

A N
A N S W E R

TO A
P A M P H L E T,

ENTITLED,

Observations on the Mutiny Bill.

By a MEMBER of the HOUSE of COMMONS.

—Authors read without a name,
We justly praise, or justly blame.

D U B L I N:

Printed by JAMES HOEY, PARLIAMENT-STREET.

MDCCLXXXI.

W. S. W. E. R.

P. A. H. I. E. T.

Bill

By a Member of the House of Commons.

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Houses of the Oireachtas

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ALTHOUGH it may be deemed a bold and hazardous adventure, to enter the lists with so renowned a champion as the author of the Observations on the Mutiny-Bill; yet I hope that upon a fair investigation of his arguments, it will be found that eloquence does not always coincide with reason, and that the musical sounds of flowing periods may sometimes jar against the harmony of truth and common sense.

B

The

The author is so far from laying the foundation of his arguments upon matters of fact, that he draws all his conclusions from hypothetical premisses. He reasons upon suppositions, and rings the alarm bell to the people, upon chimeras formed by an heated imagination, and the violent fermentation of party zeal.

He sets out with that old aphorism, that *standing armies in peace are against the principles of the constitution, except in those instances where their numbers are small, or the power of the sovereign over such an instrument limited in quality and duration.* I do admit that standing armies in times of peace are unconstitutional and illegal, without the consent of parliament. As for the numbers, quality and duration, they depend upon the will of the legislature, as the Crown could never attempt to keep up an army in either kingdom in times of peace, without the consent of parliament. The author then opens the scene, and discovers the Mutiny-Bill. He
begins

begins by saying, *That the Mutiny-Bill, or Martial-Law, methodized is not only different from, but directly opposite to the common law of the land; it sets aside her trial by jury, departs from her principles of evidence, declines her ordinary tribunals of justice; and in their place establishes a summary proceeding, arbitrary crimes, arbitrary punishments, secret sentence, and a sudden execution.* These are the fragments of the late Doctor Lucas, newly hashed up for us. They appeared in the *Mirror of Court-Martials*, and were repeated in the news-papers an hundred times. By this mode of reasoning we ought to have no Mutiny-Bill or Military-Law, but every officer and soldier, for every offence whatsoever, should be tried, pursuant to the common law, by a judge and jury. But I shall beg leave to ask this learned gentleman, whether a general court-martial convened by his Majesty, under the sanction of an act of parliament, be not as legal a court to try offences within their cognizance, as any court whatsoever; nay, and
I will

I will venture to say, as constitutional. This court consists of a president and twelve members, who are all duly sworn to do justice. They are similar to a judge and jury. The witnesses are likewise sworn. So that a military man has as fair a trial for his life as any person could reasonably desire. Neither does this confer any new power on the Crown, because the King has only the same opportunity of extending the royal clemency by a pardon, as in ordinary cases of felony or high treason. If it was an unconstitutional code of law, I am surprized that Great-Britain, jealous of her liberty, would ever have adopted it.

After this rhapsody of words, which in my opinion have no meaning, he tells us, that the people of England *have confined all, the troops themselves, the law that regulates them, and the power that commands them, to one year. And the king is entrusted with the command of the army during good behaviour only.* Here indeed the author
 most

most strangely forgot himself. For though we know for certain that every session as sure as the British parliament meets, the military establishment is provided for, and the Mutiny-Bill is passed, yet the author insinuates that the command of that army is vested in the King during the pleasure of parliament only. This would be to strip the Crown of its greatest prerogative,---it would make the supreme executive magistrate a cypher, nay, indeed, a slave; if the parliament had a right to transfer the command of the army at pleasure into any other hands, if they did not like *his behaviour*. If the English Mutiny-Bill should cease through neglect of passing it at any time, the consequence must be that the army could have no parliamentary laws to control them, and then I conceive that their discipline and regulations must be what the King, as chief commander, should dictate for them. He might then have a power of creating punishments extending to life and limb, (as in cases of martial law,) whereas he is now restrained
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only to the making of such regulations or articles of war as do not affect life or limb. So that this bill confines a king within the limits of law, whereas the want of it would make him absolute indeed.

The author of the Observations in the next place, laments that *we have departed from the maxims of England in the most important concern, the government of the sword; in three most material instances.--- First, in omitting the preamble, which declares the great charter of liberty; secondly, we have left the number of forces in the breast of his Majesty; and, thirdly, under these circumstances we have made the bill perpetual.* As these seem to be the chief points on which he rests his assertions, I shall endeavour to answer each of them as clearly as I am able.

And, first, I think it was a matter of no sort of consequence whether that part of the preamble, the omission of which he
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so much complains of, *viz. that standing armies and martial law in peace, without the consent of parliament, are illegal*; was inserted in the bill or not. It is a truism in itself, and therefore unnecessary. Besides, this very bill prevents the possibility of martial law in time of peace, and the provision for the pay of the army every session, shews the consent of parliament. But this his first assertion is too absurd, to dwell longer upon.

