

THE  
LETTERS  
OF  
*HIBERN-ANGLUS:*  
CONTAINING  
STRICTURES  
ON THE CONDUCT OF  
The Present Administration  
IN IRELAND,  
AND A  
VINDICATION  
OF THE PROCEEDINGS ADOPTED SINCE THE REGENCY  
BY THE  
*Irish Catholics,*  
WITH OTHER PAPERS.

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BY  
JOHN JOSEPH DILLON, Esq.  
BARRISTER AT LAW.

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“ Provided also, That *nothing* herein contained shall be construed  
in any manner to prevent or *impede* the undoubted right of His Majesty's  
subjects of this realm to *petition* His Majesty, or both Houses,  
or either House of Parliament, for redress of any public or private  
grievance.”  
IRISH CONVENTION ACT.

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## ADVERTISEMENT.

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This Publication consists of a Letter to a Noble Lord upon the general state of Ireland during the last year—of the Letters of HIBERN-ANGLUS, many of which have not hitherto appeared—and of an Appendix containing the Letter of an ENGLISHMAN on the effect likely to be produced by the conduct of the Irish Government in our continental operations—and also three Letters by a SCOTSMAN, upon the connection of the Catholic Question with the claims of Scotland, to be relieved from the English Test Act. The three last have been published with the permission of the Gentleman by whom they were written.

There are contained also copies of the Convention Act and of the Proclamation, as well as an Index of the Letters, by which the reader will be able to turn to any of the points discussed, which he may be disposed to think most to deserve his consideration. The Letters have been printed with the dates of the days on which they were composed, and they have been published principally for the perusal of Members in both Houses of Parliament, inclined to devote their attention to the affairs of Ireland, at this critical conjuncture. From the rapidity with which they were originally written, and on the present occasion have passed through the press, there may possibly exist various inaccuracies, which have escaped the Author's observation, and which he trusts the reader will excuse.

24th December, 1811.

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## Introduction.

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LETTER TO A NOBLE LORD,

*&c. &c.*

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Houses of the Oireachtas

LETTER TO A NOBLE LORD

Introduction



TO THE  
RIGHT HON. LORD \*\*\*\*\*.

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MY LORD \*,

WHEN I had the honour of transmitting to your Lordship, in 1810, a quarto volume containing Memoirs with other Dissertations and Notes, upon the Catholic Question, I had conceived, as indeed I expressed myself in that work, that the literary labours in which I had been so long engaged, in the hope of promoting a desirable settlement of the controversy, had terminated with that publication. Under the circumstances which *then* existed, I was satisfied that no progress could be made in the accomplishment of an arrangement, however necessary to complete, and to render effectual the Union with Ireland; and I was also of opinion, that by a renewed pressure of the matter under such circumstances in Parliament, where it had been already sufficiently discussed, no desirable object could be obtained. On the contrary, I thought that such a mode of proceeding might occasion detriment to the Catholic cause; whilst it could not fail to create pain in a quarter to which, from age and infirmity as well as from gratitude, in relation to transactions at an earlier period,

\* This was originally written as a private Letter, but has been printed, as containing an exposition of the motives, which have actuated the Author of this publication.



(with which many are familiar), respect and deference appeared to me to be peculiarly due. This impression I not only felt, but publicly avowed, both in 1807, and in the work above-mentioned.

I did not think I should so soon have had occasion to obtrude myself again, with reference to this subject, on the attention of the public, in any polemical dissertation. I had certainly not conceived the probability that I should have had to contend, at the close of 1811, with those, whom at the commencement of the year it undoubtedly was proposed actually to have removed from office; and who were declared to be continued in their situations only from necessity, and with apparent reluctance: but that it would have fallen on me to defend the Catholic Body, from measures wholly unprecedented, and not attempted at any former period of His Majesty's reign, I candidly own I thought beyond possibility. In this sentiment your Lordship will easily believe I am not singular. It is the universal sentiment of the Catholic Body. We had encountered repeatedly disappointment, but for this we certainly were not prepared. That the authors of such measures—of such ferment and confusion as they have created in Ireland—of such a violation as we have seen committed against what even the Statute itself, on which Government has attempted to found its proceedings, acknowledges and confirms as the “UNDOUBTED RIGHT OF THE SUBJECT”—that persons who have thus attacked the liberties, and outraged the feelings of a whole nation, should not have been dismissed, is a circumstance for which, under the predicament in which the Royal authority has been placed by the Regency Act, we can sufficiently account. Should they, however, be continued in office, and allowed to devise *future* plans of government; it would be to us all matter of the deepest anguish, not only as Catholics, but



as subjects of the British Empire, deeply interested in its welfare, and consequently in the counsels by which the Sovereign authority shall be advised, in the conduct of Government. It cannot, however, be supposed, that the people of Ireland are to be excluded from *all* consideration or influence, in the general administration of Irish affairs. Their conduct has not deserved such an exclusion—their consequence in the scale prevents the possibility of such an exclusion—and the attempt to exclude them would not only fail of success, but conduce to a melancholy result, which all would deplore, and which no one more sincerely, than myself, would wish to obviate.

We still, therefore, support ourselves in a confidence, that upon the meeting of Parliament, circumstances will be divulged, by which what to some may seem an incomprehensible mystery, will be satisfactorily explained. We call to remembrance the whole tenor of political conduct which has marked the character of the Prince Regent—his early political attachments—the principles which he has invariably professed—the *declarations*, stated by persons high in his personal confidence, to have been *authorised*, in regard to the Catholics, at a former period—the maxims in which, on an ever memorable occasion, it was notified, that His Royal Highness has been pleased to educate the interesting heiress of the Imperial Throne. We dwell with delight on all these considerations: and we abandon none of those expectations which we have invariably entertained from the liberal ideas, the splendid endowments, and intellectual accomplishments, that distinguish so eminently, beyond other princes of Europe, the illustrious Personage to whom the powers of Royalty are likely to be speedily confided, without ulterior restriction.

Before communicating the history of this publication,



allow me to advert to the state of things in Ireland at the commencement of His Majesty's illness.

Your Lordship must well recollect the circumstances which marked the disposition of Ireland, about that period. During the year 1810, the unpopularity of the present Administration seemed to be universal. Dublin had become clamorous for a repeal of the Union. The counties of Meath and Mayo had passed strong resolutions and addresses to the Throne. A spirit of general dissatisfaction at the conduct of Ministers pervaded Ireland. It was openly avowed, and loudly declared, in a manner to compel the most staunch supporters of their measures, not only to abandon their cause, but even to take an active part against their friends\*. Such was the *general* state of Ireland, and the *general* feeling of *all* classes. One cannot be surprised at the circumstance. It was the natural cause of the unnatural system pursued by the present Administration, in the government of Ireland. Other Ministers, under such circumstances, would instantly have retired.

The Catholics, partaking of course the general sentiment, had recently held an aggregate meeting. They had hesitated about petitioning Parliament again, not from *respect* to the prejudices of England, but from *disgust*. They were induced, however, to determine upon another application, principally indeed, on that occasion, by the speech of Mr. Finnerty. That speech, whatever opinions may be entertained respecting the merits of the individual, (with whom I am wholly unacquainted,) I think, upon dispassionate consideration, must be thought to deserve not reprobation, but the thanks of those anxious to secure the mutual connection of the two countries. It produced in my mind this im-

\* Vide the Resolutions of the county of Mayo, in the last year.



pression at the time; it excited in the Irish Catholics, present at that meeting, revival of hope from the liberality of England, to which Mr. Finnerty bore the strongest testimony; and it roused them from that state of despair in which they had been plunged—a state which, added to the general despondency of Ireland, might have produced the most fatal consequences\*.

At this critical juncture the illness of His Majesty occurred. When it had taken a decided turn, no pains were omitted by myself in representing, among my friends in England, the necessity of immediate attention to the state of Ireland, and the propriety of making an early communication to the principal Catholics, by which the proceedings of the Body might be regulated, in a manner to prevent what had occurred in 1806 and 1807. I had previously represented the serious disposition of the public mind in that country. The Catholics, however, of their own accord, acted liberally and with prudence. They seemed not disposed to press any thing prematurely; and as the best means of ascertaining how to proceed, after various adjournments, they determined on enlarging their Committee, “in order that, at a moment “when their emancipation might be considered as at “hand, it might become the depository of the collec-

\* Mr. Finnerty may languish in a jail, for having indulged an excess of political ardour, or possibly of political rancour, beyond what is allowed by law, but *this speech* will be long remembered, and hereafter generally approved. I am not surprised, that at the late aggregate meeting of the Catholics in July, a resolution should have passed in his favour. I will candidly own, that I have myself been impressed with prepossessions against this individual; but circumstances have recently come to my knowledge respecting *some* of his transactions in Ireland, which do him honour. If my information be accurate, he made, on one occasion, a most honourable sacrifice of his *interest* to principle. He has not been wholly disregarded by many public characters of *respectability*; and I conceive him to be the enemy more of himself, than of society.



“ tive wisdom of the Catholic Body.” Their conduct, on this occasion, I should have thought, would have satisfied any one, that the leading members of that Body had really at heart the accomplishment of a settlement, upon grounds consistent with the mutual honour and wishes of both countries. It certainly satisfied myself; and I had looked to the meeting of a Committee, which should contain a *representation* and become an organ of the Catholic Body, as the best and indeed as the only means of effecting, upon any principle of mutual concession, a satisfactory arrangement; unless indeed the Ministers of the Prince Regent, whoever they might be, were disposed to anticipate every wish entertained by the Catholics, and voluntarily to propose Parliament to abolish, in Ireland, all civil distinction on account of religious opinions. This I have always conceived to be true policy; and I stated in my Memoirs, that whatever “ relief Parliament in its wisdom might “ think proper to grant the Catholics, I have always “ wished *that it should be spontaneous, and independent “ of any petition from that Body\*.*” If Ministers, how-

\* Page 17, “ Memoirs.” Having seen accidentally, whilst revising the press, the Dublin Evening Post of the 17th instant, I was surprised at finding my name introduced in a letter bearing the signature of Dr. Milner, in which that publication is characterised as having been written “ by a degenerate Irishman, the main object of which is to prove, that “ the civil power has a right of determining the extent and conditions of “ the exercise of spiritual jurisdiction,” which doctrines the learned Bishop emphatically pronounces to be “ *absolutely heretical.*”

In making this charge the Right Rev. Prelate must have relied upon the circumstance, that these Memoirs, from the expensive nature of the publication, and their application principally to England, have not obtained circulation in Ireland; otherwise he never could have ventured consistently with *ordinary prudence*, to have made such a representation. I therefore beg leave to quote the passages to which he must allude, as they *really stand*; and to those who have read a scurrilous sixpenny pamphlet, circulated, I understand, under the name of this Prelate, in many thou-



ever, were not prepared to adopt such a course of proceeding, I had conceived that it was the interest of Government to have *promoted*, instead of opposing, the formation of a Committee, comprehending the Catholic

sands of copies, among the Catholics of Ireland, principally with a view it should seem, under the pretence of pastoral instruction, to vilify myself, it will appear how a work, not within the reach of those to whom the pamphlet has been addressed, has been unfairly represented.

In my Memoirs, page 40, I open the discussion upon the veto, in the following words: "When it is considered what respectable individuals at present constitute the Irish Catholic Prelacy—what support they have uniformly given to his Majesty's Government in the late perilous times, as will be admitted, I am persuaded, by all who have been connected with the administration of Ireland—with what moderation they have always expressed their wishes, even when Government have spontaneously offered to improve their situation and to promote their personal comforts—what pains they take in the election of their body to select only men eminent for piety and moderation, when left entirely to their discretion—it may, upon sober reflection, be an important question, whether it be really the interest of Government to introduce any alteration in the existing system; and whether, having had no reason to complain of a single nomination, except perhaps of one which proceeded from their own recommendation, it would be expedient at all to interfere?" And in a Note I observed, page 6, (Appendix,) that this doubt "I have invariably expressed; whenever it has happened to me to be spoken with upon the question, in consequence of the favourable reception which my exertions to elucidate the Catholic claims have had the good fortune to experience, from the British public." Is this to force an obnoxious measure upon the Catholics of Ireland?

I proceed in the same page 40, to state an opinion, that "if the State decide upon the expediency of interfering with the election of the Catholic Bishops in Ireland, the Imperial Parliament has a right, by virtue of the *civil supremacy*, to enact, without the consent of the Catholics themselves, still less of the Pope, or the necessity of communication with the See of Rome, any *civil regulations* upon this subject which it may deem expedient;" (the reader will observe the punctuation at this part of the sentence, which is that only of a semicolon,) "provided that it allow the body of Irish Catholics the Ministry of Bishops in holy orders; and that it attempt not to encroach or usurp upon that SPIRITUAL AUTHORITY, which I have already shewn not to be vested in the STATE, even in the contemplation of ENGLISH PROTESTANTS."



aristocracy, and representatives chosen from the class of landed proprietors. Without such a Committee, how could they ascertain the sentiments of the Catholics upon any point in which concession might be required?—how could Parliament communicate with the Catholic Body?—how could that Body ascertain and convey its own impressions? MONSTROUS must be held that construction of the Convention Act, which would dictate to a Jury to believe, that by the provisions of that Statute the Catholics are prevented, from adopting any means of complying, with what might be the wishes of PARLIAMENT ITSELF.

The CIRCULAR LETTER, with the deportment of the Irish Secretary on the commencement of the Regency, when communications, widely different, had been anxiously expected, astonished *every one*. It was at first disavowed, afterwards feebly defended by Ministers, and not pursued, as I thought it merited, on the part of the Catholics. It seemed, indeed, as if there existed a tacit convention, by which this gentleman was allowed to march out, with the honours of war.

Nothing material occurred in the fate of the Catholic Petition. It was necessarily presented, having been voted

Would it be believed that a Bishop, or even any person, having a character to sustain, should have stopped in quoting the above passage, at the word "*expedient*"—omitted wholly the rest of the sentence—and have charged the author with denying the Supremacy of the Pope, although in page 35, he actually and expressly *contends* for that supremacy—*justifies* the Catholics in maintaining that doctrine by texts of scripture—and states that the authority of the Pope is not a mere pre-eminence, but that it has with that pre-eminence "an incidental jurisdiction *strictly spiritual*" "in the Government of the Church." After this statement, I will confidently ask of the whole Catholic Church, and of all Ireland, whether I have not been by Dr. Milner most grossly and injuriously CALUMNIATED? And I shall consider, on my part, what are the ECCLESIASTICAL CENSURES, to which those are liable, who adduce against others unfounded accusations.



previously to the illness of His Majesty—as necessarily discussed—and as some think necessarily rejected, in consequence of the predicament of Ministers and of the Prince Regent.

Being in a western island of Scotland, and thinking little of politics, your Lordship may conceive with what astonishment I read in a Scotch newspaper, the Proclamation of the Irish Government, dated the 30th of July. I at once anticipated all the mischievous consequences likely to result from that infatuated measure, and having laboured so assiduously during many years in endeavouring to reconcile differences, and to promote an amicable settlement of the controversy, I not only felt mortified at finding every object likely to be frustrated, but in common with every other Catholic gentleman, the strongest indignation at the stigma, generally affixed by that Proclamation upon every individual member of the Catholic Body. With this impression, I took up my pen to vindicate the Catholics, and to expose what appeared to me the absurdity, illegality, and danger of the measures, to which the Irish Government had resorted. In order to promote an extensive circulation of my ideas, I communicated them in Letters to the Morning Chronicle, which I have now published with many others that have not appeared. I did not at first imagine that they would have extended to such a length, but as I became more acquainted with what was passing in Ireland, the more I was induced to pursue the discussion.

It became, indeed, the more necessary, in consequence of the tone assumed by Ministers in justification of their conduct. Your Lordship must, I conceive, have been struck with that tone, but especially with the Letters that appeared in the Morning Post, under the signature of MARCUS. They were obviously written, if not



by a Minister, certainly by one high in the confidence of Administration. To these Letters, and to the detection of the unconstitutional doctrines which they contain, I applied particularly my observations. They met with no reply, nor with any denial, of which I am aware, that they were of the nature I supposed. I believe that when they were written, it was not expected that an adversary would have appeared on the field, in England. They gave me, however, an advantage of which I have been able to avail myself, in submitting to the consideration of the British public many political truths regarding Ireland. Will the friends of Ministers now venture to publish, in a pamphlet, the Letters of MARCUS? Will they now defend their proceedings, upon the grounds assumed in those Letters?

Your Lordship well knows how anxiously I have wished, in the part which I have so frequently taken in the discussion of the Catholic question, to observe myself, and to impress upon others, moderation; but especially to avoid the agitation of abstract points. Allow me again to quote my own Memoirs, in which the Author speaking of himself says, page 3:

“ He has never desired to see the Catholic question carried as a triumph or victory. In advocating the Catholic claims he never has sought to maintain their cause upon ideas introduced by modern revolutionary theories—by any novel doctrines of reform and innovation—by abstract metaphysical speculation—by arguments of pusillanimity or intimidation—or upon grounds of temporary expediency or of inevitable necessity. It has been his aim and his labour to establish them successfully upon the basis of that IMMUTABLE JUSTICE, applicable to all circumstances whether of national prosperity or adversity—and without reference to the NUMBERS or PAUCITY of the CLAIMANTS—upon the foundations of LAW, and the SOLID PRINCIPLES OF THE BRITISH CONSTITUTION. He has also thought with Mr.



