

LETTERS

ON THE

SUBJECT OF UNION,

IN WHICH

MR. JEBB'S "REPLY" IS CONSIDERED;

AND THE

Competence of Parliament to bind Ireland

to an Union is asserted ;

BY A BARRISTER AND MEMBER OF PARLIAMENT.

Est iniqua in omni re accusandâ, prætermiffis bonis, malorum enumeratio, vitiorumque felecto: ego enim fateor inesse quiddam mali; fed bonum quod est quæfitum, fine ifto malo non haberemus.—

CICERO, DE LEGIBUS.

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1915

U N I O N.

TO WILLIAM SAURIN, ESQ.

SIR,

YOUR opinions on the momentous National Question which is now under discussion, are pretty generally known; and, as your merited eminence in the profession to which you belong renders it likely that those opinions will have much weight with a body of men, who, in their turn, are not unlikely to influence the sentiment of the Nation, I conceive that, before a meeting of the Bar takes place, it may not be improper to submit to you a few observations on the important subject which will be there taken into consideration.

I address you as a Barrister, not as Captain of the Lawyers' Corps. You cannot, I am certain,
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require to be reminded, that political discussion is very unsuitable employment for a soldier ; that armed bodies cannot deliberate on affairs of state, compatibly with the tenor of their duties, or the ends of their institution. When they feel their obedience to the Executive to be treason to the Constitution, let them lay down their arms (as happened in the reign of James the Second) but let them not in the mean time convert a Military Association into a deliberative Assembly. It was not, during the most flourishing or happy periods of the Roman Power, that her Emperors owed their promotion to the deliberations and suffrages of her Prætorian Bands ; and, as for our parts, (I speak of us descendants from English settlers) we are too far removed from our Saxon progenitors — too far entangled in the complicated and lulling habits of peaceful refinement — to attempt reviving their martial customs, and express our sentiments of public measures by the clashing of our swords.

These are principles too obvious for you to require information upon ; and I am confident that neither you, nor the respectable Corps which you command (and to which I too have the honour of belonging) will ever lose sight of them, or set the dangerous example of deviation from them to the other Corps of Yeomanry throughout the Kingdom.

I address

I address you merely as a Lawyer ; and honest, as I believe you are, and possessing, as you seem to me to do, one of the soundest and clearest unadorned intellects that has ever yet fallen within my observation, supported by an enviable calm of temper and disposition, you will surely give me a patient and attentive hearing.

The present question is probably the most momentous that has ever yet been submitted to the discussion of Irishmen ; and so material is it that the subject should be coolly and fully investigated through all its topics, that I hold the man to be warranted who comes forward as I do (without waiting to have completely made up his own mind upon the whole of the subject) to expose to the public eye the progressive and unfinished operations of his understanding, and avow the result of each partial investigation, whether that result has been doubt or conviction.

In doing thus, I may supply my countrymen with materials, on which some abler mind will operate with more effect, and convert them to better purpose than I have had the skill to do. I may happen to hint that which my reader had overlooked, yet which, when seen, he can pursue to an extent that I could not pretend to reach : where, in stating the *pour* and *contre*, I shall estimate opposite arguments as of equal weight, a

more just and accurate understanding may discern preponderancy on one side; and thus, while I am but communicating my own doubts, I may be helping others to a decision.

But, though I were able to do no more (and self-love will not permit me to wish for greater success) than excite in others the same fluctuation and uncertainty which a balancing of reasons had produced in me, it will not follow that I should do no service to those that hear me. Uncertainty is in many cases a more eligible state of mind than our pride and ignorance, the parents of our precipitation, will allow us to admit. He who chooses to weigh the arguments before he decides the question, is not a weaker man than him who decides without examination; yet the period of examination will be a period of doubt, and the duration of this period will bear some proportion to the complication of the question, and to the number of the arguments which it supplies. But this interval of uncertainty it has been my lot to find scorned by the promptitude and sublimity of many of those geniuses with whom I have conversed on the subject of Union.

Men are not zealous (still less are they violent) in supporting an opinion the truth of which they doubt. We do not venture to stamp and rant, where we are not sure that we are standing on
firm

firm ground. Now, as a violent support of either side of the present question does not seem calculated to promote the happiness or tranquillity of our country, that man is perhaps something more than justified, who would excite doubts, for the purpose of appeasing violence.

Whether Government has any design of entrapping the country, of first enticing them into an admission of the principle of the Union, and of then perverting this acquiescence into an obstacle to their *effectually* opposing every *disadvantageous* kind of Union, is a question which I shall consider hereafter, as well as the best means of defeating so mischievous a design : At present, I can hardly conceive such an intention to exist. I rest my doubts not on that implicit confidence in the candour of Administrations, which, however composed, I am not inclined to place in them — nor on that opinion of their profound wisdom, which I have not been used to entertain, but on the *manifest* imprudence and vanity of such a design : on my intimate persuasion that no Union, *unfairly* conducted, can, in the present state of things, be *peaceably* or securely atchieved. In short, I found myself on that, which, whether in the case of individuals or classes, experience has taught me to be the surest basis — the selfish regard which Administration will have for those interests which are too obvious for them to mistake.

Assuming

Assuming then (upon those grounds which I have just been stating) that no such illiberal intention is harboured. I proceed to alledge that opposition to an Union is, in the present stage of the question, premature on the part of every man but him who is prepared to assert "*that no scheme of Union can be devised, which will not be injurious to this Country.*"

Such as make this maxim their foundation, have present grounds for opposing an Union ; but opposition is ultimately on the part of those, who (with me) refuse to adopt a principle so comprehensive.

I have heard Gentlemen inveigh with becoming patriotism against schemes which went to *extinguish* Ireland; but after listening to such invectives, I have felt inclined to enquire what they had to do with the question before us?—I must be woefully destitute of grounds for my conduct or opinions, before I would consent to rest them on a metaphor. Figurative language sometimes illustrates, and very frequently deludes; and if we must analyse the froth of passion or declamation, in search of that rational spirit, which it is vapid except so far as it contains, I should say, that the terms *extinction* and *incorporation* present most dissimilar ideas to my mind.

To abolish the Legislature, and annul the Jurisprudence of our country, to atchieve (for example) the objects of the late Rebellion, this would indeed be to extinguish Ireland; and those who, by an intemperate and turbulent opposition to the name of Union, are perhaps contributing to throw the nation into new convulsions, would do well to consider whether they may not be producing that extinction, which they are in such a hurry to deplore.

But, preserving the sovereign power of Ireland, to transfer it (not *politically*, but *locally*) to England, merely to change the seat of its exercise, and, if I may so express myself, the centre for its energy; to transfer it, not impaired, but only modified in that degree which the transfer renders inevitable, this will not be to extinguish Ireland. Stating matters *in the abstract*, the Legislative incorporation of the Britannick Islands might as truly be called the extinction of one, as of the other. It does not *lessen* the independence of either country; but only renders the term *independent* inapplicable; it being a term expressive of relation, and all political relations having ceased, when the two countries have coalesced, and become one. Such a consolidation would annul, without diminishing, the independence of Ireland: it would only annul, by identifying it with the independence of Great Britain.

As my object is to argue, and not to debate, I wish to be precisely understood. I would therefore explain my meaning in some expressions which I have used.

I have spoken of the Legislative change which an Union might produce, as a transfer of the Sovereign power of Ireland "*unimpaired.*" On this expression I would, by way of comment, make the following observations:

1st, That to alter is not, *ex vi termini*, to subvert, nor even to impair: a position which, if acquiesced in (as it must be, unless we are prepared to insist that to restore a diseased man to health would be to impair or subvert his Constitution), would furnish an answer to much that I lately heard you urge, when placed in a situation, in which my respect for you makes me hope I shall never see you again.

2dly, That the same *alteration* in the frame of the Irish Legislative, which under some circumstances would be a subversion of the Constitution, might under others, not be even an impairing of it. For instance, every reader of common sense must perceive, what I should much transgress the proper limits of a letter if I were to attempt to prove, viz: That though, if there were no Union, it would be a manifest *subversion* of our
 Constitution

Constitution, to reduce the number of our Legislative Chambers, (say of our House of Lords to 40, and of our Commons to 100,) yet it will not follow that this abridgement, *making a part of the scheme of Union*, even tends to *impair* the Constitution;—For,

3dly, I cannot see that conferring upon *one* Imperial Legislative Corporation, of King, Lords, and Commons, the right of legislating for *the whole Empire*, (of course including Ireland) will, in the eye of a philosopher, be any impairing of the Irish Constitution, provided there be infused into that body of Law-givers a portion of Irish influence, adequate to the effectual protection of Irish interests. Therefore, the exchange which a *just and equitable* scheme of Union proposes, would be a surrender rather of the *means* than the *ends* of the Irish Constitution; and a surrender, compensated by the acquisition of other means, equally calculated for the attainment of those ends.

4thly, The subordinate (and still purchased and compensated) surrender of *such* inferior branches of political power as are incidental to the *distinctness* of our Legislature is one, the propriety of which need not be discussed separately, being involved in that of the *main* surrender.

That the Sister Countries form but one Empire will not be denied; and that it is desirable that *one* Empire should be governed by *one* Legislature, is a proposition, which at least is not on the face of it, absurd.

The very appellation of sister countries involved an allegory, which by recommending cordial unanimity, was meant to correct the mischievous tendencies of distinctness and separation; and which suggests an argument for Union, not so weak, as it may be vague and undefined.

Had the original Constitution of the British Empire given to each of the kingdoms which compose it that Constitution, which an Union, *formed on just principles*, would now confer, would any one of those constituent kingdoms have been justified in complaining? Would one of them have been, (even theoretically,) less free or happy, than disunited Ireland (alas! in many senses disunited!) is at present? Could Ireland have *originally*, on the ground of political justice, demanded more, to pursue a hint, which I have met with in an argumentative, but surely in some parts objectionable pamphlet, which I have lately read,) than that, like Yorkshire, she should have an adequate share in the imperial government, and representation? If not, then will she now impair her Constitution, by surrendering

dering it, (or rather its present distinctness,) in consideration of obtaining all, that in political justice she could ever have demanded? Surely not, unless her present Constitution be something inconsistent with the principles of political justice.

Let it be recollected that I am not investigating the merits of this or that scheme of Union. I am only enquiring whether Union in the abstract (that is, every Union) must be bad. And I do confess, that I can feel no more extacy or abhorrence, in contemplating the abstract idea of an Union, than I could do in contemplating the abstract idea of a square or a triangle.

Having thus disclaimed all extacy from the contemplation of this metaphysical existence—Union, it follows that I must be as averse from violent approbation, as from violent opposition. I am not so far gone in political chivalry, as to call upon my readers to acknowledge the transcendant beauty of what neither of us have ever seen. Union, *in the abstract*, I look on to be neither good nor bad, except so far as *one* Legislature may be desirable for *one* Empire; and as removing the seat of power MAY be (I do not say will be) a corrective of party animosities which rage here at present; and even these theoretic and abstract advantages, I feel *may* be balanced, if not outweighed, by opposite inconveniences.

But having qualified the assertion as above, I would assert that Union in the abstract is a thing *indifferent*, and becomes good, or bad, according to the kind of Union that it is, and to the circumstances under which it is obtained.

I therefore confess, that whenever the question of Union shall become a subject for legislative discussion, I wish it may be so contrived as that we shall not be called on to worship or renounce a mere abstract existence, which cannot be a proper object for either devotion or invective; but, in the language of the Droll who remonstrated with the Knight of la Mancha, I should require to behold this Dulcinea of Administration, before I acknowledged its supreme beauty.

If you should be curious to know the writer of this letter, I shall gratify this curiosity, so far as is consistent with the incognito which I wish to preserve, by informing you that I am a man who has no connection with the Government, and who, *at the least*, owes them no obligation: that I am a person whose ambitious views, *valeant quantum*, an Union must obstruct: that I am a Member of Parliament, and

A BARRISTER.

LETTER

LETTER II.

TO WILLIAM SAURIN, ESQ.

SIR,

PERHAPS I err in conceiving you not only to have narrowed the grounds of your opposition to an Union, but to have taken new grounds, distinct from, if not inconsistent with your former. When some days ago I had the honour of hearing you declare your sentiments on this important Question to the Lawyers' Corps, I found you soaring beyond all such subordinate considerations as the expediency of agitating the subject in the present state of the kingdom: you then opposed on Union on the more *permanent* and inflexible principle of its being a radically unconstitutional measure; and therefore such as no Yeomen could support, without violating that oath which he had taken under the provisions of a late Act of Parliament. In order to demonstrate that an Union was a measure directly subversive of the Constitution, I (and others) recollect that you put this as a parrallel and illustrative case and question: "Suppose," said you, "that it should please the Government to make an arrangement, by which Money-Bills, instead of originating from the Commons, should originate from the Crown

Crown, could any man deny that this was an infringement of the Constitution, or could Yeomen, consistently with their oaths, lend their support to such innovation?"

From the tenor of your motion at the Bar Meeting held this day, I infer that you have deserted this ground of eternal opposition; and are content to set up a temporary bar to the scheme of Union.

The import of the Resolution, which was this day carried, by a large majority, was, that *the Union would be an innovation upon the Constitution of Ireland; and that bringing forward such a question, in the present state of the kingdom, would be highly imprudent and dangerous.*

Respecting you as I do, I am mortified to find myself obliged to differ from you so widely as I do on the present question; nay more, at finding that, by changing your ground as you have done, you have increased the interval which there was between our opinions: I thought your former judgement premature;—but I think your latter wrong.

Conceiving an undefined Union to be a thing indifferent, I should have withheld my approbation, and thought you ought to have withheld
your

your censure, until the same rumour, which had stated that an Union was projected, should have described to us what its outline and foundations were.—But when, shifting your position, you object to the measure as untimely, I feel compelled to differ more completely from you.

To me it seems that no better period for alteration can be chosen, than one in which heavy and recent calamities, traceable to the now subsisting state of things, have furnished grounds for doubting whether the stability of our present situation would at all conduce to the prosperity of our country.