His second point is indeed a strange assertion, that by this bill *we have left the number of forces in the breast of his Majesty*. I wish the author had looked into the act, and he would there have found that the troops to be provided for, are only the army upon this establishment, that is, the army paid and stipulated for by parliament every session. For in the recital of the act of Queen Anne, it declares, that “no officer, soldier, trooper, &c. shall at any time hereafter have, receive, or be allowed any quarters in any part of this
“ kingdom,

“ kingdom, save only during such times
 “ as he or they shall be on their march, or
 “ during such time as he or they shall be
 “ and remain in some sea-port town, in
 “ order to be transported ; or during such
 “ time as there shall be any commotion in
 “ any part of this kingdom, by reason of
 “ which emergency, her Majesty’s troops
 “ shall be commanded to march from one
 “ part of the kingdom to the other :” Af-
 ter this recital, the act goes on to declare
 what is enacted by the present Mutiny-
 Bill. “ And whereas the barracks in this
 “ kingdom are not at present sufficient to
 “ lodge all the forces upon its military
 “ establishment : And whereas it may be
 “ necessary to station part of the troops in
 “ places where there are no barracks, or not
 “ sufficient barracks to hold them.” Then
 follows the enacting clause for quartering
 them on ale-houses, &c.

I defy the author of the Observations
 to shew me from this or any other part of
 the act, that it directly or virtually leaves
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the *number of forces in the breast of his Majesty*. On the contrary, it limits the number of forces to be quartered in this kingdom; it confines them to the forces on our military establishment; that is, to the forces provided for every session of parliament, except in cases of invasion, commotion, or transportation.

The third section of this act also provides, that *the quarters of officers and soldiers shall hereafter be duly paid and satisfied*. So that if his Majesty should encrease the number of his troops here without the consent of parliament, he must not only find pay for them, but also lodging-money, out of his own purse. The expence of this for a large army would amount to a considerable sum.

The next grievance which the author complains of is, that *under these circumstances we have made the bill perpetual*.

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I must

I must own, that if what the author before asserted was true, that *it left the number of our forces in the breast of his Majesty*, we ought to have neither a temporary nor a perpetual Mutiny-Bill. But as it appears manifestly to be a limitation of the powers of the Crown, it follows, that it is better it should be perpetual.

I beg leave to ask of this learned gentleman, of what advantage would the perpetuity of this bill be to the King, supposing he should have such designs upon us as the author insinuates, if the parliament should refuse him the supplies? I ask him of what use military laws can be without troops? and soldiers cannot be had without pay. To prove this, I shall quote his own words: *I have still hopes, says he, if his Majesty's ministers should make an unconstitutional use of this perpetual Mutiny-Bill, our parliament would struggle for freedom, would refuse its assent to the additional supply and the military establishment, expecting that*
his

his Majesty's forces would want provision under the first measure, and disperse under the authority of the last, as I think they ought, but believe they would not; in strict constitution I do think the specific consent of parliament is still necessary for the continuation of the army.

Here he administers an effectual antidote against the poison which he has extracted from this Mutiny-Bill.

If a king or his ministers should be weak enough to misconstrue this law, so as to imagine that it gave them an unlimited power of keeping up here, and quartering upon us what number of troops they pleased, without the consent of parliament, the remedy is here prescribed by the author, the additional supply would be refused; the supernumerary troops would be declared unconstitutional, and would be obliged to disperse for want of pay and quarters.

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As to what the author asserts about the hereditary revenue, it is so poor and trite, that it scarce deserves an answer. Supposing it to be an income of £600,000. a year, can we imagine that any prince would content himself with that, merely for the pleasure of quarrelling with his subjects, when he could get so much greater sums from them with good will and affection? Besides, the national debt is a security to us against this evil. Subtract the interest of that, and the pensions paid to the royal family, from the hereditary revenue, and I fancy the balance would hardly be sufficient to keep up a great army here, without the aids of parliament.

But as he is aware that the hereditary revenue is not a sufficient fund for the work of our destruction, he pours in the whole force of Great-Britain upon us. He tells us, *Nor have we only the hereditary revenue of Ireland to fear, but all the resources of the British nation capable of being employed*

employed to feed an army to enforce the laws of the British parliament.

But what reason have we for these apprehensions now, just at a time when they have repealed the British laws that bound Ireland? Surely we had much more reason to dread that danger in times past, when our army was governed by their Mutiny-Bill, which they might have modelled for their own purposes.