Pitt, (looking at the measure not merely as it may regard the feelings or the interests of a particular portion of the community, but in its obvious tendency to improve and confirm the general system of establishments civil and religious, and to consolidate more effectually in one common cause of self-preservation, and by a sense of common interest, the strength and talents and resources of the Empire) that much of the expected benefit would be diminished, unless it were adopted without a serious conflict—and if not with unanimity, at least with the preponderance in its favour of PUBLIC OPINION. The writer of this Memoir has never been a partizan—he has always written according to his own impressions and the suggestions of an independent mind; and he has never allowed party or personal feelings to influence his sentiments or his conduct, with respect to the Catholic question.”

Such were, such continued, my sentiments; and such I had hoped would have been a result, to which even some of the present Ministers would have directed their exertions; but they have chosen hostility, and created a warfare, which it will not be easy to compose. Their conduct compels gentlemen, the most inclined to a course of moderation, to become the most vehement in opposition to the continuance of such Ministers in office; and of this I am persuaded, that it is only by the most pointed condemnation of such conduct in England the connection of the two countries can be saved \*.

\* Forbearance on the part of Catholics, indeed, has hitherto been considered, it seems, by Ministers, as pusillanimity; and because some of us the most interested in these claims, wished to conciliate—to repress the vehemence of those more ardent in the numbers of our persuasion—because we were solicitous to prevent the progress of the question to a serious crisis, Ministers have conceived that they were at liberty to proceed in a career of infatuation—to disgust the public mind of Ireland—to goad the Catholics to the last point of endurance; and that they were entitled to call upon us to vindicate measures, upon which we never were consulted, and which we could not approve—to expect of us to rescue them from the effects of their own folly—and then to insult us in a hire-



I shall ever hold the present Administration answerable for all the calamities, with which Ireland seems to be menaced. They have interrupted the fair constitutional proceedings, by which the Catholics sought to facilitate a settlement of the question; they have impeded all the good which might have resulted from those proceedings; and any mischief, which may occur, must be attributed solely to their own injudicious conduct.

What must be the feelings under which the members of the Committee will assemble? What would be those, under similar circumstances, of Englishmen? I am inclined to think that the English nation would never, under the same trials, exhibit the same patience, moderation, and forbearance, that have marked throughout the Irish Catholics; and of this I am persuaded, that no Minister would be allowed to adopt towards the people of England, or even venture to attempt, such a system, as that which has been pursued, under the auspices of the present Administration, towards their fellow-subjects in Ireland.

I advert particularly to the language of the Ministerial press. Is it possible to have read the newspapers in the

ling press, as persons timid, weak, and insincere. We are to be vilified, *in globo*, by the Treasury Prints—we are to be stigmatised throughout Europe, in a Proclamation—and the charge of disloyalty is to be commuted only for the inculcation of imbecility!

Can any one conceive the presumption (I will not use a stronger expression) of those, who professing themselves as they did during the last winter, ignorant of Mr. Hay's circular printed Letter, (*as notorious as an Irish newspaper*, and which the Earl of Donoughmore actually produced, I believe, in the House of Lords, as received by him in England long previously to the return of Mr. Pole to Ireland), announce to us that we are incapable of managing our own concerns—that we do not know our own people—and declare us to be led by persons, whose designs are unknown to the Catholic Body, but within the knowledge, forsooth, of gentlemen in the Castle of Dublin, most of them strangers to the country, and, according to their own declaration, so inattentive to what is passing in Ireland, as not to know the public proceedings of a public Committee.



pay, or under the influence, of Government during the last six months, and not to be impressed with disgust at their language respecting Ireland—with astonishment that any set of men, assuming the character of Statesmen, could allow such language, so derogatory to Government, so injurious even to themselves, to be daily continued, and even industriously circulated!

I speak not merely of abuse or low invective\*. But I wish to advert to a line of argument which the Treasury journals have adopted during the controversy, tending according to my own views of the subject, to the most dangerous consequences.

They have *insisted*, in the first place, upon arguing the claims of the Catholics as a matter of *right*. Allow me to trouble your Lordship on that point, with some observations.

The Catholics were not originally disposed to have rested their claims upon the foundation of abstract right. Mr. Fox in 1805 did not argue their case upon that ground. He was complimented on the occasion by Mr. Pitt; and if I may be allowed to speak of myself, throughout all my Tracts on the Catholic question, and especially on the present occasion in the Letters of Hibern-  
Anglus, I have expressly, and repeatedly, deprecated such a discussion. Your Lordship will give me credit for the motive of this forbearance, which has proceeded from any thing but a sense of *weakness* in the Catholic cause,

\* One regrets to see such means employed on any occasion. They degrade the character—lessen the public estimation—and injure the true interests of newspapers. They will ultimately prove ruinous to newspapers themselves; and they defeat all the public good which, in my humble opinion, results from such publications. Whilst, however, such continues the usual style of these compilations, those who are aggrieved will generally be able, and also disposed to retaliate. I am the first however to acknowledge, that the Catholics or the people of Ireland, are not intitled to expect, that liberty of discussion should be only on their own side.



on that ground. I had avoided the discussion, because I felt the strength of the argument in my own favour, and on that account I dreaded its being brought into action. I always apprehended, however, that such would be the issue ultimately joined between the parties, from the course adopted by Administration; and my fears have been verified. Whilst declining the argument of abstract right, on my side, it was courted and provoked during the last autumn, on the part of Ministers and their advocates. They *would* have a proclamation—they *would* have a trial, they *would* argue the question as concerning right—and thus, in their wisdom, they have brought the matter to a point, in which they have nearly shaken the foundations of all law; and as if they sought to verify the former positions of their Attorney-General Mr. Saurin, in the Irish House of Commons, which brought upon that Gentleman, from Mr. Egan, the charge “*of unfurling the bloody flag of rebellion;*” they have raised a question tending even to dissolve the Union. Mr. Saurin declared in 1800, that the Union Act, if it passed, *would not be binding*; and Ministers have chosen to furnish, of their own accord, arguments in favour of that position. They insist upon raising a question of abstract right; but they have not chosen to remember that the Catholics, *i. e.* the people of Ireland, were excluded from Parliament only by an *English statute*\*; that England declared in 1783 that statute to be null and void, passed by an authority not binding upon Ireland, and therefore that the Catholics, until *that* period, were ILLEGALLY EXCLUDED. They thus invite the Catholics to ask what was the right of the Irish Parliament in 1783, to disfranchise the people of Ireland, more than that of the British Parliament to disfranchise the people of England? Mr. Pitt, from whom has arisen this distinction of right and expe-

\* 3 William and Mary, c. 2.



diency, had the weakness to ask in 1799, with a view to another argument, what was the right of the Irish Parliament to admit the Catholics to the elective franchise? The Catholics have profited by this hint. They will now ask, what was the right of the Irish Parliament at any time to *exclude* them; and they will also request to know of all the learned members in the University of Oxford, who voted against the election of Lord Grenville on account of his sentiments respecting Ireland, how *they* would be inclined to submit to an act of Parliament, or recognize the competency of such a statute, which should exclude, from sitting among the Lords and Commons of England, EVERY ENGLISH PROTESTANT!!!

One would have thought that the loss of America, principally attributable to the folly of considering not what it was proper to grant, but the grounds on which, what was admitted to be expedient, should be conceded, would have been a warning to the present Administration, and have induced them to deprecate a similar discussion with the people of Ireland. But by a fatality which has so long marked the proceedings of Great Britain towards her colonies and dependencies, as well as foreign powers, her Ministers first oppose every request, however reasonable—repudiate solicitation—promise after a time, and then retard performance—yield at length only to remonstrance—and defeat every advantage resulting from measures, which from the beginning may have been pronounced by men even of ordinary capacity to be of obvious policy. What has been the conduct of the present Administration, for instance, towards Malta\*?

\* In 1807 I had occasion to publish a Memoir upon the political state of Malta, in the hopes of pressing upon the attention of *Ministers* the necessity of an immediate settlement to that Island. I was never requested even to communicate the grounds on which I expressed the strong opinions manifested in that publication, still less any ideas that might have



Ministers have not been satisfied with driving the Catholics to the agitation of questions regarding abstract right. Their advocates have wished to excite in their minds ideas of a more *dangerous* tendency. They denominated in their journals the Catholic Committee, as the *Irish-petition-Parliament*, thereby suggesting to the people of Ireland, that the *petition-Parliament* would contain a representation in effect of the national will which could not be found in the Imperial Parliament. Can your Lordship, or any reasonable man conceive a course more injudicious; but what may we not conceive, from a party which proceeds upon no settled views, seeking to maintain itself in power only by epigrams or sarcasm, indifferent about futurity, and occupied solely with the success of some miserable and momentary subterfuge? The idea was not confined solely to the *newspapers* of Government. It seems to have been entertained by the first Law Officer of the Crown. What must have been the impression produced upon the people of Ireland when they heard the Attorney-General discanting during hours upon *treason, rebellion, faction, oratory, and sedition*, not it is *true* extending his accusation to every *individual* of the Catholic Body, but involving in it unequivocally every gentleman taking a lead in their political concerns, unable to produce a single witness in support of his operations—and afterwards, when confronted by a popular

occurred to me, after a very laborious attention to the subject, respecting the form of constitution or code of laws, suitable to the connection of that Island with the British Empire. I had personally, no pretensions to consideration; but the Maltese were entitled to claim the performance of good faith on the part of Britain. Nothing has been done—and it appears that the patience of the Maltese has become nearly exhausted. It is my intention to resume the consideration of the Maltese question. Malta has been sacrificed to the prejudices of Ministers regarding Ireland; and nothing has been done for Malta, because it would have afforded an argument for the settlement of Ireland!!!



and leading member of that body, denying the fact of having made imputations, which Mr. O'Connell stated he had distinctly marked down upon his brief—with the report of which all the newspapers had been filled—and on which the Ministerialists had feeded with delight, *rejoiced* at the idea, that such calamities might exist in Ireland, and be proved, in order to keep their friends in official situations! What would be said in England of an Attorney-General, who should open a prosecution in such inflammatory language, wholly destitute of evidence to support his invectives!

In doing me the honour to read these Letters, your Lordship, perhaps, will have the goodness to bear in mind, that they were excited by the immediate impression of the moment—that they refer to circumstances as they arose, and as they existed at the date of each Letter. It was not my intention originally to have declared from whom they proceeded. Having written, however, with great boldness and freedom, I have thought it incumbent on me to avow myself the Author.

There are occasions on which it is necessary to speak out—in which decided language is necessary—due to personal dignity—conducive to public advantage—and this appears to me to be one of those occasions. Sir John Moore in one of his memorable and prophetic dispatches from Spain observed, that it answered no good purpose to conceal the *true* state of affairs. We have gone on too long indeed, upon a general system both of public and personal delusion. To the cry of JACOBINISM has succeeded a cry of FACTION. The former ceased, only after it had made the *champion* of Jacobinism, a great and mighty sovereign. The latter, if not resisted by a firm spirit of opposition, will perhaps expire, only after it shall have dismembered, and destroyed the British Empire. We have now the mortification of beholding the



great and gigantic power, which we have constituted by a mistaken policy on the Continent; and if we persist in our present conduct, we shall speedily have to contemplate the ruin that will be accomplished at home, by continuing a system which banishes all sober reflection—shuns all careful investigation—disregards all serious admonition—flattering first itself, and then the people, with a spirit of voluntary, but most dangerous, self-deception. It has been with the present Administration an invariable rule to adopt a conduct, calculated to irritate the temper of the Irish, and to represent any remonstrances made in or out of Parliament against a conduct so reprehensible, (in the view of preventing ulterior outrages against national feeling on the part of Ministers, or of promoting forbearance from violence on the part of the people of Ireland, by convincing them that the whole British nation do not approve, but that many respectable persons condemn, the conduct of Ministers) as an invitation to the Irish to adopt those proceedings, to which only the measures of Government must necessarily tend. Even *oratory* of late has become a crime. Of the latter, I apprehend, I stand no chance of being accused; and however disposed some may feel, I am well satisfied that persons *in authority* will hesitate, before they venture to prefer or countenance against *myself* the charge of faction. There exist circumstances, some of which are within the knowledge of your Lordship, that sufficiently preclude all probability of such an imputation, which if attempted, I should know how to retort, with more asperity than has been shown by HIBERN-ANGLUS, perhaps already, in many instances, but always against his natural inclination, and contrary to the general tenor of his political publications.

I have the honour to remain, &c.

JOHN JOSEPH DILLON.

22d December, 1811.



## CONVENTION ACT.

33 Geo. 3. c. 20.

AN Act to prevent the election or appointment of unlawful Assemblies, *under pretence* of preparing or presenting public Petitions or other Addresses to His Majesty or the Parliament.

“ WHEREAS, the election or appointment of assemblies, purporting to represent the people, or *any* description or number of the people of this realm, *under pretence* of preparing or presenting petitions, complaints, remonstrances, and declarations, and other addresses to the King, or to both or either Houses of Parliament, *for alteration of matters established by law*, or redress of alleged grievances in Church or State, may be made use of to serve the ends of factious and seditious persons, to the violation of the public peace, and the great and manifest encouragement of riot, tumult, and disorder—be it declared and enacted, by the King’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in Parliament assembled, and by the authority of the same, that all assemblies, committees, or other bodies of persons elected or in any other manner constituted or appointed to represent, or assuming or exercising a right or authority to represent, the people of this realm, or *any* number or description of the people of the same, or the people of any province, county, city, town, or other district within the same, *under pretence* of petitioning for, or in any other manner procuring an alteration of matters established by law in Church or State, save and except the knights, citizens, and burgesses elected to serve in the Parliament thereof; and save and except the Houses of Convocation duly summoned by the King’s writ, are unlawful assemblies; and it shall and may be lawful for any Mayor, Sheriff, Justice of the Peace, or any other Peace Officer, and they are hereby respectively authorized and required, within his and their respective jurisdictions, to disperse all such unlawful assemblies, and, if resisted, to enter the same, and to apprehend all persons offending in that behalf.



“ 2. And be it further enacted, That if any person shall give or publish, or cause or procure to be given or published, any written or other notice of election to be holden, or of any manner of appointment of any person or persons to be the Representative or Representatives, Delegate or Delegates, or to act by any other name or description whatever, as Representative or Representatives, Delegate or Delegates of the inhabitants, or of any description of the inhabitants of any province, county, city, town, or other district within this kingdom, at any such assembly; or if any person shall attend and vote at such election or appointment, or by any other means vote or act in the choice or appointment, of such Representatives or Delegates, or other persons to act as such, every person who shall be guilty of any of the said offences respectively, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanour.

“ 3. Provided always, That nothing herein contained shall extend, or be construed to extend, to affect elections to be made by Bodies Corporate, according to the charters and usage of such Bodies Corporate respectively.

“ 4. Provided also, That *nothing* herein contained shall be construed *in any manner* to prevent or *impede* the *undoubted right* of His Majesty's subjects of this realm *to petition* His Majesty, or both Houses, or either House of Parliament, for redress of *any* public or private grievance.”

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*By the Lord Lieutenant and Council of Ireland,*

A PROCLAMATION.

RICHMOND, &c.

Whereas, by an Act made in the Parliament of Ireland, in the 23d year of his present Majesty's Reign, entitled, “ An Act to prevent the election or appointment of *unlawful* assemblies, *under pretence* of preparing or presenting public Petitions or Addresses to his Majesty or the Parliament,” it is enacted, ‘ that all assemblies, committees, or other bodies of persons, elected, or in any other manner constituted or appointed to represent, or assuming or exercising a right or authority to represent, the people of this realm, or any number or description of people of the same, or the people of any



province, county, city, town, or other district within the same, *under pretence* of petitioning for, or in any other manner procuring an alteration of matters established by law, in Church or State, save and except the Knights, Citizens, and Burgeses, elected to serve in the Parliament thereof, and save and except the Houses of Convocation duly summoned by the King's writ, are unlawful assemblies; and it shall and may be lawful for any Mayor, Sheriff, Justice of the Peace, or other Peace Officer, and they are thereby respectively authorised and required, within his and their respective jurisdictions, to disperse all such unlawful assemblies; and if resisted, to enter into the same and to apprehend all persons offending in that behalf.' And it is further enacted, 'that if any person shall give or publish, or cause or procure to be given, or published, any written or other notice of election to be holden, or of any manner of appointment of any person or persons to be the representative, or representatives, delegate or delegates, or to act by any other name or description whatever as representative, or representatives, delegate, or delegates, of the inhabitants, or of any description of the inhabitants of any province, county, city, town, or other district within this kingdom, at any such assembly; or if any person, shall attend and vote at such election or appointment, or by any other means, vote or act in the choice or appointment of such representatives or delegates, or other persons to act as such, every person who shall be guilty of any of the said offences, respectively, being thereof convicted by due course of law, shall be deemed guilty of an high misdemeanour.'

And whereas, at a meeting or assembly of persons held in the city of Dublin, on the 9th of July inst. and styling themselves "A Meeting of the Catholics of Ireland," certain resolutions, amongst others, were entered into, and have since been published of the tenor following:

"Resolved, That a Committee of Catholics be therefore appointed, and requested to cause proper Petitions to be forthwith framed, for the Repeal of the Penal Laws, and to procure Signatures thereto, in all parts of Ireland, and to take measures for bringing such Petitions under the serious consideration of the Legislature, *within the first month* of the ensuing Sessions of Parliament;—

"Resolved, That the said Committee do consist of the Catholic Peers and their eldest Sons, the Catholic Baronets, the Prelates of the Catholic Church in Ireland, and also ten persons to be appointed by the Catholics in each county in Ireland, the survivors of the Delegates of 1793, to constitute an integral part of that number, and also of five persons to



be appointed by the Catholic inhabitants of each parish in Dublin.

“ Resolved, That the appointment of the said persons be made forthwith.

