

## REMARKS

No. 31  
ON A

## PAMPHLET

INTITLED,

## CONSIDERATIONS

On the Late

## BILL

For Paying the

## National DEBT, &amp;c.

*By Mr. William Armes.**He that is first in his own Cause seemeth just; but  
his Neighbour cometh and searcheth him out.*

NUMBER III.

DUBLIN:

Printed in the Year MDCC LIV.

6  
No. 31

REMARKS

ON A

MEMORIAL

PRESENTED

CONSIDERATIONS

ON THE

BILL

For Paying the

National Debt &amp;c.

It is that in the year 1790, when the  
the National Debt was first established, the

NUMBER III

DUBLIN:

Printed in the Year 1800.



No. 3 / —

## REMARKS

ON A

## PAMPHLET, &amp;c.

**H**AVING pointed out in the preceding Part of these Remarks, what may be more than sufficient to satisfy every plain-hearted Man, that, in the Representation which our Author has given of the Facts on which his Arguments were to be founded, he could have no other Intention but to deceive; what is next to be done, is, 'to give an Account of all such Facts as are naturally connected with the Subject in Debate, dictated by Candor, and warranted by Circumstances which cannot mislead.' This is a Task which is now become necessary; not of itself, and from the Nature of the Subject, but because great Subtilty and worse Arts have been used, to puzzle and confound the Public in forming their Judgment on the Merits of a Question, which otherwise might safely have been left to the immediate Reason and Feelings of every fair-minded Man.

But, before descending into Particulars, it may be of some Use to make the following general Observation; That as this is a Question which reaches



reaches to the very Root of our Liberties, and stands most intimately connected with the *essential Rights* of the Community under every legitimate Form of civil Government, the Parliament of *Ireland* ought, in all Justice, to be allowed, in its full Extent, the Benefit of the same Maxim, in Behalf of the inherent Rights of the People, which is claimed by our Author (*Page 44.*) in Behalf of the Prerogative of the Crown: If the latter, which is at best only an artificial Right, having no higher Origin than Custom or Compact, and so vague and undefined in its Nature, as not only to vary in the various Forms of civil Constitutions, but to be subject to many Fluctuations in the same Constitution, if this *artificial Right* 'cannot be affected by *Implication*, or 'taken away but by clear Words in an Act of 'Parliament, or express Concessions from the 'Crown,' much less should any of those Rights of Parliament, essentially connected with the natural and original Rights of Men, Rights conferred on them by their Maker, and which, consequently, cannot be taken from them without their own Consent, surely much less should any such Rights of Parliament be thought capable of being *affected by Implication, or taken away but by clear Words in an Act of Parliament, or express Concessions from the Representatives of the People, or from the People themselves.*

If this Observation has any Foundation in Justice and Sense, one would be apt to imagine that the *Right*, and of Course, the Necessity, Propriety, Fidelity and Dignity of the late Conduct of the House of Commons in Vindication and *Affirmance of this Right*, must visibly stand confessed; at least till these 'clear Words in an Act of 'Parliament,' or a Deed of Conveyance, 'or of 'Concessions from the' PEOPLE, or the REPRESENTATIVES of the People, shall come to be produced.



## [ 5 ]

duced. Indeed, if such Authorities as these had at present any Existence, though even then they could not make any Alteration in the Nature of Things, and consequently could not make void the everlasting most righteous Title of the Community to a *valid* Security for their essential Rights and Liberties; yet they would certainly make a material Alteration in Regard to the Merits of the Question, which was in Fact the Subject of the Debate in the House; namely, *Whether the House of Commons, in themselves, have not a constitutional Right to propose and recommend to his Majesty such Applications of the redundant Money which they, on their Meeting, happen to find in the Treasury unapplied, and after the usual Exigencies of Government had been answered, as they shall judge most conducive to the Ease of the People, and for public Service; and to make this Proposal, whether they had, or had not received any previous Notification from his Majesty, that he would consent to these Applications? And likewise in Instances where they had received such Notification, instead of being obliged to make a parliamentary Acknowledgment, that it was ONLY in Consequence of his Majesty's having been graciously pleased beforehand to signify his Consent, they had thus taken the Liberty of offering such a Proposal, whether they were not, on the contrary, necessarily obliged, by their Regard to Truth, and by that inviolable Fidelity and Respect which every Man owes to the constitutional Rights of this Country, resolutely to withhold all such Acknowledgment? And lastly, whether the Exercise of this Right in all the Extent to which they in the present Instance claim to exercise it, is not perfectly consistent with his Majesty's full Enjoyment of those royal Rights and Prerogative of which he is at present possessed in Regard*