A little after he says, *I have that confidence in the British nation, that I hope she would not agree to enforce by arms in this country the authority of her own parliament; but this consideration will never justify that unwarrantable law which enables his Majesty to regulate and billet in Ireland whatever number of forces the hereditary revenue of Ireland, and all the aids he can get from England and misapply, will sustain to execute the worst purposes of a minister thus armed by the act of our parliament.*

Here

Here observe by how many we are to be enslaved. First, by an army fed by all the resources of the British nation; secondly, by the king, supported by his hereditary revenue; and, lastly, by a minister, supported by an act of parliament which does not give him the power of billeting a single soldier in Ireland, except in such cases as the act prescribes, and which I have mentioned before. So that here, as in almost every part of his Observations, the author argues upon false principles, in taking for granted that this act gives powers to the Crown which it does not give. For this Mutiny-Bill, and the Articles of War annexed, form a code of laws for the regulation of the army on *our establishment*, and none other. The author is so fully sensible of this, that when he mentions the act of King William, for the establishment of our army, and that of the 9th of this reign, for the augmentation of it to 15,000 men, he runs into the strangest inconsistencies imaginable. He makes a perfect sleight-of-hand-

man,

man of the minister. For he says, if he wants to enslave Ireland, he will assert the validity of such acts of power, and maintain the supremacy of the British parliament; and if he wants to enslave England, he will assert his Irish prerogatives, occasionally applying the tyrannical claims of one country, and the military resources of the other, against the liberty of both. So that by this rule they ought not to have any laws in England, nor ought we to have any soldiers in Ireland, lest the minister should convert them to the wicked purposes of enslaving both kingdoms.

The author in his usual strain of lamentation, considers this Mutiny-Bill, with respect to the army itself, as a great hardship; and why? because, he says, it subjects to an absolute, endless, and irresponsibile power many thousand brave men, taken totally and for ever out of the protection of the common law, and delivered up to the clemency of the monarch, like the soldiers, not of England, but of military government and absolute kings.

kings. I own this would have been a hardship, if before the passing of this act, the army had been subject to no other but the common law. But as the common law would be totally insufficient for the conservation of military discipline, and as the army was always governed by a code of military laws, I can see no more hardships put upon them now than ever there was. So sensible are the people of England of the necessity of military laws for every species of troops, that they have even made their militia subject to them.

Amongst the most free nations, the Greeks and Romans, the military discipline was rigorous and severe, and was the chief means by which the latter obtained the conquest of the world. And were we, according to the chimerical notions of this author, to relax any part of it, ours would be but an ill match for the disciplined troops of Prussia and France. Besides, any man who is at all acquainted with the army, will tell you, That if our soldiers

diers were to be restrained only by the mild penalties of the common law, our army would be our greatest grievance. Their officers could not govern them, and they would soon turn their arms into instruments of destruction. So that, I fancy, a code of military laws, enforcing military discipline, is more beneficial for the subject than for the Crown. In this respect too our troops differ from those of an absolute monarch, for ours are governed by legal acts of the legislature, whilst the others are ruled by the arbitrary will of the prince, even extending to the punishment of death, and is in every respect the martial law.

The author further says, *that this army is thus taken out of the protection of the common law---* that I deny. Military men are as much under the protection of the common law as any other subjects, and are as amenable to it; they can sue and be sued in our courts of justice, and are subject to its penalties. They have their code of

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laws

laws besides, which only relates to military discipline, but does not exempt them from the other.

After thus lamenting the *hardships* put upon this army by this severe code of laws, the author then tells us, *This kingdom may yet feel long and severely this bad law, in frequent insults on the civil power, in military tumults and armed outrage.* What a contradiction is this? Can a severe code of laws, enforcing the strictest discipline, be the cause of military tumults and armed outrage? No surely. If any thing can prevent them, this must. A little after, he flatly contradicts himself, and says: *For whatever may be the provisions of the Mutiny-Bill, the military power is subordinate to the civil, because dependent on the legislature.*

The author, when hard pushed for reasons to prove the evil tendency of this law, tells us that the parliament exceeded their powers in making the Mutiny-Bill per-

perpetual. Then did the British parliament exceed their power in making the navy act perpetual. Then must the acts which established the ecclesiastical and civil laws in this kingdom be illegal, because they are perpetual. In short, every perpetual act must be made null and void, according to this gentleman's construction of law.

He cavils too at the power given to the King by this act, by which his Majesty may from time to time add such articles as he shall think fit. But then it provides, that he shall not add any which may create a punishment affecting life or limb. This is exactly correspondent to the British act, in which the same power is granted. He says, *the Mutiny-Bill is not merely an act of pains and penalties; it is not merely a law of regulation.* If it be neither of these, it is hard to tell what it is. For I am certain it is not what he calls it, *a solid grant of vast and summary powers from the nation at large to the Crown.* For
I can-

I cannot see that any new powers are vested in the Crown by it.

The author then goes on to throw out many unfair invectives against that very parliament who, by their spirited conduct, procured us a Free Trade, and also rescued the *power of the sword* out of the hands of the British legislature, by boldly asserting their right of having their own Mutiny-Bill. He says, *they will not give back to the people the British constitution*. No; but they will give back to them the Irish constitution very much improved; they will return the talent committed to their charge with usury.

I have heard it urged, says the author, as an excuse for this pernicious and disgraceful measure, that it was a matter of necessity. So it certainly was. For it would have been dreadful to have an army of 12,000 men in this country without laws to restrain them. We ourselves first created that necessity, because we denied the
legality

legality of the English Mutiny-Bill, as to its being binding here. So that had the parliament rejected our own, our army must have been without any law or discipline, and then either the martial law must have taken place, or our army must have been disbanded. The latter of these is what the author seems to have wished for. He tells us plainly: *You did not want an army to defend your lives and properties, you did not want an army to give you protection and confidence to your servants, you were yourselves an army adequate to all your own purposes.* Here, I suppose, he means that our Volunteers would have been a sufficient army for this kingdom.