“ Resolved, That it be recommended to such Committee, to resort to all legal and constitutional means of maintaining a cordial communication of sentiment and co-operation of conduct, among the Catholics of Ireland, and generally of promoting the *favourable reception* of their *Petition*.

“ Resolved, That until the new Committee shall be appointed, the management of Catholic affairs shall be confided to the Catholic Peers, Baronets, and survivors of the Delegates of 1793.”

And whereas, there is reason to apprehend, that some of his Majesty's subjects may have already acted, and that others may be misled to act in furtherance of those resolutions, by taking a part in the election or appointment of delegates or representatives, for such proposed Assembly or Committee, and that the persons so elected or delegated; or to be so elected or delegated; may be disposed to meet and form such assembly or Committee as aforesaid:

And whereas, *such* an assembly as is by those resolutions proposed to be convened, is not only a *direct* violation of the provisions of the Statute aforesaid, and an unlawful assembly, but *tends directly to endanger* the peace and tranquillity of the State.

Now, we the Lord Lieutenant, by and with the advice of the Privy Council of Ireland, being determined, as far as in us lies, to enforce the due observance of the laws of this realm, and being anxious to prevent the mischiefs, which the violation of those Laws, and particularly of the Statute herein before mentioned, must occasion, do, by this our Proclamation, command all his Majesty's loving subjects of this part of the United Kingdom, that they do abstain from all acts and proceedings whatsoever, contrary to the provisions of the aforesaid Statute.

And we do further hereby call upon and require all Justices of the Peace, Mayors, Sheriffs, Bailiffs, and other Peace Officers, in this part of the United Kingdom, that they do proceed in due course of Law, to apprehend and hold to bail all persons against whom *information on oath* shall have been obtained of having given or published, or caused to be given or published, any written or other notice of elections to be holden, or of any manner of appointment of any representative or delegate for any such assembly, *as is herein before mentioned*, or of having voted, or in any manner acted, or who shall be found



actually voting, or in any other manner acting, in the election or appointment of such delegates or representatives, that the person or persons so offending, may be prosecuted according to Law; and in case an assembly of such delegates or representatives shall hereafter attempt to meet *in defiance of the law*, and *notwithstanding this our Proclamation*, that they shall proceed to disperse the same as an unlawful assembly, pursuant to the directions of the aforesaid Statute.

Given at the Council Chamber in Dublin, the 30th day of July, 1811.

Manners, C.

Erne.

De Blaquiere.

D. L. Touche.

Pat. Duigenan,

Westmeath.

Charles Kildare.

Frankfort.

S. Hamilton.

Mayo.

Castle-Coote.

W. W. Pole.

Wm. Saurin.



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LETTERS

OF

Hibernæ-Anglus.

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Houses of the Oireachtas



## A PRELIMINARY LETTER.

ON THE APPOINTMENT AND RESPONSIBILITY OF  
MINISTERS.

TO THE EDITOR OF THE MORNING CHRONICLE.

SIR,

PREVIOUSLY to pursuing the proposed discussion respecting the conduct of the Catholics, and the circumstances under which the late Proclamation has been issued, it is impossible for me to abstain from adverting to recent proceedings adopted by the Attorney-General of Ireland \*. With the gentleman who at present holds that office, I have not the honour of any personal acquaintance, but the scenes acting in Ireland remind me of well known lines in our favourite dramatic Poet:

Lord Angelo is precise—

A man of stricture and firm abstinence—

We have strict statutes, and most biting laws,

'The needful bits, and curbs to headstrong steeds;

*For terror, not to use; unhappily even so;*

And the *new Deputy now for the Duke*

Awakes us all the unrolled penalties

Which have, like unscour'd armour, hung by the wall,

*And none of them been worn: and for a name,*

He hath pick'd out an Act,

Under whose *heavy* sense our liberties

Fall into forfeit. He *arrests* us on it.

The particulars of these proceedings I have learnt but imperfectly, and only through the medium of a para-

\* This Letter was not the first in the order of time; but has been printed on this occasion as a preliminary Letter. The proceedings alluded to relate to the notices given to persons on the part of the Solicitor for the Crown, to attend the *Attorney-General*, to shew cause why a criminal information should not be filed against them.



graph contained in your Paper. They appear to me, however, of a nature to call for immediate observation. Having detected, and I trust sufficiently exposed in the course of these Letters, an attempt on the part of Ministers actually to invade, in defiance of a proviso contained even in the Irish Convention Act itself, the RIGHT OF THE SUBJECT TO MEET AND PETITION FOR THE REDRESS OF GRIEVANCES, I must be excused if I both entertain and express considerable distrust of their ulterior views; and if I am disposed to watch with jealous suspicion, every approach in Ireland at the present moment against the LIBERTY OF THE PRESS. An Administration, capable of invading the one, will necessarily endeavour to suppress the other; and when it shall not only have lost the confidence of the public, but shall have excited throughout an entire kingdom an universal sentiment of disgust, and incurred general reprobation of its measures, it can support itself in power only by an attempt to annihilate every thing, that bears even the semblance of freedom. It has been a common observation in England, that a weak Administration is necessarily hostile to liberty, and disposed to adopt measures of tyranny and oppression. The observation is well founded; and whilst in absolute monarchies the people have frequently recovered their rights, through weakness in the councils of the Sovereign, in England, under similar circumstances, they generally have been most exposed and nearly extinguished. The British constitution can flourish only under the culture of an Administration enjoying *the confidence and respect of the public*; deprived of such fostering care, it will languish, decay, and ULTIMATELY PERISH.

The difference, between the free character of the British constitution and the harsh features of arbitrary monarchy, consists principally in the check which is imposed



in the one, upon the appointment or continuation by the Sovereign of his Ministers, which in the other is not to be found. This salutary check arises from the liberty of discussing freely their proceedings, and from the influence allowed and secured to public opinion, upon the measures and conduct of Government. It is the amenability, if I may so express myself, of men in power to this intellectual tribunal, which constitutes TRULY and EFFECTUALLY, the responsibility of Ministers; and responsibility thus constituted is not only the security and safeguard of the SUBJECT, but a principal protection of the CROWN ITSELF. It is the GRAND PRINCIPLE WHICH MAINTAINS our Body Politic, binding together parts otherwise incapable of adhesion, and establishing harmony throughout the whole system. By the operation of this principle, whilst respect due to the Sovereign is always preserved—whilst he is considered incapable, to use the language of the law, of doing wrong—and whilst an association is maintained even between the person and the office of the King, Majesty is protected against any surprise upon its conscience—the people are secured from abuses of Royal authority—and should any be committed, the remedy can be applied with HONOUR to the MONARCH, and without DANGER to the STATE.

How different is the fate of those countries in which such a responsibility does not prevail—where public opinion has no constitutional organ by which it can express its dissatisfaction at the choice or conduct of Ministers—and where grievances can be redressed, after the public patience has been abused and exhausted, only by a REVOLUTION!!!

I must request your permission to pursue a discussion, into which I have been insensibly led by this new proceeding on the part of the Irish Government.

The responsibility of Ministers upon the *foundation*



*which I have already described*, was established in 1688. It had, indeed, always existed in the *contemplation of law*, but it was subjected to no settled rule, and not capable of being applied practically but through proceedings severe, and often violent. The necessity of a new and determinate understanding upon this important point was occasioned by the injudicious selection, which had been made by James II. of improper Ministers, and by the obstinate determination manifested by that misguided, betrayed, and unfortunate Monarch, under a *mistaken* idea of firmness, to continue them in office, in defiance of public opinion. The distinguished Statesmen, who accomplished the memorable achievements of that period, had it not in contemplation to destroy, but to support the throne; fixing it on a basis sure and immutable. They entertained a dread of Despotism, but they fondly cherished a love of Monarchy. They proceeded not upon abstract principles—not upon visionary theory—not upon metaphysical speculations—nor did they allow their minds to ramble and to be lost in the mazes of antiquary research, or in a wild pursuit after imaginary and unattainable perfection. Their operations were conducted with a view to PRACTICAL BENEFIT, and they were the result of profound reflection upon known maxims and recent experience. They had witnessed the excesses of liberty, as well as those of regal authority; and they had found them equally if not more fatal to the order of society. They had also observed the rapid succession in which the licentiousness of faction had followed upon the steps of those, who had attempted to acquire arbitrary domination. To guard alike the MONARCH and the SUBJECT against the recurrence of similar calamities, they established upon new and sure grounds, the principle of responsibility to the public and to the country of Ministers, leaving the precious legacy to their



descendants, by whom it has since been matured, under the auspices of a family who have owed to this principle their exaltation to the THRONE of the BRITISH EMPIRE, and to the effects of its salutary operation the GLORY, in modern times, of their ANCIENT AND ILLUSTRIOUS HOUSE.

Let us consider the means by which this has been effected. The principle, as I have already observed, was founded with a view to practical benefit, and the application of it must always be consistent with the original object of its institution. That object was to promote, and not to impede, a wise and judicious administration of public affairs. In a Constitution, under which the Executive Authority is wisely entrusted with the most extensive faculties in respect to the relations of the State with Foreign Powers, and indeed, in the general predicament in which the British Empire must always be placed, it is obviously expedient, that the hand of those presiding at the helm of Government should be firm and steady—that political measures of importance should be concerted in the Cabinet, with an assurance approaching to probable expectation, that unless seriously objectionable they will be sanctioned, at least not condemned by Parliament. Without such confidence it is impossible that the affairs of the Empire can be conducted; and to ensure support, it is reasonable that Ministers should be themselves Members of Parliament—that they should have the means of ascertaining its disposition—and that they should enjoy a fair and reasonable influence upon the votes of that Assembly. A certain credit also is to be given to Ministers, *if properly selected*, for wishing to conduct well the affairs of the nation—it is their interest to administer them to the best of their judgment and ability—and consistently with a due vigilance on their proceedings, they are entitled to protection and support.



It will not, however, be denied, that a judicious selection of Ministers is a great security to the country for a faithful and *able* discharge of their official duties; and that the people have an *interest* in the choice made by the Sovereign. When called upon for immense contributions, and to submit to the heaviest burthens in support of the Government, it cannot upon any received principle of justice or equity be denied, that they have a right to *claim*, and to *expect* also of the Sovereign, that in the exercise of that prerogative which the law has annexed to the majesty of the Throne, not for the gratification of whim, humour or caprice, but to promote most effectually the general welfare of the State and the happiness of the subject, he will select persons most capable, in the estimation of the country, of conducting affairs to the best advantage—men enjoying the *confidence* of the public, not persons of inferior pretensions, or those whose measures shall have excited public odium. The interest, indeed, of the Sovereign is in this respect equally concerned with that of his people; it is therefore but fair to presume that a Prince animated with a truly British spirit, and educated in comprehensive and enlightened ideas of the British Constitution, will, in all times, feel inclined to call to his Councils persons answering the first description—that he will honour with his own confidence and esteem those, who are respected for their abilities and capacity by the nation—that he will consider as his own the popularity of an Administration conducting the business of the State to the honour of the Crown and the satisfaction of the subject—and that in this respect, as well as in all others, he will not abstractedly consider merely the *power* with which he is invested, but the *end* for which it has been instituted, and the sacred *trust* under which it is held, as declared at the period to which I have alluded.

To secure, however, effectually the principle of res-



possibility, but at the same time to prevent the necessity of recurring to it by the formal and ungracious measure of address to the Throne, or by the more serious course of impeachment, an understanding had been settled and in a manner established, that in consideration of the support given by Parliament to the Ministers of the Sovereign, they should in general be chosen from the most eminent persons in the state; and it had been a principle of honour among Statesmen themselves, that losing the confidence of Parliament upon any great and important measure of Government, they retired from office. If the history of successive Administrations be reviewed, from the Revolution until that of the present Ministers, this principle will be found generally to have prevailed. An exception, indeed, occurred in the case of Mr. Pitt, but the circumstances were anomalous. A clamour had been raised against the Ministers whom he succeeded, and with success. They had a majority of suffrages in Parliament, but they had been rendered unpopular without doors. Viscount Sidmouth, however, the successor of Mr. Pitt, adhered with scrupulous honour to the established practice \*. It has remained with the present Ministers to continue in office after their measures have been repeatedly

\* Most persons think that Mr. Addington, had he chosen, might have continued in office. He entertained, however, too high a respect for the Constitution to violate what had been received as one of its principles; and too much regard for the Crown to expose it to a contest with the subject, which might involve its best interests, and endanger the general welfare of the State. Lord North declared himself, in 1781, that if a House of Commons should withdraw its confidence, it would be his duty, without waiting for an address of removal, to wait upon his Sovereign, and, delivering up the seals of office, say to him, " Sir, I have served you with diligence, with zeal, and with humility, but success has not crowned my endeavours. Your Parliament have withdrawn from me their confidence; therefore, Sir, let me resign to you those employments which I *ought not* to keep longer, than I can be serviceable to your Majesty *and to your subjects.*"



disapproved, and supported by majorities consisting solely of their own dependents. They seem, indeed, inclined to venture still further upon an hopeless and dangerous experiment, the result of which, however, if persisted in, may excite convulsions which it will not be easy to compose.

I have been induced to trouble you with the preceding observations, in consequence of what is daily passing in Ireland. It is impossible to calculate the consequences which may ensue from an attempt to continue Ministers in office, who have forfeited for ever the confidence of that country. Was ever the sense of a nation more strongly evinced? IS IT POSSIBLE THAT IT SHOULD BE MISTAKEN?

The Treasury Journals of London may resolve to omit all mention of the numerous meetings held of Catholic proprietors throughout every county and city of Ireland, encouraged and protected by the most distinguished nobility, gentry, and even of the CLERGY among the PROTESTANTS of that kingdom. They may practise a system of *delusion* upon the public mind of Great Britain during a time, but can they alter the state of things in Ireland, or procure for Ministers in that country all they have lost, and never can retrieve? Previously to the Union, it was considered necessary to the continuance of a Minister in office, even in Great Britain, that he should retain a majority of votes in the Irish Parliament; and since the annihilation of that assembly, upon *assurances and expectations neither fulfilled nor realised*, can it be thought possible for a Minister to attempt the government of the Empire, having lost the confidence of so large and effective a portion! No Statesman will deny that it is now more than ever necessary to obtain in Ireland the support of PUBLIC OPINION, the loss of which no Administration whatever can SURVIVE. I am, &c.

HIBERN-ANGLUS.

Sept. 15, 1811



## LETTER I.

ON THE GENERAL TENDENCY AND IRREGULARITY, IN  
POINT OF FORM, OF THE PROCLAMATION.

SIR,

THE consequences, which may be apprehended from the measures recently adopted by the Irish Government, are of a nature deeply to interest the people of England, and to impress upon all, who are disposed to value the connection of Ireland with Great Britain, the most serious alarm. Whatever may have been of late the apathy of the public mind with respect to the *real* situation of the Empire, and especially as to the state of Ireland, whatever indifference may have prevailed during the last four years as to the general conduct of affairs; the PROCLAMATION lately issued from the Castle of Dublin, affecting a most important and invaluable privilege of the subject, denouncing as a crime what, by the Catholics of Ireland, hitherto has been considered an undoubted right, and a course strictly constitutional,



which they have pursued without interruption repeatedly, and only a few months since was recognized as lawful by the present Secretary of Ireland himself—a Proclamation calling upon the Magistrates to take, against the great body of the Irish nation, measures of hostility which many eminent lawyers conceive not to be warranted by any existing law; which some Magistrates have boldly and openly refused to enforce; which others, perhaps, will not attempt without the assistance of military support; and which Government itself seems timidly to execute within the seat of its own residence—a Proclamation which has thus endangered the peace of Ireland, committed that dignity which Government should seek on all occasions to maintain, and which by denouncing five millions of persons as guilty of high misdemeanours, by menacing the whole country with prosecution, and inducing every individual to tremble for his personal safety in the exercise of his constitutional birthright (*confirmed expressly by the very statute on which the Proclamation itself is founded*) may drive persons to armed associations for the protection of their liberty, and light up at once the flames of civil war—such a proceeding, so extraordinary and unprecedented, cannot fail at length to open the eyes of the British nation—to wake them from their state of torpor—to rouse their indignation against the temerity of the present Ministers—and to excite amongst all classes ONE LOUD UNIVERSAL CRY FOR THEIR DISMISSION.

After what had occurred during the last winter, and after the professions of Ministers in both Houses of Parliament in the last session, what INFATUATION could have induced persons who, although formally invested with the offices of administration, can in one sense be said to be Ministers, neither of the King since his Majesty is incapable of controlling or passing a judgment



on their measures, nor of the Prince Regent \*, since they are obviously not persons of his choice but forced on his Royal Highness by inevitable necessity, to have had recourse at such a moment to such a proceeding. That to such men, after such a proceeding, the administration of public affairs should be any longer confided, is IMPOSSIBLE.

Under these circumstances, at a crisis when Parliament is not assembled, and the opportunity does not occur of animadversion on the part of those, by whom the injudicious conduct of Ministers might be more ably exposed, I trust I shall be allowed to address to you a series of Letters on this important subject. It is not my wish in the course of these Letters to indulge a spirit of personal invective, or in vague declamation, but calmly to investigate the points connected with the controversy which has arisen from this proceeding, to meet every question fairly; and I trust the sequel will shew a disposition, on my part, to discuss the subject with candour, moderation, and with impartiality. I do not hesitate in admitting, that of the conduct adopted by some Catholic Committees of Ireland I HAVE NOT MYSELF WHOLLY APPROVED; nor have I thought the course which such Committees have been accustomed to pursue, always the most eligible for the advancement of their own interests. My ideas on this point will be more fully explained in a future letter; but I have been impatient to make this admission, in order to obviate any erroneous impression

\* It is notorious that communications had subsisted during the winter, with the party in opposition. The probability of his Majesty's recovery within a short period—the strength, at that time, of the Administration, within the walls of Parliament, which would have required a dissolution—and the speedy expiration of the mutiny and other Acts, were, in themselves, of a nature to create a necessity of continuing those in office at the commencement of the Regency.



upon the mind of your Readers, that I am actuated on this occasion by prejudice, or any party motive. I address you from a remote and retired part of the kingdom, without the opportunity of discussion with others, of perusing the journals of the metropolis, or of ascertaining the sentiments of Statesmen, and the general impression of the public mind of England at this serious conjuncture.

