

ref. M.  
THE  
CHARGE

OF THE

Right HONOURABLE

*Thomas Marlay, Esq;*

LORD CHIEF JUSTICE of his MAJESTY'S  
Court of *King's-Bench* in the Kingdom  
of *Ireland*,

TO

The GRAND JURIES of the County of  
the City of *Dublin*, and County of *Dublin*;  
on the sixth of *November* 1749, and printed at  
the Request of the said GRAND JURIES.

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(By Leave of the said CHIEF JUSTICE.)

DUBLIN:

Printed by OLI. NELSON, in *Skinner-Row*, 1749.





**I** Direct **OLI. NELSON** to print  
this Charge, and that no other  
print the same.

**THO. MARLAY,**



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DUBLIN:

Printed by **OLI. NELSON**, in St. Martin's Lane, 1740.



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Right HONOURABLE

*Thomas Marlay, Esq;*

LORD CHIEF JUSTICE of his MAJESTY'S Court of *King's-Bench* in the Kingdom of *Ireland*, &c.

*Gentlemen of these several GRAND JURIES,*

**Y**OU are called here together, on an Occasion which, tho' it frequently, and regularly happens, is (especially at this Time,) of the greatest Importance to the Interest of your several Counties.

THE Prosperity of all Countries depends upon a wise Frame of Government, equal and prudent



prudent Laws to regulate Property, and to restrain and punish Offenders, and a due and exact Execution of those Laws.

WITHOUT these Blessings, the Advantages of Climate, Situation, nay even of Trade, and Riches, contribute but little to the Happiness of a People, and very often serve only to promote Luxury, Sloth, Oppression, and Rapine among the Subjects at Home, and to encourage Insults, and Invasions from their Neighbours abroad. So that *a Land flowing with Milk and Honey*, where the Government is ill formed, or ill administered, becomes a Curse to the Inhabitants.

OUR Constitution is so wisely fram'd, the Powers given to the several Parts of the Legislature so properly balanced, such Provisions made to preserve the Authority, and Person, of the Sovereign, to protect the Lives, Liberties, and Properties, the Peace, Credit, and Reputation of the Subject, that all great Legislators, all wise Nations, have, in all Ages, rather propos'd, and wish'd for, than enjoy'd a Form of Government, modell'd like that at present established in *Great-Britain and Ireland*.

OF Consequence, our Laws, where the Representatives of the People, and the principal Men of the Kingdom, for so very many Centuries, have had such frequent Opportunities of Meeting, to consult, and deliberate upon, to alter, and amend the old Laws, and make new ones, with the Consent of their Kings, many of whom have been the best, as well as the greatest,



greatest, Princes in *Europe*, and, like our present Sovereign, have never refus'd, or omitted, to do every Thing for the Good of their People, are the most prudent, and equal, the least severe, and at the same Time the most just, and reasonable, of any in the World.

No Tortures allow'd, (a Practice used in every other Country in *Europe*,) no Man capitally punished, unless the *Grand Jury*, the principal Persons of the County, think the Accusation probable, nor unless the *Petty Jury*, his Equals, find him guilty.

THE Liberty, and Property of every Man, and his Reputation, as valuable as any Property, are secured with equal Care. Such is the Excellency of our Constitution, and of our Laws; as to the regular Execution of those Laws, in your several Counties, it depends upon you, Gentlemen.

You are under the highest Obligation, from the Oath you have now taken, from your Interest, from your Duty to the King, and from the Regard you each of you have to his Character, to omit Nothing, to do every Thing, that may preserve the Peace of your Country, *without Fear, Favour, or Affection.*

For this Purpose, you are to enquire into all Offences committed within your several Counties, whether Capital, or against the Peace.

THE



THE Capital Offences in *Ireland*, such as are punished with Death, are either High-Treason, or Felony.

High-Treason is an Offence more immediately against the Person of the King, and most severely punished, because the Safety, Peace, and Tranquility of the Kingdom is highly concerned, in the Preservation of his Person, Dignity, and Government; and because, as the Subject hath his Protection from the King, and his Laws, he is bound by his Allegiance to be true, and faithful, to his Sovereign.

You, Gentlemen, have so often served your Country, in this important Trust, have so often been put in Mind of the several Species, and Kinds, of Treason, ascertained by the Statute of *Ed. 3.* and enacted by the several Statutes made in this Kingdom since that Time, that I shall not now enumerate them, nor the several particular Species of Felony.

BUT shall put you in Mind, that counterfeiting the Coin, is by that Statute of *Ed. 3.* Treason, and the Clipping, and Diminishing of it, is by subsequent Statutes, of Force here, made the same Offence.