gard to this Kingdom? not merely his parliamentary Right, common to the Constitution of Britain and of Ireland, of refusing his royal Assent, and thereby preventing the Applications proposed, as often as they happened to appear to him not salutary for his People, or inexpedient, for the public Service; but also his constitutional Right peculiar to this Country, a Right of applying this redundant Money in such Manner as he shall judge most conducive to the Ease of the People and the Exigencies of Government in this Kingdom, after having disapproved of the Applications proposed by his Commons; still however with this ESSENTIAL LIMITATION, that his Servants must, at all Times, STAND ACCOUNTABLE TO PARLIAMENT, not merely for the Manner, but for the Nature of these Applications; and, in general, of all Applications of Money raised off the People, and brought into the Treasury, in Virtue of the Authority of Parliament. That these and these only, were the material Topics which were urged on the memorable 17th of December, for shewing the Propriety and Necessity of rejecting the Bill, every Man, who was present, and attentive on that Day's Debate, can readily testify; and that these Topics, if properly supported by Facts and Circumstances, are unanswerable Arguments for rejecting this Bill, an Appeal is now made to the Reason and Feelings of every plain honest Man who shall think himself concerned to inquire into the Merits of this Question: What was urged on the other Side, in Defence of the Alteration, and in Opposition to these Topics, it is not so easy to represent; nor can it now be material, as this Author's Performance seems to be at present relied on, for a valid and masterly Defence of this Alteration; and therefore containing every Thing that is necessary, in order to prove ' That the Heads



‘ of this Bill, as they were sent into *Great Britain*, were an anticonstitutional and manifest Invasion of his Majesty’s Prerogative, and consequently the Alteration became absolutely unavoidable in Vindication of his Majesty’s ancient and constitutional Right :’ It is certain, the Minority on the Question of that Day seemed very little agreed, or, some of them, even satisfied in their own Minds, in Regard to the Ground on which the Defence of this Alteration was to be rested ; nor is it to be wondered at, when a solid Rock is not to be had, that there should be great Variety and Perplexity in regard to the artificial Foundation to be devised in its stead. Some seemed willing to have it understood, that the Whole of the Redundancy, though, in the Gross, consisting of Money, which, a few Months before, had been the Property of the People, and paid into the Treasury for the Benefit of the Public, yet, by happening to have a small Quantity of what was alledged to be his Majesty’s Property mixed along with it, had, by that Means, its whole Nature totally altered ; an Operation so incomprehensible, that some Folks may be apt to resemble it to a Transmutation of Metals : But though this Mixture should not be allowed fully to come up to the Philosopher’s Stone, yet it must be confessed to have all the Efficacy of a *real* and well-known chiminal Preparation called *Aqua Regia*, at least in regard to the People, in dissolving of Gold : Dissolving it in such a Manner, as that none but the Hand or Instruction of the Royal Chemist can be capable of restoring it or any Part of it to its former State of public Utility : Others very readily allowed that his Majesty was only to be considered in the Light of a Royal Trustee, but a Trustee so solely possessed of such absolute and exclusive Powers over the subject of this Trust, that the Parliament cannot so much as claim the Liberty



Liberty of intermeddling so far as *giving Advice* in regard to the Execution of this Trust without his previous Leave ; and some who, in their first setting out, seemed zealous for asserting his Majesty's personal Property in all such Redundancies, before they came to a Conclusion, were wanting the House to believe, that his Majesty, by the present Alteration which had then been sent over to them, instead of claiming any Property for himself, had now very clearly declared to his faithful Commons, that the Right of disposing of this Money was in them.

Thus, not being able to find out any *one solid Foundation*, these new Master-Builders found themselves reduced to the Necessity of erecting this Tower of unheard-of Prerogative on a Number of separate Pillars ; which, after having been thoroughly shaken by several very strong Currents, of *Precedents, Law, and Sense*, were, in Virtue of all these coming to be united in one irresistible Torrent, swept at length clean away, without leaving any Stead ; and an infinite deal of Mischief which imminently threatened this Country ; to the inexpressible Joy of its Inhabitants, carried off along with it.