The Proclamation, Sir, of the Irish Government appears to me to involve two questions: the legality of the doctrine which it contains, and the general expediency of the proceeding.

The first point is by no means of inconsiderable importance; since, if it shall appear that the Irish Government have issued an illegal order, or one so questionable as to admit of controversy and reasonable doubt, the culpability of Ministers in resorting to a measure not called for, as I shall hereafter prove, by any necessity, but tending to excite ferment and to spread confusion throughout all classes in Ireland both of Catholics and Protestants, will be greatly increased.

Previously, however, to discussing the first point, I think it necessary to notice several important observations, which occur upon the form and extent of the Proclamation itself. Proclamations, in general, are always matters of delicacy, when not published in the ordinary routine of State proceeding. The language of them is strong, approaching to arbitrary command, and often discordant to British ears. They are entitled to respect, but to be viewed on all occasions with the most suspicious jealousy. They express, as it were, the personal orders of the King himself; and Majesty, or its representative, should never be made to speak in vain, still less to commit itself in such public official acts, by any unfounded allegation, or by any assumption of au-



thority not recognized by the Constitution. Proclamations are seldom resorted to, but when they are necessary to express the Royal Pleasure in matters clearly within the King's prerogative, as in relation to subjects going or remaining abroad, and serving with foreign Princes—the coin of the realm—the observance of fasts—military ordinances—the prorogation or dissolution of Parliament—the declaration of war, and other instances: occasionally indeed upon any sudden emergency, and on a pressing occasion, they are sent forth, *simply* to remind subjects of penalties imposed by Acts of Parliament which have remained dormant, or are not known generally to exist, and to command vigilance on the part of Magistrates in causing due observation, and in preventing any infraction of the law. If all the Proclamations issued by Sovereigns of the House of Brunswick be compared, it will be seen with what caution the advisers of such Proclamations have touched upon laws when dubious in their import, or not easily applicable to the particular case.—THE KING CAN EXPOUND THE LAWS ONLY THROUGH THE INTERVENTION OF ESTABLISHED TRIBUNALS—HE CAN DECIDE UPON ANY LAW, ONLY THROUGH THE JUDGES OF THE LAND, AND NOT THROUGH OTHER MINISTERS OF THE EXECUTIVE GOVERNMENT.

Agreeably to this axiom, I HAVE NO HESITATION IN OBJECTING, WITH ALL DUE RESPECT, TO THE PAPER PUBLISHED BY THE LORD LIEUTENANT OF IRELAND, THAT IT IS A DEPARTURE FROM THE COURSE OF CONSTITUTIONAL PROCEEDING. It exceeds the true and constitutional limits of a Proclamation. It does not MERELY RECITE a particular statute in the words of the Legislature, and call GENERALLY upon the subject not to violate the law, and upon Magistrates to proceed against those who may transgress its provisions; but it has ventured, contrary to the fundamental principles of the Con-



stitution, and to all precedent, to give *a construction by the Privy Council*, to the law, and to call upon the subject and the Magistrate to acquiesce implicitly in *that particular construction*—it pronounces *judgment* upon a complicated point of law, which constitutionally can be given, as before observed, only by the KNOWN and ESTABLISHED JURISDICTIONS OF THE LAND—it contains an assumption of judicial authority with which neither the Lord Lieutenant nor the Privy Council of Ireland are in this respect invested—it departs so far from the ordinary language of a Proclamation, that it is completely in the tenor of an indictment as used in the Scottish Court of Justiciary—it even amounts to what the most sagacious men have heretofore considered impracticable, AN INDICTMENT AGAINST A WHOLE NATION.

An indictment, according to the Scottish forms, contains always a major and minor proposition, differing materially from an indictment in England. The first proposition recites the law, the second the circumstances of the offence. The Proclamation pursues the same course. It first sets out, but *imperfectly* and *with the omission of an important clause*, the statute; and having proceeded to state certain Resolutions of the Catholics, it contains a complex conclusion of law and fact which, even if founded, I contend the Executive Government has NO AUTHORITY, IN A PROCLAMATION, to infer “that the assembly by those Resolutions proposed to be convened, is a *direct* violation of the provisions of the statute recited, and an unlawful assembly.”

There exist further objections in point of form to this paper. The Proclamation would, I conceive, have been objectionable, had it stopped at this conclusion; but the same infatuation which dictated the proceeding seems to have accompanied the preparation of the instrument; for having stated a supposed breach of law under the



statute, it bottoms the injunctions which it contains, not so much upon the violation of the law, as upon other circumstances of imaginary “danger to the peace and tranquillity of the State!” These circumstances might have been recited as matters of *inducement*, accompanied by the charge that the proceeding was also a violation of the law; but to make the Proclamation rest *principally* upon the imagination of the Executive Government, and only *collaterally* upon the breach of the statute, is a conversion of ideas, which to an English mind must appear truly novel and extraordinary. It tends to shew, if not confusion in the minds of those by whom this paper has been penned, at least that they entertained themselves a *doubt* upon the foundation of the whole proceeding, as not warranted by the statute—and that they thought it advisable to bolster up the case by an attempt to describe and denounce the proposed assembly as a riotous assembly at common law!

Let however the major and minor propositions of this Proclamation or indictment be compared. The major recites an act “to prevent the election or appointment of “*unlawful* assemblies, UNDER PRETENCE of preparing or “presenting public petitions or other addresses to his “Majesty or the Parliament.” It then specifies various enactments against assemblies and proceedings held “UNDER SUCH PRETENCES.” It omits however all notice of the important clause of the act protecting the right of petition—and in the minor proposition, and as warranting the conclusion afterwards drawn, that the proposed assembly is *within* the Convention Act, it states a Resolution of the Catholics, that a Committee be appointed; and for what purpose? In the words of the Proclamation itself, “to cause PROPER petitions to be forthwith “framed for the repeal of the penal laws, and to procure signatures thereto in all parts of Ireland, and to



“ take measures for BRINGING SUCH PETITIONS under  
 “ the serious consideration of the Legislature, within  
 “ the FIRST MONTH of the ensuing Session of Parlia-  
 “ ment.” Is it possible to read the Proclamation, and  
 not to be struck with its glaring inconsistency in setting  
 out a law, enacted in express terms solely against meet-  
 ings under the *pretence* of petitioning, and adducing as  
 the only evidence against those whom it accuses of plot-  
 ting confusion in the State and of intending violation of  
 the law, resolutions which are not only sufficient to rebut  
 that idea, but in themselves plainly evince that the Com-  
 mittee is proposed to be appointed for no other purpose  
 than that of petitioning Parliament *bona fide*, with de-  
 cency, propriety, and dispatch!!!

An objection also occurs to the Proclamation, which  
 applies to another class of his Majesty's subjects. It  
 professes to have in view two objects, not merely to pre-  
 vent the Catholics from being misled into a violation of  
 the law, but to instruct Magistrates in the execution of  
 their duty. It calls not upon them *generally* to prevent  
 any violation of the statute, leaving *to their judgment*  
 the application of it to each case; but it pointedly directs  
 their exertions to the suppression of the proposed Com-  
 mittee; concealing from their knowledge, at least not  
 pointing out, a most important clause; and by intruding  
 upon them an *extrajudicial exposition* of the law mislead-  
 ing their judgment, and subjecting them, perhaps, to  
 heavy damages, should Magistrates adopt the exposition  
 of the Castle, and a Court of Law, in an action for da-  
 mages brought to try the point, declare that construc-  
 tion to be unfounded. What reparation can the framers  
 of this instrument make to those who may be deceived  
 by the plausibility of its authority into the commission  
 of acts by which, their fortunes may be ruined, or their  
 persons exposed to imminent danger, from the angry



passions, which the proceeding is calculated to excite in a nation characterised by strong feelings, and a proneness to quick resentment.

I remain, &c.

HIBERN-ANGLUS.

August 15th, 1811.



## LETTER II.

ON THE AUTHORITY AND RESPECT DUE TO THE NAMES  
SIGNED AT THE FOOT OF THE PROCLAMATION, AND  
ON THE ACCURACY OF THE CONSTRUCTION WHICH  
IT GIVES TO THE CONVENTION ACT.

SIR,

STRUCK with what appeared to me an incongruity and misconception of the law throughout this Proclamation, I looked with eagerness at the names of those by whom it has been signed. It bears the signatures of few Noblemen, and, with one exception, little of legal authority, such as will be considered of weight in England.

Among those of lawyers, the Proclamation contains that of the Right Honourable Dr. Duigenan! Upon the weight due to the authority of that Learned Gentleman, it is not necessary to enlarge. Many of your readers will be disposed to exclaim, upon the mention of his name, DE HOC SATIS. He is now sufficiently known to the people of England by his writings—by his speeches—but especially by an assurance given to the House of Commons, on a memorable occasion, *that he never should be summoned to a Privy Council respecting Catholic af-*



*fairs*, but only upon points connected with the discipline of the Protestant Church of Ireland; and that on all other occasions, as a distinguished Member, now no more (Mr. Windham), wittily observed he understood the assurance, “that he should be kept up like a mastiff, ad-  
“dicted to growl, and snarl, and bite at the quiet sub-  
“jects of his Majesty, fast bound, and effectually MUZ-  
“ZLED.” Upon the present occasion, however, when it has been so wisely determined “to cry havoc, and  
“let slip the dogs of war,” the Doctor, it seems, contrary to compact, has been let out, or has escaped.

Mr. Saurin, I understand, has in Ireland the reputation of a great lawyer. He is known to us in England only as a Gentleman, who, in his place in the Irish House of Commons, in the debates on the Union, gravely and solemnly declared a settled and decided opinion, that the UNION ACT, EVEN IF IT PASSED, WOULD NOT BE BINDING!!! He is the Gentleman who prepared also the memorable letter of Mr. Pole, which contained a palpable MIS-STATEMENT OF THE LAW, and which Lord Eldon also described to be rather a SLOVENLY PRODUCTION!!

To such authority, upon points of constitutional law, I must be excused if I submit not with the most ready acquiescence.

To Lord Manners much consideration is due, and will naturally be rendered in England by those, who have had opportunities of personal acquaintance with his Lordship, and who have often witnessed in him, upon the Bench with English Judges, a luminous display of legal discernment, a beautiful perspicuity of style, a dignified suavity of manner, and all the elegance of a mind polished by nature, as well as by education. Upon a question of equity, there are few persons to whom I would more readily yield an opinion, and I should have



felt disposed to have rendered the same respect to the judgment of his Lordship in matters connected with the political Government of Ireland, had I not founded reason to apprehend that this Nobleman, naturally mild, amiable and conciliatory, repaired to Ireland with a taint of party prejudice—with notions of Irish affairs in many points highly erroneous, and previously conceived at home—without ever having had the means of forming an unbiassed judgment, by actual observation upon the spot. This I have ever considered as a misfortune, not only to his Lordship, but to the state; as the English Bar could afford few, in other respects, so qualified to give satisfaction to the Irish, and to improve the administration of justice in that Court, over which his Lordship presides with credit to himself, and advantage to the public. The situation, however, of a Chancellor affords little opportunity of accurately viewing the state of that country. The elevation of his rank, the nature of his duties, and his association with the politics of the party in power, preclude the means of extended discussion, or of learning the sentiments of persons differing in their opinions from the members of Government. What Cicero has observed with reference to other circumstances, is applicable to English lawyers, who, having long been shut up in Westminster Hall, are sent unexpectedly to Ireland in high situations, at a period of life when the mind is not easily susceptible of new impressions, or disposed to part with those previously formed. “*Nomen justitiæ amittent si judicia facta domi illuc apportent.*” Lord Redesdale failed in attempts at discovery; and there is too much reason to fear that Lord Manners has continued too tenaciously attached to preconceived ideas.

Exaltation to office does not confer with it infallibility. We have witnessed an Attorney-General promulgating



authoritatively opinions, which, upon examination, could not be sustained, and were declared unfounded by a solemn judgment of the Court of King's Bench, after they had misled the Magistracy of England, and had nearly allayed the alacrity manifested in entering, upon what was then so highly extolled, the system of volunteer military service. It is a little unfortunate that the present Chancellor of Ireland was at that time the colleague in office of the Attorney-General to whom I have alluded, and that the Attorney-General, who was so egregiously deceived in his view of the laws which protect the liberty of the subject, should be in the present moment the Prime Minister of the Empire. I have not alluded to the circumstance invidiously, and the parties interested, if they knew the hand by which this letter is penned, would give credit to the assertion; but it has been necessary to advert to it, in order to shew that the opinions of lawyers are fallible, however elevated their rank in the profession. In political matters, they are even more than others liable to deceive their own judgment. The opinions of Crown or Cabinet Lawyers are never unbiassed; and even when consulted, they are expected not so much to advise upon the law, as to bend it to the support of political purposes. The impression of Lord Manners, with respect to the illegality of the proposed Committee, is a *ministerial* and not a *judicial* opinion.

I now, Sir shall proceed to investigate the soundness of the legal doctrine, or rather the validity of the condemnation passed on the Catholics of Ireland, in the late Proclamation.

The legality of a Committee of the Catholics of Ireland, constituted as now proposed, and confining its operations *bona fide* to the framing and presenting of a petition to Parliament, has at all times been admitted by the Irish



Government, even on the occasion of Mr. Pole's letter. The legality of such a Committee can hardly be a question, since otherwise it will be impossible for a Court of Law to give effect to that clause in the Convention Act, in which the Legislature has so cautiously declared, that in enacting provisions against assemblies and delegations, set on foot *under the pretence* of petitioning Parliament, it meant not to abridge in the least the right of the subject to petition *bona fide*, or to prohibit the adoption of the measures necessary in the exercise of that right.

Without dwelling upon the history of the Convention Act, I shall content myself with arguments strictly judicial. It cannot be necessary to remind any professional reader that Acts of Parliament, according to all rules of sound construction, are to be expounded, not merely according to the *letter*, but consistently with the general *spirit* of the enactment; that the whole of a statute is to be reviewed, and the attention not confined to an insulated and solitary clause; that Acts of Parliament are to be expounded liberally for the liberty of the subject, and that penal statutes are to be construed with rigid strictness in favour of the party accused. Upon a review of the Convention Act, it is obvious that its provisions relate solely to seditious meetings and assemblies, convened by persons *under the pretence* of petitioning. The insertion of the clause in the Act protecting the right of actual petition removes the possibility of doubt upon the subject, and plainly indicates that all the measures prohibited by the body of the Act are allowed by the Legislature to be adopted in cases, where the parties have it in contemplation actually to petition for redress of grievances, and no other view.

I will venture to assert, that "THE RIGHT OF THE SUBJECT TO PETITION PARLIAMENT WOULD NOT HAVE



BEEN AFFECTED BY THE IRISH CONVENTION ACT, HAD THE EXCEPTION AND PROVISIO IN THAT ACT BEEN WHOLLY OMITTED. The Right of Petition is created, confirmed, and protected by so SOLEMN AN ENACTMENT, AND IS SUCH AN INTEGRAL PART OF THE CONSTITUTION, that it can never be destroyed by *inference* and *implication*—it can be annulled only by a positive and express repeal; and the bare right cannot exist *without including in it the liberty of doing every thing necessary to render the right practicable and available*. The insertion, however, of the proviso puts an end to all question, and demonstrates the legality of the measures which the Catholics of Ireland have purposed to adopt, and against which it has been attempted to hurl from the Castle this fatal, ill-judged, and, as I will venture to predict it must ultimately prove, VAIN FULMINATION.

Common sense alone can decide the controversy.—How is it possible that the right of petitioning *can* be exercised, unless it be allowable for persons to assemble, and discuss in the first place the propriety of petitioning, and the general nature of their grievances—to apply to or commission persons to reduce their complaints to writing? How can such persons so commissioned, or, if you will, *delegated* or *appointed* (for there is no legal magic in words), undertake or discharge the office assigned to them, unless they also shall be at liberty to meet and discuss the matter of the grievances complained against, the terms in which such a petition should be expressed, or the admission and rejection of particular matter? And as to the management of a petition, how is it possible for a multitude of persons, without delegation or representation, to communicate with members of Parliament inclined to present or support their petition? Why, Sir, the Legislature itself has EXPRESSLY DIRECTED SUCH DELEGATION, and for the wisest purposes, by ordaining that no



petition shall be presented by more than a certain number of persons; and yet, with the statute book open upon the Council table, and with the Convention Act expressly confirming to the subject the right of Petition notwithstanding any thing contained in that statute, we have seen the Government of Ireland erecting itself into a new Court of Criminal Judicature, passing its sentences in defiance of an express clause in an Act of Parliament, and ordering execution upon what may fairly be denominated the **GREAT MAJORITY OF THE PEOPLE OF IRELAND.**

I remain, &c.

HIBERN-ANGLUS.

Aug. 15th, 1811.



## LETTER III.

THE SAME SUBJECT CONTINUED, WITH A DIGRESSION  
CONCERNING THE LAWS AND CONSTITUTION  
OF SCOTLAND.

