that it is to be looked on with other reverence, because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature.* It is a partnership in all science; a partnership in all art; a partnership in every virtue, and in all perfection. As the *ends* of such a partnership *cannot be obtained in many generations*, it became a partnership, not only between those who are living, but those who are dead, and those who are to be born. Each contract of each particular state is but a clause in the great primæval contract of eternal society, linking the lower with the higher natures, connecting the visible with the invisible world, *according to the fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place. This law is not subject to the will of those who, by an obligation above them, and infinitely superior, are bound to submit their will to that law.* The municipal corporations of that universal kingdom, *are not morally at liberty at their pleasure, and*

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* Reflect. Fr. Rev. 143.

on their speculations of a contingent improvement, wholly to separate and tear asunder the bands of their subordinate community, and to dissolve it into an unsocial, (into this state is every society put, according to Locke and Blackstone, when the Legislature is subverted) uncivil, unconnected chaos of elementary principles. It is the first and supreme necessity only, a necessity that is not chosen but chooses a necessity paramount to deliberation, (this is not the present state of Ireland) that admits no discussion, and demands no evidence, which alone can justify a resort to anarchy." I will, to prove to those who think Locke and Molineaux should be laid aside, for Voster and Windgate, and the rights of a nation, concede to the "golden rule," submit a few words on trade as distinct from constitutional franchises, connected with which it has been already considered. When the advocates of a Union, which is to destroy that free constitution, from whence this blessing naturally flows, and this source of riches really comes, speak on this subject, they launch forth in all the pomposity of language, and all the ignorance of inexperience. They speak of Cork, as if it were to be a Tyre or Carthage, and in their idea, Golconda's mines will lack riches, compared with those which will be found in the streets of Cork, when the halcyon days of Union come. Three proofs drawn from particular facts, which facts include in themselves evidence of the general motives which impel, and principles that actuate capitalists, (those gentlemen who will then be as

numerous

numerous in Ireland as the sand of the sea) shall be given. The first proof I will give, is not only explanatory of the principles on which capitalists have, and ever will act, but will prove to the citizens of Cork what a South Sea bubble the Union is, if any of them be so weak as to think either that their city will be served by this measure, or injured, if it is not carried. Previous to examining the proofs I have promised, I will, Sir, with your leave, take a brief view of what are the general operating causes of ex-patriation, a subject on which I have never heard one word fall from the most zealous advocate of the Union; and yet, Sir, not only the expatriating, but the impatriating causes are necessary to be considered on this question. And first, Sir, of the impatriating causes: Do you think that *false* returns to writs of Habeas Corpus, that *will* substituted for law, that tortures condemned by God, and forbidden by every civilised state in the world,* declared near two hundred ago by the *unanimous* opinion of all the judges of England, on a case referred

* Lord Chancellor Fortescue in his admirable treatise entitled, *De Laudibus Legum Angliæ*, says in chap. 22, concerning torture, p. 41. "In France they put the *accused* to the rack, by which over cautious and *inhuman* stretch of policy, the *suspected*, as well as the *really* guilty, are, in that kingdom, tortured so many ways, as is too tedious and bad for description. Who that has *once* gone through this *horrid* trial by torture, *be he never so innocent*, who will not rather confess himself guilty of all kinds of wretchedness, than undergo like tortures a second time? Now, what *certainty* can there arise from such *extorted* confessions? Such a practice, says this learned Chancellor, should be called the *high road* to hell.

referred to them, that the common law of that country, which is the law of Ireland, did not, on any account, allow of it, that all these causes collectively, are sufficiently seductive, or either of them individually, is a sufficient inducement to make the clothier of Somersetshire, who borders on the Avon, or the merchant of Bristol quit the Severn, to settle on the Boyne, or the Blackwater? Do you think the serge-makers and thickset manufacturers of Exeter, and its charming environs, exceeded only in beauty and magnificence by those of my native city, will be seduced by such bounties to cross the channel? Do you think the ship-wrights, sail-makers, &c. &c. of Portsmouth and Plymouth, will leave their elysian Isle of Wight, and the grotesque Edgumbe, to settle at Cork's Cove, to enjoy these advantages. No, Sir, sooner will the Ethiopian change his colour, or the leopard his spots, than an Englishman, by force, barter his present evils for the enjoyment of such extraordinary blessings; a sycophant Minister may deceive his honest and unsuspecting mind, and accomplish his own vile machinations by fraud and covin; but to open force, he never will surrender Magna Charta and the Bill of Rights; that love of liberty, which is universal, is increased by habit in the Englishman, and associating that idea solely with his own country, (which association is his crime) he laudably takes it, as his wife, "for better or for worse." The universal expatriating causes shall now be considered, and I believe, I may say, without a possibility of contradiction, that they are but two, Persecution and Poverty; from these