To those who, if the alternative of Union or Separation were proposed, would prefer the former, it may seem that the late aspect of Irish affairs, and the detected plans and objects of our principal conspirators, have gone no small way towards thus limiting our choice, and stinting us to an election between Union and Separation.

Such an alternative can never be so plain as *demonstrably* to exist: the most that can be seen is that which I already fancy myself to discern, viz. such a state of things as renders it *probable* that the present degree of connection cannot long endure; but, that if the bonds which unite the Sister Countries be not strengthened, they will be broken.

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The attempt to dissolve our *present* connection with England might in different ways be deplorably successful. From being the Sister Country of Great Britain, the Separatists might succeed in degrading us to the state of her conquered province, and thus indeed atchieve such an Union as would annihilate our Constitution; or they might hand us over to the stifling embrace of France, which would receive us with open arms, and hug us most fraternally to death; but of this I am persuaded, that to dissolve our present connection with our glorious naval ally and protector, would not be to promote our independence.

Therefore I should agree with those who prefer Union to attempted Separation: I should concur with those who conceived that where we could (though dimly) discern such an alternative before us, we should do well to reduce our choice to practice, and moor ourselves in time; and if I thought the present were such a moment, I should infer that Union was not now an untimely question.

Untimely in the present state of the kingdom!
—In what state of things would the discussion be opportune? when we have but just emerged from a cruel and desolating Rebellion, into which long-gathering animosities and discontents at
length

length burst forth, it is deemed most *untimely*, and imprudent, to propose any change of that regime, if not from which, at least during which, those bloody consequences flowed ! Shall we surrender a *distinctness*, which is found so valuably productive, and transplant to England what may there cease to produce those fruits of blood, and bigotry, and civil rage, on which we have been lately permitted to revel here ?

Were the present state of the kingdom the reverse of what it is, had Ireland, advancing along the paths of industry and peace, undisturbed by civil or religious discord, now attained that prosperity, which I trust still awaits her, would this be the proper period for proposing an Union ?— Could the Minister gravely tell the Parliament, or the People, *that their situation being manifestly prosperous and happy in a high degree, he thought they could not do better than immediately alter and correct that Constitution, under which their prosperity and happiness had grown ?*

If indeed the feeling of the mass of the nation (I mean of the thinking part of the nation), be found to be against an Union, the measure ought then to be abandoned, as untimely : but how has this feeling been yet collected or announced : or do the Bar claim to be endowed with a spirit of divination ? It is plain too, from the tenor of the

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Resolution,

Resolution, that this is not the ground, on which the measure is asserted to be untimely: it is announced to be inopportune, not because repugnant to the feelings of the nation, but on account of *the present state* of the kingdom; that is to say, in my opinion, a State, furnishing arguments rather for, than against, the expediency of the measure.

I cannot avoid entertaining some dislike for those dexterous resolutions, which are obscure, vague, or equivocal in their mode of expression, and which branch out into such (connected) propositions as will allure as many supporters as may be. They seem to me to be calculated to delude the public, by an appearance of more unanimity than really exists.

The Resolution carried to-day describes Union to be an innovation upon the Constitution. This charge appears to me to be either destitute of applicable meaning, or not consistent with truth.

That Union is Constitutional innovation, if by this be meant that it is a novel and important change in the mode and form (rather than substance) of our Constitution, is very true, and very obvious; too obvious to need being attested by a Resolution of the Bar; and in no way that I see, material as a foundation for inference.

But

But if, under the assertion, it be insinuated that Union in the abstract (for of none other, 'till the terms are disclosed, can we speak,) is a measure subversive of the Constitution, the position, in my mind, becomes at once insidious and untrue. Untrue, because I deny that no Union can be devised which will leave the Irish Constitution unsubverted; (and in my last letter I have endeavoured to justify this denial,) insidious, because it indirectly hints that *permanent* objection to Union *in its principle*, which the latter branch of the Resolution evades, and assumes the shape of mere objection to the *expediency* of discussing the measure *at the present time*.

I have heard most patriotic denunciations against those who would sink their Country to a Province; and zealous promises against concurring with the Traitors who would so degrade her. But these sallies have seemed to me to be so much very good passion thrown away; for it remains to be proved that a Union with Great Britain would sink Ireland to a Province.

Subordinate ebullitions have impressed me in the same way; (for I find the declaimers against this abstraction, have a little phial of wrath, ready to pour forth upon every detail into which the discussion can be divided.)

Thus, when I am told that, if an Union shall take place, our Benches will be filled with English Judges, I ask myself whether the political Seer to whom I am listening has inherited the second sight of Lord Belhaven, or the other Scotch opponents of an Union? For my part, having no prophetic vision of the terms of Union, I am saved the shock of foreseeing this Judicial importation.

But, Sir, you are of opinion that the Irish Parliament is not competent to ordain an Union: that its authority is limited by the Constitution; and that, in enacting Union, the House of Commons would transgress the boundaries of its delegated power, and all the branches of the Legislature exercise an *exorbitant* authority.

That the authority of Parliament is an authority *within* the Constitution is very obvious; for it is an authority *derived from* the Constitution. Parliament therefore cannot subvert the Constitution; for this would be to cancel their own title, and destroy the source of their authority.

But when has it been conceded that Union is subversive of the Constitution? If it be not, then the objection to the competence of Parliament fails. On the other hand, if it *be* subversive of the Constitution, we need not discuss the limits of

Parliamentary authority, but at once reject the measure on this very sufficient ground, that it would be destructive of *what* we are bound and interested to preserve.

A few words more on the competence of Parliament.—I freely admit that, in enacting an Union, they would exercise very extraordinary and unusual powers. In favour of their authority, the Scotch Union, the Act by which the Parliament prolonged the period of its own duration, and other examples might in the way of *precedent* be alledged; and in support of their power *on principle* it might be said, that, in ordaining an Union, they were meddling less with the *ends*, than with the *means*, of the Constitution; and though they were settling its forms, and even strengthening its outworks, were leaving its substance untouched, or at least its spirit unimpaired.*

But permit me to consider this part of the subject in another point of view; and ask, Might not Union under some possible circumstances be eligible? And how more constitutionally than through the intervention of Parliament could it be brought about? Should not the measure flow from the will of the people? And is not Parlia-

* There can be no doubt of the competence of Parliament to enact Union: See this Subject treated more at large in Letters VIII. and IX.—

ment the only Constitutional Organ for legislatively uttering that will? Would not their unforced acquiescence adopt and ratify the measure of their Parliament? Would it be less Constitutional thus constructively to legalize such a proceeding, than it would be to dissolve the Parliament, and call upon the people to do that which the Constitution had never empowered them to do, viz. to elect Deputies for the particular and exclusive purpose of enacting this measure? or, finally, would you appoint tribunes, and convoke the people by tribes and centuries to vote an Union? I have written this letter hastily: It probably will be found to bear the marks of precipitation: I wish that similar traces may not be found in more important acts of the present day.

I have the honor to be, &c.

A BARRISTER.

LETTER

LETTER III.

TO WILLIAM SAURIN, ESQ.

SIR,

IT gives me pleasure to think that, as I proceed in my rather desultory examination of that great Question, of which every Irishman is full, I approach topics, where the difference of opinion between you and me, which has hitherto been so wide, may at least decrease. I assure you, without compliment, that, in a case of doubt, I should consider your dissent to be a strong argument against the truth of any opinion.

At another time I shall take the liberty of submitting to you some farther and fuller discussion than is to be met with in my last, of the competence of Parliament to bind this country to an Union*. For the present I would only propose this question, *viz.* Whether you hold Parliament to be less competent to enact *Union*, than *Reform*?

I cannot figure to myself any plan of what is termed Radical Reform, which would not inevitably go to the abolition, or abridgement, of present individual and corporate franchises; and I fancy myself to discern as many theoretical

* See Letters VIII. and IX.

objections

objections to the competence of Representatives to *reform away* the privileges of those who have returned them, and cancel those very constituent franchises from which their own authority has flowed, as can be raised against their competence to vote an Union. Yet I doubt whether those who seem in the present case such strict definers of Parliamentary Authority, would with equal parsimony deal out to the National Representative that power, which was to be employed in producing *radical reform*; I suspect we should find those political misers, like Nasidienus, *veteris non parcos aceti*; no niggards of the four produce of popular fermentation; the established pickle and preservative of tumult and disaffection! I even doubt whether *innovation*, assuming the aspect of Reform, though it were to tear up the ancient land-marks of the Constitution, would in some minds excite an equal panic, with that which it has struck into our learned Body, when appearing in the less hostile character of Union.

But to proceed to the main subject of this Letter.

I profess myself unable completely to understand their meaning, who (with the Author of the Arguments for and against an Union) call upon us "to discuss the principle of Union" in the abstract; and assert that, "until we have done this,
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it is useless to enter into the details:" (p. 56.)—If to discuss the principle be only to enquire what it is, the discussion is soon concluded, and I, for my part, am quite prepared to accompany the author into his details. The principle of an Union I pronounce to be neither more nor less than this, the uniting of persons or things which had been distinct. But if to discuss the principle, means to pronounce whether Union in the abstract be a benefit, or a mischief, to the thing united, I consider the call for such discussion, if it be not insidious, to be absurd.—Union in the abstract "*cannot be ill; cannot be good;*" and I disapprove "*this supernatural soliciting*" of us to ascertain the degree in which it possesses qualities, which it is incompatible with its nature to possess at all. If I were asked, whether an Union with England would be advantageous to this country, and were to answer the question in French, I should say, *c'est selon*. If you were a single man, and that it was proposed to you to marry Titia, you would be apt to enquire her age, her character, her accomplishments, perhaps her portion; you might ask what jointure she would require; nay, you might not be so indifferent as to her appearance, as not to demand a sight of the lady, or at least of her picture; and I beg leave to conjecture that you would consider that person to hold very strange language, who assured you that these were mere details, which

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ought to be postponed until you had discussed the *principle* of this matrimonial union. If you were ill of a fever, and that a Quack were to insist on your pledging yourself to the abstract principle and propriety of your taking a certain powder which he held in his hand, before he entered into such details as shewing whether it was Arsenic or James's Powders, I should suspect that such reasoning on his part might be a prelude to his administering poison, and if you were to acquiesce, I should infer that you were delirious. In a word, the investigation of those details, which the writer above cited would postpone, is in my mind not only incident, but inseparably essential to a fair and rational discussion of that principle which we are thus called upon to examine before we go into such details. Nay, I feel myself warranted to go some steps farther. It is impossible to consider the idea of Union between those two islands so abstractedly, so to divest it of all its appurtenants, as not to perceive that on the part of Ireland it involves an extensive and important transfer of constitutional rights and privileges, *which we have sworn to defend*, and national honours and distinctions of which, however they may have been abused, as an Irishman, I should blush if I were not proud. To discuss the principle of Union, and postpone all enquiry as to terms would be to view but one half of the Question: It would be to contemplate

plate that portion of the measure which consists of Irish surrender, whilst that other portion is mysteriously withheld from our view, which *may or may not* consist of adequate compensation. I presume not to controul the consciences of other men: I pretend not to deny the possibility that I am myself under a delusion, to which argument or reflection may put an end; but so long as my present opinions remain, I feel that in voting an Union to be advantageous, before I had heard what were to be the conditions, in voting for the surrender of my Country's privileges before I had secured that *more than compensation* for which alone those privileges should be bartered, I should not only belie my own understanding, by pronouncing that to be advantageous which could only be indifferent, but I should (considering the oath which as a Yeoman I have taken) be guilty of wilful and corrupt perjury. Therefore if details must be postponed, and Government insist on a previous question on the subject of Union, the Members of the Legislature who coincide with me will vote against what is called the principle of Union; or (in more accurate language) against the uncompensated surrender of Irish Rights.

If, indeed, the first measure proposed to the Irish Parliament were to empower Commissioners to treat as to the terms of Union,

and if the terms when settled by these Commissioners, were still to be COMPLETELY, FAIRLY, and EFFECTUALLY open to the revision, approbation, or rejection of the Parliament, those Members of the Legislature who thought with me might feel that, by concurring in the appointment of such Commissioners (not entrusted with full and final powers), they would betray neither the honour, nor interests of their Country: Such vote would be but the provisional approbation of an Union: It would substantially combine the discussion of the abstract principle with that of the details; and would amount to no broader a virtual position than this, that such terms of Union MIGHT be settled between the Sister Countries, as would render the measure advantageous to Ireland; a position which I am not disposed to controvert.

I trust, Sir, that both you and Government will agree with me, not only that an Union ought not to be forced upon the country, and that national repugnance, *if fairly and fully collected*, is a sufficient objection to a measure of this peculiar description, however great and demonstrable its utility in other respects may appear; but also that the measure, if persisted in, should be conducted with, alas! unexampled candour, and honest deliberation; and so far from being precipitated, should be protracted almost to tediousness.—Time should be given to
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the community to consider this weighty matter, and gradually arrive at those conclusions, which perhaps the cabinet has long since attained. Irish prejudices should not be spurned at, but humoured at the least, if not respected. Heartily do I wish (for I am a friend to peace ; though I trust I ever shall prefer the perils of tumultuous freedom to the sluggish and degrading tranquillity of servitude) I say, sincerely do I wish that the Ministry and the People may set an example of temper and moderation to each other : (I anticipate the sneer with which such a wish will be received) ; that the former may leave dexterity for more ordinary occasions, and neither hurry on a proceeding which should be conducted slowly, nor inveigle men into the admission of any principle, with the view of perverting this to purposes not foreseen nor intended by those from whom it was obtained ; and that the latter, if they reject the measure, may do so on discussion, and not refer so vital a question to the arbitrament of interest, passion, or precipitation.

I do not pretend to be versed in the forms of Parliament or the Constitution ; but sure I am, that in a case and question like the present, these should not (in what case should they ?) be permitted to impede the most ample, accurate, and satisfactory investigation of the whole plan and consequences of Union : sure I am that when we
are

are bartering so much of the substance of our Constitution, we should not be too scrupulous about forms ; but, like Æneas, should thrust aside those flimsy shapes, that would obstruct our firm and deliberate passage to the security, the honour, and the freedom, of our country. I hope and expect, that if this subject be brought forward in Parliament it will there be discussed with the *candour*, the freedom, and mature deliberation, which suit the dignity of that assembly, and the unrivalled importance of this measure.

