

S P E E C H

OF THE

RIGHT HONORABLE

BARRY, LORD YELVERTON,

CHIEF BARON OF HIS MAJESTY'S COURT OF EXCHEQUER,

IN THE

HOUSE OF LORDS OF IRELAND,

On SATURDAY, *March 22*, 1800,

IN THE DEBATE ON THE

FOURTH ARTICLE

OF A

LEGISLATIVE UNION

BETWEEN

GREAT BRITAIN AND IRELAND.

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LORD YELVERTON'S SPEECH,

IN THE

HOUSE OF LORDS,

SATURDAY, MARCH 22, 1800.

The House in a Committee for the further Consideration of His Majesty's Message, relative to an UNION between Great Britain and Ireland.

MY LORDS,

IT is already determined that the two kingdoms shall be united into one; that the two crowns shall continue united; and that the united kingdom shall be represented in one and the same Parliament.

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And for this purpose it is proposed that the kingdom of Great-Britain shall continue to be represented as it is at present ; and that Ireland shall be represented by thirty-two peers and one hundred commoners.

But as the number of peers ought to bear a reasonable proportion to the number of commoners, and that of the commoners be determined by some rule fairly deducible from the Constitution, I shall first enquire whether there be any such rule, and then whether the number proposed bears a reasonable conformity to it.

And here give me leave to observe, that he must have taken a very superficial view of our Constitution, and of its first elements, who could argue that it is the people, merely as such, who are represented in Parliament, and that therefore the will of the Parliament ought to be determined by theirs ; (for so it has been argued in another place, and I understand with great effect ;) and further, that there are cer-

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tain Acts of Parliament, which the people are not bound to obey, if they do not approve of them; a position so monstrous in itself, and so dangerous in point of example, that it is astonishing how it could have found its way into an assembly of grave legislators, whose very office it is, to prescribe rules of conduct to the people; and to which I shall not think it necessary to give any other answer, than merely to quote the words of Grotius upon the subject;—" *Omnia convelli necesse est, si id recipimus, jus rejendi subditum esse eorum judicio ac voluntati, qui reguntur;*" —in other words, that the whole machine of Government must be shaken to pieces, and mankind reduced again to a state of nature, if we allow for a moment that dangerous doctrine, that the supreme power, which has a right to give the law, is liable to be controlled by the pleasure of those, whose duty it is to obey. But there cannot be a greater mistake than to suppose, that our Constitution arose out of any trust or compact between the people and the Parliament; or that the three estates of the realm took those stations in the political system,

which they occupy at this day, according to any previous concert or agreement : our Constitution has the appearance of being struck out at a heat, if I may use the expression ; but it is in fact the offspring of divine wisdom, acting upon human affairs, and by the slow and silent operation of remote causes, producing, almost miraculously, harmony out of discord and order out of confusion. Nor would I be understood to say, that the voice of the people is wholly to be disregarded, because I admit that all Governments were framed to secure their prosperity and happiness ; but what I contend for is, that those only are to be attended to, who are by the Constitution supposed to have a will of their own : and therefore I will appeal from the cry of the giddy multitude to the sober and corrected sense of the people : I will appeal from clamour, prejudice and passion, to the cool suggestions of reason ; I will appeal from the multitude to the Parliament, from the many to the few, because, though the many have feeling, it is only the few that reflect.

My

My Lords, it is in the history of the feudal system that we must look for the origin of our Constitution. The Constitution of Parliaments in particular, has sprung out of that system, has followed it through all its revolutions, and retains, even in its present form, features which strongly mark its descent.

The immediate vassals of the crown, who held of the king—"in capite,"—were the first members of Parliament; and as that species of property could not be aliened without the royal license, they were for some time its only members; for in the early ages of the feudal world the commons or burgesses were never heard of; and accordingly it is to the former, and not to the latter, that we owe the great charter of our liberties.

But it was impossible that this rigid rule of tenure could resist the natural propensities and the necessities of mankind: with the progress of society the affairs of men became complicated; the expences of military expeditions, too frequent in those days of chivalry, were to

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be defrayed; luxury in time found its way to the baronial table; debts were to be satisfied, younger children were to be advanced in life; and to create funds for those various purposes, partitions were made of those estates, partly by voluntary sales, and partly by operation of law.