MONEY is the Common Measure, and Standard of all Commerce; and in all Countries, is, and ought to be, under the immediate Care, and Inspection of the Sovereign. The publick attest the Weight, and Fineness of it. The  
Practice



Practice of filing, and washing Guineas, and Half-Guineas, tho' High-Treason by Law, has been of late too commonly practis'd in this Kingdom ; the late Proclamation, offering a Reward and Pardon, has not yet had Effect. To detect these Robbers of the Publick, and bring them to Punishment, is a Thing worthy your Enquiry.

THE Persons of Kings are in all Monarchies held inviolable, and the Design to destroy them, if manifested by any Overt-Act, is by our Law justly punished with the utmost Severity ; the infinite Confusions, which follow upon the Murder of a King, hinder often those Offenders from being punished at all, who can never be sufficiently punished.

AND levying War against the King, is not only High-Treason of itself, but an Overt-Act of compassing his Death.

WHEN Posterity read that in this Age, a Rebellion was carried on in *Great-Britain*, without the least Colour, or Pretence, of Oppression ; nay, by many who had not even that false Pretence of Religion to palliate their Treason, against a Prince, one of the best, the most merciful, just, and most generous, of our Royal Line, who has given the Fortunes of all Criminals, whether forfeited for Crimes against the State, or for other Offences, to their Children, or Relations, (a Grace never practis'd before ; ) who has expos'd his Person at the Head of his Armies, in Defence of the Liberties of his Kingdoms, and of *Europe* ; and that *Ireland*, where much the greatest Part of the Inhabitants



bitants profess a Religion, which sometimes has authoris'd, or at least justified, Rebellion, not only preserv'd Peace at Home, but contributed to restore it among his Subjects of *Great-Britain*.

WILL they not believe that the People of *Ireland* were actuated by something more than their Duty and Allegiance? Will they not be convinc'd, that they were animated by a generous Sense of Gratitude, and Zeal for their great Benefactor, and fully sensible of the Happiness of being bless'd by living under the protection of a Monarch, who like the Glorious King *William*, the *Henries*, and *Edwards*, his Royal Predecessors, has himself led his Armies to Victory, and despis'd Danger in the Cause of his People; and one from whom we not only expect, but are assured of, a Race of Princes, equally eminent for their Generosity, Prudence, and Courage.

BUT will not they be, are we not ourselves, astonish'd to find, that in the Capital City of that Kingdom, a City the most distinguish'd, for their Duty, Zeal, and Affection to their Sovereign, within less than three Years, *publick Encouragement* should be given, to a most infamous, inconsiderable, and impudent Scribbler, who has dar'd in print to menace his Majesty; has dared most falsely, and scandalously, to calumniate and traduce both Houses of Parliament, the King's Ministers, Lord Lieutenants, and all Magistrates from the highest to the lowest; nay who has dar'd to attempt the utter Subversion of our Constitution, and to bring us into absolute *Anarchy* and  
*Confusion*;



*Confusion*; who has dared to prescribe a *solemn League, and Covenant* to be taken by such as set up for Representatives in Parliament, or for the considerable and lucrative Offices in the City; tho' the Writ, which impowers the Choice of Members to serve in Parliament, directs that they shall have *full Powers*.

NAY this impudent Scribler, tho' the Proctors of the Clergy are excluded the House of Commons by an Act of Parliament in this Kingdom, has dar'd to introduce not only them, but all who have a Right to vote, above one hundred and fifty Thousand, into the House of Commons as Assessors; and says *They have a Right to sit there, and to hear, and to observe the Conduct of their Representatives*: Where will he find a Place capable to receive them?

THIS is indeed preaching up Anarchy.

THIS Scribler, this Impostor, has fled from Justice; his Works (but I hope not his Influence) remain.

I HOPE we shall be no longer seduced by the Name, the Shadow of Liberty, and by catching at it, lose the Substance.

LET no more *Lambert Symmels, Perkin Warbecks*, or Princes of *Passaw* be countenanced or encouraged among us. *Let us at last awake and vindicate the Constitution.*



WE are and shall always continue free, have the same Right to acquire Honours, and Estates, in *Great-Britain*, as well as *Ireland*, and to tax ourselves, as any of his Majesty's Subjects, unless this Impostor can procure an *Army*, to lead on any *Emergency* he shall think fit, it may be, to put to Death the Collectors of the Duties of Customs, Excise, and Hearth-Money, whom he declares Pirates, and Robbers; and the Acts of Parliament they are impower'd by, made in this Kingdom in the Reign of *Charles* the Second, to be Anticonstitutional, and void; or prevail upon us to renounce our Connexion with *Great-Britain*.

BUT you may ask, Gentlemen, what can we do in this Case? This Impostor, this Seducer, this false Preacher, is already declar'd an Enemy to his Country, by the GRAND IN-QUEST of the Nation.