Is it my ignorance which prevents me from discerning the difficulty, or impropriety, of submitting to Parliament, *in the first instance*, the outline and foundations of the proposed Union? Am I absurd in conceiving that by means of a message from the Executive to each Chamber of Parliament, recommending it to them to take into their consideration the best means of promoting a treaty of Union between Great Britain and Ireland, *on certain principles and bases* therein stated and defined, we should have the Royal faith and Ministers' responsibility (for, by the principles of the Constitution, the Speech of the King may be considered as the language of the Minister) pledged for the fundamental principles on which Government wished the Union to proceed? Or if (as is very likely) I have made an ill choice of means, yet might it not be possible, consistently

with

with the rules of Parliament, and constitutional privileges of both countries, to devise other less objectionable means, equally calculated, with those which I have hinted, to attain the end which I propose?—namely, furnishing the Legislature at once with sufficient materials for a thorough investigation of the subject, and exposing fairly to the contemplation, both of Parliament and the country, the nature and basis, and consequently the merits and tendencies, of the projected Coalition? We might thus be saved the fruitless trouble of appointing Commissioners, or should appoint them with strong expectation of a final adjustment. We should then know what was to be the nature of the compensation for our surrenders: whether we were changing the modes, rather than resigning the security or blessings of our Constitution; or whether it was intended to propose a disgraceful traffick of freedom against trade: whether we should drive these money-changers from the temple of our liberties, and, in the eloquent language of a British Senator, exclaim, “Perish our Commerce! and live our Constitution!”

I may hereafter resume this subject. — I shall now recur to others, connected with the *general* object of our inquiry.

I conceive

I conceive it to be the humble privilege of a writer for the newspaper, to be exempted from all rules of systematic arrangement, and allowed to set down his thoughts in the order in which they happen to occur.

I have (in my last) observed upon the tenor of the Bar Resolution: permit me here to repeat that it strikes me as an uncandid one, and betrays a sly intention, not very dexterously or imperceptibly executed. The introducers of this motion evidently wished to appear to the public to pronounce directly against the *principle* of an Union, while to those who were not prepared to concur with them to this extent, they should seem merely to deprecate an introduction of the measure as *inexpedient* at the present time. Thus, by a sort of quibble, they would allure support from many who would not otherwise have given it; but who will *in due time* find it hinted to them, that they are *pledged* to a degree beyond what they intended, and that they have pronounced that Union is not merely objectionable on the ground of temporary expediency, but of eternal principle.

This ambuscade is concealed behind the word *Innovation*. This term is universally accepted in a bad sense: to innovate, we all know is (by the *norma liquendi*) to introduce not *mere novelties*, but *pernicious novelties*; and when we speak of Constitution,

stitutions, to innovate is usually understood as meaning to injure and impair, by the introduction of mischievous and incongruous change.

But observe how the trick recoils on its contrivers! see what you have inadvertently pronounced! that thus to innovate is only improper at the present moment, but that on some other and future occasion it may be very right and proper to impair the Constitution!

I have the honour to be, &c.

A BARRISTER.

LETTER IV.

TO RICHARD JEBB, ESQ.

SIR,

NO argument which comes from you can fail to deserve an answer; permit me to attempt giving one to that which has lately appeared under your name, entitled, "A Reply to a Pamphlet," by some attributed to Mr. Cooke. For yourself, I (in common I believe, with all who have the honour of your acquaintance) feel a very sincere respect; but your reasonings do not impress me with a similar sensation; I think them as weak and inconclusive as is at all compatible with the good sense and information of their author; and I trust to your candour for forgiveness, if I treat them with all the freedom of controversy, and disclose their insufficiency or contradictions with as much severity as I am capable of.

You must expect from me no more regular arrangement than that numerical one which will

arise from my attending you page by page through your "Reply;" and even from this loose order I shall sometimes take occasion to deviate.

The usual fault of answers is, that they aim rather at detecting the weakness of an adversary's reasoning than the erroneousness of his opinion. Your Reply is to a certain degree faulty in this respect; but the same observation applies with infinitely greater force to a Pamphlet called, "*Cease your Funning*," which at the most proves only what is sufficiently immaterial to the public, viz. that the subject has been objectionably treated by the author of the "Arguments for and against an Union." This fault I shall endeavour to avoid; and to fight my way through your Pamphlet to your subject.

You begin (p. 1.) by assuming that Legislative Union and surrender of Irish Legislature, are synonymous expressions; and call upon your countrymen to execute signal vengeance on a phantom which the mere force of your own patriotic imagination has conjured up.

I, for my part, conceive a Legislative Union to be no *surrender*, but a mere (and merely *local*) *transfer* of our Legislature: a changing of the sphere and centre of its operation, rather than an abat-

ing of its supremacy. To the nature of such a transfer I admit that certain modifications are inevitably incident: but to modify is not to impair; to abridge the numbers may not be to diminish the weight of our Legislature. We know that, in mechanics, the efficacy and ponderance of a body depend as much on its position as on its dimensions. Thus, if in that new situation which an Union might produce, a smaller corps of Irish Legislators would *in theory* be as adequate to the guardianship of Irish interests, as a greater body is found to be at present, then an abridgement of their numbers would be no impairing of their authority; the change of situation would, as it were, supply the deficit. Let me add, that if the proportion of Irish to Imperial Representatives were found in theory to coincide with the ratio of Irish to Imperial greatness, and with the ratio of Irish to Imperial contribution, Ireland would have no reason to complain.

But I have been confining myself to theory; *In practice*, I admit that the legislative protection given to Irish interests, has been such, and such the national satisfaction under their *domestic* Government, that the loss of a resident Parliament would be irreparable. But you cannot need to be informed that there are slanderous and deluded persons who, blind to the merits of our domestic Legislature, pretend that the Parliament of Ire-
land

land has been found no tender guardian of the interests of her people; that neither has the admission of a great part of the Members of the House of Commons been perfectly gratuitous, pure and constitutional, nor the conduct of those admitted, altogether patriotic and disinterested; that Borough Proprietors have acquired Peerages for themselves by selling their retinue of popular Representatives to the Minister; and that if the Constitution has been well administered after all, the people have not to thank their Representatives for this, but to rejoice that those measures have been wise and virtuous, to which Government have bribed their Parliament to adhere.

All this we know to be a vile and groundless calumny; and as such I have heard your friend Mr. Plunket inveigh against it with his usual feriousness, and with most becoming warmth. — The newspapers state him to have done so some months ago in the House of Commons.

But surely it is not wonderful if the same slanderers who so malign our representative body should hear with patience of its modification and removal! Nay, these calumniators proceed to assert that the measures of Government have been uniformly supported by “immense majorities” (p. 54) of our resident Parliament; and therefore they and their dupes might not be shocked
at

at the idea of "relinquishing the fostering care of their domestic Government;" (p. 36;) nor think that Ministerial adherence of the Irish Representative which you forebode as incidental to an Union, to be any thing strange or novel in the political annals of this Country (p. 63). Indeed, as effects are usually subsequent to their causes, they might even doubt whether that which had *preceded* the Union, could with propriety be described as originating *from* it. I fully admit with you the gross sophistry of such objections; I admit that those Parliamentary majorities which we have been commemorating, *as satisfactorily* prove the wisdom of those various systems, which such majorities have successively supported and approved, *as* the "immense majority" of the Bar which negated the possibility of arranging any Union beneficial to Ireland, proves that no advantageous incorporation could be devised. But, conceding, as I do, that those libellers should be held in utter disregard, who dispute the unfulfilled purity of our resident Parliament, I must, at the same time, grant, that in reconciling themselves to the removal of this body, they act more consistently than those, who having for years past made the alleged profligacy of Parliament the theme of their invective, now hug this calumniating Legislature to their hearts, and feel horror at the idea of change or separation; who having for years past

sneered

meered at Irish Independence, as a name, beneath which (as they falsely asserted) our Parliament cloaked a slavish practical dependence, now vehemently refuse to surrender that Independence which they have been hitherto denying that we ever possessed !

In page 2, you adhere to your *petitio principii*, by calling Union the annihilation of our Parliament; but it must be confessed that your allusion to the "*horrors and agonies of that bloody Rebellion*" from which the Country has emerged, and to "*those animosities civil and religious which* (even before an Union, you say) distract us," involves a strong argument for abstaining from all change, or attempting to correct the system under which those animosities have arisen, and with which, in the opinion of some theorists, they are connected.

It must also be allowed, that your endeavours to appease the indignation of the country, by representing that measure which you recommend to them to meet with *calmness*, as "*an injurious insult*," are very meritorious and well-judged; and the consistency of that praise which, in p. 16, you bestow on the mild and *tranquilizing* spirit of Lord Cornwallis's administration, with those triangular and gallows terrors which, in p. 2, you represent as stifling the public voice, and impeding all

all discussion; the consistency of those two passages, I say, is too obvious to need comment.— I am far from conceiving (p. 3) “ that the magic
“ of the Secretary’s pen could extend the *omni-*
“ *potence* of Parliament to the works of nature;” inasmuch as I am unable to see how omnipotence could be increased; but as to that annihilation of the Irish channel, which strikes you to be so impracticable, I doubt whether the naval power of Britain has not already achieved it. I doubt whether the greatness and glory of the English fleets have not, to all political intents, formed such a bridge of communication as to warrant us in asserting that the intervening channel does not separate the sister countries.

In page 17, you undertake to disprove that, in case of an Union, the British Parliament would be much swayed by the weight of Irish Members. A caviller might object that your argument is one *determinable* on the life of Mr. Pitt; and that the benefits of Union are (if they exist at all) too permanent to depend on the life of one man. But I wave such objections. You have some pretence for regarding Pitt as immortal.—Indeed, when (p. 18) you inform us that “ the influence of all
“ Irish Members must submit to the mechanics
“ of a single English town,” I am not ready with my assent; for, I doubt whether it would be
the

the interest of the *Empire* that Irish influence should so yield; and I hesitate to suppose that the British Minister would sacrifice the *Interests of the Empire* to the mechanics of a *single town*. Through the whole of your discussion you appear, indeed, to me to assume, that after an Union shall have taken place, though the Legislatures of the sister countries are incorporated, *their interests will remain distinct*. This, however, remains to be proved; and to prove it, the *terms* of Union should be examined. That Union alone do I pronounce to be uninjurious, which shall identify the interests, as well as incorporate the Legislatures, of the British Islands: which shall transform Ireland into a collection of English Counties; and shall render Britain the fostering protector of Irish interests, on the principle of self-preservation. This idea of the identification of interests, seems to answer that argument, in p. 27, which you found on the supposition that the Irish Members would be to the British in the proportion of one to five. As well (to adopt the words of your adversary) “ may
 “ Yorkshire complain that the Members for Great
 “ Britain are to the members for Yorkshire in the
 “ proportion of fifty to one.” (p. 46.) In truth my opinion is that in page 63 you state the true danger, and that which the terms of Union might be contrived to obviate; viz. the adherence of the body of Irish Representatives to the Ministry. On this I should remark, first, that without

an Union, large ministerial majorities have been found attainable, (no doubt on account of the wisdom and purity of all the measures of all our administrations:)—Secondly, that the provisions of the Union might be pointed to the prevention of this mischief:—Thirdly, that the present day seems one in which Royal influence is less likely, than popular power, to become unconstitutionally predominant:—Fourthly, that if the Empire were entrusted to one Imperial Legislature, Ministers might conceive themselves to be exempted from the necessity of having recourse to those corrupt and indirect means, which their enemies impute to them to have resorted to, in order to prevent the distinctness of our Legislatures from tending to any dismemberment of the Empire; or from producing, in *practice*, those impediments to the system and uniformity of imperial regimen, which might seem to arise out of the *theory* of our *distinct*, (as contrasted with incorporate,) *independence*.—*Perhaps* our distinctness has had tendencies, which corruption has been most mischievously applied to correct; and render the empire in practice “*Simplex et unum*.”—Fifthly, that at all events a comparison of pages 27 and 63 seems to convict you of inconsistency. In the former, you measure the Irish against the English Members, and state the proportion as one to five: in the latter, you represent the Irish Corps of Legislators as constantly forming a part of the ministerial

nisterial phalanx. In the first part of your argument you lament over the Irish, as left in a sad minority: in the latter, your cause of lamentation is, that they will constantly form a part of the Minister's majority. I have no objection to crying over either of these events with you; but do not insist on my crying over both! I cannot concede you more than this *alternative* lamentation; since if the English Members be to the Irish in the proportion of five to one, these latter can do no mischief by adhering to the Minister: for your hypothesis opposing the British and Irish to each other, it follows that the Minister would be in a minority: and, on the other hand, if the Irish constitute part (p. 63) of the large majorities of the Minister, this balancing of them with their English Brethren must cease, both being, *ex hypothesi*, thrown into the same scale.

I shall trouble you with another letter on the subject of your "Reply." For the present I shall conclude by observing, that I do not conceive the question to be, as you and others state it, viz. whether there be any thing which by an Union we can obtain from England, which she *might* not grant us without an Union. The inquiry is not what England *can* (without an Union) grant; but what she *will* or *ought* to grant? I can conceive that a *sound* policy might check the liberality of her concessions to a nation connected with

her as Ireland is. I can conceive that a narrow and *jealous* policy might dictate the same reserve and economy of concession; (and in the latter case I admit, that we should treat cautiously with the country that used us so;) but, in either case, I should feel that every *obstacle* to our obtaining concessions from England, which arises out of our present relative situation, is a *reason* (I do not inquire its force) for our consenting to change that situation, for one less incompatible with liberality on the part of Britain; and with respect to any increase of our taxes, which an Union would produce, the *terms* might provide against our being over-burdened; and it strikes me, that at present Ireland contributes less than her equitable share to the expences of the British Empire.

I have the honour to be, &c.

A BARRISTER.

LETTER

LETTER V.

TO RICHARD JEBB, ESQ.