But not to take up any more of the Reader's Time with Matters of this Sort, as it may now safely be taken for granted, that the Representation which is given by this Author, of the Merits of the Question, is acknowledged by the Leaders of the Minority, in that Day's Debate, to contain what they would have understood to be the *real* Merits, Issue remains now to be joined,

*First*, Whether the Merits of the Question, as this Author hath stated them ; or as they have been just now stated above, are the *real* Merits ?

*Next*, Whether the Facts and Circumstances which are going to be produced, do not sufficiently



ently support, in every Article, the Merits of the Question as above stated; and consequently demonstrate, ' That the House of Commons, ' in bringing in the Heads of the Bill which ' occasioned this Debate, in the Manner they ' did, acted, not only in conformity to that original, salutary, and necessary Right which, in ' all Reason and Conscience, they *ought* to possess, but likewise in pursuance of a Right of ' which they are in *fact* possessed, in Virtue of ' the present constitutional Rights of this Kingdom?' This Issue is the more cheerfully joined with our Author, because, by this means, the Question is kept clear of Abundance of Rubbish, which had been thrown out, in Distinctions between Rights arising from the hereditary Revenue, and those from the additional Duties: And again, in farther Distinctions of Rights respecting the *various* Articles which constitute this hereditary Revenue, &c. our Author expressly acknowledging, that the Redundance of the Money in the Treasury amounting to a large Sum, it then, and ' *therefore* very well ' became those in Authority to consider in what ' Way, the WHOLE, or Part, might be best ' applied, FOR THE EASE OF HIS PEOPLE, AND ' FOR PUBLIC SERVICE,' viz. for the Ease of his Majesty's People of *Ireland*, and for the public Service of this Kingdom.

Some Notice has already been taken of this Author's Manner of stating the Question, but it is still highly proper in this Place to repeat his State of it, in his own Words, (*Page 18.*) ' ——— Which brings the Whole to this single ' Question, *Whether the Trust of applying the ' Money given by Parliament to the Crown, without ' any special APPROPRIATION, and in the actual ' Receipt of his Majesty's Treasury, is by the Laws ' and Constitution of this Kingdom, vested in the ' Crown*



‘ *Crown for public Services?*’ Again, in p. 22.  
 ‘ I shall therefore submit to the Reader’s Confi-  
 ‘ deration, such Reasons as seem to me conclu-  
 ‘ sive to prove, *that the Trust of applying the Mo-  
 ‘ ney given by Parliament to the Crown, without  
 ‘ any special APPROPRIATION, is, by the Laws  
 ‘ and Constitution of this Kingdom, vested in the  
 ‘ Crown for public Services.*’ Surely a more infi-  
 dious Design than what is here disclosed by this  
 Author, can hardly be found in any Writer; a  
 Design to make the World believe that the House  
 of Commons of *Ireland* had refused to acknow-  
 ledge, that the Trust of applying the Money  
 given by Parliament to the Crown, without any  
 special Appropriation, *was vested in the Crown for  
 public Service*, but on the contrary had obsti-  
 nately persisted in asserting that this Trust was  
 NOT vested in the Crown for public Service. To  
 what a miserable State must this Advocate have  
 found himself reduced, and how wretched must  
 the Cause have been which, in his Opinion,  
 would not admit of any other Support than  
 roundly to assert, that, what has just now been  
 quoted *was the Whole of the Question?* When he  
 and his Clients could not but perfectly know, that  
 it was neither the *Whole*, nor so much as any  
 the very least Part of it; unless that can be  
 called the Whole or Part of a Question, which  
 the other Side never disputed, and in which both  
 Parties expressly profess to agree; in the present  
 Instance fully agreed to, at least, by every Mem-  
 ber of the Body opposite to his Clients, and it is  
 to be presumed, agreed to now pretty univer-  
 sally likewise by them; though some of them,  
 on a certain Occasion, seemed unwilling to own  
 that the Whole of the Money was vested for *pub-  
 lic Service*.

