

A N
A N S W E R
T O A
P A M P H L E T,

INTITLED,

The PROCEEDINGS of the Honourable
House of COMMONS of IRELAND, in
Rejecting the Altered MONEY BILL, on
December 17, 1753, Vindicated, &c.

S O F A R,

As the same relates to the

ARGUMENT of a PAMPHLET,

INTITLED,

CONSIDERATIONS on the late BILL
for Payment of the Remainder of the
NATIONAL DEBT, &c.

THE SECOND EDITION.

D U B L I N:

Printed by RICHARD JAMES, at Newton's - Head,
Dame-Street, 1754.

ANSWER
TO A
PAMPHLET,

INTITLED,
The Proceedings of the Honourable
House of Commons of Ireland,
Rejecting the Altered Money Bill, on
December 17, 1753, Vindicated, &c.

S O L A R,

As the same relates to the

Argument of a Pamphlet,

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Considerations on the late Bill
for Payment of the Remainder of the
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Lancaster, 1754.

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To a PAMPHLET, intitl'd,

The Proceedings of the Hon.
House of Commons of *Ire-*
land, in Rejecting the Alter-
ed Money Bill, &c.

OCCASION having been ta-
ken without Doors, from
the Clause relative to His
Majesty's *Consent*, which was insert-
ed in the late Bill for Payment of the
Remainder of the National Debt, to
spread Reports injurious to Govern-
ment, and tending to disturb the
Minds of the People, by Jealousies

and Fears, which in their Consequences may be of the utmost Prejudice to this Kingdom; the *Considerations* were published, in Order to remove those Apprehensions, by an Impartial State of the Argument in support of the Right asserted, by that Clause, to be in the Crown.

The Writer having this Point in view, gave an Impartial Account of the Occasion of inserting the Clause; and treated the Question with that Temper and Decency, which he thinks should be inviolably preserved in the Discussion of all Points of Right. He carefully avoided Personal Reflections against private Men; and hopes he hath kept as clear of offending (such he is sure was his Intention) an Important Body, for whose *Constitutional Rights*, no one can have an higher, or more just Respect.

Therefore he must say, that the Writer of the *Vindication* betrays a want

want of Candour, as well as a diffidence in his Abilities to defend the Cause he hath engaged in, when he endeavours to stop a Search after Truth, by introducing the Name of that Body into the Debate, in the manner he hath, more than once, done in the course of his Argument.

Nor hath this Writer given the *Considerations* fairer Usage, in blending and perplexing the Arguments therein offered with those of Others, with whom the Author is in no Connection; and whose Pamphlets he had not seen or heard of, until they were in Print.

Notwithstanding such Conduct, (to say nothing of his Cavils and Personal Invectives, which are indeed too low for Notice) if this *long expected Performance* had given the Writer of the *Considerations* cause to alter his Opinion, He would have made no scruple of publickly retracting it. But the

the Case being otherwise, he esteems it no less a Duty to the Publick, to lay briefly before them, his Reasons for thinking that the *Vindication*, far from being any Answer to the *Considerations*, hath, in Fact, avoided entering into the Point in Question.

The Question stated in the *Considerations* is, *whether the Trust of applying the Money, given by Parliament to the Crown without any special APPROPRIATION, is by the Laws and Constitution of this Kingdom, vested in the Crown for Publick Services?* If the Affirmative be true; the Consequence is, that while the *Trust* remains, the right of *Application* is in the Crown, Subject to that *Trust*; and ought not to be taken away, or controuled by any other Power, without the King's *previous Consent*.

The Writer of the *Vindication* introduces this Question, (P. 41.) and immediately afterwards says, " it is
" very

“ very Surprising, that Contention
 “ should subsist, when both Sides
 “ agree in Principles.” Had he ex-
 plicitely admitted the Right of *Ap-
 plication*, under the *General Trust*;
 he might have truly said, that both
 Sides were agreed in *Principles*: But
 this he hath not done, through his
 whole Work; on the Contrary, his
 Design, however he hath endeavour-
 ed to cover and conceal it, in various
 Changes and Evasions of the Questi-
 on, is evidently to avoid making any
 such Admission: And for this Pur-
 pose the Sentence next following,
 contains a Fallacy in the equivocal use
 of the Word *Interest*; and the Argu-
 ment drawn therefrom, amounts
 plainly to a *begging of the Question*. His
 Words are, “ For a *private Interest*
 “ cannot, by the greatest Art, be
 “ extracted out of a *publick Trust*;
 “ and consequently a *private Wrong*
 “ cannot grow, by the Publick *con-
 trouling*

“ *trouling* the Trust, which was of
 “ its own Creation, and for its own
 “ Use. This seems undeniable.”