these, it may be said, a third does sometimes arise, one made by equal portions from these two general causes of emigration. What, Sir, made the ancestors of the present Americans emigrate?—Civil and Religious Persecution. What has made the Ancestor of that family, which is a blessing to this country, emigrate from France? that *Family!* the effects of whose *real* religion I have had an opportunity of seeing in Works of Charity and Mercy; whose Creative Hand, not only makes Wealth for itself, but diffuses it throughout the country, in every way that can add to its strength and happiness; by Education, the first of all national blessings, by Mercies incalculable, and Charities innumerable—Persecution, and that *too* for Religion. If it were given to man, to trace effects to causes, we might possibly see, in the subversion of the French monarchy, vengeance taken, for the insult offered to the supreme Majesty of Heaven, in a French king daring to interfere with the prerogatives of the Most Highest. Religion is a duty the creature owes to the Creator, and each is to address the universal parent, in the language he best knows. What made a certain description of people leave the beautiful and highly-cultivated lands of Armagh, where the raw material, and every thing necessary to them, as linen manufacturers, was to be had in abundance, and go to the most barren and uncultivated part of Connaught?—Persecution. What, some years ago, made whole families go from the North of Ireland to America?—Poverty. What made so many persons *formerly* go from the province of Connaught

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in harvest time, to England?—Poverty. Why has that number decreased since 1782?—*Creative* freedom made industry, industry capital, and capital demanded more labourers. The operating causes then, of expatriation, are Persecution and Poverty; capital never emigrates, it enjoys at home that ease and affluence, to obtain which, it was itself acquired. We will now see how far this theory is supported by the facts I am to produce in evidence, and also at the same time observe whether they prove, as it was promised they should, general principles. The first then to prove, that the capitalist will not travel, and that the city of Cork will not become a second Carthage: Milford-Haven, the finest harbour belonging to the Crown in Europe, where, five miles from the sea, I have myself been at anchor in a Man of War, inferior only in situation to Cork, but *superior* to that of Bristol or Liverpool, and, in capaciousness, equals, if not exceeds them altogether; and in safety for ships and mariners, and the facility of navigating vessels in and out, neither of these ports will admit of a comparison with it; the latter one has a most dangerous entrance, and objections lie to the navigation of the Severn, which cannot be made to Milford-Haven. Yet this harbour, the finest my eyes ever beheld, with every part of it convenient for the making of docks for the largest ships in the world, with ground contiguous to every part, *unbuilt* on, and rent so cheap, as to produce an immense profit to the speculating builder, who might erect thereon stores, the most

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extensive, and ware-houses the most commodious, if any *kind* capitalist there were, to take them from him; with a peasantry neat, industrious, and moral; with provisions cheap, with an agreeable climate, with fuel plenty, and not dear, and above all, with the most inviting and encouraging landlord, (Sir William Hamilton, British Ambassador at Naples) willing to foster industry, and promote trade by every means in his power; yet this harbour, the Cork of Wales, with all those natural and acquired advantages, has not been able, in upwards of five hundred years *Union* with England, to become a second Carthage: This harbour, to which a stage-coach will take the capitalists of Bristol and Liverpool, has not had charms to bring them; and at the expiration of nearly six hundred years, you see this emporium of Welsh trade, this seducer of English capitalists, with its principal street, equal in breadth, and grandeur, to the magnificent lane in this city, commonly called Fleet-lane. In this famous capital, which the Welsh were then told, as the people of Cork are now, see your fine haven, and your admirable situation for trade, *superior* to any port in this channel; so far from finding the riches of Golconda, that the wealth of the whole town, would not equal the very establishment of the mere gatherers of gold, in the county of Wicklow. But not only does the rich capitalist of Bristol refuse to quit his charming Clifton, with the lovely views of Somersetshire, to settle in Wales, contiguous, and to which, he can have land carriage the whole way, and readily travel back, to visit those, whom