SIR,

NO terms of Union having yet been proposed, we can only give our opinion on the abstract principle of parliamentary incorporation; and what your sentiments on this subject are, I profess myself at a loss to discover. In p. 56, you state your opinion to be, "that *any* incorporated Union with Britain is pregnant with disadvantages:" in p. 65, you describe Union (to which you chuse to give the nick-name of *Revolution*) as indefensible, without the aid of French Principles; or on any other than modern revolutionary ground; and I might cite other passages, alike expressive of your abhorrence to that which for the present is the *only* subject for discussion, (and one, in my mind, difficult to discuss) viz. the Principle of an Union. But when, from such declarations, I seem to have collected your opinion, I find you (in p. 55) asserting that that majority of the Bar, *with which you concurred*, "condemns not the principle of incorporating the Parliaments;" that "it presumes not, without due discussion, to sanction or condemn."

demn." These passages I find it difficult to reconcile. But I would ask of any reasonable and candid man, whether the import of the Bar Resolution be nothing more than what you state? At a meeting of the Barristers of the Lawyer's Corps, convened by Military Orders, for the purpose of discussing "business of the utmost importance," (to use the language of the summonses,) Captain Saurin did so explicitly "condemn the principle of an incorporating Union," as to conceive that the mere proposal of such a measure was analogous, in enormity, to a project for transferring the national purse from the Commons to the Crown, and one which offered to him the painful, (but not embarrassing) alternative, of violating his oath of constitutional allegiance, or resigning his commission. When the spirit of Anti-Unionism had transmigrated from the Lawyers' Corps to the Bar Meeting, and that an *equally real* change had metamorphosed Captain Saurin into one of his Majesty's *Council* learned in the Law, can we readily believe that a Resolution proposed by him, and carried in the very terms in which it was proposed, was intended to import no condemnation of the principle of incorporation? Has not the respectable seconder of this Resolution avowed *his* "condemnation of the principle," in an animated publication, to which he has annexed his name? Does the Bar debate (if faithfully reported, and if a collection of

of speeches on *one* side deserves the name of a debate,) afford no clue for detecting the import of the Resolution? or do the speeches of those who supported it, lead us to conclude that it involved no condemnation of the principle, but merely went to demand a tranquil moment "for its discussion?" Does that burst of applause with which the annotator informs us that the Assembly received a quibble, terminated by an oath,* furnish no symptom of disapprobation of that principle, which you would have us believe that the Bar Resolution has neither sanctioned nor condemned? In short, is not the debate † a Dictionary, by the help of which we can translate the meaning of that Resolution in which it ended? It merely, say you, informs us that Union is an *innovation*.— I have already, in my second Letter, suggested that this epithet is either insignificant and irrelevant, or slyly misapplied. For my part, I am far from imputing to Mr. Saurin, the introduction of unmeaning expletives into any composition of his; and when, in p. 64 of the Pamphlet, before me you treat of that "*INNOVATION, which was to wrest the Sceptre from the hands of the Sovereign;*"

* The words were, that "Ireland was never intended by God or Nature for a Province, and that *by* God it should never be a Province;" or to that effect. See debate.

† In which (doubtless by mere accident) the punctuation is not so *strangely* incorrect, as in the disfigured protest which is annexed to the debate.

by applying it so aptly, you shew that you too know the force, and nature of this term, and help us to assign a reason for its making its appearance, in staring and emphatical capitals in the Bar Resolution.

——*Cunctando restituit Rem!*—Who that heard this classic praise appropriated to the Bar, could suppose that they had entitled themselves to it by negativing, by a great majority, Mr. Daly's motion for *delaying* the discussion of the question “a little month?”—Alas! I doubt whether our Irish conduct, in the present warfare, so closely resembles that of Fabius, as it does the brisker plans of his rival Hannibal; one of whose expedients, as I think Livy has informed us, was to let loose a parcel of *flaming Bulls* against the Roman, in the vain hope of dislodging him from his strong hold; an anecdote, (*soit dit en passant,*) which seems strongly to favour the hypothesis of our Phœnician descent, so ably supported by Colonel Vallancey, and Sir Laurence Parsons.

In my last Letter I protested against being confined to any more methodical arrangement, than such as the regular pursuit of your pages would supply, and from even this loose order, I requested a liberty of deviation, which perhaps you will think me to have abused.

Having

Having in page 15, according to your uniform practice of *assumption*, pronounced that incorporating Union, which yet, as a member of the Bar majority, you disclaim having condemned, to be the *destruction* of our native Parliament, you proceed (in the same page) to *assume* that British interference in Irish Government, “the necessity of which,” in a *due degree*, “has never” you say, “been combatted but by those who wished to dissolve all connexion,” will by means of an Union be encreased to a *degree* which will be *excessive*. A position so material ought as I conceive to come forward in the shape of a fairly deduced conclusion; it should be introduced by premisses, and not (with that bold and barefaced assurance, which some slanderers have supposed to be characteristic of our Nation,) to bolt in upon us in the form of mere assertion. I, for my part, am so far from assenting to the truth of this position, that I doubt whether Union would not put an end to much indirect and anomalous British interference: I doubt whether British interference be not in some measure the creature of the present state of our connexion: Whether it has not been adopted (I do not enquire how rightly) as a corrective, and to counteract in *practice* those tendencies to variance, incongruity, and discordance, in the general management of the entire Empire, which might in *theory* appear to be the likely effects of, I should rather say the distinct-

ness than independence of our Legislatures.—Some perhaps might go farther still; and doubt whether, in the present state of our connexion, Irish and British interests were necessarily the same: If any persons should go so far, and should add to their hypothesis, by giving credit to those slanderers who defame the integrity of our Irish Parliament, it might follow that they would expect a Union to put a period to that corruption, which by turning theoretical independence into practical subserviency, procured a sacrifice of Irish to British interests, when the two happened to clash, and thus consolidated the Empire by filling up with money those imperial and growing breaches, which were the consequences of the theoretic distinctness of its parts. Who would not wish to render so foul a cement unnecessary? But how would an Union have this effect? I conceive that an Union, consisting of proper terms, would identify the interests, as well as Legislatures of the united islands. If so, Irish interests, no longer distinct, could no longer be sacrificed; nor need Irishmen be bribed to officiate at the sacrifice: Irish welfare and prosperity would have British selfishness for their guarantee: *They* would have it so, not only in the main, as is the case at present, but in every particular and detail.—What then would become of your terror at leaving your
 “ Commerce for ever at the mercy of (what you call) a *foreign* Parliament, where our relative
 strength

strength will be not more than one to five?" (p. 40.) I can conceive a possible scheme of Union, which would render this striking of the proportion between British and Irish representatives as inconclusive, or nearly so, (to recur to a reference already made) as a comparison between the British and the Yorkshire Representation. And that such will not be the projected scheme, is what, until the terms be proposed, we have no ground for concluding. Representation ought, I take it, to be in the ratio of contribution: the origin, and peculiar function of the House of Commons proves that it should be so; and therefore the Scotch Union was conceded by England on equitable terms, in as much as Scotland, assuming about a fortieth share of the public burthens, obtained an eleventh share of Representation; terms so advantageous that, if Burnet and other Historians may be believed, "nothing but the consideration of the safety that was to be procured by it to England, could have brought the English to agree to a project, *that in every branch of it was much more favourable to the Scotch Nation.*" If similar views to safety now actuate Great Britain, Ireland has similar grounds for expecting greatly advantageous terms of Union; and if the incorporation were intimate, complete and just, as reasonably might this Country repine at being at the mercy of an Imperial (not foreign) Parliament, as the limb might repine at being at the mercy of the man; as reasonably
might

might one member of the Empire entertain jealousy of another, as my leg might be jealous of my partiality to my arm.

In p. 40 you admit “ that equal laws affecting
 “ all parts of the empire will be the consequence
 “ of Union;” but you protest against any inference in favour of the Union itself, considered in a commercial point of view: You say that equal laws may themselves “ be an evil of the
 “ greatest magnitude; and would, for example, effect the ruin of certain manufactures, which you enumerate by way of specimen. My commercial knowledge is so scanty as to be contemptible; but your reasoning (in the above cited passage) appears to me refutable. You first state, what I presume you are warranted in supposing, viz. that in *our present circumstances*, equal laws would be pernicious; and protecting duties are necessary: You then assume that an Union would leave us exactly in the *same circumstances* and commercial situation, in which we stand at present; and you conclude, that such Union, by introducing equal laws, would be the ruin of many of our manufactures. The weakness of this argument can be very shortly stated: It consists in this, that your *assumption*, of that which it was incumbent on you to prove, *contributes essentially to the support of your conclusion*. *Negatur Minor* would I believe be the answer of the schools

schools to your syllogism. You disclaim being an "advocate for protecting duties:" you think them "in general founded on the most erroneous principles, but necessary in our particular situation, contending with a small capital, and an infant establishment, against an old establishment and ENORMOUS capital." But who can say that Union may not put an end to this *particular situation*, which compels us to recur to a commercial arrangement, which is the less to be regretted, because you admit it to be *founded on the most erroneous principles*? Who can say that after Union this contest may not cease? That our commercial exertions may not have no longer to contend with a small capital and infant establishment at home, but be aided by an enlarged capital and an establishment of rapid growth? Who can prove that Union may not preclude all contest between our capital and establishment, and those of Britain? That they may not cease to be distinct, and become parts of ONE imperial commercial establishment? If an Empire, no more than a family, when divided against itself can stand, shall the Imperial Minister encourage divisions between the parts of that Empire, which it is his task to uphold? Shall the no longer British, but after Union the Imperial Minister, or Legislature, refuse to promote the prosperity of the Empire through all its parts? or neglect the advancement of so essential a department of it as Ireland?

Ireland? You seem in p. 27 to consider Union as a financial project: Now where is the consistency in imputing to England the design of throwing a portion of the public burthen upon Ireland, yet at the same time of so neglecting or restricting her commercial progress, as to render her incapable of bearing the imposition? How, in a word, does it follow that because unequal laws may be necessary in our present situation, they will continue to be requisite when that situation shall have been changed? As to that *enormity* of the British capital which you state, if you mean that Britain affords a field too narrow for its employment, it may follow that, when an Union shall have taken place, the surplus will contribute to enlarge the capital of our country.

I shall conclude this letter, (reserving to myself the right of addressing you once again,) by observing that your account (p. 43) of the affair of the Malt Duty seems inaccurate. The Scots, in opposing the imposition of that tax, “insisted” (says Burnet) on an article of the “Union, by which it was stipulated,” (not that no malt duty should *ever* extend to Scotland; but merely) “that no duty should be laid on the Malt in Scotland *during the War*.” What then was the alledged violation of the treaty of Union? The Scotch admitted that “peace with Spain *was as good as* made, and *was every day expected*; but it was

not yet proclaimed, nor even signed." Thus the mighty breach of treaty, on the part of England, consisted only in this, that she laid a certain duty on Scotland a few days before the time when, according to some technical rules of construction, she would, under the articles of Union, be entitled to impose it.

If you were to take the question up on other grounds, and state this act as an impost ruinous to Scotland, (p. 40) I should oppose to you, 1st. the opinion of the Legislature, on a matter affecting that Empire; the whole of which it was their interest to protect: 2dly, our experience of near a century, shewing that this was not a measure ruinous to Scotland.

I have the honor to be, &c.

A BARRISTER.

LETTER

LETTER VI.

TO RICHARD JEBB, ESQ.

SIR,

HAVING in pages 5, 6, and 7, alluded to the conduct of the Irish Lords and Commons in the matter of the Regency, and (p. 7) pretty plainly insinuated the reliance which may be placed on the servility of that native Parliament, which yet you are so loth to surrender*, you, in p. 24, enquire whether, “except the Regency,” an instance can be produced of collision between the British and Irish Parliaments, on Imperial questions?—Give me leave, instead of answering, to put a question to you,—Could Hypothesis suggest a more vital imperial question, than this which has arisen in fact?—Could Theory *suppose* an example more illustrative of the inconvenient and discordant tendencies of an organization, which allots two imperial independent Legislatures to one empire, than this, which Experience and Practice have *produced*?—Was not this an instance, in which the *distinctness* of the Legislatures in the sister countries induced a practical violation of that principle, which you yourself very amply admit, viz. that “there is as much

* Assuming Union to be such surrender.

“ necessity

“ necessity that the Regent of Britain should be
 “ Regent of Ireland, as that there should be
 “ one King ;” and as much necessity that the
 Regency in each country should be invested
 “ with the same powers,” and “ lie under the
 same restrictions, as that the Crown in both
 kingdoms should be possessed of “ the same pre-
 “ rogatives ? ” — Had the melancholy period of
 interregnum been prolonged, should we not have
 had different Executives for Great Britain and
 Ireland ?—different both in the *persons* exercising
 the power,—and in the *degree of power* exer-
 cised ? — And would not this imperial anomaly
 have originated from the distinct independence of
 our Legislatures ?

In p. 29 commences your attempt to shew that
 the Scotch Union affords no argument in favour
 of that which is now supposed to be in contem-
 plation. The first distinction which you insinuate
 between the cases of Scotland and this country,
 is to be collected from these words : “ Nature
 “ had already made England and Scotland one
 “ country.” — If the project now in hand were
 to extend the South-wall to Holyhead,—or if our
 Parliament expected that any act of theirs would
 repeal the laws of Nature, and divesting Ireland of
 its insular situation, would solder it into part of the
 continent of Britain, then I admit that your ob-
 servation would be very pertinent ; but, as I have

I

not

not heard that Government entertains any such hopes, or intentions,—I feel warranted to answer your observation by remarking, that if Nature made Britain and Ireland two islands, sound policy has made them one Empire; nor was this *political* consolidation any infringement of the laws of Nature, or incompatible with that merely *local* division which she had ordained. If the Irish Channel has not furnished a sufficient impediment to that organization which has compounded the sister Countries into one Empire,—neither can it, as I conceive, supply a conclusive argument against the expediency of allotting *one* Legislature to *one* Empire.—That the geographical connection between the Northern and Southern quarters of Great Britain may have afforded some additional arguments for their *political* incorporation,—is what I do not feel it material to deny: the interposition of the Menai Straights may, for aught I know (or care) render the annexation of Anglesea *less* theoretically proper, than that of Caernarvonshire, to Great Britain! but we should despise the Statesman who suffered *such* shades of distinction to influence his practice, or required more than enough of reasons for his conduct; and those who would disprove the utility of Irish, by urging the superior necessity for Scotch Union, might as well argue against my eating because I was hungry, on the ground that if another had not eaten, he would have

have been starved.—* The “ political circumstances ” of Scotland and England, you say, “ rendered an Union necessary to the repose and safety, the laws and liberties of England.”