But to those estates, however divided, the duty of attending in Parliament was incident; and before the trade of Parliament existed, this duty was considered as a burden: and accordingly we find charters of exemption from Parliament were frequently solicited and obtained.

But these being declared illegal, it grew by degrees into a law, to oblige the great barons only to attend in person, and to permit the lesser to attend by their representatives; a law first introduced in ease of the subject, though since improved into a most valuable privilege.

Of any positive law enacted for this purpose, we find no trace in the English history; but
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happily that of Scotland furnishes the example of such a law; for in the year 1427, it was there provided by statute, that the smaller barons should be excused from coming to Parliament, provided they sent commissioners from the shires.

Here then we have the history of the first Knights of the shire; and as the English statute law is silent as to their first introduction into Parliament, so it is equally silent as to the right of cities and boroughs to be represented in that body.

But the history of Scotland again steps in to our aid; for we find that no boroughs originally possessed this right, but such as held in community that description of property, to which the duty of parliamentary attendance was a necessary incident, as appears from these words in the preamble to the statutes of Robert the Third of Scotland,—“*Summonitis, pro more solito, burgensibus qui de domino rege tenent in capite.*”

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And it seems probable that only such boroughs originally possessed that right in England; and the existence of those burgage tenures, which to this day give a right of suffrage in some boroughs in England, in a great measure confirms this idea.

But it is further probable, or rather certain, that in England this right was not confined to such boroughs alone; but that in process of time, as commerce increased, as new worlds were discovered, and new sources of wealth laid open, it was communicated to many communities who possessed no such property, but were enabled by their industry and opulence to administer to the necessities of the Prince, or contribute to the common defence of the realm.

Anciently it is well known that the members who were thus admitted into Parliament sat together in one Chamber; and in Scotland they continued to sit together till the very period of the Union.

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But in England the number of members was so increased by the liberality or policy of the Prince, in creating new boroughs, (of which the history of Ireland in the reign of James the first, furnishes one memorable instance,) that the Commons at length separated from the Lords, and for the first time took that station in the political system, which they have ever since maintained, and of which they have made such notable use.

This circumstance of the two Houses sitting together, I have touched upon merely to shew that both sat in right of property, the Lords in right of the property which they possessed, and the Commons in right of that property which they represented.

And thus I hope I have proved that it is not the people, merely as such, that are represented in Parliament, but only the property of the country, whether that property consists in real or personal wealth, in corporeal inheritance, or incorporeal franchise.

And this we see exemplified in the experience of every day, at the election of members to serve in Parliament for the other House. For if the elector voted from any right inherent in his person, he could only make one choice. But this is so far from being the case, that the law allows him as many suffrages, as he possesses freeholds or franchises in different counties or boroughs. And when he loses, by judgment of law or otherwise, those freeholds or franchises, he loses his right of suffrage along with them; whence it necessarily follows, that it is to the property, and not to the person of the elector, that the right of suffrage is attached.

And this is what Lord Chatham meant when he asserted, " That there was not a blade of grass in England which was not represented."

And this is what Lord Somers had in contemplation when he wrote his work called, " Civil Polity," to prove, that in the history of England from the invasion of Julius Cæsar to the Revolution, power has followed property
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in all its fluctuations from one order of the state to the other, and that those fluctuations have produced the events, out of which our Constitution has grown into its present form, and from which, though immediately operating to other ends, we derive that fixed and settled equilibrium of power, which like a weight at the centre of gravity is so equally attracted on all sides that it cannot incline to any.

It is therefore a rule to be fairly inferred from this summary view of our Constitution, which is common to both nations, that since it is determined that they should unite into one, the number of representatives to be sent from each to the common Parliament, should be regulated by the property of each, or in other words, by the ability of each to contribute to the common defence of the whole.