whom blood and friendship have made dear to him; but even he, in Liverpool, who can boast no Clifton, and whose port not having had trade fixed there, as Bristol has had, for hundreds of years, might on his first settling in trade, have been considered as a man, who would have preferred the conterminous port of Milford, *easy* of access, and internally commodious, without the expenditure of a shilling, and *externally* better situated for commerce, being more open, and nearer to the Atlantic than his own; I say, one might have believed all this, by only examining the map; but, when to this, is added the evidence of sight, when one sees the immense sums which it was necessary for the merchants of Liverpool to expend, in order to make that harbour internally serviceable, and how no expenditure can make its external navigation safe; I declare I would sooner believe transubstantiation, than credit the man, who would seriously tell me, that the political juggler, should by the magical word, Union, the *presto* of his art, command trade to leap from place to place, as a mountebank does his puppets; no, Sir, trade is a thing which requires four things to support it; situation, industry, capital and time; two of these requisites, I will call *fundamental and creative*, and which the Irish possess; these are *situation and industry*, they will produce the third, and the fourth, man cannot make: if they are not able to create the third, I think I may say, that we have an experience of six hundred years, that the situation of Cork will not seduce capital, for so long has Milford made a part of the English Union; and yet,

yet, her *fine* situation, could neither induce the capitalist of Bristol to quit his trade, nor prevent him of Liverpool expending his money on that harbour, and making it, and that *within* the last forty years, the grand emporium of the trade of England, in this channel; and to rival, if not excel Bristol. What has done all this? What has given the preference to this port over Milford-Haven, and that even in opposition to the *personal* interest of the merchant? I will tell you in the language of man, all over the world, "the love of country;" that love, so laudable, while it only prefers the interest of its own, to all others; so criminal, when to advance its own, it would sacrifice that of another. I quarrel with no Englishman, for that, which I pride myself on, the honour and interest of his native land; but I would meet him in arms, when to advance his, he would sacrifice mine. I have too many dear friends in England, and, when there, experienced too much friendship, not to admire the private character of the Englishman, and too congenial in disposition, not to agree with him in the love of country; but that love, the sacred principles of honour, and moral duty, tell me, is not to be encouraged, when it would lead me to invade the rights of my neighbour; he thinks Windsor the finest place; I think the Phoenix-Park: he has his Blenheim; I have my Curraghmore: he, his Richmond; I, my Waterfall and Dargle. These partialities may be silly, but they are not criminal: each is left in the full enjoyment of that which he prefers; the right on which that preference is founded, was derived from God, and to *him* only, without force, will I surrender it.

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The impossibility of Cork being benefited by a Union, I think I have demonstrated; it is now necessary for me to shew she cannot be injured, if it should not take place. My reason for being of that opinion is this, that it is to her situation and the necessities of England, and not the kindness of that nation, she is indebted for all her advantages; and therefore, so long as that situation, and those necessities continue, they could not, if they would, deprive her of them. The second fact to prove, that a Union will not give us capital is, the linen manufacture of this kingdom, protected and fostered as it has been, for nearly a century, by duties and bounties in a manner that no other manufacture has ever been, either in this or any other country; and, with the trade of the sister kingdom open to us in this branch of commerce, and the whole world, it has not been able to *seduc*e English capital. But we may remember capitalists do not travel. The third fact I have had from my friend, Mr. Kirwan, whose unrivalled abilities, as a Chymist, Europe acknowledges in all her learned publications. Speaking to him on this very subject of Union, he told me the following anecdote, which, as it is illustrative of the position I have laid down, that capital never travels, and conclusive to shew, that neither trade nor tradesmen can, or will fly from kingdom to kingdom, at the request or command of Ministers or Sovereigns, I will insert it here. The late Empress of Russia being particularly anxious to make St. Petersburg the depot of every thing valuable in science, or desirable in art, instructed her Ambassador at London, to offer a pension of 1500l. a year to Mr. Adams, the celebrated
 optician,

optician, if he would settle in her capital; the Ambassador made the offer, and received the following reply: That although he, Mr. Adams, did not make as much as her Majesty had done him the honour to offer him, yet his *native* country had such charms in his eyes, as *no* money could compensate him for the loss of; and that it was equally his duty to inform her Majesty, that if he were to accept her pension, it would be a deceit on his part, as he could not render the services expected, unless her Majesty would settle there *thirty* branches of trade connected with his; adding, that if he were settled at St. Petersburg, and any one of the *thirty* trades were wanting, he could not carry on his business. I will leave it to every man, to make his own reflection on this authentic anecdote.

