

*Ex Libris John Bourke Esq.*

T H O U G H T S

UPON THE

LATE PROCLAMATION.

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B Y

A MEMBER OF THE LEGISLATURE.

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# THOUGHTS

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**T**HE circumstances of the sister kingdoms at this crisis are unparalleled in the annals of either country, and are as unexpected as calamitous, in having a beloved sovereign, under whose mild and auspicious reign each, but particularly this realm, hath received so many blessings, the chief of them a free trade and constitution, deprived of the faculty of governing in the meridian of life.



I MAKE no doubt but all his subjects in common with myself are impressed with similar feelings and regret on this melancholy occasion. Under so heavy a pressure Heaven hath vouchsafed us the consolation of having a Prince who is heir as well to his Majesty's virtues as his crown, whose matured age, amiable qualities, and good sense, promise a continuation and confirmation of those blessings and freedom so happily experienced under the influence of his august parent;—a Prince to whom, at this exigency, both realms naturally look up, as peculiarly marked for the fittest person to remedy the wants sustained by the infirmity of his Majesty, during its continuance, and as fully capable to supply his place.

So much has been said on the subject of a Regent, so much public as well as private discussion hath taken place on his  
 Royal



Royal Highness's right to fill that office, both in and out of the Parliament of Great Britain, and the steps taken thereon, so generally known, that I believe it to be superfluous in me to enlarge on that head. All however are agreed in these points. The necessity of appointing a Regent during his Majesty's incapacity to hold the reins of government, and that his Royal Highness is the proper person to fill that important station, and to exercise, uncontrouled, every portion of regal authority necessary to give due weight and perfect energy to the executive power of these kingdoms, declared by an act of our own to be inseparably united; and as Great Britain hath already declared his Royal Highness to be the person who is to be Regent, it necessarily follows that we must either unite in that choice, or fly in the face of our own laws, and therefore at once removes all objections or procrastination to our determination.

I THINK



I THINK it almost needless to say that the Prince of Wales's conduct will be such as will afford his Royal Father, on his resuming the sceptre, the highest satisfaction in finding his interests intire, the public funds (which are the pulse of the nation), the commerce, and the welfare of his people, and alliances with foreign states, in as prosperous a condition, as firmly fixed, and on the same basis as when he laid it down. As to the matter of right which his Royal Highness never claimed, but has declared he had rather hold the office of Regent by the generous suffrages of a free people than by any other claim; I shall only say on that head, that his Royal Highness's acceptance of it under the authority and vote of the legislature is, by implication, an admission of the people's right to appoint; the bare exercise of the right, without any abstract proposition or resolution upon it, is a sufficient proof of its existence. I was therefore in hopes  
that



that no doubt or difficulty could possibly occur to retard such appointment in this kingdom, and that we should eagerly embrace the first opportunity of approving ourselves zealous in good works, and attentive to the welfare of Ireland; but if ever an opportunity was lost of doing honour to this country, manifesting the national independence, and paying a compliment to the Prince of Wales, without doing so at the expence of our Sovereign, it has been by the injudicious, if not unwarrantable Proclamation of the 19th instant, for proroguing the Parliament to the 5th of February; I say, injudicious, because the Lord Lieutenant, had he not been actuated by timid or ignorant council, might and ought to have let Parliament met, if it was only to prepare and go through the ordinary business, in getting the Money, Mutiny, and other Bills in readiness for transmission to be sent for the sign manual as soon as the Regent should be appointed,

and



and not induce, by an absurd delay, the risque of letting expiring laws run out, without being renewed, which probably may now be the case before the 25th of March, and thereby throw this kingdom into a state of anarchy and confusion.—

This consideration therefore proves there was an absolute necessity for letting the Parliament assemble on the day appointed for their meeting; and of consequence removes the only plea that could be urged in defence of so improper and hasty a prorogation, and fully, I think, proves my first position of its being an injudicious one. I shall next endeavour to prove it an unwarrantable one, though, in truth, what I have already advanced sufficiently evinces it, since what occasions a wanton delay of the public business, and where there is not the plea of necessity, is *prima facie* an unwarrantable step. But I will go further, and say, that by long parliamentary



mentary knowledge and the usage of both kingdoms ; and usage is sort of Lex Parliamentaria. I do not remember a single instance, not even where necessity might be urged, of Parliament being prorogued after a day has been fixed for its meeting for the dispatch of business, that being the public and usual notification to the several branches of the legislature ; that upon that day, laying aside all private concerns, their attendance on the public and national concerns was expected. His Excellency may refer to the enrollment of his commission. But I contend for it, there is no such power here ; or if there is, power is one thing, and the due and proper exercise of it another. Usage operates as law in parliamentary proceedings, and Great-Britain, whose example in most respects we follow, has acted diametrically contrary to the conduct observed here.—