Nor is this rule to be deduced from our Constitution only ; it is the rule of reason and of justice. And accordingly history furnishes more than one example of two or more nations uniting upon this principle.—Grotius, in

treating of the competency of nations to unite, instances two from Strabo.—One is the case of the state of Cibyra, which agreed to incorporate herself with three states in her neighbourhood upon these terms ; that she should have three voices in the supreme council of the new community, and each of the others only one, because she contributed more to the common benefit than any of the rest. The other is the case of Lycia, where twenty-three states or cities united ; of which some had three voices, some two, and some only one, each in proportion, not to its extent or population, but to its ability to contribute to the common benefit of the whole.

Now in order to bring this rule to act upon the proposed Union between Great Britain and Ireland, and to adjust the number of representatives which each is entitled to have in the common Parliament, it will be necessary to form an estimate of the relative ability of each. And this I shall endeavour to do by referring to four several criterions ; First, to the respective peace establishments of the two countries at
a time

a time when the proposed Union was not in contemplation. Secondly, to the expenses respectively incurred in the present war. Thirdly, to the annual charge and burden induced upon each country by those expenses. Fourthly, to the probable peace establishments of the two countries at the close of the war. In pursuing this course of comparison we find—First, that the peace expenditure of Great Britain was upon an average of 6 years about £.5,500,000 sterling, and that of Ireland on a similar average nearly one million sterling: being about the proportion of five and one-half to one. Secondly, the total of money raised by Great Britain during the war from February 1793 to January 1801, may be estimated at 180 millions sterling; and by Ireland for the same period £.21,780,000 sterling, being in the proportion of eight one-fourth to one. Thirdly, the total burden induced upon Great Britain by the war, will have been £.7,200,000 sterling annually; and the total annual charge incurred by Ireland in the same period, will have been about £.1,200,000 sterling, (exclusive of the sums set apart by each country respectively

tively for the gradual diminution of its national debt,) which will be in the proportion of 7 to 1. Fourthly, the ordinary expenditure of the united kingdom upon the return of peace may be estimated at £.8,200,000 sterling per annum; of which the share to be borne by Ireland, if she were to remain a separate kingdom, and with no more than her old peace establishment, would be £.1,200,000; and here the proportion would be rather more than 6 to 1. But there is also a further test of the relative ability of the two countries, to which I shall beg leave to appeal, and that is, the comparative amount of their commerce. And if this comparison be taken on the respective exports of produce and manufacture for similar averages, and valued by the current prices, the result will be in the proportion of about 6 to 1; that is, £.30,648,000 sterling for Great Britain, and about £.5,100,000 sterling for Ireland. Thus it appears that those different estimates vary between the proportion of five and one-half to one, and the proportion of eight one-fourth to one; and therefore I think myself warranted to assume

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$7\frac{1}{2}$ to 1 or 15 to 2 as the fair and reasonable medium ; and the rather, as the House of Commons, to whose province it seems peculiarly to belong, have already determined *that* to be the proportion according to which each country ought to contribute to the common support of the empire. And hence it follows that according to the rule, which I have shown to be fairly deducible from our Constitution, and which has been observed by other nations in forming treaties of Union, the number of representatives for Ireland ought to be to the number of representatives for Great Britain as 2 to 15 ; which (rejecting fractions) would give for Ireland about 74 only, whereas the number proposed is 100.

But perhaps I shall be told that I ought to take into the estimate the population of the two countries respectively. And although this is contrary to my notions of the Constitution, which suppose property and not population to be the subject of representation, yet I am willing to receive it into the scale, and the rather, as I find it had its weight in adjusting the
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treaty of Union between England and Scotland; but with this express qualification, that credit ought to be given not for the gross but only the productive population of the two countries. And comparing the number of artists, manufacturers and labourers in Great Britain, (whose industry fixes itself in some permanent subject and adds to the wealth of the community,) with the number of the like description here; and excepting from the calculation all idle strollers, vagabonds and beggars, with which Ireland unfortunately swarms; and we shall perhaps find that though the gross population be commonly estimated as ten millions to three and a half, yet the productive population will be nearly as eight to two; and if I am right in this conjecture, (for not being very conversant in political arithmetic, I offer it only as a conjecture,) then it will appear that 558 will be to 100 nearly in a compound *ratio* of the wealth and productive population of the one country to the wealth and productive population of the other. Nor if the number of representatives for Ireland fell short in this proportion, do I think that circumstance ought to weigh against the