DON'T deceive yourselves, Gentlemen; his Papers remain, and there are some deluded People, who are not yet cur'd of their Infatuation. *Those who are not against him, are for him*; and those who abet, or encourage him, are equally guilty, and deserve his Fate.

'Tis in your Power, it is your Duty, to present all seditious Libels, the Authors, Printers, and malicious Publishers of them, in your several Counties; and this brings me to mention the Nature of Libels.



A LIBEL is a malicious Defamation of any Person dead or living, express'd either by Writing, Printing, or Picture, and is most severely punish'd by the Law, because of the direct Tendency to the Breach of the Peace.

THIS was always a dangerous Offence ; but is much more so, since the Invention of Printing, and since Printing-Presses have been so common. And let me observe to you, " Gentlemen, *That nothing can preserve the Liberty of the Press, but an effectual Restraint of the Licentiousness of Printing.*

How miserable must be the Condition of all Men, in a Country where every Garret-Scribler, every one who employs those Hours he ought to spend in his Shop, in defaming and reviling his Neighbours, and all in Authority over him, instead of following his lawful Trade and Occupation !

PRINTERS and Hawkers for their Penny, and Half-penny, take infinite Care to propagate the Scandal, and the injur'd Person has but seldom the Opportunity of a Vindication.

IF Reputation be what every good and honest Man ought to value ; if Fame, tho' not the best, be one of the most common Motives to Great and Laudable, nay even to Charitable Actions, how pernicious a Wretch,  
how



ho much an Enemy to Mankind, must he be, who endeavours to take away the very Incitements to do Good, and persuade the World to set no Value on Reputation ; which, by these Means, is in the Power of every infamous Scribler to destroy!

Does not this tend to the Subversion of all Morality, the very Tie and Bond of Human Society ? To perpetuate Animosities, and create eternal Breaches of the Peace among private Persons ? And where Libels are against the Government, they tend to the Subversion of it, in my Lord Chief Justice *Holt's* Opinion.

TAKE away the Credit of Magistrates, and you, in a great Measure, take away their Authority.

WHERE the Validity of Laws, and the Power of the Legislature, are thus publickly declaim'd against, and revil'd, nothing but Force and Violence must prevail, and Mankind must live in the Condition of Beasts of Prey.

SHALL our Governours, our Parliaments, our Magistrates, lose all that Reverence due to them, because some infamous Writers dare defame them ?

ARE Printers to make and repeal Laws ? Must one of the lowest and meanest of Tradesmen, without Learning, without any Opportunity



tunity of converſing with Men of Knowledge, and Experience, dictate from behind his Counter to the Government, to the Magiſtrates of his Country, and not only pretend to inſtruct, but reproach and vilify them ?

I wiſh ſome of theſe Political Preachers, theſe Mountebank Politicians, had at leaſt read *Æſop's Fables*, and there remember'd the Story of the War between the Members and the Belly.

THIS might have cur'd them of their Affectation of *Independancy*.

INDEPENDANTS were the People, who in the laſt Age deſtroy'd the Conſtitution ; the King, firſt the eſtabliſh'd, then the Preſbyterian Church, and at laſt themſelves, and who brought theſe Kingdoms under Tyranny, and arbitrary Power.

GOD Almighty has ſo form'd the World, that all Things are dependant on him, and on one another. In each System of Beings all are moved and act in their proper Spheres, and each contributes to the Advantage and Preſervation of the other.

*A Subordination is as neceſſary in Government, as in Nature.*

BUT, Gentlemen, I neither ſay, nor think, that Men of the meaneſt Parentage, or loweſt Occupation, may not deſerve the higheſt Employments,



ployments, and Honours; it is one of the happy Circumstances of our Constitution, that they are capable of both, where they have deserv'd them; *that all Men, by Virtue, may attain to Honour.*

BUT surely *Want of Birth, and Want of Education are not alone Merit!*

GENTLEMEN, I am fully convinc'd that not one in forty of the Followers of that infamous Scribler, *who has now fled from Justice*, knew his Principles, or considered the Tendency of them.

BUT I fear there may yet be some few among us who hope to make their Advantage by our Confusion, and these may have Followers; for as Liberty is the most justifiable Cause, 'tis the most specious Pretence.

EXERT yourselves, Gentlemen, free us from these insolent Libellers, these abandoned Printers, and Publishers, these *Jack-Straws, Wat-Tylers, and Jack Cades* of the Age.

EVERY Thing, that tends to the Breach of the Peace, is under your Inspection; let these Miscreants see that you have a just Indignation against them and their Works, and that you are resolv'd to execute the great Trust committed to you, *without Fear, Favour, or Affection.*

F I N I S.



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