That a *private Benefit* cannot be drawn from a *publick Trust*, is admitted; and if he uses the Word *Interest*, in this Sense, both Sides are agreed in *Principles*. But if by it, he means a *Right* to be exercised for the Benefit of others (which is the Point in question, as to the Crown's *Right of Application*) both Sides differ widely, and he is evidently mistaken. For in all Trusts there is a *private Right* in the Trustee, which is to be exercised for the *Benefit* of others; and while the Trust remains unbroken, this Right ought not to be *controuled* without the Trustee's Consent.

This may be illustrated by the Case of a Gift, or Bequest, under a Trust, to be disposed of *generally* in Charities. It would be extremely unreasonable, (and what a Court of
 Equity

Equity hath never done) to *controul* this discretionary Power in the Trustee, without his Consent, or without shewing that the Trust hath been broken by his Misbehaviour. So that the Conclusion is directly the contrary of that drawn by this Writer, for it is evident that a *private Wrong* may grow by *controuling* a publick Trust.

There is no very essential Difference between the *Considerations* and the *Vindication*, as to the several Branches of the *Hereditary Revenue*, granted in the Reign of King *Charles* the second. The Principle of the *Considerations* is, that they were given under the *Constitutional Trust*; and this Writer's Arguments can prove no more. Yet it is an Instance of his Inaccuracy (scarcely indeed worth mentioning) that after he had admitted " the Revenue then granted to be the stipulated Price for

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“ the Act of Settlement,” He should in the very next Page (p. 28) deny the *Excise* and *Tunnage* and *Poundage* to have been created in lieu of any other Revenue. He seems to have forgot the *Forfeitures*; which, if they had remained with the Crown, would certainly have been a Revenue much more considerable, than all that was granted at that Time.

He next applies himself (and here his Strength seems chiefly exerted) to the Support of an Objection, taken Notice of in the *Considerations*, as raised from the Accounts of the Produce of the several Funds taken in Parliament.

The *Considerations* say, that the publick Accounts are brought into Parliament to shew the Necessity of granting a Supply, and to serve as an *Estimate*, or Measure, for the *Quantum*: And if any further Proof of this Position were yet wanting, the
Speeches

Speeches from the Throne, at the Opening every Session, wherein the Lord Lieutenant acquaints the *Commons*, that he hath ordered the proper Officers to lay the *Accounts* and *Estimates* before them, would furnish no weak one.

This Writer seems extremely offended with the *Considerations*, for fixing the Session of 1692, as the Period, at which the Accounts of the Disposition of the King's Revenue were first brought in; and charges the Assertion, as a Piece of Disingenuity, because no intermediate Parliament had sat between that Time, and the Year 1666, when the last Grants of the *Hereditary Revenue* were made. But in throwing out this Aspersion, he seems to have forgotten, that the Crown had an *Ancient Revenue*, and that in almost every precedent Reign from that of King *Henry* the seventh, the Parliament had granted Subsidies.

And yet no Accounts of the Disposition of them were called for, or brought into the House of Commons.

The Point under Consideration, was the primary Use and Purpose of bringing the Accounts into Parliament; and therefore, the Writer of the *Vindication* might have spared the unnecessary Pains he had taken in asserting *the Right* of the House, to call for Persons, Papers and Records.

This Right was not denied, nor in Question, there being no Dispute about the Power of the House, to enquire into *Grievances, Mismanagements, or Misapplications* by Officers: On the Contrary, the *Considerations* have very explicitly admitted the Parliamentary Right of punishing those who shall wickedly advise such Acts as would be a Breach of the publick Trust.

Therefore

Therefore, that the primary Intention of bringing in these Accounts, is to induce the House to grant a Supply, and to serve their Discretion in the *Measure* of it, is a Position in no sort contradicted, by the subsequent Uses made of those Accounts for other Purposes, and in other Committees; though perhaps sufficient Attention hath not always been given to the Distinction between Committees of *Grievances* and that of the *Accounts*. Consequently this Writer's Instances of Inquiries into *Grievances*, *Mismanagements*, and *Misapplications*, which have taken Rise from the Perusal of such Accounts, standing on other Principles, are not pertinent to the present Question.