No man living has a higher respect or esteem for the Volunteers of Ireland than I have. I look up to them, as the asserters of our liberty, and the defenders of our country. But I cannot agree, that they would answer all the purposes of our military establishment. There is no code of laws

laws to oblige them to any part of duty, nor any discipline to punish them in case of refusal to act. They are Volunteers in every sense of the word, and have it in their power to lay down their arms, whenever they shall think fitting. They are a body of troops not established by law, and expediency only or necessity could give them a sanction. We are under infinite obligations to them for their ardor and alacrity in arming themselves at a time when we were threatened with dangers, and also for their steady support to the civil magistrates in enforcing and executing the laws of their country. But I should be sorry to see those brave and generous spirits put to do all the drudgery work of common soldiers, which must happen if we had no other troops. I will suppose the author of the Observations to be a Volunteer. I will ask him how he would like to exchange his down pillow for a hard bed of boards in a guard-house, or to stand sentinel in a cold winter's night for two hours at the gate of the new prison? I should

should be sorry also to see this champion for liberty converted into a slave, which must be the case if we had no other troops but the volunteers; for then the legislature must have enacted a code of military laws for them, which, according to the author's own assertions, would have made them all slaves.

The author says: *I have heard the bill, though perpetual, is a benefit, because it carries the principle, viz. that the Kings, Lords, and Commons are the only body competent to make laws for Ireland,--parliament might have declared that principle; but this bill does not declare it by express words or necessary construction, or concomitant circumstances.* I am very glad that there was no such declaration in the bill, for this would imply that heretofore the Kings, Lords, and Commons were not the only competent body to make laws for Ireland. This would be to declare, that prior to the passing of this act, there was some other body competent to make laws for us. Where-

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as I as strenuously assert, as the author or any other Irishman can do, THAT THERE IS NO OTHER BODY UPON EARTH COMPETENT TO MAKE LAWS FOR IRELAND, BUT THE KING, LORDS, AND COMMONS OF IRELAND ONLY. So that what he calls *a declaration of rights*, would have been a declaration of wrong.

I am glad to find, by the author's own acknowledgment, that *we have gotten free of every other British act, except that of the Post-Office*. I hope he will not call this an English act binding Ireland, because no man is bound by it, if he pleases. No body is obliged either to put a letter into, or receive one from the Post-Office, if he does not choose it. It is a matter of convenience, not of compulsion, to the people of this kingdom, and if they have a mind, they may have no manner of concern with it. But I understand, that it is at present under such good rules and regulations, that it is very far from being a grievance

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ance to us, and I believe the public would severely feel the loss of it. Indeed I know not how the Post-Office could be put upon any other footing, than it is on at present, because our chief correspondence being with Great-Britain, it would create infinite confusion in the Post-Office accompts, if we had a Post-Office of our own. But this is a matter of very little consequence.

The author, after this, is led into a strange mistake; he says, *that we have gotten free from the insult, I deny; for Ireland is named in the new British act.* That I deny, for there is not a word of Ireland in the new British Mutiny-Bill. Upon the strength of this false assertion he goes on in a strain of pathetic declamation, and argues through several pages, like a madman, upon false principles.

He says, *I have heard it urged in mitigation of the mischief of this law, that notwithstanding this law, meaning the Mutiny-Bill, his Majesty cannot keep up his army,*

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without

without the express consent of parliament, given from session to session. I have said so; then if he has said so, where is the force of all his observations? For if the army owes its existence to the will of parliament, so must also the law for the rules and regulations of that army, as that law would only be a dead letter, if no army existed. But this, says he, is a point of law, not a post of strength. I know not what can be a point of strength, if a point of law be not. If a point of law be not one, then farewell to our constitution.

The Mutiny-Bill, he tells us, is cruel and absurd; for it is at variance with the common law, a statute making it capital at all times to desert the army, which at no time is legal without the consent of parliament. This is a poor objection. How is it repugnant to the common law? May not an act of parliament make desertion to be a capital crime, as well as it makes forgery, street-robbery, or any other offence? Besides,

fides, if the author would consider this matter, a deserter is certainly a robber.

The author, the further he advances in his Observations, grows more and more absurd. *France and Spain*, says he, *kingdoms that have no liberty, I dare say, have similar points of law.* I am very sure they have, and therefore there is a necessity for our having them, because if our troops were not under as strict discipline as theirs, we should not be a match for them in the field. The author argues more like a lawyer, than as a man acquainted with the nature of the army; for if a soldier, in the freest state, was not kept under as strict a military discipline, as under the most absolute monarchy, he would be of no manner of use.

The author, after telling us, *that unity of discipline is not necessary*; and to prove this, gives us instances of the army now in America, and of the allied army in the last war in Germany, says, in the next page, *that the perpetual Mutiny-Bill does not estab-*
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blish unity of command, and it endangers unity and equality of discipline, by making the principal articles of war perpetual in Ireland, which are annual in Great-Britain.