In like manner I conceive “ the political circumstances,” of England, *Ireland, France*, and *indeed all Europe, at this day*, to be such as at least prevents *every* Union between the British islands from being so *inexpedient*, as that we should reject the incorporation, without listening to the terms upon which it may be offered.

“ The *Laws and Religions* of England and “ Scotland,” you observe, “ were different;— “ and their Crowns, accidentally placed on the “ head of the same Monarch, were upon her “ demise, to be separated again.” The tendency of all these assertions I do not plainly discern;—but guessing very vaguely at their application, I should answer them by observing,—that the Scotch Laws and Religion—different *before* the Union from those of England, differ *still* :—that if, in the case of Scotland, the neighbour Crowns, *accidentally* placed on the same head, were, on the demise of Anne, to be *separated* again,—so, in the case of Ireland, the combined

* The present situation of Europe furnishes reasons for Irish Union, more than compensating any geographical reasons which, in 1706, might have been assigned for the Scotch Union.

Executive Authorities, placed *constitutionally* in the same hands, and consisting of the same prerogatives, were, in the instance of the Regency, more than in danger of being *separated*—and decomposed into different degrees of power, committed to different hands;—and I might add that an Union would have precluded the possibility of such division.—But with respect to this Union of the Crowns, I should remind you that the same Scottish party (with the Duke of Hamilton, if my memory serves me, or Lord Annandale at its head) which opposed an Union, was willing to secure the Hanover succession, and therefore that the ground which you have taken fails,—viz. of a necessity for the Scotch Union, as the *only* means for preventing a separation of the Crowns, on the death of Anne.

As to what you mention with respect to Religion, I would remind you, that if that difference which in England and Scotland, you say, prevailed between the religions *as well of the people*, as of the state, afforded an argument for their incorporation,—the religious persuasion of a *great* majority of the Irish people, differing from that which the British empire has established, and the British people profess—furnishes what, at least, is *no reason against* the projected Union; and I should remind you farther, that the Irish Lords, having first in the reign of Anne, petitioned for an Union, when they could not obtain

obtain it, concurred in enacting that penal code which the benignity of the present King and Parliament has abrogated.

You ask, whether “ any theory, however wild, “ will justify us in saying, there is a danger of our “ separation from England ? ” — It seems to me, that certain *theoretical* works, entitled Reports of the Secret Committees of our Lords and Commons, will justify us in suggesting the existence of such a danger ;—nay, will justify us so amply, that I am tempted (with some variation) to retort your interrogatory, and inquire, whether “ any theory, “ however wild, will warrant us in *doubting* that “ there is some danger of separation ? ”—I would ask, if theory does not concur with experience to silence every doubt that there is danger, of at least a bloody attempt at separation ?—But you proceed to ask—whether, even admitting such a danger, it be one which Union would remove ? — It might, perhaps, be a sufficient answer to your premature opposition, to aver, that the tendencies of Union to remove this peril, must depend on the *yet unknown* terms and nature of such Union ; — but I prefer meeting you more directly, and asserting, that those regulations and arrangements which, from its essential nature, Union *must* involve, and especially which, in the present case, Union is likely to involve, will in my opinion lessen, if not remove, the danger of separation.

When

When (p. 30 and 31) you notice those “passions,” and that dislike to England “which” so “affected the Scots,” as not to permit them “to advert to those obvious principles” which you admit would have shown them that “the Union” was no less advantageous to Scotland than necessary to England,”—you appear to me to suggest nothing so strongly as the likelihood that you yourself, in common with many of our countrymen, are delivering up your reason to the misguidance of your prejudices, and indulging passions which make you blind to the most obvious principles; and in truth I consider the present question to be one so well calculated for exciting those prejudices, of which National Vanity is the source, that I am disposed to wonder at the temper and silent forbearance of the Irish Nation at large, and *at that confinement, which I observe, of the spirit of anti-unionism to Dublin, whose (rather perhaps apparent than real) interests raise some objection to its competence, and a very serious one to its credibility, as a witness on this great national concern.*

When you touch on the connection of the Scots with France, I leave it to Hoche and Humbert, Tone and M'Nevin, to answer the argument which such an allusion involves; and when you notice “the severe but perhaps necessary policy” adopted with respect to commerce by England towards Scotland, I thank you for having

ing refuted those arguments which you insinuate, 1st, where you ask if there be any commercial benefit which an Union could produce to Ireland, that Britain without an Union might not grant? and, 2dly, where you hope (p. 50) that the chance of Cork to be chosen as a Naval station will not be affected by the success of the project for an Union. You yourself admit that *until* the Realms of England and Scotland became united, the same policy which was severe, might yet be necessary: *like case, like rule*, is a good legal maxim.

But when you refer the Rebellions of 1715 and 1745 to the Scotch Union, you differ from some historians of good reputation, who have on the contrary referred them to that mere attachment to the family of Stuart which preceded, and was unconnected with the Union, and which, though no legislative incorporation had taken place, would as certainly have generated a Rebellion against a Scotch act of settlement, securing the Hanover succession.

To attribute the insurrections of 1715 and 1745 to the Union, is as inconsistent with the history of those transactions themselves, as it is with all historical tradition upon the subject. "All those," says Tindall, "who adhered inflexibly to the Jacobite Interest, opposed every step that was made towards an Union with great vehemence;
" FOR

“ FOR *they saw that the Union struck at the root of all their designs for a new Revolution.*” Now, that these designs preceded that Union which it was feared would impede their execution, seems an inference so plain, that I doubt whether I should be prevented from drawing it, by even the opinion of a majority of 164 to 32.

I doubt whether in the face of your *four* Representatives (p. 52) of all professional merit at the Irish Bar — I should not venture to assert that the root must have had existence, in order to its being struck at; — and that the Union could not at once have sown the *seed* of those revolutionary designs, and been the measure which struck at the *root* from whence they sprung.

I maintain, therefore, *first*—that the securing of the Hanover succession does not appear to have been no otherwise attainable than by an Union; and, *secondly*, that the seeds and causes of the Scotch Rebellions were antecedent to, and distinct from the Union. I may therefore admit, with you, that “ it was not until after 1746, that “ Scotland began to feel the beneficial effects of Union:” *i.e.* It was not until those obstacles to its benefits had ceased, which had arisen *aliunde*; which had been produced by causes perfectly distinct.

There appear to have been two parties in Scotland: one of *inflexible* Jacobites, whose ground of opposition to Union, was its tendency to counteract their revolutionary projects. *This* faction would have been as averse to securing the Hanover succession by a settlement, as by an Union; and to the family attachments of this party, and not to the Union, are the rebellions to be ascribed.

Another party, averse from the Union, was yet content to secure the Hanover succession;—and it seems probable, that without an Union, this could have been achieved.

Thus both your positions appear to be ill-founded: *First*, that in the case of Scotland, the mere alternative was Union of the kingdoms, or separation of the Crowns: *Secondly*, that the Union was the source of the rebellions. With the two positions on which they were built, your two inferences must also fall to the ground: viz. *First*, that a primary motive for the Scotch Union was one which does not exist to justify an Irish one: *Secondly*, that Union is likely to produce rebellion. That the Union was, in Scotland, a cause of much discontent to many,—and consequently, by making the public mind more combustible, contributed to feed those flames of rebellion, which other causes had lighted up, is a posi-

tion neither controvertible, nor very material; at least, it best deserves to be recollected by those who, by now zealously irritating the public mind, are at once disqualifying them from the discussion of a very serious subject, and (I hope inadvertently) laying the angry foundations of rebellion. But let all this be as it may, we know by experience, that without an Union,—*nay, that under circumstances the opposite to those which Union would induce*, Ireland can produce a sufficiently formidable rebellion :—so formidable, that I am led to enquire whether a radical change of its situation might not abate so bloody and lamentable a fertility.

I have the Honour to be, &c.

A BARRISTER.

LETTER

LETTER VII.

TO RICHARD JEBB, ESQ.

SIR,

I ASK pardon, Sir, for troubling you with another Letter: It shall be the last. In writing it, I shall continue the same course which I have hitherto pursued; and not confine my attempts to detecting the insufficiency of the arguments which you have used; but go into the question more largely, and directly, and endeavour to prove the fallacy of the opinion which you have embraced.

You must, however, permit me to begin by smiling at your reluctance in page 36, to “relinquish that domestic Government, under whose *fostering care*,” (now see page 9), you tell us that “Catholic petitions have been ignominiously kicked out of the House of Commons, and next Session passed: Full participation of Rights been promised; and in the same Session the stipulated terms refused: Violent Grand Jury Resolutions” been entered into; and “other gross and unfortunate

fortunate inconsistencies" occurred, "*which disgraced our Parliament and Country.*" It is true you attribute this to British interference; but, though you should be warranted in doing so, still it appears to me that, if we admit the truth of your picture, we should not be inconsolable for the loss of that "Parliamentary traffic" (p. 51), which you deplore: Of that "rank majority" (not the 164) from which it is your boast that our judges are not selected; of that "domestic Government" which you represent as having so "disgraced itself;" (p. 9), or of that "fostering care," to which, in our "Parliamentary market," British interference has found it so easy to put an end (p. 9). Surely you will not, on reflection, persist in your opinion (p. 37), that "no compensation can be made for" such "an independent Constitution" as you have been describing; *i. e.* a Constitution, whose *independence depends* on the pleasure of the British Cabinet: For my part, I feel that I should part such an independence with dry eyes; supposing your implication true (which I utterly deny), that Union is equivalent to a surrender of Irish independence. I have already suggested, and here beg to repeat, that Union is no more an abolition of Irish, than of British independence: That it will efface the independence of this Country, not by making it *subject to*, but *one with* Britain:—that the securing to Ireland, in this coalition, an
adequate

adequate share of the Imperial Representation, is a matter which regards the terms, not the principle, of Union; and which we are not authorised to presume will be neglected: that at present we are *one* Empire with *two* Legislatures: which, if we adopt the established analogy between bodies politic, and bodies natural, may be assimilated to one man with two wills. I do not recollect that the Scriptures encourage us to expect much energy from a being thus constituted; on the contrary, I think they inform us that “the double-minded man is unstable in all his ways.”

In p. 65, you take a flight into the regions of declamation, far beyond my power, or wish to follow. I content myself with the humbler province of examining the ground from which you soar; and which seems to me to be an utter misconception of the meaning of that author, whom you have undertaken to answer. — He merely cited the example of France, to show that the incorporation of federated States conduces to Imperial energy. But he has nowhere said that the projected incorporation was intended to be upon the French model; or that it was meant “to render Ireland absolutely (or at all) dependent on the will of Britain.” He has only sought to show by example that the more intimate union of those imperially allied States, which constitute

stitute the British Empire, would increase the force of the thus consolidated State : of that Empire, which (p. 25) you admit to be engaged “ in miraculous struggles, for the support of a “ pre-eminence which secures to every part (*and “ Ireland is a part*) its constitution, liberties, and “ laws.” He has not said, because every incorporation has this tendency to give Imperial strength, that therefore Ireland should assent to any Union derogatory to her interests, or analogous to what has absorbed smaller surrounding States in the sweeping despotism of France ; no such thing : he has left this country free to investigate the conditions ; and has only suggested that Union appears calculated to fortify, and give energy to that Empire, the strength of which cannot be indifferent to Ireland, if what you say be true, viz. that it is engaged “ in miraculous struggles for the security, amongst other things, of “ *Irish* liberties, laws, and Constitution.”

You admit (p. 25) that Ireland should contribute proportionably to Imperial expences so beneficially applied ; and, in doing so, you *do* make that admission, which in p. 27 you foresee will be imputed to you ; that *so far* as Union will throw this liability upon your country, it will not be inexpedient, or unjust. But you object to making a British Parliament appraisers of this proportion ; which you think would argue a silly and excessive confidence

confidence in British generosity :—Irish members would be but as one to five, &c. &c.

To this, I answer, that imperial questions will, after Union, be referred, not to a British, but an Imperial Parliament: that if the incorporation be framed on right principles, it will consolidate the interests, as well as Legislatures of the two countries, and render all complaints of the relative paucity of Irish Members as groundless as a like complaint would be from the inhabitants of Kent; and, secondly, that the *present* relative extent of Irish contribution *may* be fixed by the articles of Union; and as Ireland will, I trust, become so prosperous, as that the proportion, struck now, will hereafter be manifestly inadequate to her relative means, the same treaty might perhaps provide some just criterion of *future* Revenue adjustment, and guard against the risque of referring it to the United Legislature, arbitrarily to increase the degree of Irish liability.—

“Hitherto,” you inform us, p. 25, that “Ireland has been unable to do more than maintain her own establishment, which has alone produced a large debt.” On reading this position, one is led to lament that the “fostering care of our *domestic* Government” has not more effectually promoted our commercial prosperity; and to doubt the rectitude of the opinion which you advance (p. 37) that Ireland can derive no commercial

mercial advantage from an Union: at least it seems to follow, *from your statement*, that she has not much to loose. And if it be obvious that she must suffer, or at least not gain commercially by an Union, it must be admitted that you ought to acquit Great Britain of the no-crime which you have imputed to her, of seeking an Union with financial views; since, in order to take money out of the Irish purse, she must first put money into it: where there is no crop, there cannot be any tithe. In page 25, you suggest a mode by which Ireland might “contribute to lessen the load of debt which England *has* contracted.” The securing this contribution, you, in the same page, suppose to be “the Minister’s grand object in the Union;” and your expedient for accomplishing it is recommended on the authority of Mr. Adam Smith.