That the Articles which have been represented  
 in this Paper as containing the real Merits of this  
 Question,



Question, do, in Truth, contain them, must be evident to all the World, as well as it was to those who were present at the Debate; from this single Circumstance, a Circumstance of which every Man may be a Judge; 'That, in 'Case these Articles can be well supported by 'Facts and Circumstances, then must the House 'of Commons have had a *constitutional* Title and 'Right to send over the late Heads of a Bill in the 'Manner they did;' and then likewise must they have found themselves under an indispensable Obligation to reject this Bill as it came back, on Account of its containing Acknowledgments from them, which they could not make, without totally giving up this most essential, salutary, and constitutional Right. The Reader will observe, that under this Head the Cause appears to the Writer of these Remarks so full of Argument as to carry him far beyond what is necessary, or could be justly required of him on such an Occasion: It has always been allowed an incontestible Maxim that no Man can be obliged to prove a Negative, and therefore, as the House of Commons, in the Session 1749, had not only claimed, but proceeded, as having been in long and quiet Possession of an *undoubted Right* to bring in Heads of a Bill for the Application of Money, remaining in the Treasury at the Time of their Meeting, and that this Bill passed into a Law without the least apparent Opposition from any of the other Branches of the Legislature of this Kingdom; this Right and Possession ought, in all Reason, to be now taken for granted till the contrary is proved; especially when this Right is supported by the strongest Presumptions, that it must have been constitutional, otherwise this Country could hardly be said to have any legal Constitution at all; most certainly none that contained any  
valid



valid Security for the permanent Enjoyment of their Property and Liberties : Having however at present the Benefit of this well-known Maxim, what is now undertaken to be shewn, is, ‘ That ‘ there are to be found such Facts and Circumstances in the Records of this Country, Records to which every Man may have an easy ‘ Resort, and are in many Persons Hands, as are ‘ sufficient to support the several Articles mentioned above ;’ and in order to save the Reader all the Trouble of Recollection which the Nature of the Thing will permit, it may not be amiss to repeat, in a few Words, the Heads of those Articles which these Facts and Circumstances are brought to support.

*First*, That the House of Commons have, *in themselves, a truly constitutional Right* to propose and recommend to his Majesty such Applications of whatever Money they, on their Meeting, find redundant in the Treasury, as they shall judge most conducive to the Ease of the People, and for public Service ; and, *Secondly*, That to make any parliamentary Acknowledgement of its being only in consequence of having had previous Leave, that they thus presume to propose any such Applications ; would be a direct Renunciation of this constitutional and most salutary Right. *Thirdly*, That the Use they, in the present Instance, made of this Right, is, in every Circumstance, most perfectly consistent with his Majesty’s full Enjoyment, not only of his parliamentary Right to refuse the royal Assent, but likewise of his constitutional Right, of which he is at present possessed in regard to this Country, of going on, after he has refused this Assent, to make such Applications of this Money as he shall judge most conducive to the Ease of the People and for public Service.

*Lastly*,



*Lastly*, That this Right is however qualified with this essential Limitation, that his Majesty's Servants must be answerable to Parliament for all such Applications; and, in general, for all Applications of public Money raised off the Subject, and brought into the Treasury by Authority of Parliament, solely to be applied to the Uses of the above-mentioned constitutional Trust, namely, for the *Ease of his Majesty's Subjects; and for the public Service of this Kingdom.*

In proving these Articles, it will be necessary to take up the Matter much earlier than the Year 1749, where our Author thought fit to begin; for tho' it may possibly be true that this was the first Time that a Bill had been brought in for applying a redundant Sum of Money, lying dead in the Treasury, in discharge of the national Debt, yet it will by no Means follow from thence, that this was likewise the first Time that any Traces can be found in the Acts and Journals of Parliament, of the House of Commons exercising a Right of proposing and recommending to the Crown, without any previous Leave, Applications of Money antecedently vested in the Crown under the general Trust of public Services: Though far from imagining that Traces of this Nature cannot be found a great deal farther back, on the contrary fully satisfied that they must have had their Origin very soon after the Money of the People began to be given by Parliament to the Crown, for the Uses of Government; yet it will be needless to carry the Search higher than the Reign of *Charles* the Second: And, indeed, if Evidence of the Exercise of such a parliamentary Right can be found under that Prince, it may reasonably be taken for granted that the Right must have appeared so evident and essential as no Man would venture to dispute even