SIR,

My ignorance of the effect produced in the metropolis by what has occurred in Ireland, as well as of the discussion which the subject may already have experienced, is to myself a circumstance of considerable regret. It must be my apology if I intrude, upon the attention of the public, matter with which they may have been already satiated, or arguments which may have been urged more cogently, and with superior ability, by others. If, however, these Letters should be thought in any respect worthy of consideration, it may be of some little advantage to an elucidation of this great controversy, that the sentiments which they contain are those of a person, whose impressions are original, having proceeded solely from the Proclamation of the Irish Government, and from a view of the case as it presents itself upon the face of that instrument; unassisted, and consequently unbiassed by any knowledge of the opinions which others may entertain or have expressed, in condemning, with myself, the conduct of the Irish Government.

SINCE THE REVOLUTION OF 1688, A MORE IMPORTANT SUBJECT HAS NOT BEEN AGITATED—its importance cannot be too strenuously urged—it cannot be too generally discussed. It concerns a vital principle of the British constitution—it involves the question, whether it shall be allowed the executive government to sport with



the most sacred rights of British subjects, and whether in the sacred name of Majesty, under colour of exercising a royal prerogative, they shall presume not merely to DISPENSE WITH, but actually to ANNUL the express provisions of an ACT OF PARLIAMENT!!!—Sir, the proceeding in itself alarms me—“*hæc novi judicii nova forma terret oculos, qui veterem consuetudinem fori frustra requirunt.*” I have looked in vain for precedent, but can find none—*nihil simile aut secundum.* The consequences I tremble to anticipate. May heaven only grant, that exciting, by an unexpected and unprovoked aggression, the indignation of five millions of persons thus insulted, stigmatised, and almost proscribed, by associating in their cause a large proportion of the Protestant interest of Ireland already disappointed at the Union and solicitous for its repeal, and by raising possibly amongst all classes a ferment similar to what raged in 1782, the rashness of the present Ministers may not cut short at once the too slender thread, which still binds Ireland to Great Britain.

In my former Letter I endeavoured to demonstrate not only that the Irish Government in this ill-judged measure has acted under a total misconception of the law, but that the Proclamation is in itself *modo et forma*, an ILLEGAL PROCEEDING. The more I have reflected upon this subject, the more I am confirmed in that opinion. The impressions, however, of an individual, especially of one who is anonymous, upon a point of law, neither carry with them nor are entitled to consideration, unless they be supported by argument. I therefore feel it incumbent on me, previously to examining, as I propose, the expediency of the proceeding, still to pursue the discussion of the legal question.

With a view to expose the informality of the Proclamation and its incongruity with itself, I was induced to



advert to the forms used in the criminal Courts of Scotland. The minds of some who generally advocate the cause of the present Ministers are of such limited expanse, that it would not create in my mind surprise, if a sneer were attempted to be raised on the occasion \*. What may not be expected from those, who urged it as a reproach to Lord Grenville, that his Lordship when in office, with the mind of a Statesman vigilant upon the interests of every part of the Empire, lost not a moment in an endeavour to ameliorate the administration of justice in a country, where civil judicature was actually at a stop, in consequence of an omission in other Ministers, possessed of professional knowledge, and enjoying opportunities of local experience, who, although endowed with the most active minds and most splendid talents, had never thought of drawing the attention of Parliament to that important subject. "Scotch law and Catholic divinity" was a cry we well remember, at least it has not been by me forgotten. I therefore am induced to trouble you with some observations, which although not immediately applicable have a certain connection with the question.

I am not, Sir, a native of Scotland; but it has happened to me to have had the means of ascertaining the political state of that country, and to cultivate the study of its jurisprudence. I know no reason why some of the institutions of a kingdom, which daily increases in its political importance, beyond the conception of those who have never beheld its agricultural improvement or its splendid maritime and commercial establishments, should not be entitled amongst Englishmen to consideration and respect. Of those institutions the least admirable are not

\* The Author was not mistaken. This Letter occasioned a controversy worthy of perusal, and annexed to the present publication.



those, which establish a more complete toleration than is permitted in England—which have removed so much further all civil restraint on account of religious opinions—which allow equal benefit of national education to all persuasions—which permit not the Divine mysteries of the last supper to be profaned and made

An office key and picklock to a place \*,

which have established perpetual peace between the pastor and his flock, and by most salutary arrangements, have precluded the possibility at any time of a collision, between  
THE CHURCH AND THE STATE.

In many respects, but particularly in the latter point, England has *much to learn* from North Britain. It is also to be recollected that England, however considerable, is only a part, *and not the most flourishing and united part* of the British Empire. The people of Scotland and of Ireland have therefore surely a right to protest against any system of general policy, adopted solely with reference to English prejudices, and with a view to local establishments with which the Empire generally has no concern; but especially against a system which is guided principally by attention to the limited notions of clerical residents in an English University. None can respect, more than myself, the establishments of Oxford and Cambridge—none can wish more fervently their continuance and glory, as the most distinguished seats of learning throughout Europe, *semper honos laudusque*; but I will remonstrate, and in the strongest terms of the warmest friendship, against the *imprudence* of interference on their part with questions of IMPERIAL POLICY, and still more against a sacrifice by Statesmen of what is the GENERAL INTEREST OF THE EMPIRE, to the imperfect conceptions of a few scholastic Churchmen.

Let the Church of England remain as it is established,



a PART, but not be considered the WHOLE, of the State; let it be represented by its venerable Bishops in Parliament; let the Houses of Convocation meet, not merely in form, but for the transaction of Ecclesiastical affairs, and in the same manner as the General Assembly, although otherwise composed, of the Church of Scotland; let the *spiritual* jurisdiction (exercised, not as at present, by *laymen*, but in future, by *Ecclesiastical* persons), and let even the temporal jurisdiction of the Church continue; may she enjoy, decorated with splendid and conspicuous honour, all her constitutional rights and privileges, in their fullest extent; let them, if necessary, obtain additional support and confirmation by law—but in the name of Christian charity and of social peace, as we value our liberties and independence, as we esteem our national character on the Continent, and the respect among foreign nations of our Sovereign or Regent, as we are anxious for a successful termination of the dire contest in which the Empire is engaged, let us, with one voice, loudly deprecate any thing like that worst species of divided controul, that most fatal *imperium in imperio*—I would almost say, that abominable PANDEMONIUM—a gloomy, dark, interior cabinet of meddling, intriguing, drawing-room, levee-crowding, terrace-walking PRIESTS, men whispering with courtiers in anti-chambers, and inscribing themselves daily at the thresholds of Princes,

“ Those subtle dæmons that reside in Courts,

“ And do their work by bows and smiles,

“ That little engin’ry so mischievous;”

presuming, however, to sit in judgment upon the Councils of the State—traversing the most enlightened Statesmen in the prosecution of the most salutary measures—stepping on all occasions between the Sovereign and his Ministers—if not by a secret, but potent and indispensible influence, actually advancing men of slender pretensions to the highest offices of Administration, and sup-



porting them afterwards in power, in spite of the most strenuous Parliamentary opposition and of public opinion, merely because they may be formed, some by nature, the prejudices of education, or the ardour of temperament; others prone, by a grovelling spirit of time-serving accommodation, to be fit instruments for the execution of the wild schemes devised by fanaticism or intolerant bigotry. By such a Cabinet, the CROWN OF ENGLAND has already once been lost, AND BY SUCH A CABINET MAY IT NEVER BE AGAIN ENDANGERED.

To return, however, to the subject. The law of Ireland being strictly analogous to that of England in the doctrine of what, in technical language, is called *pleading*, or, to express myself more intelligibly to the generality of your readers, in the forms of judicial proceeding; I shall endeavour to shew, by reference to the mode in which an indictment under the Convention Act must be framed, the accuracy of that construction for which I have taken the liberty to contend, in opposition to that which has been adopted by the Government of Ireland. No person who can pretend to have the slightest acquaintance with the rules of special pleading will attempt to deny, that an indictment under this statute must charge CLEARLY, POSITIVELY, and UNEQUIVOCALLY, that the act complained against has been done UNDER THE PRETENCE of petitioning \*. The omission of such a charge would be fatal, and an indictment in which it should be wanting, must instantly be quashed. The mode of pleading, in this instance, elucidates and settles

\* Since these Letters were written, I have had an opportunity accidentally, of reading in the Dublin Evening Post of the 8th October, an invaluable argument upon the Convention Act, which is one of the most able compositions I ever perused. The Gentleman by whom it has been written has taken the same line of argument pursued by myself, but more in detail, and with very superior ability. I hope it will be printed in a separate form.



the law itself; and it is unnecessary for me to remind the reader, that it is a criterion by which, according to the highest authorities upon English jurisprudence, the law can frequently be most accurately ascertained. The *pretence* in such an indictment is the *gist* and mainspring of the offence. The *intention* of the party accused becomes, therefore a necessary investigation—it is a question arising on the record out of a positive averment of **FACT**, to which *not the Judge, but the Jury*, must answer, which can be inferred by no legal implication, but must be proved; and it is to be tried, not by political speculation, not by party prejudice, not by narrow-minded bigotry or religious animosity, but *re ipsa*, by *legal evidence*, and by men sworn to give, according to such evidence, a **TRUE VERDICT UPON THEIR OATH**, as they shall answer to the Eternal God, on the last day.

The lawfulness or illegality of an assembly under the Irish Convention Act is a mixed question of fact and law, or more properly, of fact alone. It is not the mere meeting upon principles of delegation which is unlawful; but an assembly under the pretence of petitioning, in fact convened for other purposes. Strongly as I condemn the form of the Proclamation, or the adoption of such a proceeding, it occurs to me, that some degree of objection would have been removed, if, after stating the Act of Parliament, and the intention of the Catholics to appoint a Committee, the Irish Government had proceeded to aver, “That the Lord Lieutenant had reason  
“to believe that the assembly so proposed to be convened was called only under the pretence of petitioning, and therefore would be an unlawful assembly under the provisions of the statute.” The Proclamation, however, is silent upon any secret intelligence—it pretends not to any ulterior information possessed by Government respecting the views of those who have passed



the resolutions in question—it exhibits those resolutions as the only evidence of the purpose for which the meeting is convened, evidence so far from making out a case on behalf of Government, on the contrary, evincing that the parties have in view solely the preparing and presenting of a Petition to Parliament—and from premises afforded only by those resolutions, it proceeds at once dogmatically to infer and to declare, that the proposed assembly is illegal, and within the Act!!! What is to be thought of such a Proclamation prejudging the parties accused, by a sentence of the Executive Government, not only unauthorised by any principle of the Constitution, but not warranted by the grounds on which it professes to found its proceeding? For my own part, had I the honour or capacity to hold a judicial situation in Ireland, I should be disposed to view an instrument, containing, by anticipation, such a special and solemn condemnation of the parties accused, nearly in the same view as a paper calculated to inflame the public mind, and in the case of prosecution against any Catholic nobleman or gentleman, if presiding at the trial of an indictment or information, I should not allow any person who had read the Proclamation, to discharge the functions of a jurymen.

It had also occurred to me that it would be impossible to frame a warrant, under the circumstances disclosed by this Proclamation, as no person, I imagined, would have the boldness to make positive oath of his belief, that the parties meeting or voting at the election of Delegates had it not in contemplation actually, and *bona fide*, to petition the Legislature. I therefore had supposed, that if the Irish Government proceeded at all, they would direct the Attorney-General to file against the parties a CRIMINAL INFORMATION. Great, indeed, has been my surprise in reading since writing my former Letter a war-



rant, in which, with a view as it should seem of getting over the difficulty, it has been thought advisable to add words NOT TO BE FOUND IN THE CONVENTION ACT, but contrary to its import, and to its EXPRESS PROVISIONS! It charges the act of the parties against whom it has been issued, as done "*for the purpose or under the pretence*" of petitioning Parliament. The Chief Justice, it appears, did not think proper *to allow the Gentlemen arrested any opportunity, previously to their commitment, of being heard by Counsel against the validity of the warrant*\*; but I will put it confidently to the whole Bar of England, whether in their opinion such a warrant, so vaguely expressed, and contrary to an express proviso of the statute, if issued in England under an English Act of Parliament, upon a return to a writ of Habeas Corpus, would stand an argument in Westminster Hall?

### HIBERN-ANGLUS.

August 20th, 1811.

\* His Lordship's opinion therefore, as delivered on a late occasion, was an opinion prematurely conceived and expressed extrajudicially, which he was bound in consistency, in honour, in pride, and even in *interest* to maintain. Is it surprising that under such circumstances a jury should have disregarded the charge of a Judge, directing them to construe *pretence* as *purpose*!!! I do not believe that the Lord Chief Justice was capable of being influenced by any improper motive; but yet the fact will be transmitted to posterity, that his Lordship was *actually interested* in maintaining that construction. Upon that fact posterity will exercise a judgment which no court can controul, which no Attorney-General can prevent; and they may be disposed to think that, under the circumstances, a Chief Justice should have declined granting such a warrant, or having granted it, that he should have abstained, after actions brought against him under respectable advice, from giving any judicial opinion. Upon a point of honour and delicacy every man must decide for himself. I would never have given a judgment tending to protect me from damages to the amount of TWENTY THOUSAND POUNDS. If a CHIEF JUSTICE I should in a case of misdemeanour, have declined to act as a POLICE MAGISTRATE, and not have granted any WARRANT.



## LETTER IV.

ON THE INEXPEDIENCY OF THE MEASURES ADOPTED  
BY THE IRISH GOVERNMENT.

SIR,

WHAT desirable object could possibly be obtained by noticing any violation of the Convention Act, even if, in this case, any have been committed? It might prevent the meeting of a Committee, consisting of Noblemen and their sons, Baronets, Country Gentlemen, distinguished Barristers, and opulent Merchants—it might stop the preparation and conduct of a petition to Parliament by persons of high rank, known loyalty, great personal honour, and deeply interested in the prosperity of Ireland—but could it stop, at the same time, the press, stifle discussion upon the measure itself, as well as upon the general state of affairs, and the situation of Ireland? It might prevent one meeting in Capel-street, presided at by the Earl of Fingall, composed of respectable and discreet persons enjoying the confidence of their body, deliberating upon the means of conciliating differences and of promoting, in an auspicious moment, the accomplishment of a satisfactory arrangement; but could it prevent, or rather would it not tend to occasion, meetings of EVERY PARISH IN IRELAND, and assemblies almost of its WHOLE POPULATION throughout the country,



convened under a general impression of irritation and indignation, not for the purposes of discussing the propriety of a petition for the redress of Catholic grievances, but for the protection of their liberties, against what they would consider and feel to be an unprovoked, unmerited aggression—for the repeal of the CONVENTION ACT ITSELF, and possibly, in conjunction with other classes of *Protestant* subjects for the repeal even of the ACT of UNION—assemblies of tumult, uproar, and confusion, in which every man might indulge with impunity his spleen and resentment—in which, the more desperate the resolutions proposed, the more favourably they would probably be received and adopted—in which the counsels of reason and moderation would be drowned in the violence of clamour—and by which all those evils, against which the Proclamation professes to guard the State, might become effectually realised, merely through the operation of such a measure itself? Really, Sir, it occurs to me, and I conceive many will agree with me in thinking, that if our worst enemies had studied how to throw combustibles into the heart of Ireland—to set the whole country in flames—to produce the most tremendous explosion—to let loose all the rage and phrenzy of which the Irish nation are so often accused, and of which it must be admitted they are sometimes susceptible; no plan could have been devised more calculated to accomplish their purpose, than to have fabricated and disseminated as a genuine document the same Proclamation, which Government has itself fulminated from the Castle of Dublin.

The Irish Catholics, however, are a body so considerable, and by this proceeding rendered so united—their cause is so strong in itself—and they are supported to such an extent by the Protestant interest of that kingdom, that I fear no excesses originating from themselves



but only what may result from the blind temerity of Ministers, should they be in office at the moment when I am writing, and should they attempt to effect, by a military force that, which by the aid of the Civil Authorities they never can accomplish. The Magistrates of Ireland are too prudent—too much interested in preserving the public peace—too conversant with the principles of the Constitution—and too high-spirited, to yield obedience to an instrument, which can be compared only to the RESCRIPT of an IMPERIAL DESPOT—and they will never suffer themselves to be bullied by the frowns of the Castle, or the mandates of a Secretary, into the commission of what in their judgment, until directed otherwise by the sentence of a competent and constitutional tribunal, they do not conceive to be warranted by the LAW OF THE LAND. The question agitated by Ministers in Ireland does not regard the privileges of the House of Commons, or laws undefined, and, to all but Senators unknown—it depends upon the construction of an Act of Parliament to be expounded authoritatively only by Judges upon their oath, and according to known and established rules which Ministers can neither dictate, nor controul. They have already learnt the disposition of the magistracy of Ireland on this occasion, but they ought to have known it previously to issuing the late Proclamation. What course will they now pursue? They may displace Mr. Lidwell, but will they venture to remove the COLLECTIVE BODY OF THE MAGISTRACY THROUGHOUT WHOLE COUNTIES, and after all, is it a FAIR CONSTITUTIONAL EXERCISE OF ROYAL PREROGATIVE TO REMOVE JUSTICES OF THE PEACE, BECAUSE, UPON A POINT OF LAW, UPON WHICH THEY ARE ADVISED BY EMINENT LAWYERS THAT DOUBTS MAY SERIOUSLY BE ENTERTAINED, THEY REFUSE TO ADOPT, AT THE SUGGESTION OF MINISTERS, BUT AT THEIR OWN PER-



SONAL PERIL, A CONSTRUCTION OF AN ACT OF PARLIAMENT, QUESTIONABLE IN ITSELF, AND A CONSTRUCTION AT ALL EVENTS INFORMALLY PRESCRIBED BY AN ILLEGAL ASSUMPTION OF JUDICIAL AUTHORITY? What right, I will ask, has a Secretary, or even a Lord Chancellor, whatever he may suggest or recommend, to DICTATE to a Magistrate in the exercise of a JUDICIAL DUTY, and what, Sir, will be our situation, if Justices of the Peace are to be rendered mere servile instruments of a tottering Administration; put in, and turned out, according to party prejudice or predominance—deprived of all discretion or liberty of judging for themselves—if reluctant to obey arbitrary and unauthorised commands militating against the exercise of our dearest rights, liable to be removed at once from their situations, and allowed to hold them only for the OPPRESSION of the subject, not for his PROTECTION? Would Ministers DARE to remove, from the commission of the peace, under similar circumstances, an ENGLISH GENTLEMAN?