The principal military laws have been time out of mind invariable in the British acts, though they receive the annual assent of the legislature, I mean such as are contained in the body of the act, and consequently extend to capital punishments; and as to the regulations vested in the Crown, not extending to life or limb, we may be very certain they will be always the same in both kingdoms.

The author, as he draws towards a conclusion, begins like a drowning man to catch at bulrushes. He has tortured his invention to prove that this perpetual Mutiny-Bill is an instrument of slavery, but all to no purpose. He is driven hard to his shifts, when he is obliged to bring in such an instance as this, though quite foreign from the subject. *James the second*, says he, *in the last century did endeavour*

to make himself absolute, by assuming of his own authority that very power which we have now given the sovereign, a perpetual law to exercise: He kept together by martial law an army of 30,000 men, paid by his civil list.

How this author could draw such a parallel, is amazing to me. James the second overturned all law and the constitution, and kept up his army by martial law. He paid them not, out of the civil list of Ireland, for that would not have been a sufficient fund, but supported them by rapine and plunder. At last he paid them with base brass coin. But how can this Mutiny-Bill, which limits the powers of the Crown to the forces upon this establishment, bear any sort of comparison to the martial law exercised by King James? I do not suppose that if the present bill had existed in his time, he would have paid the least attention to it, or that he would have stood upon any legal punctilios about quartering or billeting his army.

But

But the author thinks that if these words were inserted in the preamble of the bill, *that standing armies and martial law, in peace, without the consent of parliament, are illegal*, they would operate like a kind of charm, *against a similar attempt, meaning*, says he, *that the consent of parliament from time to time, of the then existing parliament, who seeing the use which his Majesty makes of the army, may give their consent or withhold it.* And pray, does not the parliament, every session, give their consent to the establishment of the army, when they grant the supplies? Does not the army, in reality, owe its very existence to parliament? Can they not augment or lessen the troops upon this establishment, according to the number which they choose to provide for? If they should vote that only an hundred men were sufficient for this establishment, and that vote should pass into a law, then I conceive that only those hundred men could be bound by this Mutiny-Bill and the Articles of War.

The

The author, after telling us in the 15th page of his Observations, *that by this pernicious bill, a minister, a foreign and contemptuous character, in a safe and distant capacity, free from the control of an expirable authority, may send into this country any number of troops which the return of his pride, the collected strength of the empire at the close of the war shall be able to furnish; and he may billet them upon you in execution of any project of power, or avarice, or revenge, to collect a British tax, or dispute an Irish association, or trample upon an Irish spirit. Here are men in buckram,—here is Bayes's army concealed at Knights bridge poured in upon us at once. And afterwards he blows all this down, as children do their card houses. For, says he, the King in such a case, (meaning to enslave Ireland,) need not resort to arms; his solid strength, operates without being put forth, and is an occult cause influencing and depressing the motions and spirit of parliament and people. This same contemptuous character, called a Minister, must be a very surprising*

prizing fort of a fellow. Like Bayes, he conjures up troops in an instant; sends them over hither upon hobby-horses; sets them all a fighting for diversion, and when all his bloody work is over can bid the dead men rise up and dance. Yet after all, it is a pity that the King, his master, should not stand in need of one of these troops---and why? because the King's own solid strength operates without being put forth.

These are the kind of rhetorical flourishes, or rhapsodies, which the author gives us instead of arguments, throughout his Observations. At one time he tells us England is to enslave Ireland; at another, Ireland is to be made the instrument of enslaving England.---At one moment this Mutiny-Bill takes the *purse* and the *sword* out of the hands of the parliament, and transfers them to the King; and again we are told that it does not. So that it is really hard to know what the author would be at; unless it be to disturb the
 minds

minds of the people by groundless apprehensions.

Here too, I cannot help observing that the author has recourse to the doctrine of occult qualities,---a system long since exploded, and I thought, entirely banished out of the world. In the dark and ignorant ages, philosophers accounted for every thing, they did not understand, by occult qualities. But when learning revived, these occult qualities were treated as reveries, and justly laughed at. But, on this occasion, they are made to answer the author's system of political philosophy. *The solid strength of the King* is an occult quality.---*The evident superior strength of England*, is an occult quality.---And now, *our own conscious strength*, is an occult quality. I wonder that he did not call the Mutiny-Bill an occult quality. Perhaps then I might agree with him; for if it contains in it any ill qualities, they must certainly be occult ones.

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Having

Having gone through the general points on which this author rests his Observations, I shall now make some remarks on that particular one, which he makes the basis of all his assertions; I mean the perpetuity of the Mutiny-Bill.

If I rightly understand this author, he every where makes Mutiny-Bills, like the serpents' teeth of Cadmus, to produce armed men---that is, that standing armies are the consequence of them. If this be the case, and that standing armies are such certain instruments of destruction, then ought we never to have any such bill. But if, on the contrary, a Mutiny-Bill is certainly the effect, and not the cause of an army, then all his arguments are false conclusions: That it is the effect, and not the cause, is apparent, because if there are no troops, then has it no operation. Now if the troops owe their very existence to parliament every session, so must the operation of this bill likewise. Therefore to say that the perpetuity of this bill creates a per-

a perpetual standing army is absurd and ridiculous. He might just as well affirm, that a perpetual barrack act is the cause of a perpetual standing army.