the advantages which Union is likely to produce. In the Parliament of Great Britain the number of members for the county of Cornwall is within one of the number for the whole of Scotland, which contains many counties, and twenty more than for the principality of Wales, which contains twelve counties; and in Ireland the number of members for the county of Cork is within four of the number for the whole province of Connaught; and yet we do not find that either Scotland, Wales, or Connaught have ever complained or had reason to complain of the disproportion, and why? because in the British Parliament the interests of Scotland and Wales are identified with those of England; and in the Irish Parliament the interests of Connaught are the same with those of Cork. And the case will be the same when the two countries shall be united into one body; because the interest of the whole is but an aggregate of the interests of its several parts.

But though we have a rule to ascertain what is a competent number of commoners to represent the kingdom, it is not so easy to determine by

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any rule known to the Constitution what ought to be the number of its peers. Anciently, Lord Coke tells us, a knight's fee consisted of land of the annual value of £20; thirteen and one-third of these fees went to make a barony, 20 an earldom, about 27 a marquisate, and 40 a dukedom.

But since the peerage has ceased to be territorial, and is become merely honorary, (if we except the bishops who still sit *per baroniam*,) we can no longer look to property in that body but to the pleasure of the prince, which being wholly arbitrary, can furnish no certain standard for adjusting the proportion.

It must be admitted therefore that the constitution, as at present arranged, furnishes no rule of that kind; but the history of the Union with Scotland has happily suggested one; for the authors of that treaty thought that the number of peers ought to be to that of the commoners nearly as one to three.

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And in this article of the Irish Union, we find that rule has been observed, though not exactly, yet in a reasonable degree ; and where it is departed from, the deviation is on the popular side. And considering the number of Irish Noblemen who have also seats in the British house of peers, (about 40 exclusive of those whose titles are merely honorary,) it makes amends and more than amends for the disproportion, if any. It is double the number of the representatives of the peerage of Scotland, and (what is very remarkable, though perhaps not adverted to by the framers of this article) one for every county in Ireland.

Besides, it deserves consideration, that at the time of the Scotch Union the number of peers of that kingdom was about 144, which divided by 16, makes the quotient 9 ; but if we divide 217, the number of the Irish peers, exclusive of Archbishops and Bishops, by 28, the quotient will be seven three-fourths ; and if again we take from 217, forty who are also peers of Great Britain, the number will be reduced to 177 ; which divided by 28, gives only 6 and a frac-

tion ; so that Ireland will send to the Imperial Parliament nearly a sixth of her temporal peerage to represent the whole, whereas Scotland, of whose peers there were only four or five in the English house at the time of the Union, sends only a ninth.

And thus the landed interest of Ireland will be represented in the Parliament of the Union by two commoners and one peer for every county in the kingdom ; a number of what are called *rotten boroughs* will be disfranchised, and those only represented, which enjoy a considerable share of commerce, and whose constitutions are, for the most part, free ; a reform of which the noble Earl who spoke last will hardly complain, since he proposes that Great Britain should also disfranchise a certain number of her boroughs ; but to this proposal there are two objections, one that if the premises which I have laid down are right, Great Britain has only her just proportion of representatives at present ; and that she has not dictated to us, neither will it become us to dictate to her.

Thus

Thus far, my Lords, I have confined myself to the discussion of the article immediately under consideration ; but as I have not troubled your Lordships this session upon the subject of Union in general, I shall entreat your indulgence for a few minutes, while I endeavour to give an answer to some of the popular objections which are commonly urged against this measure.

Great stress has been laid upon the recovery of our rights in the memorable æra of 1782. It is the boast, the pride, the pleasure of my life, that I assisted in forming that arrangement. But the great value of that arrangement is, that it puts us on a proud footing of legislative independence, and enables us to say, upon what terms we are willing to unite ; whereas if that event had not taken place, we must, perhaps, before now, have yielded to an Union of subjection, not an Union of equality. It was then declared that no power on earth was competent to make laws of force to bind this country, but the King, Lords and Commons of Ireland. And it was so truly declared ;
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but are we called upon to give up that right ? no ! but we are called upon to perpetuate it by Union ; not to annihilate our liberties, but to render them immortal, by placing them on the same broad base with those of Great Britain. The very proposition of an Union for our deliberation is a recognition of our right ; for if any other power had been considered as competent to bind us, we should, probably, have never been resorted to.