Nor are the Animadversions which have been sometimes made on various Articles of the Establishment, with the Opinion or Advice of the House offered

offered thereon, more to the Purpose; for that the House may offer Advice, is not controverted: But this hath never been considered as conclusive; and though in some Instances it hath been followed, there are many in which it hath not; And the strongest Proof, that even when such Animadversion hath been conceived, and such Advice offered, in Terms implying little Less than Censure, it was not intended as any *Controulment* of the King's Right of *Application*, may be deduced from the Instance brought by this Writer, out of the Report of the Committee in 1703, where the Remark on certain *Pensions* implies a Censure; and yet an *Act* passed that same Session, for laying a *Tax* on those very *Pensions*, which was acknowledging, in the strongest Manner, the King's Right of granting them.

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The Author of the *Vindication*, proceeds to shew (p. 51.) that the *Sum in Credit* to the Nation, hath ever been *appropriated* to the *current Service*, (by which he must mean the *Publick Service*) of the next Term for which the Supply was granted.

This carries an absurdity on the Face of it! For an APPROPRIATION is an *Application* to a special Purpose, either made in the first Instance at the Time of granting, and consequently the Money so appropriated never comes into the *General Trust*; or it is a taking it out of the *General Trust*, and applying it to a special Purpose. Leaving therefore the *Sum in Credit* for publick Service, is an Admission of its being *unappropriated*, and an Acknowledgement that it is to remain so under the *General Trust*.

And

And that this is the Truth of the Case with regard to these *Sums in Credit*, is evident from the several Acts granting the additional Duties, not one of which hath made an *APPROPRIATION* of any *Sum in Credit*. However therefore it may have been Estimated as part of the Supply voted, and the next Grant of Additional Duties, for that Reason perhaps, in some Instances, made the less, yet the Ballance never having been mentioned in the Act, and consequently being always left, as the Duties have been granted, under the *General Trust*, the Right of *Application* is left equally *uncontrouled* as to both. Besides; the Reader is to be apprized that these *Sums in Credit*, are not the Ballances of Money in the Treasury, and consequently no way relate to the present Question, which arises on the *Application* of a Ballance in the *actual Receipt* of the Treasury.

Treasury.

The Author of the *Vindication* did not find it for his Purpose, to take Notice of this Distinction, although pointed out in the *Considerations*. But it is of too much Consequence to be omitted in the Discussion of this Question.

The Accounts are made up in the Treasury, on actual Receipts and Payments. They are Stated before Commissioners, appointed for the Purpose, pursuant to the *Irish Act* of 10, *Hen. VII. Chap. 1*: And the *Ballances* struck on these Accounts, are the Charge on the Officers, who are intrusted with the Custody of the Treasure.

The Accounts for the *House of Commons* are made up in quite a different Method; for being intended only as *Estimates*, Credit is taken for the Ballances of dismissed Collectors, and other outstanding Demands and Debts, some whereof there is little

probability of receiving, or recovering. Although therefore, these may be of some Use to guide the discretion of the *House* as to the *Quantum* of the Supply, it would be very absurd to call them a Charge on the Treasury.

The Accounts are thus stated for them by the *Accomptant General*; a Circumstance not worth mentioning, but that the Author of the *Vindication* seems to lay some Stress on their being thus Stated, by an Officer of the Crown; but until he can shew, that the *Ballances* struck by this Officer, induce a Charge on the Treasury, which he hath not been, nor will be, able to do, this Circumstance is of no Weight in the present Case.

But to descend into a more particular Examination of this Writer's Proofs.---In 1703, the Committee of *Ways and Means*, resolv'd it to be their Opinion, that such *Debt* as should

should appear due to the Nation (great Part whereof was Outstanding) should be *taken and reckon'd as part*, and that *the Duties* to be granted, being rated and valued at certain Sums, should be *taken* as the rest of the Supply voted : To which Resolutions the House agreed.

All that can be inferred from hence is, that the House computed what Sum would be necessary for the Publick Service, until their next Meeting ; and by *the additional Duties* they granted so much, as together with the *Ballance*, would in their Opinions make up that Sum : But they did not *appropriate* either the *Ballance* or the *Duties*. Both were left under the *Constitutional Trust* for *Publick Services in General* : And the Act of Parliament does not even take any Notice of this *Computation* ; for the *additional Duties* are granted in the usual Way, *generally* ; and not to

answer a particular Sum, as is the Case of *the Civil List Revenue* in *Great-Britain*.