Into what a situation have the Irish Government brought themselves and the country! To use the expressions of a departed orator, a bright ornament and the Marcellus of Ireland, “THEY HAVE SOWN DRAGONS TEETH UPON THE ISLAND, AND MAY THEY NOT RISE UP IN ARMIES AGAINST THEM\*.”

Many of your readers may conceive, that upon the question of expediency I have already written enough; and that any further endeavours to expose the folly of their proceedings are superfluous. It appears to me however important, that the matter should be more fully (and as some possibly may think) more dispassionately considered. I shall therefore proceed.

The long acquiescence of government in the legality

\* Hussey Burgh.



of Catholic Committees would in itself afford a strong argument against the measure under consideration; at least it is of a nature to put Ministers upon proving by clear evidence the necessity of departing, on this occasion, from the system hitherto adopted by their predecessors, and even by themselves. Had the point of law been actually in their favour, and such Committees, appointed under a system of delegation, within the letter of the Convention Act, which I contend is obviously not the case, nevertheless all moderate and reasonable men will be induced, I believe, to concur with me in thinking, that it would be a grave question upon principles of sound policy, whether it would have been advisable, under the circumstances, to have noticed this imaginary violation of its provisions.

It is not in all cases, still less in the present, an answer to a charge against Ministers, that their measures may be warranted by the strict letter of the law. The conduct of a Statesman, in conducting the affairs of a great empire, ought never to resemble the vigilance of the clerk of indictments on a circuit, or the astute and callid investigation into penal statutes of a common informer. The magistrates of Bow-street would inform the Prime Minister that to visit every transgression is impossible, notwithstanding the attempts of a society instituted ostensibly with that view, and under the protection and auspices of his distinguished and liberal support—they would inform him further, that much practical benefit results, sometimes, even from connivance at crimes and offenders. The collectors of revenue will declare, and I believe have often represented in strong terms, the inconveniences, and in some cases the impossibility of rigid exaction; and the Protestant nobility and gentry of Ireland will not thank the Minister for endangering by the late measure,



and by this strict attention to the LAW, the PEACE of the country.

There is a saying among lawyers *summum jus summa injuria*—there exists a political as well as a legal EQUITY;—and there are many cases in which an attempt to maintain a law, by an actual enforcement of its provisions, will create in the execution of the enactment more serious evils than the breach of it, and may ultimately endanger the law itself. There are, moreover, laws originally established, or subsequently continued, merely *in terrorem*; which even legislators do not conceive practicable, but which they nevertheless enact or continue, satisfied if they confine or regulate by intimidation the measures of those, whom wholly to counteract they know to be impossible.

The Irish Convention Act has always appeared to me to fall within the latter description of enactments. The persons by whom it was penned never had any other object, than that which I have described. It would be a bad compliment to their understandings to suppose that they entertained ulterior views of actual enforcement in the framing of an Act, which if ever brought before an established Court of Judicature (*the only legitimate and constitutional tribunal authorised to expound Acts of Parliament*), must perplex Judges more than the most confused and unintelligible will ever penned by the most extraordinary or inept individual; and the declarations of persons in the confidence of government at the time, as well as the Parliamentary history of the statute (as far as I can depend upon my recollection of what I have read, having no opportunity of referring to the debates) evince the accuracy of this supposition. They denied that its principle had any retrospect—they dared not, nor would they have been able to deprive the subject of the right of petitioning; they made up a mixture consisting partly of common law, partly of statutory provision, but (what is



peculiarly important to the present discussion) they gave the Catholics \*, who were alarmed, **DISTINCTLY TO UNDERSTAND**, that what they proposed had no reference to their own late convention, or to **ANY FUTURE PROCEEDINGS ON THEIR BEHALF IN PETITIONING PARLIAMENT**, and by such an assurance induced that body, against whom it is now attempted to be turned, to **ABSTAIN FROM ANY OPPOSITION TO THE MEASURE!!**—In a former Letter, and in arguing the question of **LAW**, it will be recollected, that I declared I would abstain from any arguments not **STRICTLY JUDICIAL**. I therefore postponed the statement of this important fact, until I came to consider the question of expediency. In what a light does this fact exhibit the conduct adopted by the present Ministers? as violating plighted faith and the most solemn assurances on the part of those, by whose engagements, according to the accustomed course of official proceeding, they must be deemed to be themselves bound, and of which they must be supposed to be informed!!!

Such has been the view in which I have always contemplated the Convention Act, and satisfied not only with the positive assurance of Government, but with the language of the Act itself, I should not merely have remained indifferent to the continuation of it upon the statute-book, but I should not have concurred in any endeavours to obtain its repeal, as I never conceived it possible, that by the Executive Government it would ever have been thus abused. Observe, Sir, the conduct of the leading Catholics in this respect, and their steady adherence to their own engagements with Government. They have never complained of the Act; they have never petitioned for its repeal; and in all their proceedings when it has been thought necessary to have recourse to the ge-

\* It is now admitted in the Letters of Marcus in defence of Ministers. Vide also the letter of Mr. Lidwell.



neral body of their persuasion, they have always endeavoured to inculcate respect for that enactment. The proceedings, however, of Ministers on the present occasion render the continuance of the Act no longer possible; and it is no small inculpation of their conduct that they have contrived to render those persons most inimical to them, who were most disposed to excuse the system on which they have acted in the government of Ireland, to palliate their errors, and to lend them even assistance in the management of that kingdom! They would not, however, advise with Catholics whose principles were known, whose anxiety to conciliate differences was conspicuous, to whom they might safely have communicated any apprehension or uneasiness, and from whom they would have learnt information upon former arrangements and stipulations. They have determined to act entirely by themselves, and if *they have acquired* by any accident, *any knowledge of opinions privately entertained by individuals among the Catholics upon the propriety of acknowledging Catholic Committees on the part of Administration, or of sanctioning a system of representation by delegation from that body, they have misconceived them totally—they have misapplied the prescription—and they have adopted it without consulting the physician from whom it proceeded.*

What can be a more striking proof that they have been totally wanting in ordinary dexterity, than the fact that they have compelled a nobleman, distinguished on all occasions by the moderation of his conduct and sentiments, by his anxiety to mediate between government and the mass of Irish population, and who, enjoying neither salary nor pension, nor place, nor public employment, during a series of years, in the most stormy times, and in situations of great personal peril, has made the most important sacrifices upon principles truly patriotic of health, repose, popularity and fortune (the



reader will see at once, that I allude to the Earl of Fingall), to call a meeting of his extensive and opulent county, in vindication of his own insulted honour publicly branded by this proclamation; in defence of his own personal rights and liberty, as well as those of the body, in which he holds such exalted rank and well deserved consideration?—To such Ministers, who have brought the most delicate question to such an extremity it is impossible that the affairs of the Empire can be allowed to be any longer entrusted. They may linger in office, but **THEIR ADMINISTRATION IS ALREADY DISSOLVED.**

It has indeed, long been the baseless fabric of a vision, gradually disappearing, and which now must soon vanish, leaving not a reck behind. Unhappily for themselves, still more unfortunately for the country, there is no individual of leading importance in the Cabinet, whose mind was ever directed, until lately, to the consideration of Irish affairs. None who was privy to the ideas of Mr. Pitt upon this subject, and who was admitted to his confidence upon points, on which it was necessary for him to observe a conduct of profound mystery even towards those, with whom he was in other respects cordial. They have lost or dismissed not only their colleagues, but even their under secretaries, scribes, and clerks, all who were in the least accustomed to the ordinary routine of Irish business. Their sole aid proceeds from Mr. W. Pole, assisted, as it should seem, by the luminous discernment, and calm impartial deliberations of the Right Hon. Dr. P. Duigenan; and thus they appear to have taken for their sole advisers in the management of Ireland, two of the persons who have rendered themselves most obnoxious to the Irish nation, making the one a Privy Counsellor, upon assurance formally delivered which since has been as publicly violated, and conferring on the other, upon a prin-



iple highly objectionable, an additional office at a moment when his recent conduct was in a manner condemned by themselves at home, and in Ireland generally and loudly reprobated. At such a moment, and under the prevalence of such an impression, in Ireland, they have not only continued this gentleman in the superintendence of Irish Police as Secretary of that kingdom, but they have invested him with the administration of Irish Finances as Chancellor of the Exchequer, and to prepare the people of Ireland for a more chearful contribution to the exigencies of the state, they leave to a person, whom they accuse of wantonly attacking their most valuable and constitutional RIGHTS AND LIBERTIES, the charge of devising plans for their future TAXATION !!!—Is *this* the mode to govern such a country as Ireland, to remove prejudices, and to complete the union of the two kingdoms? Do Ministers know, or have they borne in mind that the articles of that measure are to be revised at the expiration of twenty years, of which half are nearly already elapsed? and do they recollect the proceedings during the last year of the PROTESTANT CORPORATION OF DUBLIN?

But what are we to expect? It is not so much the fault *personally* of Ministers, whom I am ready to believe, and some of whom I know to be upright, honourable, and conscientious men—it arises from the circumstances of their situation, and from their ignorance of Ireland, of its temper, habits, progress in civilization—of its history since the commencement of the American war, but more particularly since the epoch of the French Revolution and of the Union. Let their situation be considered: Marquis Wellesley I put entirely out of the question. The part which he takes in the proceedings of Administration is unknown, and mysterious. He never opens his lips in Parliament to sanction or defend the measures of his colleagues, except in what relates to his own par-



ticular department, and the public hardly recollect that his Lordship is in office. Although possessed of property in Ireland, he has never resided in that kingdom. The ideas which he may entertain of Ireland are those of an Irish Protestant of former days; during the last twenty years they have undergone a total change; and he has been more accustomed to the arbitrary sway of an ASIATIC EMPEROR than to the government of a FREE COUNTRY:—neither his Lordship nor the Earl of Liverpool are lawyers, and Lord Mulgrave, as the friend of Mr. Pitt, has differed always from his colleagues in his language respecting the Catholics of Ireland.—Lord Eldon did not appear, during the last Session, cordially to approve the measures of the Irish government. Mr. Yorke, as the brother of Lord Hardwicke, *cannot* approve of them, and they must be strongly condemned by Viscount Melville\*. The public will look, under such circumstances, to the First Lord of the Treasury and to the Secretary of State for the Home Department, his attached friend, from the nature of their attainments and of their official situations, as the leading Members of the Cabinet at home, upon questions regarding the Administration of Ireland, and the enforcement of this Act of Parliament.

What has qualified these very honourable, and in many respects intelligent gentlemen, for this peculiar and arduous task? Independently of a general indisposition

\* The late Lord Melville was during the whole course of his political career the most decided advocate of the Irish Catholics. The part taken by his Lordship to reconcile his Majesty to Catholic emancipation is well known. He also protected, in a special manner, the Catholic clergy of Scotland. It is impossible that his successor should think differently from his deceased father on this subject; or that the interest of which he may be supposed to have the care, should support Ministers any longer in an opposition to the cause of Ireland, which is equally the cause of Scotland.



in the minds of Englishmen, in other points inquisitive and well informed, to concern themselves about the state and condition of Ireland, there existed no motive with them, at the commencement of their career in life, to give any attention to its affairs. Ireland had at that time a separate Parliament, a separate Establishment, separate Ministers, and the politics of Ireland were only of local interest. At the period when the Irish Convention Act was enacted, the present Premier was a junior Barrister, occupied with the Crown Circuit companion at the Assizes, and in London with the law touching the embezzlement of naval stores, as Counsel to the Admiralty—the present Chancellor of Ireland was a senior of great respectability leading the Premier upon the same Circuit, and the present Secretary of the Home Department was principally employed in arguing cases upon the Poor Laws at the Quarter Sessions of the Peace for the counties of Worcester and Stafford. These circumstances are not stated with any idea of ridicule or *persiflage*, still less of reproach. *Multi probi & boni homines idem fecerunt*, and the English bar could not produce three gentlemen more amiable in their dispositions, more urbane and polished in their manners, more strictly honourable and correct in their professional deportment, more justly esteemed in their law clubs and societies. They were entitled also, from their attainments and assiduity, to a greater share of employment in their profession, than it was their lot ever to enjoy. They had however enough not only to attract but to confine their attention solely to their professional pursuits, which might occasionally extend to questions of Parliamentary form, to points of order, and upon legal subjects, or those strictly domestic, to a speech in the House of Commons. To the support of Government in the career of their profession they had claims, from their attendance and votes in Parliament, as



well as from their birth and connections—to some of its honours they might with encreasing practice aspire—but at that point there seemed to be fixed a *ne plus ultra*. To become Ministers of State, and to attain the direction of public affairs, especially in matters relative to Ireland, must have exceeded, at that period, the bounds of their most sanguine expectation, perhaps even of their proudest ambition. Their patron Mr Pitt was in the prime of life, leagued at that time with many distinguished statesmen, many of whom are still alive; and he was surrounded by a numerous suite of political disciples, whom he sought to train for the conduct hereafter of public affairs, not by the drudgery which is necessary in the practice of the law, but by early initiation into the offices, and into the mysteries also of the State. Their own stations were fixed by the Commander in Chief; and the Opposition contained a number of competitors for power, men of very splendid and conspicuous talents. They had, under such circumstances, no inducement whatever to study or concern themselves about the affairs or government of Ireland.

It is not necessary to dwell upon the circumstances which have placed these Gentlemen, for whom the writer of these pages entertains personally a very sincere and unfeigned respect, suddenly and unexpectedly at the head of Irish affairs. Their elevation has arisen from the unfortunate alienation, which upon the first meeting of the Imperial Parliament arose, and has since continued, between the Sovereign and all public men of distinguished ability. I will only observe, that no greater misfortune can attend persons than to be placed suddenly, at a middle period of life, with notions either erroneously or imperfectly conceived, in situations of great exaltation, but at the same time of great embarrassment, for which their minds have not been previously prepared.



It requires the youth and genius of a Pitt or Bonaparte, on such occasions to succeed; and this attempt to enforce the Irish Convention Act, *contrary to the views of those by whom it was framed, and in violation of the assurances by which it was accompanied*, exhibits a melancholy failure in the present Cabinet.

Had they ever read coolly and dispassionately the History of Ireland, during the last thirty years, not as Partisans but as Statesmen—had they reflected on the state of that country, not as religionists, but as politicians—had they cultivated the science of jurisprudence, not merely as pleaders or draughtsmen in the details of a limited and local system, but upon the broad and comprehensive principles of philosophy and of legislation—whatever compliance or deference they might have shewn to impressions, in quarters where they might consider themselves not merely interested, but possibly bound from a coincidence of opinion, to yield implicit obedience—whatever might be the general system of their administration, as connected with the Catholic Question, and originating from causes sufficiently obvious—at such a period as the present, when those causes might be said altogether to have ceased—when a general spirit of disquietude upon the subject of toleration pervaded England, and *a sentiment of disappointment and of dissatisfaction at the Union was becoming prevalent in Ireland*—when it might be proper to strengthen the arm of Government, and to reserve its power unimpaired for any exigency which might occur—they would never have adopted, precipitately and prematurely, a proceeding calculated only to increase existing discontent, to lessen the respect of Government, and to display, by their own acts, their total impotency. Had they been long familiar with and practised in the art of Government, even if they had apprehended danger from the meeting of a Ca-



tholic Committee (for which imagination I will pledge myself to prove there existed no foundation whatever), they would have reserved their artillery for near approach—they would not have wasted their ammunition in random shots, more injurious to their friends than to their foes—and they would never, by such an injudicious sally as that which they have made, have exposed the weakness of their citadel, and shewn that its defences are absolutely untenable. They would have known, if they had ever learnt how to appreciate and to calculate the power of *public opinion*, that deprived of that support all laws are vain—and that a piece of parchment is always a feeble barrier against its declared will. They would have been sensible that the Convention Act was a statute which, under the circumstances, was incapable of being actually enforced—and in itself as ineffectual for the purposes of real protection against a formidable attack, as the Tower of London; however useful, as the semblance of a fortification, to intimidate the rabble. The present Ministers, however governing by abstract theories, and mistaking temerity for energy, and precipitancy for decision, have by one fatal rash proceeding thought proper to disclose the important secret, hitherto well concealed, that the walls of this fortification are merely of paper—that it is only a tower of cards, which a breath may destroy—at all events, that it can annoy the people of Ireland, only by a discharge of air-guns from its ramparts. Such is the lesson which, in their wisdom, they have given to the Irish nation, and of which it may be fortunate if they be not disposed to avail themselves, under the guidance of factious men, with that quickness by which, as a nation, they are so peculiarly distinguished.

I remain, &c.

HIBERN-ANGLUS.

28th August, 1811,



## LETTER V.

REVIEW OF THE FORMER LETTERS, AND A STATEMENT OF THE PRINCIPLE ON WHICH THE QUESTION IS TO BE CONSIDERED, AS BETWEEN THE MINISTERS AND THE CATHOLICS.