But it is said that the arrangement of 1782 was final and conclusive. And so I admit it to be as to the only subject to which it applied ; which was the legislative independence of Ireland. The independence of our legislature was then finally established, and has never since been violated.

But where is the article in that arrangement, which forbids an Union between the two Countries ? It decides the only question then in controversy between them, and thereby impedes not, but rather facilitates an Union ; just as the accommodation of a private difference

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rence between two individuals often lays the foundation for a lasting friendship in future.

It must be admitted that the independence of Ireland was not placed on a firmer basis in 1782 than that on which the independence of Scotland stood in 1707. The only difference between the two cases, is, that Ireland *newly* recovered in 1782, what Scotland had enjoyed for ages before 1707. And therefore the independence of Scotland might with more reason have been objected as a bar to her Union with England. And accordingly the objection was made by the patriots of those times ; but the Scotch were too wise to give way to it.

I have heard it asserted that an act of Union will annihilate the Parliament of Ireland. And I admit that it will annihilate it in one sense of the word. It will annihilate it as a distinct Parliament ; and in like manner will it annihilate the Parliament of Great Britain : but they will not therefore
cease

cease to exist; for out of the two will spring a third, neither British nor Irish, but compounded of both, and for that reason more competent than either, to promote and secure the freedom, the prosperity and the happiness of the whole.

For it is a mistake to say, that when two nations unite, they annihilate or surrender their rights. They do not surrender but interchange and combine them. Nor do I assert this upon my own authority only. I assert it upon the authority of the learned Grotius, in whom you will find these words upon the subject:—" *Quod si quando uniantur duo populi, non amittantur jura, sed communicabuntur. Sicut Sabinorum primo, & deinde Albanorum jus in Romanos transfusum est; et una facta respublica, ut Livius loquitur.*"—The rights of two nations will not be lost, but communicated by Union. And this was the case, when the Sabine nation first, and afterwards the Alban coalesced with the Roman; and so, in the language of Livy, the whole became one commonwealth.

Idemque,

“ *Idemque*, continues Grotius,—*censendum est de regenis, quæ non fœdere, aut es duntaxat quod regem communem habeant, sed verâ unitate junguntur. Grotius de jure belli & pacis.—Lib. 11. C. 9. f. 9.*”—And the same may be said of two kingdoms, if they happen to be connected, not by a fœderal alliance, not by the tie only of being subject to one common Sovereign, (the very relation which subsists at present between Great Britain and Ireland,) but by a real, incorporating Union.

Much has been said of national pride, of national independence. But if this silly argument had prevailed from the beginning, no political association could ever have been formed, and mankind must have remained in a state of nature to this hour. The first two men, who united for mutual defence against the beasts of the forest, would never have done so, if they had listened to the suggestions of pride, but would have nobly left their lives exposed to preserve their independence. The first two families who formed themselves into one society ; the first two or

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three societies who formed themselves into one nation, might with equal reason have spurned the idea of uniting, since it seems distinct independence is of more value than common security.

What was the condition of this country when divided into petty principalities? If we look into our history, we shall there find the pride of independence painted in its strongest colours. The character of those times cannot be better given than in the laconic correspondence of two Chieftains.—The one writes to the other, “ Send me my tribute, or if you don’t”——and the other with equal brevity and point, returns for answer, “ I owe you no tribute, and if I did”——they then went to cutting the throats of each other, until the extirpation of one or both put an end to the quarrel.

Such are the fruits of divided independence ; and such fruits did this nation continue to reap, until exhausted by incessant dissensions, and surfeited with blood, they agreed to submit to the discipline of English laws, and

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to acknowledge the King of England for their superior Lord. And happy had it been for this country, if its inhabitants had ever since continued in that temper ; but, unfortunately, the love of independence revived in their bosoms ; they renounced their allegiance to their common Sovereign ; and once more exhibited scenes of rapine and bloodshed which are a disgrace to human nature. Nor were the English colonists, at times, in a much better condition. The history of this country, during the contention of the Houses of York and Lancaster, furnishes instances of two Parliaments sitting at the same time, and each attainting and confiscating the estates of the other. And in this state of anarchy and confusion did things continue, with little or no interruption, until the nation was once more united under James the First, who may be considered as the lawgiver of Ireland ; and from whose reign we must date the commencement of a government regularly organized, and of Parliaments solemnly holden.