There the Parliament met pursuant to such notification, and Administration did not presume to prorogue it, though cer-



tainly possessed of like power so to do, as their depute here. The Parliament of that kingdom met and proceeded in the first instance to the appointment of a Regent, which, but for the parliamentary skirmishes of contending parties which, thank God, prevail not here, would long since have been appointed. Thus, I think, I have shewn that the late sudden and unexpected Prorogation is not justified by a gazette extraordinary, which appeared too late to permit members to remain in the country, as it came out on the very eve of the day Parliament was to meet, and so gave Gentlemen the unnecessary trouble and risque of coming in a very inclement season, through frost and snow, and neglect of their private business and domestic ease and retirement, to attend the public service. I therefore think it was an insult to put them to such unnecessary hazard and trouble, by so injudicious and unwarrantable a measure.



I SHALL now proceed to shew how we might have approved our loyalty to his Majesty, our affection to his Heir-apparent, our judgment and liberality, and at the same time maintained our constitutional consequence as an imperial realm.— It appears evident we could not better approve our loyalty to the King than by putting his sceptre, during his inability to hold it, into his Heir-apparent's hands. Was it possible the absurd maxim was to hold here, that any subject was equally intitled, or had like pretensions to it, or for us to exhibit such parliamentary fencing, as our sister kingdom has displayed, to keep the Prince so long from filling so important a station, the want of which unhinges and relaxes the constitution, by depriving it of its most efficient part.— Then indeed our loyalty to his Majesty might be called in question; though England has an excuse, we have not: the provision for the safe custody of the King's person



person and his personal property, with  
 either of which we have nothing to do ;  
 and which are the only restrictions which  
 should be imposed on the Regent, and  
 which I am persuaded he would, of him-  
 self, have adopted, without any parlia-  
 mentary interference ; the use of which I  
 cannot see, as a subsequent Parliament,  
 complete in all its parts, may certainly  
 undo and repeal laws made where an in-  
 tegral part of it is wanting. Therefore  
 no pretence exists for postponing, but, on  
 the contrary, every reason for accelerating  
 the appointment of his Royal Highness  
 to the Regency of Ireland.—He is the  
 avowed object of Great Britain's choice ;  
 therefore there could be no difference or  
 disunion between the two states on that  
 head : and how is it possible there should,  
 with such a Prince, who is the universal  
 object of esteem and admiration. By ad-  
 dressing therefore his Royal Highness to  
 take upon him the Regency of this king-  
 dom,



dom, would, in my opinion, have shewn our judgment without the useless discussion of the matter of right, which has been already ascertained in Great Britain; and by doing it without subjecting him to any restrictions, would at once prove our affection and liberality to his Royal Highness, and our confidence in him; and by taking the lead in such nomination, we should have asserted our national consequence. All which have been lost by this unwarrantable and injudicious Prorogation.

WHO the advisors of it were, I know not; I am sure they never shall be mine: and I believe the people of Ireland will give them little thanks for it. If you refer to the Proclamation, there is not the colour of a reason assigned for so rash and ill-advised a measure, unless it be *stat pro ratione voluntas*. If you refer to the enrollment of the Viceroy's commission, that will afford as little satisfaction. The usage of Parliament and recent example of the British Senate is full in the teeth of any power assumed under it, of proroguing the Parliament, when ap-  
pointed



pointed to meet for the dispatch of business. An adjournment of it, when met, had been better, though that was not done in England, except occasionally, to wait for the reports from the examination of his Majesty's physicians, and the choice of a Speaker.— Had this Parliament been permitted to meet with or without his Excellency's coming to the House, matters could equally have proceeded as in England: if the Lord Lieutenant had opened the session with a speech, he might have recommended, or left to the option of the legislature, the postponement of the appointment of a Regent till such time as it had taken place in Great Britain; and that mean while they might proceed on the usual and necessary business: then all had been well, and similar to the proceedings in England; and one would imagine he must be a very shallow statesman indeed who could have acted otherwise. Or had the Lord Lieutenant staid from the House, Parliament might, in that case, have taken the same steps, and acted without a head, as their sister senate did.

BUT



BUT I am of opinion, the cause of this curious Proclamation may be deducible from other motives; the most oftenfible of which are hurry and perplexity, a total ignorance how to proceed till dictated to by the present administration of Great Britain, or the fear of meeting Parliament so unprovided. Be this as it may, I think it is manifest that it was, to give it no harsher an epithet, a most ill-judged measure.

I SHOULD not have troubled the public with my sentiments on this matter, had I not felt myself, along with many others, ill-treated by this put-off. In other instances I have a due respect for Administration, no Partizan, *nullius in verba jurare magistri*, who, as an independent individual, objects not to men, but their measures, which, when of a public nature, are liable to the animadversions of every man.

*One of the Hereditary,*

*(though not of His Excellency's Privy)*

COUNCIL