The term Perpetual conveys to our author as great an idea of terror, as that of darkness does to children of sprites and hobgoblins. Whereas there is no more real association of ideas between a perpetual Mutiny-Bill and a perpetual Standing Army, than there is between sprites and darkness.

There is also an objection to the Mutiny-Bill, which the author, as well as others, have made to it : That while it is annual in England, it is perpetual in Ireland. To this I answer: The army in England is billeted upon the subject, for want of barracks. This billeting of the army is looked upon by the people as a great grievance, and so it really is. If therefore the Mutiny-Bill, which enforces this billeting, was made perpetual, there
would

would be no end of popular clamour, though from a mistaken jealousy for their liberties they will not admit of barracks. But they still entertain false hopes that some time or other they may get rid of this burthen. They are like the clown in Horace, who hop'd the river might flow off, to enable him to cross it.

*Rusticus expectat dum defluat amnis ; at ille
Labitur & labetur in omne volubilis ævum.*

But the case is different in Ireland. We have barracks almost sufficient to contain the whole number of our troops, therefore the subject is not so liable here to be aggrieved by quartering them. Besides, as I have observed before, the prices allowed by parliament are a full and sufficient recompence to the persons on whom they are billeted to pay for their quarters. And therefore the army is never billeted gratis, unless upon their marches, or in the other cases which the act recites. And I will stake the whole argument upon this single point of law ; that pursuant to this act,

act, not a foldier can be billeted in this kingdom, in time of peace, but the troops on our establishment; unless when troops are sent hither for embarkation, or when parties are detached upon the recruiting service. In England they submit, though reluctantly, to the billeting of troops upon them, but they would think themselves undone, if their act which enforces this, was perpetual. So far does the force of imagination counterbalance a reality. And I see no possible disadvantage which can arise to Ireland from the perpetuity of this Mutiny-Bill; tho' I foresee many which might spring from the limitation of it. Suppose this Mutiny-Bill to have been biennial, might it not be hereafter in the power of the Crown to refuse the Royal Assent to it, in order to reduce us once more to be under the bondage of an English act? Might not those good friends to Ireland, Mr. Fox or Mr. Burke, who laboured hard to get Ireland included in the last English Mutiny-Bill, if they ever got into power, or arrived at *the foreign and*
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contemptuous character of Ministers, put a stop to our biennial Mutiny-Bill, by suppressing it on the other side of the water, and once more subject us to the tyranny of a British law?

Let the intentions be what they may, of them who altered the bill that was sent over, and made it perpetual, I think it was lucky for Ireland. *Aliquisquam malo fuit usus in illo.* For it prevented greater evils, than can arise from it, in its present state.

When we consider, moreover the circumstances of the passing of this Mutiny-Bill, we have stronger reasons for being surprized at our obtaining it, than for being dissatisfied with it. It was not even thought of, until towards the close of the session. It was sent off as the heads of a biennial, it was returned a perpetual bill. What was the alternative? We must either, as usual, have submitted to the English act,

act, or else have had our army without law or discipline to restrain them. Our parliament therefore acted with prudence, justice, and integrity in passing this bill into a law. For anarchy and confusion would have ensued from their rejection of it. But above all, this bill is in itself a full and ample declaration of the rights of our legislature alone to make laws for Ireland. It is a perpetual bill of rights. It puts it out of the power even of the Crown ever to revoke this grant, as it is perpetual, and it for ever bars the British parliament from any pretensions hereafter to enact laws to govern our army. In this light I look upon it as beneficial to us, I consider it as a perpetuity of freedom in Ireland.

Whilst the army upon our establishment was governed by the acts of the British parliament, our troops looked upon themselves as the soldiers of that parliament. They despised the country that maintained them, because they were not subject to
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its laws, in their military capacity. It was a strange kind of *imperium in imperio*, that a power of punishment extending to life and limb, should be vested in a general court-martial under the sanction of a law passed in Great-Britain. It was not constitutional, nay I will venture to say, it was not legal to take away the life of a soldier, in this kingdom under that law, and any man might as lawfully be shot for mutiny or desertion by the sentence of a court-martial as a soldier. The case is now different. Our army is subject to our own code of military laws. And *if the army be an instrument of power*, as the author of the Observations every where asserts, then is that power restored from the British to the Irish legislature. Our constitution heretofore weak, and in the imbecillity of minority, is arrived to a state of vigour and manhood, and notwithstanding the imaginary apprehensions of some of its patriotic guardians, has shaken off its infirmities.

Could

Could even the most sanguine friend to Ireland, some years ago, form the most distant idea of the present state of this country? Could he foresee that at this day all the British acts which bound Ireland, should be repealed? That we should participate with Great-Britain in an equal share of her wide extended commerce, and that our ports should be thrown open to the trade of the world? Could any man foretell that our army should be subject to Irish laws only? These are acquisitions obtained without war, bloodshed, or commotion, and, in so short a space of time, that it will appear to be a transaction almost incredible to future ages.