By way of answer, I should *first* express my doubt whether Government have any such object as you attribute to them. In an “outline of the scheme of Union,” as lately given in one of our public Prints, it is supposed to make a part of that scheme, that “Great Britain shall be responsible for her own debt, and its reduction.”

Secondly, I would observe, that Mr. Smith, on whose authority you rely, is no foe to the principle of Union: he *approved* of the Scotch, and

recommended Irish Union ; (Book 5, Ch. III) and so far from regarding the Irish Channel as any impediment to political incorporation, his attachment to the principle overleaped the Atlantic, and led him to suggest Union between Britain and her American Colonies (*ibid.*) Therefore, when you were seeking *any* means rather than Union, for the attainment of an end, it was injudicious to refer to the authority of Adam Smith. Give me leave now, Sir, as I approach to my conclusion, rather *briefly* and cursorily, (yet I hope not ineffectually) to attempt refuting such of your arguments as remain unnoticed. In page 14 you cite, with mighty triumph, the Chancellor's position, that "the Parliament of Ireland was alone competent to the affairs of Ireland." Permit me to check your pride of quotation, by whispering in your ear that, after an Union, the Imperial Legislature will be the Parliament of Ireland, (aye, and of Wales, and of Scotland, and Yorkshire, and the Isle of Wight,) and therefore may, consistently with the doctrines of my Lord Chancellor, (to which I heartily subscribe,) be "*competent to the affairs of Ireland.*"

In page 43, you assert that different parts of Ireland, "Dublin, Cork, and Limerick, the South, the North, and the West," are treated by the author of that pamphlet which you answer, "as if they were insulated bodies." You must pardon

me if I differ from you altogether, and think that, on the contrary, in that pamphlet, the different parts of Ireland are treated as if they were, (which they are,) intimately connected. They are treated conformably to *your own* principle; (in the truth of which I fully acquiesce,) viz. that “it is impossible to propose any scheme of policy, affecting the welfare of one” part of Ireland “which will not,” in some degree, “affect” the whole. Hence it follows, that in suggesting benefits, which might result to Cork, or Limerick, from an Union, your adversary did not address himself to the selfishness of those cities, but only implied, what you admit to be true, viz. that in promoting “the welfare of one part” of Ireland, an Union will, *pro tanto*, promote the welfare of the whole.

I admit, with you, p. 44, (in truth the admission is involved in what I have just written,) that Dublin cannot “suffer an injury, which must not be felt in every corner of the kingdom.” But I encounter this assertion with another, viz. that Cork and Limerick cannot derive advantages, which will not be felt in every quarter of the kingdom.

What the question may be *to the inhabitants of Dublin* I do not know; (and I should rather hear their arguments upon it, than their resolutions;

for as I am not by nature timid, resolutions do not appal me :)—but I am certain that *to Ireland*, the question is not what Dublin, taken apart, will lose or gain; but what will be the average loss or advantage to the whole kingdom? And therefore it is a conclusive argument to shew that for what is likely to be lost in one quarter of the Country, an equivalent is likely to be acquired in another. Every gain to Cork or Limerick is, indirectly, an acquisition to Dublin; for it is an increase of that national prosperity, which will nourish Dublin, as it circulates through Ireland.

But though this principle be sufficiently obvious to *impartiality*, and common sense, yet I doubt whether we ought to listen, without scruple, to the protestations of Dublin against an Union. I doubt whether we should not argue more judiciously with the jealousies of the metropolis, by suggesting that the loss to Dublin will, if any thing, be little. It undoubtedly will lose some of that wealth, and importance, which flow to it as the seat of a distinct Legislature. But it will share (and principally) in that general increase of national prosperity, which the friends to Union hope will be the consequence of the measure. It is, as you observe, (p. 43) “the key to the greater
“ part of Ireland; and, from the extension of
“ the Canals, must ever continue so.” Allow me to add, that Union will leave it this advan-

tage, this source of national pre-eminence, undisturbed.

But besides, let it be remembered that the terms of Union (at least in detail) are yet undivulged: that part of the arrangement might be a facilitating this extension of the canals, an improving of the port, or holding out temptations to the merchant to make choice of it; or in short, (not to indulge in mere conjecture as to the *means*,) is it not possible that, in adjusting the terms of Union, *particular* and *direct* compensation may be made to the Metropolis, for any detriment which she might sustain, independent of that *general* and *indirect* equivalent, which she will find in the advancement of national prosperity?

It may, and will, (I think) be found policy in Administration thus to appease the jealousies of this City; but I am sure it is liberal, and patriotic policy, to forget the particular interests of Dublin, except so far as they make a part of the general interests of Ireland. Yet, in the case of Scotland, you seem to me to view the metropolis, distinctly from the kingdom. I do not know how else to reconcile two passages, which I meet in pages 45 and 49 of your pamphlet. In the first of these, lamenting over Edinburgh, you state it as a consequence of the Union, that "scarcely a single Lord has a house there." In the second you say

say that “ five instances cannot be adduced of Scotchmen of rank, however powerful and extended their English connections, whose chief, or at least temporary, residence and most useful expenditure is not in Scotland.” It should seem from this statement that the Scotch have only changed their residence from one part of Scotland to others; and whether or not Edinburgh has been rendered desolate by the Union, is a question which the erection of *the new town* will answer. For my part, I doubt whether Noblemen, and great men, residing dispersedly at their seats and amongst their tenants, are not more useful to the kingdom which they inhabit, than when *collected* into a metropolis: I doubt whether landed proprietors, residing in a chief City, and, not on their estates, are not a *species* of Absentees. Be this however as it may, I at least collect from your statement, wherewithal to calm my terror at the prospect which you think an Union opens—of a great augmentation of our Absentees. I do not think it likely to encrease them in any very great degree; but though it should (beside that the terms of Union might, in the department of taxation, counteract this mischief) you have shewn me that an Irish “ Absentee may be only a political speculator, who will in the end enrich and adorn his native country.”

Allow me to say, that when you give to Union the title of Revolution, you imply what I have
never

never heard insinuated, that the Scotch Union was a Revolution: that when you call “ the substitution of another Parliament in the room of the existing one,” (which by the way is a very inaccurate description of the effect of Union,) a Revolution, you admit that a Reform of Parliament would be a Revolution: that when you talk of the *plain speaking* of those great men who flourished in 1688, you appear widely to mistake their political sentiments. They *did* “ recur to refinement:” they *refined*, when they founded themselves on James’s ABDICATION; and their refinement arose from a reverence for that Constitution, with whose hereditary, and other principles, they meddled no farther than an imperious necessity compelled them to do. So far from asserting with Price, a right “ *to cashier their Governors, and chuse a Government for themselves,*” or publishing with you, that they had “ deposed King James, and substituted William in his stead,” they on the contrary, veiled in mysterious, and laudable refinement, that degree of interference which they found it impossible to avoid.

And now, Sir, I have only to congratulate you on being a fraction of that *immense* superiority of Bar talent, eminence, and information, (p. 54,) as well as numbers, which in the Exhibition-Room condescended to issue a manifesto, that much simpler heads might have composed! It is amiable

to see great minds indulge in trifling relaxation: to see Swift writing Rebuses, or Scipio and Lælius gathering pebbles on the sea-shore! But indeed you are too severe on the Minority: had you contented yourself with saying, *Nos Numeri Sumus*, from the bottom of my heart I should have acquiesced in the truth of the assertion; but you ought to consider that, though the 164th of your praise of the Majority which comes to your share, be no greater than your modesty is able to endure, yet I cannot assert the talent of the Minority without claiming a thirty-second part of the applause I give; which is more even of "empty praise" than my weak ambition could digest. We may both however join to oppose a common enemy, and protest against that vile calumniator, who has dared to say of Lawyers, "that in all points out of their own trade, they are the most ignorant, and stupid generation amongst us."* From this character of the profession, it is very superfluous for me to tell you that I dissent; but in truth, when I recollect the William-street Exhibition, I am tempted with the same author to say, that it is "a pity that creatures endued with such prodigious abilities, as by the description you give of them, (i. e. of the Majority) these Lawyers must certainly be, were not rather instructors of others in wisdom and knowledge,"† than in violence and rashness.

* Swift.

† Ibid.

I ask pardon for the unreasonable length of this concluding letter; and though I have kept my word, in treating your arguments with freedom, can with truth subscribe myself your's, with much respect and esteem,

A BARRISTER.

LETTER

LETTER VIII.

SIR,

THAT questioning of the authority of Parliament which I have noticed in former Letters, has latterly discarded the language of mere doubt and insinuation, and grown to a clamorous denial of their competence to bind this country to an Union. In a speech from the Throne of Treason, addressed by King *Fitz-Patrick** to the Lords and Commons of Ireland, they are plainly told that they “ have no right to consent to an Union, unless “ specially authorized to do so by the populace.” His Brehon Majesty solemnly enters his barbarous protest against “ a colour of authority ” in the Irish Parliament to arrange or ratify a Treaty of Imperial Legislative Incorporation ; and declares, he “ ever shall deny ” their competence in this respect : he even, by a very decent anticipation, bestows the epithet of *Miscreant* upon every Member who shall vote for an Union, and concludes (after a few exclamations, conceived in the genuine idiom and *patois* of Jacobinism †),

* See Anti-Union, No. 6, being an Address to both Houses of Parliament, signed Fitz-Patrick.

† May the God of eternal justice direct us ! &c.

M

with

with the pacific and consolatory reflection,—that in the worst event, *Spoliatis arma supersunt*, i. e. though a *miscreant* Parliament should plunder the Nation of their Rights, they will not have also deprived them of their arms.

We are informed by contemporary Historians, that while the Scottish Union was in progress, what “advanced the design most effectually, and
 “without which it could not have succeeded,
 “was, that a considerable number of *Noblemen*
 “and *Gentlemen*, who were in no engagements with
 “the Court (on the contrary they had been disobliged,
 “and turned out of great posts, and some very lately)
 “declared for it. These kept themselves very
 “close and united, and seemed to have no other interest but that of their country.”—(The Miscreants!)
 “The Chief of these were the Marquis of
 “Tweeddale, the Earls of Rothes, Roxburgh,
 “Haddington, and Marchmont. They were in
 “great credit, because they had no visible bias on their
 “minds: ill usage had provoked them rather to oppose
 “the Ministry, than to concur. When they were
 “spoke to, they answered coldly, and with great
 “reserves, for it was expected they would have
 “concurred with the opposition; and if they had
 “set themselves against the Union, the design must
 “have miscarried. But when the first division of
 “the House obliged them to declare,” (*horresco referens!*) “they not only joined in it, but pro-
 “moted

“moted it effectually and with zeal*.”—These men were mistaken for persons of strict integrity and patriotism, who sacrificed their resentments against the Minister to their regard for the public weal, and were known by the title of *the Squadrone*.

Adam Smith, who has usually passed for a thinking man, and of sufficiently free and popular principles, was of opinion that “by an Union
“with Great Britain, Ireland would gain, *besides*
“the freedom of Trade, *other* advantages *much*
“more important, and which would much more
“than compensate any increase of taxes that
“might accompany that Union†.”—A perusal even of the passage which I have cited, would shew that the writer’s judgment would not be altered by the fact of Ireland’s having acquired a free trade, even though she had obtained every *merely commercial* advantage which it was in the power of England to bestow.—But to place his opinion beyond the reach of misconception, I shall quote two other passages, in one of which he supposes that, “in the case of a Union,” Ireland would exchange the “scramble of faction” and “the spirit of party,” for “unanimity and concord;” and in the other he offers it as his

* Burnet.

† Wealth of Nations.

opinion, that “ without an Union with Great Britain, the inhabitants of Ireland are not likely, for many ages, to consider themselves as one people.”

If Adam Smith were now a member of the Irish Parliament, it seems probable that the *miscreant* would support an Union!

The present learned and venerable Dean of Gloucester (whose politics I apprehend to lean rather to the popular side), is of opinion that “ an incorporation of the two British islands in all respects, *as to Parliament*, trade, and taxes, has long been the wish of every generous, *disinterested* Patriot;” (there are such things, we know, as interested Patriots), “ of BOTH kingdoms.”

If Dean Tucker were a Member of the present Irish Parliament, it seems likely that he would be one of those whom his Seditious Majesty, King Fitz-Patrick, has decorated with the title of *Miscreant*, in his most *ungracious* speech to both Houses of Parliament.

The giddy and superficial Adam Smith, the ignorant Dean of Gloucester, and the unprincipled Squadrone, seem all to have overlooked that Parliamentary incompetence, which is so apparent

parent to the loyal Author of the sixth number of the Anti-Union.

But I am ashamed of having been so diverted from my main enquiry. I shall close my animadversions on this most inflammatory paper, by observing in (as I recollect) the words of the late Mr. Burke, “ that there are certain writers who
 “ should be answered, not by the Speculatist, but
 “ by the Magistrate: to whose reason we might
 “ address ourselves less successfully than to their
 “ fears; and whom it will be more easy to coerce
 “ than to convince.”

Those who deny the competence of Parliament to bind the Country to an Union, by implication controvert the validity of the Scotch incorporation: They make it a mere treaty at the sufferance of Scotland; an Union *durante bene placito*; which derives its whole legitimacy from the acquiescence of that nation; and which they might to-morrow constitutionally dissolve. When I recollect that this Union was the final and late accomplishment of a wise imperial measure, which from the time of Henry the Seventh had in every successive reign been pursued:—When I find two unconnected Parliaments practically asserting their competence to make this great arrangement:—When I observe the stayed solemnity with which the proceeding was conducted:—When I cast my
 eye

eye along the list of Commissioners, and find it composed of great Statesmen and eminent Judges and Lawyers, *who, by treating under this Commission, recognized the competence of Parliament to direct and ratify the Treaty*:—When I find that the celebrated Lord Somers, the friend of Addison, the framer of the Bill of Rights, the Lawyer and the Statesman, so far from doubting the authority of Parliament, drew up the Articles, and “ had “ the chief hand in projecting this scheme of the “ Union * :—When I remember that this objection on the ground of competence was not then forgotten, but was *urged* and over-ruled : When I enquire of myself whether the Bill of Rights, or Magna Charta, stand themselves on firmer constitutional grounds than the Scotch Union ; when I consider that, in disputing the validity of this, I may be impeaching the efficacy of all British Acts of Parliament which have passed since (and amongst the rest the repeal of Poyning’s Law, and of the 6th of George the First, and the Act of Renunciation †) ; when all these considerations press upon my mind, I shrink from controverting the legitimacy of the Scotch incorporation, and in allowing it—I admit the competence of the Irish Parliament to enact Union.