at



at a Time when all Orders seemed much readier to exalt Prerogative than to assert their own Rights; this was in Truth so extravagantly the Case, as almost to have deprived this Country even of the Chance of any future Traces of a legal Government in all Time to come: Under all these Disadvantages, in regard to a faithful Attention to constitutional Rights, we yet find the House of Commons, in the Year 1662, ' first appointing a Committee to prepare a Bill ' for the Repeal of such Clauses in the Bill for ' establishing an additional Revenue upon his ' Majesty, his Heirs and Successors, &c. as im- ' pair his Majesty's Revenue thereby intended ' to be granted, and next directing this Com- ' mittee to consider and prepare a Clause to be ' inserted in the said Bill for giving Satisfaction ' unto Sir *Henry Tichborn*, Knight, in Lieu of ' a Wardship granted unto him by his Majesty, ' in such Way and Manner as they shall think ' fit.' Here we would seem to have as direct Evidence as could well be wished for, that the House of Commons thought themselves at Liberty, and possessed of a Right to point out to his Majesty an Application of Money antecedently granted to his Majesty, yes, and granted to him, and his Heirs and Successors, in perpetuity; for it is to be observed that the Bill for establishing an additional Revenue, &c. had been before passed, by them, and became a Law that Session of Parliament; the Journals make no farther Mention of this Bill in the Course of this Session; but we find in the Session, 1665, a Bill brought into the House, intitled, *an additional Act* for the better ordering and collecting of the Revenue arising by Hearth-money, which repealed several Clauses in the Act above-mentioned, and that Session passed into a Law, in which last Act we find an *express Clause* in regard to



to Sir *Henry Tichborn*, where, after making mention of his Sufferings and Services during the Rebellion of 1641, we have these Words, ' Which Services, as they were performed at the Hazard of his Life, so it is agreeable to Honour and Justice that an extraordinary Mark of Favour be placed upon him, both to deliver over to Posterity the gracious Sense which his Majesty hath of his Sufferings and Services, and the grateful Memory which this Kingdom retains thereof: ' Then, after taking Notice that he had likewise been deprived of the Benefit of a Wardship, it enacts, ' That in Satisfaction of his Services and Losses, he shall receive Two Thousand Pounds out of such of the Moneys as *are* or shall be payable or *levied* out of the Hearths, &c.' Is there not, in this Act, an *appropriating* Clause, strictly so called, in every Sense of the Word? Is there the least Trace of any parliamentary Acknowledgment of his Majesty's previous Consent? And is not this an Appropriation of Money granted to his Majesty, &c. in Perpetuity, three Years before? Granted, in such absolute Terms, as apparently to exclude all Intermeddling, had it not been a Doctrine too gross and absurd even for those Days of riotous and intoxicated Zeal for Prerogative, *That any Thing could preclude a Parliament from offering their Advice, in regard to the Application of Money granted by themselves for the Uses of Government?* But though it was an Imagination too grossly disgraceful to Parliament, and too openly destructive of all Liberty, to have entered into the Thoughts of the Ministry of this Prince, ' That the Parliament, his Majesty's supreme Council, had not, as often as they met, an unquestionable Right to offer their Advice to his Majesty in regard to the Application of Money which, in Virtue of  
 ' their



‘ their Authority, had been levied off the Community;’ yet, as these Advices might come to be troublesome, and this improvident House of Commons, by granting in Perpetuity such abundant Supplies, had rendered themselves no longer necessary, it is no great Wonder that we have no farther History of the Proceedings of Parliament, during the last eighteen Years of that Prince’s Reign; a Discontinuance, which, for ought that can be affirmed with Certainty to the contrary, might have lasted till now, had not the increasing Exigencies of Government, and the decreasing Value of Money, brought Parliaments again into Request.

But let this have been as it would, it must here be acknowledged to be plainly demonstrated, that the House of Commons we have been here speaking of, did, in the very strongest Manner, ‘ exercise their Right of advising the King in regard to the Application of Money already given to him, without having received any previous Leave from his Majesty; and far from the least Appearance of their judging a parliamentary Acknowledgment of any such Leave or previous Consent being requisite:’ And how shall it ever be said, that greater Privileges were readily admitted to be the *Right* of the Parliament of *Ireland* under the Domination of *Charles* the Second, than they are now to have Liberty to exercise, under the righteous and auspicious Reign of his present Majesty? GOD FORBID!

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*The Fourth and Last Number, containing some farther Instances of the Sense and Practice of the House of Commons in regard to this grand Article under the succeeding Reigns in which any constitutional Parliament was held; and concluding with a few general Observations on our Author’s Argument, shall be publish’d next Week.*

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ERRATUM in Part of the Impression of NUMBER II.

PAGE 4. Line 24. *for* Acknowledgment made by Parliament, *read* Acknowledgment ought to be made by Parliament.