Nor is this state of things peculiar to Ireland. It is the same in all countries which are divided into petty states. It was so in ancient Greece, before the institution of the Amphictionic Council gave it a common interest and principle of action. It was so in ancient Italy till the weight of the Roman power compressed it into one nation. It was so in Spain, France and England, until the petty sovereignties into which those kingdoms were anciently divided, severally submitted themselves to one common Sovereign. And so it is, and will continue to be, among the savage tribes of America, until the light of philosophy shall shine upon, and teach them the blessings of Union, civilization and social order.

It is said that the proposed Union is unnecessary, because we are already united to Great Britain by a foederal alliance. But the history of the World proves the imbecility of foederal connexion; since the jealousy of the weak state will always prompt it to separate itself from the strong. It was thus in the case of Spain and Portugal: the latter, being
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the weaker state, renounced her connexion with the former, and placed the Portuguese crown on the head of the Duke of Braganza. A similar consequence resulted from the connexion between Denmark and Sweden: Sweden, feeling the inferiority of her situation, took the first opportunity of separating herself from Denmark, and elected Gustavus Vasa for her Sovereign. Look to the example of Holland: if her seven provinces had been incorporated into one nation, instead of each possessing a negative upon the general will of the confederacy, would France have been able to over-run the whole country in a few weeks? If in Germany there had not existed a multiplication of interests and separation of states, each endeavouring to shift for itself, instead of uniting for the common defence, could the French arms have reduced the left bank of the Rhine in one or two campaigns? In Italy we see the same effects proceeding from the same causes: had she been united under one Senate, or one powerful Prince, could the conquests of Bonaparte have been so rapidly accomplished? But allies have never been known to co-operate cordially:

dially : *Dum singuli pugnant universi vincuntur*. Switzerland is now ruining the feebleness and instability of fœderal alliance ; and Poland, where every member of the Diet was independent of the other, and by his single *liberum veto* could control the general will—Poland has been blotted out of the catalogue of nations, and exists only in the fragments of a dismembered province. Cast your eye over the chart of the World, and if you would form an estimate of the political prosperity of any given portion of it, you have only to inquire whether it is united under one head like China, or divided into petty hordes, like those of the Tartars and Arabs. To an Union of states there can be no objection but that the machine may become unwieldy from its magnitude : but no Empire can be too great, where the arm of the Sovereign can reach to every part of it, and his will command all its motions.

It has been argued that we were never destined to unite, because a physical barrier has been placed between us ; because the sea flows between the two Islands : as if the interposition of that element, upon which commerce is exercised,

exercised, did not furnish the strongest argument for an Union between two commercial nations. From Zimmerman's survey it appears that the line of sea coast of Great Britain and Ireland, taken together, amounts to upwards of 3,800 miles, while that of France is not more than 1,000; and to this cause we may trace the extinction of the French trade and the depression of its naval strength; to this cause we may ascribe the inexhaustible treasures of British commerce, and the multiplied glories of the British Flag! But if to remove this supposed impediment, nature had united the eastern side of Ireland to the western of Great Britain, five hundred miles of sea coast would have been destroyed, and a proportional source of opulence and power lost to the empire.

Dr. Adam Smith has dwelt upon the advantages of a country being intersected, naturally or artificially, by navigable waters. He computes that a broad wheeled waggon, attended by two men, and drawn by eight horses, in about six weeks time, carries and brings back between London and Edinburgh near four ton weight of goods :

goods : and that in about the same time, a ship navigated by six or eight men, and sailing between the ports of London and Leith, frequently carries and brings back two hundred ton weight of goods. Six or eight men therefore, by the help of water carriage can carry and bring back, in the same time, the same quantity of goods between London and Edinburgh, as fifty broad wheeled waggons attended by a hundred men and drawn by four hundred horses.