* Burnet, Tindal, and others.

† At least of the first and third.

It is perhaps descending from a stronger to a weaker position, to notice the Septennial Bill; but even these weaker grounds (if such they be) will be found sufficient for my purpose. The same arguments which will prove our Parliament incompetent to ordain an Union, would prove the Septennial Act an usurpation: nay, perhaps, would prove, that the duration of *every* British Parliament, from 1716 to the present day, has been illegally protracted: and that *at least* all acts, passed in the four last years of the existence of each successive Parliament, are null and void; only tolerated by, not binding on, the people of Great Britain; or at most deriving efficacy not from their force as statutes, but on the ground of prescription, established by popular acquiescence. God forbid that our Laws and Constitution had no more substantial foundation on which to rest! else, thus slenderly supported, the breath of an agitator might in a moment bring the whole baseless fabric to the ground. I admire not those establishments which fall to pieces at the first loud word; which, like masses of snow that impend over an Alpine precipice, may overwhelm us while we stop to examine them—

“ Non ragionam di lor: ma guarda e passa.”

Is it not a proof of the weakness of those opinions which I am combating—that I am able to descend step by step from those heights of argument

ment which the Scotch Union affords, and even to meet my opponents on the ground of our own Octennial Bill, or on that of Reform?

May it not, in the former case, be doubted whether, in point of theory, a Representative can abridge, any more than he can prolong, the term of his own delegation, without wandering beyond the precincts of his deputed authority? But the constitutional tendency (cries an adversary) and utility of the measure! I answer, that to urge the usefulness of the Act, as the test (*and I admit it to be the proper test*) of its legitimacy, is to wave all theoretical objections to the competence of Parliament. "*Utilitas justi prope mater et æqui.*" The truth of this maxim I admit, and rest on; and, if utility be the measure of Legislative power, we shall, in proving the advantages of Union, demonstrate the competence of our Parliament.

To the case of Reform, too (as I have mentioned in one of the preceding letters) the same objections which are urged in the instance of Union would apply; for there could be no radical reform, without an abrogation or diminution of many present franchises, corporate and individual, which it is not to be presumed that the Electors intended deputing their Representatives to abolish or abridge.

I have, in this letter, briefly considered the question of Parliamentary Competence, on the grounds of precedent and practice; of the absurdities which a denial of their competence would lead to, and even of the mischievous impeachment of solemn constitutional acts which it might involve. In my next, I shall take the liberty of considering more upon principle the limits of Legislative Authority.

Meantime, I must not deny my adversaries (if so obscure a personage can have any) the triumph of detecting a seeming inconsistency, which, without my help, I suspect they would overlook. In my second letter, I have supposed that popular acquiescence might legalize the act of Parliament which ordained an Union.

I might here observe, first, that the reader will recollect that, in my first letter, I professed "to expose to the public eye the progressive and unfinished operations of my understanding, and to avow the result of my investigations as they proceeded, whether that result was doubt or conviction;" and also that (precipitation having seemed at that time a Bar fashion) I confess to "have written" the second "letter hastily," and added, that it would, "probably, be found to bear the marks of precipitation."

But I am able to vindicate myself much more completely. A fair examination of what I there have urged, will show my reasoning to be this, viz. that even those who regarded Union as a measure which it was beyond the ordinary competence of Parliament to ordain, yet could not deny that "under some possible circumstances" Union would be eligible; and when those circumstances occurred, I suggested the prudence of having it brought about by the intervention of Parliament (the ordinary constitutional organ of the public will) whose act might be constructively ratified by public acquiescence and adoption.

I did not then allow the defect of Parliamentary authority, or consequent necessity for popular ratification, but endeavoured to show that (even admitting, *for the sake of argument*, the incompetence of Parliament) yet it might, under certain circumstances, be constitutional policy to wink at their assumption of powers beyond those which in strict theory they possessed, and towards fortifying their decision — to recur to the *dangerous* doctrine of popular acquiescence, not as a good, but as the lesser evil: to recur to it (as at the Revolution) not as a general rule, but as a rare exception.

All this was, I think, perfectly consistent with my present reasoning ; though, certainly, my opinion is much more made up (both on principle and the sage maxim of *stare decisis*) than it was when I wrote that letter as to the competence of Parliament to enact an Union.

I have the honour to be, &c.

A BARRISTER.

LETTER IX.

SIR,

IF the competence of Parliament make *any* part, it makes a *preliminary* part of the Question concerning Union; inasmuch as it would be very idle to discuss the advantages of a measure which the Legislature was not authorised to achieve. In my last letter, I contended for the competence of Parliament on the grounds of precedent and practice, and of the mischiefs and inconvenience which must follow from a denial of it; in my present I shall examine the question more on principle.

“ The power and jurisdiction of Parliament, says Sir Edward Coke, (4 Inst. 36) is so transcendant and *absolute*, that *it cannot be confined within any bounds*. It hath, (adds Blackstone) sovereign and *uncontrolable* authority, &c.; *this being the place where that ABSOLUTE, DESPOTIC POWER, which must, in all Governments, reside SOMEWHERE, is intrusted by the Constitution of these kingdoms*. All operations that transcend the ordinary course of the laws, are within the reach of this extraordinary Tribunal. It can regulate or new-model the succession to the Crown: it can alter the

Established Religion of the land: *it can change, and create afresh even the Constitution of the Kingdom, as was done by the act of Union: it can, in short, do every thing that is not naturally impossible*; and therefore some have not scrupled to call its power, by a figure *rather* too bold, the Omnipotence of Parliament*.”

I confess I am surprized how any *Lawyer* can, with the precedent of the act of Union before his eyes, and in the face of these *dicta* of Judge Blackstone, and our chief luminary of the law, Sir Edward Coke, deny the competence of Parliament to bind this Country to an Union. Yet the Report of the Bar Debate† does, as I recollect, attribute such denial to some of the Lawyers who took part in it; and a most respectable Member of the profession, (Mr. Jebb) in page 60 of his pamphlet‡, very solemnly calls on Parliament “to pause, and ask themselves whether they were, when appointed Legislators, endowed

* Blackstone's Commentaries, Book 1. Chap. 2.

† In truth, though it be in a great degree a collection of Speeches on one side, yet the contradictory grounds taken by different opponents of Union, has given it a fair claim to the title of a *Debate*. It was a sort of intestine debate (or tumult) amongst the Members of the Majority, (if we are to believe the Report.)

‡ Entitled a Reply to Arguments for and against an Union.

“ with

“ with a power of doing that which he pro-
 “ nounces Union to atchieve ;” and he proceeds
 to assert that “ good and learned men may well
 “ be justified in affirming that, without the pre-
 “ vious assent of the people, they (the parliament)
 “ have no such right,” as to enact Union, I *might*
 perhaps hearken to the *arguments* of those Gen-
 tlemen ; (though even this would be a very dan-
 gerous questioning of constitutional points which
 have already been established and acted on) but
 so long as they confine themselves to mere *assertion*,
 I must beg leave to oppose to them the authority
 of Coke and Blackstone, as a very sufficient re-
 futation : nay, I must consider that great legal
 Statesman, Lord Somers, as having fully adopted
 the doctrines of Lord Coke, with respect to the
absolute and boundless * competence of Parliament ;
 I must consider the share which he took in pro-
 moting the Scotch Union, as a *practical* commen-
 tary on the text of Coke ; and must add his (Lord
 Somers’s) very constitutional authority in support
 of my opinion, that the Parliament of Ireland is
 competent to enact Union.

For my part, though I have no where denied
 the jurisdiction of Parliament to be thus extensive,
 (but, on the contrary have asserted it,) yet, as a

* i. e. To which the *Principles of the Constitution* have set
 no limits.

Lawyer,

Lawyer, I blush to recollect that, with the authority of three great constitutional Lawyers, as to the principle before my eyes, and with that principle reduced to practice in the case of the Scottish Union, I asserted it so doubtfully as I have done in my second Letter: where my hesitation to pronounce more *confidently* and directly, that "*Parliament, in enacting Union, would not exercise an exorbitant power,*" must, I confess, be set down either to the account of that "precipitation," of which I predicted that the letter "would be found to bear the marks"—or of that culpable diffidence in my own opinion, which suffered me to be dazzled by great professional names, and deluded by those clamours against the competence of Parliament, which at that time were ignorantly or insiduously raised.

"Absolute power must, in all Governments, reside somewhere;"* and therefore the British Government is distinguished from others, not by being less absolute than they are, but by having its despotism more safely and beneficially lodged.

In a collection of political Essays, published (under the title of the Patriot) in this City in the year 1792, occur the following observations; in the truth of which I am disposed to acquiesce.

* Blackstone's Commentaries.

"Absolute

“ *Absolute power is a quality essential to every*
 “ *State; and in the placing of this power, con-*
 “ *sists the faultiness, or excellence, of particular*
 “ *Constitutions: the art is to lodge it where it*
 “ *is least likely to be abused; which is accom-*
 “ *plished, when Sovereignty is not the privilege*
 “ *of any one class, but the result of powers ap-*
 “ *portioned amongst them all. Wherever the*
 “ *supreme force is not thus distributed, but is*
 “ *confined to some one portion of the commu-*
 “ *nity, so that whilst this class rules, the rest have*
 “ *no controul, the character of the Government*
 “ *appears to me to be tyrannical. By shifting*
 “ *the place of despotism, you do not change its*
 “ *nature: Lodge it with the Prince, or lodge it*
 “ *with the people, it still retains its character*
 “ *unimpaired. Tyranny is arbitrary power placed*
 “ *in men: Placed (as it were) beyond them, and*
 “ *consisting in the energy resulting from ballanced*
 “ *powers, the same despotism will become good*
 “ *Government, and form the British Constitu-*
 “ *tion.**

That despotism then, which is essential to all
 Governments, the political system of the British
 Islands has lodged with their Parliament. This
 assembly is, by the principles of our Constitution,
 arbitrary. Its power, says Sir Edward Coke, is

* Patriot, Essay 7th.

“ transcendent, absolute, and cannot be confined
 “ within any bounds:” “ It can do every thing,
 “ says Blackstone, that is not naturally impossible.”

But though Parliament, by the principles of our Constitution, be despotic, yet being a *mixed* Tribunal, whose powers flow to it from the various interests and orders of the State, this despotism is never likely to be abused, or perverted from being a means of protection, to being an instrument of oppression to the people; and herein consists the theoretic value of the British Constitution.

“ It is (to adopt the language of that Pamph-
 “ let which I have already cited) the peculiar
 “ and fundamental excellence of the British Con-
 “ stitution, that it is the most effectual mode
 “ which has ever been devised, for collecting
 “ the sense of a whole, civilized people, and
 “ discovering that path, along which authority
 “ may move without trampling on the interests
 “ of any order in the State.” *

Parliament is, (in theory,) but the reservoir of those privileges, of which the various sources are in the State; and to dispute its authority is to deny the existence of those powers in the nation,

* Patriot, Essay 13th.

which, by the frame and nature of its political system, must, while the Constitution lasts, reside exclusively with its Parliament: That Parliament, of which Blackstone pronounces, that, “ what it doth, no authority upon earth can undo.”

It appears then that the security from oppression which the British system of Government affords to the governed, consists, not in the *limited authority* of that Parliament, whose powers, on the contrary, are “ absolute and boundless,” but arises from the organization of this Sovereign assembly; which is so constituted as to involve within itself an antidote to the oppressive tendencies of that vast power which it possesses.

There is, by the spirit of the British scheme of Government, such community, (or rather identity) of interest, between the Legislature and the subject, as renders every important and widely-operative Legislative arrangement a kind of treatment and compromise, terminating the peaceful conflicts of those various powers and interests in the state, from which Parliament is, as it were, extracted, and all which it represents.

This community of interest, traceable to various causes, may, amongst others; be referred to “ the democratical principle, equal law,” “ which singularly pervades the whole of the British Constitution; rendering the highest
“ ranks

“ ranks (short of Royalty) in the Legislature,
 “ and even the descendants of the Blood Royal,
 “ *subject to the same laws, and the same burdens,*
 “ with the meanest citizen*.”

In this principle of Isonomy, we see no slight protection against the tyranny which *might* grow out of the arbitrary powers of Parliament. Legislators will not be prompt to enact severe laws, or impose heavy burdens, when they themselves are, in common with others, to feel the harshness of those laws, and the weight of those impositions; and as we have already seen that, by the Constitution, our Legislature is despotic, what I have been urging in the latter paragraphs tends to shew that it *ought to be so*; that it may be so, consistently with the liberties of the subject.

If I have succeeded in proving the Irish Parliament to be possessed of despotic power, it is superfluous to enquire whether it be competent to bind this country to an Union. Indeed it is something worse than superfluous to attempt defining the political limits of arbitrary power; and setting out the metes and bounds of despotism.—If Coke and Blackstone be right, our Legislature is absolute; and if absolute, of course it is competent to enact Union. Lord Somers and his col-

* Mitford's History of Greece, c. 5, sect. 1.

leagues appear to have reasoned as I am doing; and if I argue wrongly, the incorporation of England and Scotland is invalid. The fatal consequences of such a doctrine I have detailed in my last letter.

Indeed Parliament must exercise with sound discretion, those transcendant powers of which it is possessed; for it exercises them at its peril.— Their authority will cease, if they abuse the trust reposed in them, and turn against the people that supremacy which should be exerted for their benefit.