On this subject of trade, I will conclude, as I set out, with asserting, that a Union cannot give us any right to trade, which we do not at present possess, though, almost to a certainty, we shall be deprived of one which we now enjoy, that of trading *directly* to the East-Indies from the port of Cork, and not obliged, as we shall then be, like the Scotch and the people of England, to purchase India stock, to be concerned in that trade. I do admit, that although a Union cannot increase our rights, yet it *may* greatly enlarge the exercise of one of them, that is, the channel trade, which, as yet, is unfavourable to this country, and which, for her own purposes, England refuses to put on a fair ground. Translate then this politico-commercial jargon, into the language of truth and nature, and it amounts to this:—A rich and powerful nobleman acknowledges there remains an unsettled account between him and a farmer's daughter, but
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before he will agree to come to any settlement with her, he insists on what is *dearer* than life. No, my Lord, replies virgin poverty, with virtuous indignation starting in her lovely eyes, *Perish*, justice! if honour is to be its price! Death, rather than prostitution!

Sir, as I here conclude all my arguments, I would on an ordinary occasion end my letter; but as the subject matter of it relates to the Rights and Liberties of my country, about to be violated, if a Union should be proposed, I cannot take leave of you, Sir, without making this letter the medium of my address to the Deity on their behalf, humbly supplicating the aid, and imploring the assistance of *Him* in their defence, at whose *awful* bar Kings and Parliaments must appear to answer for all their acts, not as here, according to the law "of existing circumstances," but by the rules of *moral* justice, which no time can change, nor any legislature destroy; and finding an address to the Supreme Being, on a similar subject, the Liberties of England, by one of her noblest sons, Lord Ruffel, I adopt his words, with the alteration of substituting Ireland for England.

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"Hear then, Jehovah! hear thy servant's pray'r!
 Be Ireland's welfare thy peculiar care!
 Defend her laws, her worship chaste, and pure,
 And guard *her* rights, while earth and heav'n endure!
 O! let not ever fell tyrannic sway,
 His blood-stain'd standard on her shores display!
 Nor *fery* zeal usurp *thy* holy name,
 Blinded with blood, and wrapt in rolls of flame!
 In *vain* let slavery shake her threat'ning chain,
 And *persecution* wave her torch in *vain*." Amen.

In the part I have taken on this occasion, and the sentiments I have expressed, *offence* has been unintentionally given by me, to some whose friendships I value, whose opinions on ordinary subjects I am bound to obey, and whose protection is necessary to my future advancement; to them I say in the language of the Roman moralist,

“Cari sunt parentes, cari liberi propinqui familiares, sed omnes omnium caritates, patria una complexa est.”

As this justification is offered with respect, so, it is hoped, it will be received with kindness.

I have the honour to be,

SIR, &c.

GEORGE BARNES.

Usher's-Island,
Monday, Dec. 17th, 1798.

P. S. In this letter, written in the greatest hurry, began on Tuesday 11th, and a part of it sent to the Printer on Friday evening, there must certainly be much to be expunged, much to be altered, and something to be added; but the Author confidently hopes, that a generous Public will take “the will for the deed;” and believe him when he assures them, that nothing but an imperative sense of duty, calling upon every Irishman to contribute his mite to the stock of general information upon this momentous question, could have induced him to trouble them with his humble sentiments at the present time. Whatever may be their fate, he rests satisfied with the consoling reflection, of having endeavoured to discharge his duty to his Country, and his King.

NOTES.

N O T E S.

P A G E 41.