SIR,

IN the preceding Letters I have considered the expediency of the measures adopted by the Irish Government, upon the broad grounds of general policy. I shall now proceed to discuss the question as connected with the conduct of the Catholics, and with reference to the circumstances under which Ministers have resorted to a proceeding so violent in itself, and as it appears to me, so contrary in its form to the FUNDAMENTAL PRINCIPLES OF THE BRITISH CONSTITUTION. It may, however, be advisable, in order to facilitate a correct understanding of the discussion in which I thus propose to engage, to pause during a moment, and to review some of the points, which I have already urged, and perhaps have satisfactorily established; but from which, in the preceding Letter, the mind of the reader may possibly have been withdrawn.

Whatever controversy these Letters may have excited, should they have engaged at all the attention of the public, and however disposed many may feel to contest the positions which they contain, I am satisfied that Ministers will not have found an advocate inclined to support the late Proclamation, against the objections which I have



urged in point of FORM, by any attempt at *legal* argumentation. I know that it cannot in this respect be defended; and the charge against Ministers, of departing from a due course of constitutional proceeding, ought never to be abandoned. I am, Sir, of all men, perhaps, the least disposed upon any *trifling* occasion to sound an alarm, or to join in any tumultuous and often senseless cry, excited frequently from factious motives, upon the invasion of public rights; but if in a conjuncture like the present, when Ministers have attempted, *under colour of Royal prerogative*, and of an authority invested in this respect with no lawful jurisdiction, to FORCE upon the MAGISTRACY OF A WHOLE KINGDOM, in the oppression of four millions of his Majesty's subjects, a CONSTRUCTION HIGHLY PENAL AND PALPABLY ERRONEOUS OF AN ACT OF PARLIAMENT; and when by an endeavour to deprive the subject of a right expressly secured by the statutes of the realm, they have assumed a power NOT ONLY OF DISPENSING WITH, but of DEFEATING THE MOST SOLEMN and SACRED ENACTMENTS OF THE LEGISLATURE—if on such an occasion the people of England allow themselves to be indifferent and supine—if they do not LOUDLY REMONSTRATE—the constitutional liberties of Englishmen will be of short continuance. The slightest *real* encroachment upon the right of the subject, ought always to be noticed—never, except in a case of unavoidable necessity, to be endured, still less protected or approved. It may be truly said, Sir, of this Proclamation, and of the arbitrary jurisdiction which it assumes, SENTENTIA A NOSTRA REPUBLICA ALIENA VIDETUR: and may it not prove in the hands of those to whom the administration of the Government is confided, or, to use the language of the same admirable author, *ubi imperium ad non idoneos et indignos transfertur*—MAGNÆ INITIUM CLADIS.



Independently of the objections that I have advanced against the form of this paper, of which an Hon. Baronet, with whose opinions, however, I have in general the misfortune to disagree, would perhaps predicate that it is “a *thing*,” and which I have no hesitation in denominating (as I believe I have already described it), *a novel judgment of a novel tribunal*, I venture to flatter myself, that by juridical and incontrovertible arguments I have proved it to have proceeded upon a MISCONCEPTION OF THE LAW, and that to the assembly proposed to be convened agreeably to the Resolutions set forth in the Proclamation, the provisions of the Convention Act DO NOT APPLY.

The whole question, *as between the Government and the Catholics of Ireland*, appears to me to turn upon this point. As between *these parties*, if the law were in favour of Government, *cadit quæstio*, although I should contend that there would still remain a point to be settled between *Ministers and the British public* respecting this proceeding, upon other grounds.

The expediency and political propriety of the Assembly, or Committee, or Convention (for the name by which it is denominated is immaterial), proposed by the Catholics, will be considered in a subsequent Letter. Whatever may be thought of the prudence manifested by them in their present proceedings (a question solely for their own consideration, and on which, until they choose to consult and to be guided by others, they solely are authorised, as any other body, to determine for themselves), if what they propose be not only NOT PROHIBITED, BUT EXPRESSLY WARRANTED BY LAW, what Minister has a right to interfere with their conduct, still less to prescribe to them the course which they shall pursue? What right especially has that Government, which professes to *stand upon the principle of opposing all further concession to the Catholics of Ireland*, and which has declared its objections to



*be applicable to all times and circumstances, and to be in a manner perpetual*—what right has SUCH A GOVERNMENT, either through its official acts to command of them obedience to unwarrantable mandates, and to its own extravagant and perverted conceptions of the law, or through the scribes and hirelings of its press, in the language of low abuse and disgusting scurrility, to extort a compliance with its desires, or an abject submission to its own opinions? What, many will ask, are the pretensions of the present Ministers to call upon any class among the Catholics for confidence, or forbearance in the prosecution of their claims? or, in the course of any proceedings which they may think proper to adopt, to abstain from the exercise of any right to which they may be by law entitled? It should seem an excess of political arrogance which could lead a Government, that has placed itself in such a state of alienation with the Catholic body, to dictate to them a dereliction of their lawful privileges and immunities; and what is to be thought of that presumptuous conceit which could in any imagination sustain the delusive idea that the Catholics of Ireland would be disposed to defer to its advice and representations, or that a numerous, opulent, powerful, and insulted body, would submit with patient acquiescence to an intrusive unauthorised interference, in the management of its concerns?

Let the question be put to himself by any British reader, and let it be asked of British feeling and of British spirit, whether if Ministers were to act in the same manner as in Ireland towards any body of Englishmen, commanding them by an illegal form of proclamation to abstain from an undoubted and acknowledged constitutional right, confirmed by the very statute under which it might be sought to check their proceedings, they would not feel at once, by such injudicious and unwarranted opposition, the more determined strenuously to persist in the fullest



extent of the liberty allowed by law, and even to its utmost verge? In what book have Ministers learnt the British constitution, and in what society have they endeavoured to study the character and passions of men?

Mr. Fox, on a well-known and very memorable occasion, analogous in some respects to the present, (on which however, although agreeing in the abstract sentiment which he had delivered, I should have differed as to its application) when a vain attempt was clamorously made to intimidate the intrepid mind, by which that great orator was so conspicuously distinguished, pointedly observed, that “*strong measures required strong words;*” and he boldly repeated the words which he had used. Perhaps strong language has been adopted in these Letters; but I trust I have put the question truly in the point of view in which it ought to be contemplated. I am anxious that the people of Great Britain, for the consideration of whom these Letters are written, should not be abused, but that they should be enabled to form, with that good sense by which they are characterised, an accurate, fair, and impartial opinion upon the controversy which the Government of Ireland, by its own acts, and, I will add, of its own seeking, has so unhappily excited.

We never shall be able to form accurate opinions upon this subject, unless we are careful to establish fixed and certain principles, by which we may securely guide our judgments. As between the Irish Government and the Irish Catholics the question, as raised by the Proclamation, is one not of prudence, nor of policy, nor of mutual concession, but of CONSTITUTIONAL RIGHT, and as such it cannot be compromised. What is in the Catholic? the legal right of acting.—What is in the Government?—the legal right of prevention. The Catholic has the right of doing all that the law permits; the Government has the right of preventing only what the law pro-



hibits; and all jurists agree, that where a Government shall clearly exceed its authority, there accrues to the subject aggrieved a right sacred to liberty, but dreadful to philanthropy, the RIGHT, or as some even have termed the fatal consequence, the DUTY of RESISTANCE! What is the state of things as they actually exist in Ireland? The Government has chosen suddenly to issue its prohibitions, expressed in the most absolute and imperious terms—the Catholics persist in what they hold to be their lawful right, and in opposition to what they conceive to be an USURPATION of AUTHORITY IN THE EXECUTIVE GOVERNMENT—and the PROTESTANT INTEREST of Ireland springs forward with alacrity, in numerous assemblies held throughout the country of proprietors and landholders, to support the Catholics in their resistance, and by the protection of the law to shelter them against any attempt on the part of the executive Government or of its creatures, at illegal violence. What Government can it be possible to continue, which has brought the affairs of Ireland to such a dreadful extremity! How serious is the issue which the present Government of Ireland has thus joined with the majority of Irish population! How awful is the litigation which it has sought itself spontaneously to institute! How tremendous may prove the result of this dire contest, and what important interests it has involved!

Does there exist a lawyer who, upon a due and unbiassed consideration of the Convention Act and of the Proclamation, entertains now even a *doubt* upon the error committed by the Irish Government, in the construction which they have given to the law upon the face of that informal and unfortunate instrument? The most eminent members of the Irish bar, men experienced, disinterested, and dispassionate, consulted, not by Catholics for the purposes of party, but by Protestants for the government of their conduct, have not



hesitated, in formal, solemn, and professional opinions, pointedly to dissent from the legal doctrines advanced by the executive government, and to caution magistrates against a compliance with the requisitions contained in the Proclamation!!! Is it indeed impossible for any juridical mind, upon any received principle of legal construction, to apply to a meeting, convened as appears by the Proclamation itself *solely* for the purpose of *actually* petitioning both Houses of Parliament, the provisions of a statute the *title*, the *preamble*, the *body*, the *enacting part* of which all relate solely, and are confined in express terms to assemblies held under *pretence* of petition, with a clause confirming in the most decided language what the statute itself denominates the *undoubted right* of the subject, that of *actual* petition, on any occasion, for the redress of grievances? Upon such a question there is little difficulty in anticipating, notwithstanding any hasty act of commitment by a Chief Justice, what must eventually prove the decision of a CONSTITUTIONAL TRIBUNAL upon a TRIAL AT BAR, and at the same time the signal defeat and indelible disgrace of Administration\*. The victory will be with the subject, but dearly will it be bought—with the loss of honour in the Government, and the diminution of its re-

\* The writer of this letter was not mistaken in this expectation. The Chief Justice having granted a warrant, (*to the language of which, however, the Crown did not think it proper, in preparing the indictment, to adhere*) having declined hearing counsel upon the question of commitment under that warrant—having thus expressed by this act, previously to the late trial, such a decided predetermination—the Catholic delegates have brought actions in *other* courts, where *they* intend to try the point of law. A *civil* proceeding allows the means of appeal to a superior tribunal; and it may be said that even the opinions delivered by the other Judges of the King's Bench are by those actions brought *virtually* under an appeal; as the question, as to the validity of the warrant, and as to the legality of the acts charged against the delegates, is the same.



spect in the eyes of the people which, as I shall endeavour to prove in my next Letter, has been wantonly and unnecessarily exposed, through the infatuation of those by whom it ought to have been, upon every principle of sound policy, most sedulously maintained.

I remain, &c.

HIBERN-ANGLUS.

Sept. 1, 1811.

In addition to other opinions the following has been published as one of Sir A. Piggot.

CASE.—Do you conceive it illegal under the Convention Act to assemble and appoint delegates *bona fide*, to prepare a petition to the King or to Parliament, or publish notices of such elections, or to act *bona fide*, in the character of delegates for such purposes, and such purposes only? Or do you consider the provisions of the act as levelled only against assemblies assembled under the pretence of petitioning, but really and in fact having other objects in contemplation, or what kind of delegated assemblies are rendered illegal by the said act?

OPINION.—Framed as the Convention Act is, I am not much surprised that difficulties should arise, and differences of opinion should prevail as to the construction of it: *but after the most deliberate consideration* which I have been able to give to the act, I do not conceive it to be illegal to assemble and appoint delegates *bona fide*, to prepare, &c. (in the words of the Case) and I consider the provisions of the act to be directed against persons assembled in meetings, but for the prosecution or accomplishment of some other purpose or object, under the *pretence* of petitioning.

If a criminal indictment or information should be preferred or exhibited against the five, or any of the five Gentlemen who were arrested, I conceive that in order to maintain and procure a conviction on such indictment or information, it will be necessary to shew that the delegates were elected, or did not meet, for the sole and actual purpose of preparing a petition or petitions, but under the *pretence* of doing so for some other purpose, AND THIS WHICH CONSTITUTES THE OFFENCE ought to be shown by SATISFACTORY EVIDENCE.

QUERY.—Is there any thing in the common law or the statute law, independent of the act in question, by which it is criminal to elect delegates to do acts which may be lawfully done by the persons electing such delegates, or by which the otherwise innocent acts of such delegates would become criminal by being performed in the delegated character?

ANSWER.—I am not apprised of any such thing in the common or statute law.



## LETTER VI.

## OPINIONS OF THE AUTHOR UPON FORMER PROCEEDINGS OF THE CATHOLICS.

SIR,

By some of your readers I possibly may be thought in the preceding strictures to have been too severe; by others, perhaps, I shall be considered in the sequel as deficient in spirit, and even hitherto too gentle in my reprobation of the Irish Government.

*Sunt quibus in satyra videar nimis acer et ultra*

*Legem tendere opus; sine nervis altera quicquid*

*Composui pars esse putat.*

With the former class, I must urge in my defence the manifest illegality of the proceeding, by which these Letters have been occasioned—the provocation which it has given to a numerous and respectable class of his Majesty's subjects—its tendency to disturb the peace of Ireland—and all the mischievous effects which must ensue, if the conduct of Ministers should pass without animadversion on the part of the British nation. When Ministers have shewn themselves capable of resorting to *such* expedients in order to deprive the subject of a constitutional right, to prevent the exercise of a lawful privilege, and to drown the voice of Ireland in her representations to the Imperial Parliament—when the acts of men in power tend thus to rend asunder and disunite the Empire, in a moment when its utmost energies are required in one common cause of common preservation—it is not easy to abstain from the expression of strong indignation. *Hic mi-*



*hi quisquam misericordiam nominet?* Under such circumstances to be mild in reprehension, is impossible; to be lenient would be almost criminal.

If the feelings of Ministers and their friends be hurt at any language of asperity which may have escaped my pen, should indeed these Letters have attracted in any respect their notice, let them reflect on those of the many noble and honourable gentlemen, whom in a formal official instrument they have aspersed and stigmatised, not only throughout the Empire, but throughout Europe, as persons disaffected and disloyal; an assembly of whom, convened for the lawful purposes of petitioning Parliament they have ventured to denounce as necessarily in itself ENDANGERING THE PEACE AND TRANQUILLITY OF THE STATE! The conduct, indeed, of the PROTESTANT NOBILITY AND GENTRY OF IRELAND on this occasion, has been sufficient to shew both to Ministers and to the British nation how unfounded is such an allegation—how narrowly confined the knowledge of Government respecting the real state of their country, and how incapable are the present Administration of directing its affairs. The fact, however, that such injurious representations have been conveyed by Ministers through their late Proclamation will not be disputed; and the right of vindication and retort, on the behalf of the persons thus seriously aggrieved, cannot in fairness be denied. As far, therefore, as the personal feelings of Ministers may be concerned, I shall only remark in the language of an author, whose celebrity will endure so long as literature and liberty shall in England continue to be esteemed, “IF THEIR BED BE A BED OF TORTURE, THEY HAVE MADE IT FOR THEMSELVES.”

To the second class of your readers it will be sufficient for me to observe, that the object of these Letters has not been to promote the views of faction, if any exist



connected with this question—to gratify any spirit of personal resentment—or to court favour with individuals or any body of men. I have sought only to defend the constitutional liberty of the subject against what has appeared to me an unjustifiable aggression on the part of Ministers, to rescue the majority of the Irish nation from misrepresentation and oppression, and to promote the salvation of the Empire from the fatal consequences which, and it will plainly be foreseen, must inevitably result, from the continuance in office of an Administration that has thus abused, and has lost for ever all claim to confidence and respect from the PEOPLE OF IRELAND.

With these observations I might terminate this series of Letters. I am induced, however, to continue them, having pledged myself to prove, that there existed no necessity for the conduct adopted by the Irish Government on this occasion; and because many of your readers may wish that this particular question should be duly and minutely investigated. Having adverted also to the opinions which I hold respecting the conduct on former occasions of the Irish Catholics, I am anxious to evince the sincerity which I professed in my first Letter upon this subject.

I have, therefore, no difficulty in stating, that no one has been more prone than the individual by whom you are addressed, to blame on many occasions the proceedings of former aggregate Meetings, as they are called, of the Catholics, and even of former Catholic Committees—to censure the language frequently used by individuals in the course of their deliberation—and to lament the injury which they have sometimes done to their best interests. They have not known how to ascertain, possibly from a high although mistaken sense of pride they have not sufficiently cared to appreciate, upon what



they regard as an IRISH not an ENGLISH question, the temper and feelings of the people of England; by the inclination of whom, however, from their consequence in the scale, and preponderance in the return of Members to Parliament, an administration of whomsoever composed will generally be induced, and frequently compelled to regulate its proceedings. They have been disposed to raise questions and points of *etiquette*, if I may so express myself, unnecessarily, and with prejudice to the reception of their claims on this side of the channel. Their conduct towards many of their best friends I do not approve, especially towards Lord Grenville, a nobleman whom I believe to be animated with the most sincere desire of relieving the Catholics from their incapacities, and whom, upon the occasion to which I have alluded, I know to have been instigated only by the most honourable motives, and by a wish materially to assist those, from whom I do not think that his Lordship has experienced a suitable return. The system also, on which they have been accustomed to proceed, has often appeared to me objectionable in itself, and calculated to defeat instead of promoting the success of their claims; since their resolutions and instructions have frequently precluded the possibility of treating upon many occasions with Government, and have created, perhaps, impediments to a satisfactory arrangement, which possibly to a certain extent might otherwise have been already accomplished.