The Writer of the *Vindication* is aware of the Argument, that the Act of Parliament did not make an *APPROPRIATION* of the *Balance*; and Attempts, but in vain, to answer it.----Had an *APPROPRIATION* been intended; this Parliament well knew how to make one, as appears from that made, this Session, of the *Poundage* of the *Additional Duties* for building the *Barracks* of *Dublin*; which Circumstance adds Strength to the Argument, that no *APPROPRIATION* of the *Balance* was even designed.

In fact, the only use made of this *Balance*, was, that it was *reckoned*, as *part* of the Supply; and therefore had this Writer stuck to the Words of the Report, as he ought to have done, and not to have changed them
for

for the Word *Application*, it would have appeared plainly, that this Precedent is but a Confirmation of the *Considerations*, in asserting the Use of the Accounts in Parliament to be for a Measure of what was necessary to be provided for *Publick Service*.

In the Year 1709, there was a considerable *Ballance*; but no Part of it was *appropriated*; although this Writer would insinuate the Contrary, by saying that this *Ballance* was the Fund for buying Arms, and building Arsenals in the *several Provinces*, which there was a Scheme of doing at that Time: Yet he must know, that the Scheme was altered; And although the Act (8. *Ann.*) for the *additional Duties*, mentions the enabling her Majesty to build an Arsenal, in or near the City of *Dublin*, as one of the Inducements or Motives for granting those *Duties*, yet no *Appropriation* was made of the *Duties*;
nor

nor was any Part of the *Ballance appropriated* to that, or any other, Purpose, but it was left at large under the *General Trust*, and the Crown was at Liberty to dispose of it for any *publick Service*, at Discretion. And the Fact is well known, that the Scheme of building an Arsenal, was afterwards laid aside.

His other Extracts for the Years 1710, 1711, and 1715, only shew, that the Committee, in their Accounts from Session to Session, carry on a *Ballance*; and although by playing with the Word *Application*, he would have it understood that the *Sum in Credit* had been *appropriated*, yet the Contrary is true, and the Observations already made, and which it is unnecessary to repeat here, hold through them all: The *Ballances* of these Accounts were not *Ballances* in the Treasury: But *such as they were*, they were left under the *General Trust*

Trust for publick Services; and consequently none of these Instances contradict the Principles of the *Considerations*, nor prove any thing on the present Occasion, where the Sum was to have been taken out of the Treasury, and from the *General Trust*, to *apply* it to a particular Purpose.

As to the Argument that the National Debt was reduced in the Years 1719, 1721, and 1723, by *Application* of the *Surplusses*; this Writer hath not told, who the *Application* was made by: When the Reader is informed, that it was made by the Crown, the Argument is turned against him. And this was the Fact.

In consequence of the Vote of Credit, and the Act of Parliament confirming it, passed in the Year 1715, the Crown borrowed Fifty thousand Pounds, the Payment of the Interest whereof was provided for, from the Year 1717, to 1729, by
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a special *Appropriation*, in the Acts granting the *additional Duties* ; but the Principal remained on the General Security of the Publick Faith.

The Revenue, during this Period, very rarely answered the Charge of Government, and there grew considerable Arrears on the Establishments; which, in the very few Instances of a *Surplus*, were reduced by the *Application* of such *Surplus*. But this was an *Application* by the King, as to a *Publick Service under the General Trust*, who no doubt, if the *Surplus* had been sufficient, might in his Discretion (as His Majesty hath lately done) have *applied* it to the paying off the Loan, either in Part, or in the Whole. For it is certainly a *Publick Service*, and so falls within the *constitutional Trust*.---But in fact, the *Surplus*, until the Year 1749, was not sufficient to discharge any Part of the
Loan,

Loan: For, on the contrary, the Revenue fell so far short of the Charge, that to pay the Arrears, it was necessary, in the Year 1729, to borrow One hundred and fifty thousand Pounds more; to secure which, along with the former Loan, an *appropriated* Fund was created, which, in the first Place was to discharge the Interest, and the *Surplus* was to be *applied* as a sinking Fund in paying off the Principal. In the Year 1731, there was a farther Loan of One hundred thousand Pounds: And in the Year 1746, another of Fifty eight thousand five hundred Pounds; and they were secured in like Manner. About the *Application* of these *Loan Funds*, there is no Question; for they were *appropriated*, and did not come under the *General Constitutional Trust*; and consequently, all Arguments drawn from them, are quite immaterial to the Point in Contest, which is

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only about the Right of *applying* Money given to the Crown without special *Appropriation*.