I allow great merit to the people of Ireland for their sensible, spirited, steady, and peaceable conduct upon that occasion. But at the same time, the greatest praise and thanks are due to his Majesty and to the British parliament. The King of Ireland acted like a true father of his people. His Majesty was attentive to our cries of

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distress;

distress; he was graciously pleased to interfere in our behalf, and we ought to esteem him as the great deliverer of our country.

In the British parliament, the cause of Ireland met with no other opponents but the patriots, and some of them were even Irishmen, and others of them eat very plentifully of the bread of Ireland. Strange indeed! that a set of men who set up to be the great assertors and champions of British liberty, should so strenuously endeavour to make three millions of people in Ireland beggars and slaves. This is a demonstration that our modern patriotism is not founded upon those just, noble, and liberal principles, on which people are apt to imagine it to be. It is a mode of acting, *which though it may please the vulgar, will make the judicious grieve.* Patriotism, like the system of Des Cartes, draws every thing within its own vortex, whilst the ignorant multitude imagine it to be the grand

grand principle, by which all the parts of the constitution are kept in their proper orbits.

But the people of Ireland are under infinite obligations to that very parliament, whom the author of the Observations is so severe upon, for passing the perpetual Mutiny-Bill. The unanimous concurrence of the House of Commons, in making a just representation of our distresses, carried more weight with it, towards a redress of our grievances, than all the other circumstances which the author mentions, put together,

But of what consequence is all this, if what the author of the Observations tells us, be true? He says, *Should the British minister trample down America, and become haughty to Ireland, if instead of new, necessary, and humble acquisition, a blow is meditated, let me conjure you, in order to keep what you have gotten already, to preserve your armed associations.* I should be very
 sorry

sorry that we had our Free Trade upon no better tenure than this. According to this mode of argument, the reduction of America would be the ruin of Ireland. This is an artful stroke of patriotic craft. It is calculated to make the people of Ireland to consider the cause of the Americans as their own. To adopt that maxim of *proximus ardet Ucalegon*. The blow, which I suppose he means, to be meditated against us, is to take back our Free Trade, and to subject us to the dominion of British restrictive laws.

If the author has any grounds for this information, it would be honest and kind in him to lay them open to us.---If he has not, it is very wrong, to alarm the minds of the people by false terrors. Who told him that the minister had any such intentions? Suspicions of this kind are dangerous,---they are impolitic. They can only tend to make, that very minister, who was so warm and strenuous an ad-
vocate

vocate for us, in the British House of Commons, our enemy. Besides, the very idea of such a suspicion is ungenerous to the last degree.

I could never bear to hear parallels drawn between the constitutions of Ireland and America. Ireland was never peopled by transported convicts; it hurts my pride, as an Irishman, to hear them compared, and I must pronounce upon this occasion, that comparisons are odious. I admire and esteem the Irish Volunteers as much as he can do; but is not their continuance of association a precarious tenure, in comparison of the most solemn acts of the British legislature? Their continuing to associate may in a great measure depend upon the whims or caprice of men, and the humour the nation may happen to be in. A general peace, and a quiet and undisturbed possession of our liberties and trade may in time make them careless of associating.---But the acts of
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a British parliament are, *Littera scripta manet*, they are not thus subject to accidents.

The author concludes his Observations with an Address to the Irish Volunteers. He pays them very handsome compliments, but some of them are strained to a very high pitch. *The Irish constitution, commerce, and pride with you began, and with you they would vanish. Until Britain is reconciled to our participation of trade---while the British parliament claims a right to make laws for Ireland.---You are the great charter of the Irish nation, our efficient cause and final hope.*

The British parliament has already given to us every assurance in their power, that they have relinquished the right of making laws for Ireland. Their omitting to mention Ireland, in their last Mutiny-Bill, is a proof of this. Neither does it appear that the British parliament claims a right
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to take that trade away from us. These surmises have therefore a dangerous tendency. If Great-Britain be our enemy, we point out to them our weak side, where they ought to attack us ; and if she be our friend, surely these suspicions are ungenerous.

I know not what he means by calling the Volunteers the *efficient cause*, unless it be, that they were the efficient cause of our Free Trade. That would be too much.---That would be to take away all merit from our King, and the British and Irish parliaments. That assertion may be popular, but it is neither fair nor just.

I am sorry towards the close of his eulogium to find this strong advocate for liberty---this great assertor of the laws and constitution, thus addressing the Volunteers:
I have heard your legality disputed.---Conscious as I am that no law prohibits the subject to arm, convinced as I am of your legality,
I con-

I conceive the question to be lost in the immensity of your numbers. This is directly as if I should lay a state of my case before a lawyer, in order to know whether any act I had done was legal or not; and that lawyer should give it as his opinion, that it was legal enough, provided I had a sufficient armed force to defend me, and support me in consequence of it, for the future.