So sensible is Great Britain of the benefit of such aqueous divisions, that she is daily expending thousands on the construction of navigable Canals ; has actually formed herself into two islands by the junction of the frith of Forth and Clyde ; and is meditating another great work which will still further divide the island. " It is upon the sea coast," says the author of the *Wealth of Nations* " and upon the banks of navigable rivers, that industry of every kind begins to subdivide and improve itself ; and it is frequently not till a long time after, that those improvements extend themselves to the inland parts of the country." When Great Britain wished to confine the

trade

trade of the American colonies to the mother country, and to check their mutual intercourse ; she passed a law to prevent certain goods from being water-borne between one province and another. The riches of Indostan may be typified by the waters of the Ganges ; and the barrenness and desolation of Africa accounted for by her want of navigable streams. The divine Author of our nature introduced four great rivers into Paradise, as if to point out to mankind what parts of that earth, which he had given them, they ought to cultivate the first.

In a former session I troubled your Lordships with some remarks on the competence of Parliament to pass an act of Union—I am unwilling to return to the subject, but I feel myself provoked, by what has been said in another House, if I may credit the public prints, to offer a few additional observations. An act of Union is a law incorporating one state with another for their mutual benefit and protection. It is a solemn compact, by which two states, hitherto distinct, agree to become one, and to be governed in future by one common will. But to call this political suicide is, in my apprehension, rank nonsense ; unless

it can be proved that when two states unite they cease to exist. Union is only a law common to two states; and to say that the Parliaments of both are incompetent to frame such a law, is to say that they are incompetent to answer the ends of their institution. For a distinction is to be made between the physical and moral power of Parliaments. They *can* do any act, but there are certain acts which they *ought* not to do; and therefore every question of *competence* ultimately resolves itself into a question of *expediency*. And surely it will not be argued, that though Great Britain and Ireland should stand on the precipice of destruction; that though their distinctness must be productive of misery in the extreme, and Union be ever so necessary to their happiness; that they must continue distinct for want of power to unite: in other words that though the measure should be ever so *expedient*, the Parliaments of the two countries are yet *incompetent* to enact it. It is a wretched argument, and such as no man in his senses can contend for. “*The bare idea of a state,*” says Judge Blackstone, “*without a power somewhere vested to alter every part of its laws,*” (and it is the laws of every

country which make its constitution,) “ *is the height of political absurdity.*”

My Lords, I am sorry to hear it said that the arrangement of 1782 is considered as part of a plan of separation ; I was concerned in that arrangement, and was at that time, as I still am, a decided friend to Union ; and had any scheme for that purpose been then devised, I should have given it my support. But though I had the honour of being admitted into the councils of that day, I have not upon my memory any trace of such a scheme having been proposed, much less reduced into form. And sure I am, that had it been proposed, I should not have shrunk from it through any apprehension of losing *a silly and precarious popularity*. I have long learned to despise popularity, and have had examples enough before my eyes, to convince me how unworthy it is of the pursuit of any man of common sense. I have seen an honourable and respectable friend of mine, now no more, at one time led half-way to the gallows to be hanged, and in a short time after carried into the House of Commons, (and for ought I know by the same mob,) in triumph, as one of the representatives of the

city. I have lived to see an illustrious friend of mine at one time idolized as a deity, and at another disfranchised as a traitor ; the act of an intemperate corporation, whose censure could no more depreciate, than their applause could enhance, the value of a character which will always sustain itself. I have lived, and am proud to say it, in habits of intimacy with him ; and know him to be as incapable of engaging in any plan for separating this country from Great Britain, as the most strenuous advocate for the present measure. If there be any young man within hearing, who feels himself enamoured of popularity, I shall beg leave to give him a short lesson of instruction. Let him keep himself for ever engaged in the pursuit of some unattainable object ; let him make the impracticability of his measures the foundation of his fame : but let him beware how he follows any solid or possible good ; for as sure as he succeeds his fame is damned for ever. Success will only call up some envious swaggerer, who will undertake to go a bar's length beyond him, and snatch away from him the worthless prize of popular estimation.

F I N I S.