Thus (to suppose a case) Parliament is incompetent capriciously to enact that all private property under a certain amount should, without the guilt of the Proprietors, be confiscated; or that every male child throughout the kingdom, which was born after a certain day, should be put to death by its own parents. But why is the authority of Parliament inadequate to the accomplishment of such odious acts of tyranny? Not because the principles of the British Constitution have set limits to the transcendant powers of Parliament; but *because* such detestable decrees would be a violation of the eternal duties, and unalienable rights of human nature; those rights of which no artificial institutions could divest men: *because* such decrees would include in them “ a dissolution

dissolution of the whole form of Government ;” and “ repeal all positive laws, by annihilating the Sovereign power :” * *because*, let the Parliament be, in theory, what it might, such decrees would prove it in practice to be a yoke, which the people were entitled to shake off; and to appeal from its oppression to first principles, and to the sword.

This is the only “ *supreme or inherent power* which remains in the people ;” † and can be the only one which Mr. Locke intends, for if he insinuated that they possessed any other, his position would be unfounded. This power in the people is paramount to all political establishment; and, so far from being a *constitutional* power, results from, and pre-supposes *the destruction of the Constitution*. For the errors of Parliament the Constitution (content to guard against them) gives no redress. From the decisions of the Legislature there is no appeal, but to the sword; nor will this appeal lie, except in desperate cases, which human laws will not suppose, and events for which the Constitution has made no provision.

As to requiring that popular assent, whether previous or subsequent, which Mr. Jebb and

* Blackstone's Commentaries.

† Locke on Government.

others deem necessary towards the ratification of a Legislative act, I, on reflection, protest against the doctrine as highly unconstitutional: I deny the privilege of the people to legislate, save by their Representatives, and the necessity for their assent, towards validating an Act of Parliament. I maintain, that to invest the populace with that *veto*, which is implied in requiring their assent to any Parliamentary ordinance,* would degrade Parliament from its supremacy to a mere State Council, dependent *arbitrio popularis aures*, and would change our mixed Constitution into an absolute democracy. No: Rights of Election, Trial by Jury, and the Right of Petitioning either the Executive or any branch of the Legislature, form the *whole* of the democratic power which our Constitution has conceded *directly* to the people; and “so long as that Constitution lasts, we may venture to affirm that the power of Parliament is *absolute, and without controul.*”†

But Union (cries a declaimer) annihilates our Constitution; and, therefore, even admitting the principle of the learned commentator, Parliamentary supremacy is at an end!

I would have such a declaimer, before he proceeds to waste his breath, recollect that Blackstone

* Mr. Jebb's Reply, p. 60.

† Blackstone's Commentaries.

entertains a widely different opinion; and conceives Parliamentary supremacy to be not only adequate to regulating the succession to the Crown, and altering the established religion, but to new-modelling the Constitution, as was done by the act of Union. He will find that, according to Judge Blackstone, an act of Union will not *terminate*, though it change, the Constitution; for, in page 160, he pronounces Parliament to be competent to enact Union; and, in page 161, he implies that the authority of the Legislature cannot outlast the Constitution.

To the power of Parliament there is no limit but Revolution; from its acts there lies no appeal but to the God of Battles. The supremacy of our Legislature is the vital spirit of our Establishment, and when it is departed, the Constitution has expired.

Then let us not doubt the competence of our Parliament, since in doing so, we doubt the existence of our Constitution: let us confine our inquiries to what is alone their proper object—the probable effects of Union on the public weal. Let us inquire *whether* it would be prudent, in the present state of the world, to fortify that Empire which is the glorious and interesting champion of civil liberty, good government, morality, and religion? this Empire which stands almost
 6
 singly

singly in the breach that French arms and principles have made in the safety and happiness of Europe? that Empire, with which I trust that we shall stand, and with which I am certain that we should fall? *Whether* the late rebellious storm, which has burst upon our heads, and the present louring discontents, that discourage us from hoping strongly for tranquillity to come, render it inexpedient to change the situation from which those mischiefs and those terrors sprung? *Whether* Union, though it were but to promote our tranquillity, would not thereby improve our commerce? *Whether* Irish discontents be not a source of danger, alarm, and expenditure to England; and whether, as she granted advantageous terms of Union to Scotland, it be not now her interest (by which she is likely to be guided) to concede such liberal terms to Ireland as will give this kingdom present content, and lay no seeds of future disaffection? *Whether*, by consolidating the two Realms into one, and inseparably entangling their interest together, we may not transform British selfishness * from a cause of apprehension to a motive of confidence? In short, whether by identifying our interests, we do not remove all ground of jealousy, and render the welfare of Ireland the

* I do not mean to insinuate that selfishness is a characteristic of the British Nation: I mean only that nationality which must belong to every country.

mere prosperity of Britain? *Whether* some abuses in our Government have not been a consequence of our distinctness, and would not terminate with their cause? *Whether*, if the Legislatures were incorporated, a greater share of political power might not, without endangering the Protestant interest, be extended to the Catholics, than in the opinion of many, can under our present circumstances be conceded, consistently with the safety and ascendance of the Established Church? *Whether* we be one people now; and whether it is not desirable that we should be so?

These, and *such as these*, are the inquiries which should be made. If the result of the discussion be an opinion that Union is ineligible, let the people exercise their legitimate rights, by petitioning against the measure; but if the result be a conviction of its advantages, let no audacious slanderer of our Constitution dispute the competence of the Parliament to secure the welfare of the people.

I have the honour to be, &c.

A BARRISTER.

LETTER X.

TO THE CATHOLICS OF IRELAND.

MY COUNTRYMEN,

I do not address you for the purpose of prematurely recommending that Union, of which, until the conditions be divulged, the advantages cannot be known, but merely of inquiring how far it may be expedient for you to raise a *preliminary* opposition to the Measure; to resist the abstract principle of Incorporation, and reject *every* Union, be its terms and nature what they may.

Your religious tenets are different from mine; but, as Irishmen, we have a common interest; and I respect you and myself too much to introduce the principle of this important Measure to your favour, on the ground of its being likely to promote the peculiar aggrandizement of your Body. I should disapprove of any plan, the spirit of which was to exalt the Protestants at your expence, or you at theirs. I disliked the Penal Code on this account; because it wounds my *Irish* feelings, and rather violates my political principles,

principles, to make Protestant Security depend on Catholic Depression: and if our *present circumstances* render it necessary to throw up an entrenchment of Catholic disqualification round the Religion of the State, I am only the more disposed to change the situation from which so invidious a *necessity* has flowed. I should not unwillingly exchange those circumstances which make it hazardous to exercise a sound and liberal policy; which force us to act on the *exception*, and not upon the *rule* — for a situation, where liberality and justice would be discretion, and where imperial wisdom would risque nothing in ordaining that the Inhabitants of Ireland should form one People.

You would listen with scorn to a recommendation of the principle of Union, on the mere ground of its producing *exclusive* benefits to you; such a recommendation would be an insult to your patriotism; it would imply, that you preferred the splendour of your Sect to the interests of your Country, and remembered so well that you were Catholics as to forget that you were Irishmen.

I think you might, consistently with the duties which you owe your country, so far attend to the interests of your Religion, as to refuse your assent to a political Measure which tended farther to abridge those political powers or prospects, which

are already too limited to warrant us in expecting that you should readily acquiesce in their farther diminution.

It is beyond doubt that Union will not curtail your present share in the powers of the State ; and I think it equally obvious, that it will not abridge your reasonable hopes or prospects of farther political advancement. — Indeed I go farther : — I doubt whether it may not secure your present acquisitions, and brighten and enlarge your views ; but to you I am confident it would suffice, that Union should not abridge them. And, as your Country would be too equitable to require of you any sacrifice of those limited powers which you enjoy at present, so if these and their attendant hopes be left inviolate and unimpaired, you would generously abstain from inquiring farther with respect to your *peculiar* interests, and would consider the measure on the more extensive and patriotic grounds of its probable effect on the *prosperity of Ireland*.

You would not hamper the question of Union with your claims, or seem to barter Constitutional change for Catholic privilege ; for this would resemble a preference of your particular aggrandizement, to the general interests of your Country ; a merging of the wish for Irish welfare in the more sordid desire for Catholic importance.

No,

No, my Countrymen ; you will take a more liberal view of the question ; and will approve or condemn, as it shall appear conducive to the advantage or injury of your Country. If the measure seems *injurious*, you will constitutionally (by petition) oppose it, notwithstanding it should seem calculated to raise the consequence of your Body : if *beneficial*, you will not give it a selfish and provisional support ; you will not risque its loss, by entangling it with your claims, or clog with these the progress of a plan which you think likely to promote the happiness of Ireland. You will, in short, exercise a disinterestedness, that shall justify the support which I in common with many others have uniformly given to your pretensions. Nor are your interests very likely to suffer from such patriotism ; for, recollect your numbers, and the nature of that property which you principally possess, and then let me inquire of you, *first*, Whether any measure, advantageous to Ireland, must not be beneficial to those Catholics who form such a majority of Irish population ? — *secondly*, Whether any influx of commercial emolument, which Union may produce, must not flow most beneficially to the Catholic Body ?

Having premised thus much, you will not suppose that I mean to address myself insultingly to your selfishness, or to impute to you a disposition to sacrifice the public weal to your own particular

lar advantage, if I suggest my opinion, and state the grounds on which I have adopted it, that Union is calculated to render the conceding to your body an increased participation in political power, more (*seemingly if not really*) compatible with Protestant interest, than such concession might be at present.

Turn your thoughts to some of the present opponents to Union; recollect their sentiments, as to your emancipation, and judge whether it be unlikely that they object to this Imperial measure, because they think, with me, that it may open to Catholics the hope of being admitted to additional privileges; because they conceive it to be calculated to abate, not Protestant Ascendancy, (for that I would preserve) but that abuse of Protestant Ascendancy which may have galled you.

Reflect, that the spirit of Jacobinism is abroad; and that the chief objects of its seduction are those lower classes of the State, which, in Ireland, your Religion very principally embraces. Is it not the interest of the Government to administer an antidote to such seductions?

How does Jacobinism seduce its victims? By grafting temptation on disaffection: by enumerating, dwelling on, exaggerating, their present grievances,

grievances, if such they have, or imposing on their ignorant credulity, by the invention of imaginary oppressions; by then tempting their turbulence and ambition, with the hope of spoil, power, and dignity, as the fruit of insurrection.

Is it not sound policy in Government to counteract these seductions? to cherish attachment to the establishment, by the concession of benefits under it? to oppose to those Jacobin temptations which lie *beyond* the Constitution and cannot come into possession till it be subverted, more legitimate attractions, lying *within* the Constitution, and which give the people an obvious motive for revering and preserving it?

If such be the interest of Government, then Catholics have *in the maxims of sound policy, and in the situation of the world*, a ground for hoping for farther kindness from the State.

But why have not those maxims, and this situation operated? To a certain and indeed very liberal degree, they have. If our present distinctness raise an obstacle to their *farther* operation, the doing away of this distinctness will remove the impediment, and leave to the Catholic claims the *unqualified* efficacy of this beneficial maxim.

But

But Catholics ought in discretion, as well as justice, to leave it to the Imperial change to bring about this consequence itself. They should not mix their claims in the discussion, and thus perhaps obstruct the success of *both*; but should leave it to this political arrangement at once to advance their interests, and gradually to disperse their fears and jealousies of the Protestant, by shewing him that such advancement is compatible with his safety.

In becoming advocates for the *principle* of Union, it seems to me that the Catholic Body might *practically* refute the charge of having aimed at separation; and if (which I do not pronounce to be the case) there has, in the course of their canvass for political privilege, arisen any prejudice, or animosity, which is *here* an obstacle to their claims — it appears that at least Union would refer those claims to a distant and impartial tribunal; while that imperial change which consolidated the inhabitants of both islands into one people, constituents of one Legislature, would so alter the proportion of Protestant to Catholic *Electors* or *Representatives*, as to silence those objections which now are urged, on the ground that by admitting Catholics to a *nominal* equality, we should (considering their numbers) admit them to an *actual* superiority.

An unsuccessful, though pleasant attempt has been made (by one of the Writers on Union) to turn into ridicule that passage in the Pamphlet attributed to Mr. Cooke, in which this change of proportion is noticed. Mr. Cooke has not said, that if Catholics be now three to one in Ireland, an Union would make them cease to hold the same proportion; but he has implied, that after an Union, the ratio of Catholic to Protestant Imperial franchise (whether of electing or being elected) would be altered. Thus suppose Catholics and Protestants throughout the Empire, to be invested after the Union, indifferently, and equally, with these privileges; the mass of Protestant property and population (taking both islands together) exceeds that of the Catholic Religion; it follows, therefore, that, after an Union, the disabilities which attach upon religion might cease, yet the balance of power remain with the Protestants, for the protection of the Established Church. These considerations seem to lead to the conclusion, that a Legislative Union might improve the prospects of Catholics with respect to privilege.

It is true, the competence of Parliament to enact Union is, by some professional Gentlemen, disputed; but I console myself on this head, by the following collations:

Q

“ The

“ The Parliament has no right to change the
“ Constitution.”—*Goold* *.

“ The Parliament can change the Constitu-
“ tion.”—*Blackstone*.

“ It has been asserted that the Parliament has
“ *by the Constitution* a power to form an Union, un-
“ *controuled* by the sense of the People. I shall
“ deny that doctrine to the last moment of my
“ life.”—*Driscoll* †.

“ The power of Parliament is so absolute, that
“ it cannot be confined within any bounds.”—
Lord Coke.

“ It hath *uncontroulable* authority ; being the
“ place where despotic power is entrusted *by the*
“ *Constitution*. It can change the Constitution ;
“ as was done by the *Act of Union*. The devolu-
“ tion of power *to the people* at large, includes in
“ it *a dissolution of the whole form of Government*,
“ and reduces all the Members to their origi-
“ nal state of equality ; *annihilates the Sovereign*
“ *Power* ; and repeals all positive laws.”—*Black-*
stone.

* Mr. Goold's Address, p. 63.

† Bar Debate.

Renuis quod tu jubet alter; and it is consoling that this other is Blackstone, or Sir Edward Coke.

Farewel, my Countrymen. I ask pardon for having written this letter with a degree of haste unsuitable to the importance of its subject: I have written it honestly: it is, besides, only *preliminary* to those enquiries with which I shall trouble you in my next, as to what are your present prospects, and in what way these are likely to be affected by an Union.

Your faithful Friend and Countryman,

A BARRISTER.

FINIS.

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