Thus the author first says he is convinced of their legality, and then he says, If ye are not legal, the immensity of your numbers gives you a sufficient legality,--- or in other words, On account of the immensity of your numbers, who dares to dispute your legality?

I presume the author was not aware, when he let such a mistake slip from his pen. But I will make Horace's apology for him:

Opere in longo fas est obrepere somnum.

Thus

Thus have I gone through the author's Observations until I have fairly set him asleep, and I have some reason to fear that this Work may perhaps have the same effect upon my readers. I must however trespass a little longer on their patience, by making some general observations on the present situation of this kingdom.

That a wonderful change is wrought in the appearance of this country in a short space of time, is visible to the most undiscerning eye, but to the curious observer it is amazing. That it is advancing in most rapid progressive motion, towards riches, strength, and improvement, is also discernable. What delight must it afford to every Irishman, to see this country likely to be the seat of arts, commerce, and freedom, which, in times past, was a wild waste of idleness, beggary, and oppression!

Let any man examine the dismal picture which the great Dean of St. Patrick's

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drew above fifty years ago, of the state of this country, and compare it with the present, and the difference will be found very striking. It is an invariable maxim that every effect must be produced by its cause,---let us judge accordingly. England, which at that time, the Dean complains to have been our oppressor, is since become our friend. It is her interest to be so. She finds that it is mistaken policy to depress us. She knows that if we grow rich, it must of course enrich her, as she is in possession of the seat of empire. She knows upon that account, that our grandees will be strongly attracted to resort to her metropolis; and she is certain that if our gentry become wealthy, they will fly thither in pursuit of pleasure. So that the richer we grow, the more of our money will be spent in England by absentees.

We have therefore the strongest tie in the world upon England; interest, for our

our security. But let me add to all this, Ireland is not only the most precious jewel in the British Crown, but she is also the best ally that Great-Britain has upon the face of the earth against their common enemies; England, I am sure, is sensible of this indubitable maxim, that a compact empire is ever the strongest. If she could double the number of the present inhabitants of Ireland, it would in reality be adding three millions to herself. Experience must have taught her that distant colonies or settlements are not to be depended upon. It would be to the full as ill policy in the Crown to discourage or oppress Ireland, as it would be in a gentleman to neglect improving a part of his estate, only because it lay at a little distance from his demesne.

Away then with all further complaints, jealousies, and idle suspicions.-----Away then with alarming the people with visionary apprehensions about an Irish Mutiny-Bill! Let us with confidence and
 filial

filial affection rely on the good intentions of our Royal Father towards us. Let us not suspect his ministers or the British parliament, until we have some cause to apprehend danger. If we are always crying out danger, when there is none, we shall be like some fanciful invalids, whose complaints are not regarded when they are really sick.

There is nothing wanting at present to make this one of the happiest countries upon earth, but sobriety, honesty, and industry, amongst its inhabitants. If our noblemen and gentlemen, instead of fomenting parties and animosities among us, will encourage arts and manufactures upon their estates, then will they be true patriots in the literal and strict meaning of the word. If our manufacturers and tradesmen would attend more to their business, than to politics, which is out of their sphere; and if the lower class of people would have more regard for their families

milies than they have for the public good, then might we expect to see our manufactures brought to the highest perfection, and of course, our commerce must flourish.

I shall conclude with an address to the people of Ireland.

I am conscious that in addressing this answer to you, I labour under a twofold disadvantage. First, The author of the Observations has availed himself of the prior impression upon you, and has gotten possession of your prejudices and passions. Secondly, He has written on what is unjustly called, the popular side of the question. He has held up the dark side of the picture to you, but has artfully concealed the light. He recounts a number of imaginary grievances to you, but never says a word about the advantages ye have obtained. He is silent about the Tenantry-Bill, which was of more consequence to you, than all the bills that ever were

were passed in Ireland. For that secured your property, without which liberty is a shadow. But he tells you of a Mutiny-Bill, and converts it into a frightful monster. He endeavours to impose upon your understandings, by one of the most fallacious species of sophisms, that Mutiny-Bills create the existence of foldiers,--- whereas the reverse is true, that the existence of foldiers creates Mutiny-Bills; so that he makes the effect to produce the cause.

In the foregoing sheets I flatter myself, that I have proved his assertions to be groundless, and his reasoning sophistical. My countrymen, ye have good natural understandings,---judge therefore for yourselves. Ground your opinions, not on the sandy foundation of party, but on the unerring principles of common sense. Your own experience has verified that aphorism to you, that *party is the madness of many for the gain of a few.*

Beware

Beware of factious leaders, they will always deceive you. They resemble the savages on the sea-coasts, who put up treacherous beacons for the unhappy mariner ; so these men light up their fires to betray the unwary multitude.

I conjure ye, my countrymen, not to suffer sophistical pamphlets, or the inflammatory trash in news-papers, to lead ye astray, by alienating your affections from your sovereign, or from your sister kingdom. Ye have manfully asserted your rights, and ye have obtained them,---but be assured of this undoubted truth, that
THE INTERESTS OF BOTH KINGDOMS
ARE INVARIABLY THE SAME.

F I N I S.

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F I N I S

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