By this Time, the Reader is enabled to judge whether the prolix Extracts from the Journals, produced by this Writer, however on a cursory View they perplex the Subject, do not, on Examination, serve to confirm the Principles laid down in the *Considerations*; where the Point was, not about the General Right of calling for the Accounts, or any other Papers, but about the Use and Purpose of bringing in the Accounts, every Session, for the Supply.

It now remains to consider the *Precedents* produced by this Writer, to prove the *previous Consent* of the King, not necessary to *Controulments* of His Right of *Application under the General Trust*.

There were some Circumstances attending the Act of *Resumption*, which
take

take much from the Weight of it, as a *Precedent* on this Occasion. One of these was, that His *then* Majesty, in a former Session, had made a Declaration, in Relation to the *Forfeitures*, which, as some Writers of that Time inform us, was construed into a Promise, that the Parliament should have the Disposol of them; and if so, this may be considered as a *previous Consent*. But exclusive of this Circumstance, neither the Act of *Resumption*, nor the Act for *encouraging Seamen*, are to the present Purpose. For the King's Right being clear both as to the *Forfeitures* and *Captures*, these Acts were to alter the Law, with respect to acknowledged Rights of the Crown. One of them was to take the Right away; the other, if not to take it away entirely, at least to limit it; and therefore neither of them is applicable to the present Case, until it be admitted, that the

late Bill, for *Payment of the National Debt*, was to alter the Law, and to take away, or limit, the King's Right of *Application*. If the Author of the *Vindication* will admit this, he thereby admits that *Right* to be previously Subsisting in the Crown, and consequently he gives up the Point in Contest; for the whole Argument of the *Considerations*, was to prove, that the Clause, inserted in the *Preamble of the Bill*, could only operate as an *Acknowledgement of an* ANTIEN RIGHT; and would not have vested any new Power in the King.

This Writer therefore must either part with these *Precedents*, or give up the Question. Let him take hold of which part of the *Dilemma* he pleases!

The *Precedents* which he brings, for closing his Evidence with, as he calls it, are not more to the Purpose.

One of them is the Address in the Year 1751, presented, as he says, at the Instance of the Principal Servants of the Crown, to His Grace the Lord Lieutenant, “ That he would be
 “ pleased to lay before His Majesty
 “ the *Humble Desire* of the House,
 “ that a Sum not exceeding the Sum
 “ of Twenty four thousand Pounds,
 “ might be laid out in making Ad-
 “ ditions to, and providing Necessa-
 “ ries for, the Accommodation of His
 “ Majesty’s Troops in the new Bar-
 “ racks, and in building, re-building
 “ and repairing such other Barracks, as
 “ His Majesty should judge necessa-
 “ ry, for the more convenient Recep-
 “ tion of His Forces, and the more
 “ effectual Security of the King-
 “ dom.

He asks, if there were Authority in the Crown to expend this Money, without such Address, why was it moved

moved for, when there was so considerable a Sum in the Treasury? That there was Authority cannot be doubted; the whole Stile of the Address admits the Right in the Crown. The House had been upon an Enquiry into the State and Condition of the Barracks, and the Address is their Advice, and *humble* Desire, in Consequence of that Enquiry. This may have been one Reason; and why might it not be considered as another Reason, for such Application, that His Majesty would thereby shew His People that he was ever desirous to consult His Parliament, even in Cases where he might have acted by His *Prerogative*? Such good Understanding between the King and the Parliament must ever tend to the Safety and Welfare of the State, as the Obstructing of it must be attended with fatal Consequences to both.

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The *Precedent* of the *Estimate* drawn up the last Session, is already answered by the foregoing Observations, relative to the *Accounts* and *Estimates*, which it is unnecessary to repeat here.

To conclude : If this Right of *Application* be an ANTIENT RIGHT in the Crown, as was asserted in the *Considerations*, and not denied by the Writer of the *Vindication*, who rather seems to admit it, though he avoids doing so explicitly: the Question will then be, whether the passing the rejected Bill into a Law, would have vested any new Power in the Crown over the Money which now is or hereafter may be in the Treasury of this Kingdom? The *Considerations* have asserted, it would not; it was therefore incumbent on the Writer of the *Vindication* to have shewn, how, or in what Manner, it would have vested

ted any new Power in the Crown; which neither that Writer, nor any one else, hath even attempted to do; and therefore it is submitted to the Determination of the Candid Reader, whether the *Considerations* do not remain UNANSWERED?

F I N I S.