Lord F. Campbell, Secretary to the Lord Lieutenant, presented the message from his Excellency, which contained this compact, and the message expressly states, "that his Majesty's service required, that some part of the troops, *kept on the establishment of Ireland, should be employed towards the necessary defence of his Majesty's garrisons and plantations abroad.*

Com. Jour. vol. xiv. p. 526, 1768.

Sir L. Parsons said, this compact, in order to make it more solemn and binding, had been introduced into two of the most solemn acts of the legislature—the great money bill and the mutiny bill. This was done, because the legislature of that day thought that a compact, thus ratified, *no* Viceroy could be found *hardy* enough to violate. In the month of July, 1794, there were *only* 7000 men in the country, as appeared from the monthly returns of the army, for that year, now before the House. He then moved the following resolution:

“Resolved, That John Earl of Westmoreland, *by authorizing* such a number of regular troops to be sent out of this country as left the *remainder considerably less* than the NUMBER appointed by law for the defence thereof, has been guilty of a *violation* of the compact entered into with the Crown, and of dispensing with the law of the land.”

Mr. Conolly said, that if this motion had not been made by the Hon. Baronet, he should have felt himself called upon, as the *mover* of the augmentation in 1768, to make it. When he made that motion, a member whom very few that he addressed could remember, (Doctor Lucas) *prophefied*, that those troops *would be maintained and paid by the country during peace, and never suffered remain here in time of war.*

Parl. Debate vol. xv. p. 369—70—71.

The military Secretary did not vote for this truism; but unblushingly tells the world in his Pamphlet, in opposition to the authority of the Commons Journal, that Ireland affords *no* military assistance to Great Britain.

Sir J. Davis *justly* remarks, says Mr. Anderson, in *many* places of his useful treatise on this subject, what *bad* policy it was in England, that, *for the space of three hundred and fifty years, at least*, after the first attempt at Ireland's conquest, the English laws were not communicated to the Irish, nor the *benefit* and *protection* thereof *allowed* unto them, though they *earnestly* desired the same.

And. H. Com. vol. ii. p. 251—2.

An attempt has been made, and that within this very year, to disturb the settlement of the Independency of Ireland, as settled in 1782, by the English Admiralty *daring* to exercise jurisdiction in this country. The proceedings were stopped by the spirit and firmness of the present Judge. The Irish Admiralty Court is made Imperial by the 23d and 24th Geo. III. c. 14.

Lord Stormont, (afterwards Earl of Mansfield,) one of the sixteen Scotch Peers, moved this business in the Committee of Privileges, to resolve itself into which, the House had been previously summoned. His Lordship argued the question most ably, *and pointedly remarked*, "that no one could appear in person, and at the same time be represented by his proxy. The one right being in lieu of the other, they cannot be co-existent. That the determination in 1708—9, was as *solemn*, and *deliberate*, as any that stands on the records of Parliament. His Lordship said, that the same prerogative which had raised two of the sixteen to an hereditary seat, might extend the same favour to the whole number, and then there would be no representation."

Lord Loughborough, (made Chancellor in 1793) followed his Lordship, and maintained the same doctrine. The House divided on the question, and Lord Stormont's motion was carried by a *majority* of 52 to 38.

Ann. Reg. 1787, p. 95—6—7.

These two noble Lords were both in the House on the 23d of May 1793, when a resolution contradictory to this, that affirmed the resolution of 1708—9, which Lord Stormont declared in his speech

speech to have been carried without a *single* protest against it, was carried, and yet they did not join Lord Lauderdale in his protest against what in *their* opinion was contradictory to the articles of Union. I will not say that Lord Stormont becoming Earl of Mansfield, and Lord Loughborough being made Chancellor, occasioned this difference of opinion; but this I will say, that as yet I have seen no refutation of the arguments offered by their Lordships, and successfully pressed on the 13th of February 1787.

The following quotation from Mr. Orde's speech, proves the justice of the general remark made on page 66 :

Mr. Orde began with observing, " that the task he had to perform was extremely important, and extremely delicate ; he said, he was glad however that the time was come to put an end to doubts and misrepresentations, and to *prove* the *consistency* of his conduct in *not offering* to the House *any thing disagreeing with the declaration that he had so often made ; That he never would bring forward any thing that was an infringement of the Constitution of Ireland.*"

Woodfall's Debate, p. 1.

THE END.

Houses of the Oireachtas