I will further admit, that a representative system in Ireland is not altogether desirable, and except when necessary, it should not perhaps be encouraged.—As a Minister I should not have been inclined *heretofore* to have acknowledged by any formal act the existence of a Catholic Committee; nor would I have treated with their



delegates but as individuals \*. To my mind it has always appeared desirable, that the relief of the Irish Catholics from the remaining disabilities, which although few *concern the whole community, and are of general not partial interest* (as what is passing in Ireland sufficiently demonstrates), should proceed spontaneously on the part of Government, independently of any petitions on their part, but in co-operation with those individuals among the Catholic Body distinguished by their rank and attainments, as persons rendering Government assistance in a matter arduous and delicate, not as AMBASSADORS or PLENIPOTENTIARIES, dictating the terms or settling the conditions of a TREATY.

As to the applications made heretofore by the Catholics to the Legislature, on many occasions it has not appeared to me advisable in them to have renewed, *under the peculiar circumstances of the question*, repeated petitions. I am aware that many of the most loyal Catholics have encouraged such applications from the purest motives, and with a view to keep many from despondence, others perhaps, from more violent proceedings; and I am persuaded that no person, truly acquainted with the state and temper of Ireland since the Union, will impute to these very honourable personages as a fault, still less as an indecorous and improper proceeding, the encouragement given by them to the course of petitioning the Legislature. But upon the policy of such renewed petitions, considered with reference to the state of things in England, I have entertained considerable doubts. I am not certain that *repeated discussion*, although successful *in point of*

\* I would have endeavoured to maintain an ascepdency in the Catholic nobility, such as existed previously to 1791. The relief granted should have appeared to have proceeded liberally from Government. The present Ministers have created the necessity of a Committee by their own acts; as will appear in subsequent Letters.



*argument*, has always *in effect* promoted their cause; since pressed at a time when relief through any legislative proceeding was for reasons sufficiently notorious impracticable, and when there prevailed an eager competition for favour in a quarter where objections prevailed strong and insurmountable, many serious inconveniences have ensued. It has created a spirit of party hostile to their claims—it has indisposed a considerable portion of the people of England—it prepared them for the cry which was so successfully raised against the late Administration—and whilst it strengthened their decided foes, it pledged many persons to an opposition, contrary in some to the avowed convictions of their own minds, in others to the inclination of their concealed wishes; and in most without any consideration, feeling, or opinion upon the subject; who would have supported, under other circumstances, with the same alacrity what they have hitherto opposed, following merely the impulse of a courtly tide—

Like little wanton boys  
That swim on bladders.

These, Sir, have been—these continue to be my sentiments, retrospectively, upon the conduct of the Catholics—and I have not hesitated candidly to avow them. The advocates of the present Ministers are at liberty to avail themselves of any arguments which they may think such concessions afford; but let them be cautious how they attempt to turn the weapons against the hand, by which they are thus offered.

Whatever may be my own impressions, or whatever confidence or forbearance an Administration formed upon principles friendly to the Catholics of Ireland, might heretofore have been entitled to have expected from that body; on the other hand, an Administration which avows itself hostile to all further concession in their favour—



which regrets the length to which concession has already proceeded—and which, although it does not yet venture to tread back the steps of its predecessors, seems only to desire an opportunity to gratify in that respect its secret but ill concealed inclination—such an Administration, upon the principles which I endeavoured to establish in the preceding Letter, has no right to interfere with the mode, in which the Catholics may think proper to conduct their affairs, provided they do not exceed the bounds prescribed by law—and fortunately for the liberty of the subject the Constitution has not left the determination of those bounds to the caprice, prejudices, or resentment of any MINISTER, but to the decision of known and established TRIBUNALS.

If a Minister shall have the imprudence to designate in effect, and sometimes almost in express terms, the Catholics of Ireland, forming the great body of Irish population, as rebels in their hearts, however loyal in their professions; persons hostile upon principle to the established Constitution, and only disguising their views more effectually to accomplish its destruction—if he shall not only select, cherish, and abet individuals, but reward and exalt them in proportion as they shall manifest a disposition to revile the majority of the Irish nation and to outrage their feelings—if he shall declare to three-fourths of the people of Ireland, that they and their posterity must be forever debarred the possibility of attaining any exalted situation in the state, or from enjoying the full recompense of honourable and industrious exertion—and if with the view of securing their *attachment to the Union and to a connection with Great Britain*, he shall proclaim to them that their exclusion from all considerable advancement, is an **IRREVOCABLE AND FUNDAMENTAL LAW OF THE STATE**, he has no right to be surprised if he finds a class of persons thus calumniated and proscrib-



ed not disposed to adopt his advice, to consult his ease, or to promote his continuance in office. He cannot justly complain if they indulge a spirit of acrimony, excited solely by the rashness of his OWN DEPARTMENT, and the country owes not to such Ministers any obligation, if the Catholic population of Ireland, more enlightened than those by whom they are opposed, still continue to respect and venerate, what it is thus sought to vilify and pervert, the COMPREHENSIVE AND SUBLIME PRINCIPLES OF THE BRITISH CONSTITUTION.

I remain, &c.

HIBERN-ANGLUS.

Sept. 12, 1811.



## LETTER VII.

ON THE GROUNDS OF DEFENCE ON BEHALF OF  
MINISTERS.

SIR,

I SHALL now proceed to examine, what many may be disposed to consider the most important point of the controversy, whether there existed any necessity on the part of the Irish Government for adopting the measures to which it has resorted?

In objecting to the conduct of Ministers on this occasion, I might call upon their advocates, according to the received rules of argument, to establish on their side a *prima facie* case of necessity for the late Proclamation. I might require it to be conceded to me, that the lawfulness of the Assembly, proposed to be convened by the Catholics of Ireland, is to be determined solely by the nature and effect of the Resolutions recited in that instrument, on which alone, and not upon any extrinsic matter or information, the Proclamation itself professes to proceed; and as concerning the parties to those Resolutions, I might contend that they are to be judged solely by their conduct at the time when they were passed, and not by their proceedings at any period antecedent. I might also be thought authorised to protest against any inference to be drawn from the proceedings of former Committees;



and I am sufficiently acquainted with the rules of legal evidence to know, that no Judge, upon the trial of any indictment, would allow any such former proceedings to be adverted to or proved by the Counsel on the part of the Crown, as connected with the matter in issue \*. I disdain, however, all these advantages, and am willing to meet the question upon the broadest grounds. I have only to regret my ignorance of the positions taken by Ministers, and of the manner in which they have thought proper to rest their defence, or to express myself perhaps more accurately, to justify their late indiscriminate and injudicious attack upon the liberties of the Irish Catholics.

Do they rely solely upon what they conceive to be the law of the case, considered with reference to the provisions of the Convention Act, or upon the conduct of the Catholics? Is the question which they have raised one which simply regards the construction of an Act of Parliament, a question purely legal, or is it a question of fact regarding the motives by which the parties to the Resolutions recited in the Proclamation have been actuated? Do they propose to argue, that the proviso in the Convention Act (excepting from the body of the Statute the rights incidental to *actual* petition) is to be wholly disregarded; and that the mere meeting upon principles of delegation, although solely in the intention of petitioning Parliament *bona fide*, is within that Act; and that the words, "*under pretence*" are to be read "*for the purpose*" of petitioning? Do they mean to contend for this conversion of language, and of ideas, in a juridical exposition of a Penal Statute? or do they conceive themselves in a situation to prove, that the presentment of a peti-

\* The only ground on which they could be adduced would be, that a conspiracy had been formed on a former occasion, and that the assembly was proposed in furtherance of that conspiracy. The Resolution, however, is of an aggregate meeting, not of a Committee.



tion on the part of the Catholics is a mere colour or pretext for assembling a meeting, in fact convened for ulterior and illegal purposes?

In common with all the Magistrates of Ireland, I am compelled to put these questions; they for information, in order to enable them thus to discharge the duties of their station, and myself, in order to ascertain the grounds on which I am to defend, at the same time, the Irish Magistracy and the great majority of the Irish Nation. All have disregarded, disobeyed, and protested against the Proclamation of the Irish Government.

From that Proclamation, or Indictment, to which I have already compared this instrument in a former Letter, I am at a loss what to infer. When I first read that paper I was struck with its obscurity, with its deficiency in legal precision, and with its incongruity in itself. I was then at a loss, and I am still embarrassed, to conceive the grounds on which it could have proceeded, even in the minds of those by whom it has been prepared. It is true that it charges the Resolutions of the Catholics to be a *direct* violation of the Convention Act. The imperfection, however, of my own understanding prevents my ability to distinguish, in any case, between violations of law as direct or incidental. Such a distinction I never met with, in any treatise which I may have read upon public or local jurisprudence. I can predicate of an Act, with reference to its legal effect, only that it is lawful or unlawful: and as to the right of interference on the part of the Executive Government, I conceive it to be confined, except in a case of extreme and unforeseen emergency, only to the suppression of what is absolutely and manifestly unlawful. If a statute be so expressed as not to extend to a particular case, the law may be defective, and an alteration advisable; but the Executive Government cannot proceed upon such a statute. If it attempt to sup-



press the supposed mischief, it cannot found its operations *specially* upon that law, which does not prescribe or afford a remedy, still less upon a law, which almost in express terms allows the proceeding thought to be objectionable.

When I reflect, however, upon the verbosity of the Proclamation which recites so minutely in many respects the provisions of the Convention Act, and upon the charge which it contains against the Resolutions of the Catholics as amounting to a direct violation of that statute, I am induced to suppose that it was dictated principally by an opinion that those Resolutions, *considered in themselves*, amounted to a breach of the Act; that the *mode of proceeding* adopted by the parties to those Resolutions constituted an offence, independently of any evil or good intention; and that the apprehensions of “*direct*” danger to the peace and tranquillity of the State are introduced, merely to give a certain brilliancy or colouring to the general effect of the performance—as a rhetorical flourish, or as words of course; in the same manner as other indictments of a less solemn nature usually conclude *contra pacem Domini Regis*, against the peace of our Lord the King, his Crown, and Dignity.

In this view of the case, I should be relieved, after what I have already written and the general impression of the public mind, from all further trouble in endeavouring to elucidate the controversy; and to many of your readers it would be easy at once to account for the mystery, which has accompanied the whole of this proceeding. They would say, that Ministers being obviously interested in preventing a Catholic Petition from being presented to the Legislature, *at a moment* when many difficulties which had weighed with several hitherto opposed to any extension of concession had ceased; and *in a manner* by which, THROUGH THE CONSTITUTION OF A



PUBLIC ORGAN, CAPABLE OF EXPRESSING AND OF ACTING, ACCORDING TO THE GENERAL SENTIMENT PREVALENT AMONG THE BODY OF THE CATHOLICS, A SATISFACTORY ADJUSTMENT UNDER ANOTHER ADMINISTRATION MIGHT MORE EASILY BE ACCOMPLISHED; they had racked their imaginations to devise the means of impeding such an arrangement. Habituated more to professional pursuits than to the conduct of State Affairs, they had recourse to the Statute Book; and finding there, unexpectedly, the Convention Act, flushed with the discovery of a Statute not extant in the British Code, they had allowed party zeal to influence their legal discernment, and had voted at once this Act to be a bar to any meeting of the Catholics, in which the collective sense of that body might be concentrated in the Managers of a petition to Parliament, involving matters universally thought to be of very complicated and difficult arrangement.

It has been a frequent observation among professional persons, that the united subscriptions of many lawyers to an opinion are often calculated to induce error; and Gentlemen will sometimes, in consultations, concur with others in acceding to opinions, which singly they would not be inclined to sign without more mature reflection. If there be any truth in this observation, there appears to have been a list of lawyers consulted upon this proceeding. Independently of learned Chancellors, we find the learned First Lord of the Treasury, the learned Secretary of the Home Department, the learned Attorney and Solicitor-General of England (so say the Ministerial Prints, although, for my part, I doubt the fact), the learned Attorney and Solicitor-General of Ireland, the learned Under-Secretary of that kingdom, and not only the learned but the Right Honourable Dr. Patrick Duigenan, all interested in finding out a law for a particular purpose; all eager to flatter their minds into a con-



struction favourable to their wishes; all anxious to secure their offices and the ascendancy of their party; and can it be surprising that they should, under such circumstances, have fallen into a serious mistake, or that in a cause which is in a certain sense their own, they should have committed their understandings, upon other points and in other cases shrewd, acute, and intelligent?

I really believe, Sir, that Ministers themselves, upon more cool reflection are disposed to abandon the Proclamation, as untenable, and would willingly retreat, or compromise with the Catholics. To act upon the Proclamation, except in one or two instances shortly subsequent to its appearance, they have not ventured; and the Protestant Magistracy of Ireland would not have supported them in the attempt \*. The Ministerial prints, as far as I have been able to peruse them, have therefore sought to excuse their want of energy; and accordingly, on some occasions, we are told that the language of the Catholics is become more moderate, whilst other advocates of the Ministers endeavour to catch at expressions in some of their resolutions, authorising the gentlemen appointed to "confer and consult" with the general Committee; and they affect an air of surprise and triumph at not finding express mention of DELEGATES and of a CONVENTION.

The conduct, however, of the Catholics, I will venture to affirm, will be found, upon due examination of their proceedings since the appearance of the Proclamation, to have been firm, manly, and consistent. Whilst they have betrayed themselves by no pitiful acts of petu-

\* Upon the day when the first Letter appeared in the Morning Chronicle, in which it was stated that the Government seemed timidly to execute the Proclamation, the Sun declared that Hibern-Anglus was miserably misinformed!!!



lance, or shewn no spirit of little paltry revenge—whilst they have abstained from all acts of violence, and borne with temper both the insults of the Castle, and the taunts of its hired scribes—they have changed in no respect their ground: they have abandoned no position, and they have persevered steadily in their course with dignity and composure, not allowing themselves to be diverted or deterred from the exercise of their constitutional rights, by the terrors of a Secretary or of a Proclamation, which they conceive to be illegal. They will also proceed, Sir, as they have begun; although they will not allow those who have no authority to claim any right of interference with their concerns, whilst they do not transgress the law, to dictate to them the course which they should pursue in the arrangement of their affairs.

In a former Letter, when alluding to the history of the Convention Act, I adverted to the anxiety evinced by the leading Catholics of Ireland to maintain respect, amongst the general body of their persuasion, for the provisions of that statute; and in this instance they had manifested a prudence, which Ministers would have done well to have imitated. The leading Catholics well knew the history of that Act, *better indeed than his Majesty's present Ministers*, and its provisions also were known to the numerous members, among the Catholics, of the Irish bar, many of them gentlemen of high family, heirs to immense estates, of eminent talents, and extensive practice \*. Compelled by circumstances, which I shall no-

\* Mr. O'Connel is a gentleman of distinguished birth and in great business; he is heir to a very large estate and makes considerably at the bar. Mr. Scully is the eldest son of a gentleman who is supposed to have realized property considerably above L.16000 per annum. The number of the Catholic barristers exceeds sixty, and in the course of a few years the majority of Irish advocates will be persons professing the Roman Catholic religion, excluded from all advancement, even from a silk gown; and although by law they are capable of being appointed Commissioners



tice in a subsequent Letter, to consult the wishes of the whole body of their persuasion, they had addressed themselves to the mass of Irish population in language well calculated to conceal the innate weakness of the Convention Act, and to maintain the provisions of that statute in respect with the people. The discussions excited in Ireland by the Proclamation have shewn the inadequacy of that Act for any practical purpose, and every juridical, dispassionate and disinterested mind is now convinced, that when the purpose of an assembly is solely that of actual petition to Parliament for the redress of grievances,

of Bankrupts, not one Irish Catholic has been included in any list by any Chancellor!!!

I wish to embrace this opportunity of rectifying an impression which I have found produced on the minds of many respectable persons by an argument, -or rather an attempt at argumentation, endeavoured to be adduced from the circumstance, that the offices from which Catholics in Ireland are excluded, are few in point of number. They are offices, however, connected with patronage, and whilst withheld from the Catholics, they have not the means of obtaining those situations, which they are entitled *expressly* by law to hold. The Catholics of Ireland are convinced, from the *exclusive spirit* which has been manifested by the executive government since the abrogation of the penal code, that they have no security for the enjoyment even of the advantages which they are told they have obtained, but in a total change of system.

The present Ministers, since their accession to office, have studied only how they might mortify the pride, and irritate the feelings of the Catholics. Instead of seeking the means of interpreting, in favour of that body, those laws which remain unrepealed they have sought to *deprive* the Catholics of the benefit, which the Legislature annually confers on them by the Indemnity Act. They have not *yet* dared to propose to Parliament that the Catholics shall be *excepted* out of that Statute, by express proviso; but they have taken the most *effectual* means to accomplish their object, by appointing no person of that persuasion to any civil office. They will avail themselves of the Indemnity Act only to obtain the *blood* of a Catholic gentleman on the field of battle, not to confer upon him any civil employment. In this they will rigidly adhere to a rigour even *beyond* the law, which not only clearly allows the original appointment of a Catholic, but consents annually to his continuance in office, if appointed.



it is lawful to appoint delegates *eo nomine*, and to meet even in a convention for that purpose. Had the Catholics, merely in consequence of this point having now become generally established in professional minds and in the public opinion of Ireland, changed their tone and adopted stronger modes of expression, they would have supplied their adversaries with weapons, which they might have turned to their annoyance. They have been too prudent and too wise; they have been too proud also to enter into a contest of words with quibbling underlings of office. No, Sir, they have contented themselves with declaring their protest against the legal doctrines advanced in the Proclamation—with asserting what the statute itself denominates the undoubted right of the subject—with commissioning persons to act on their behalf for the purpose of preparing petitions, of “co-operating,” of “conferring,” of “consulting” with, and in some cases of forming an “integral part” of the General Committee, whose conduct they have universally approved and honoured with their thanks. The expressions have varied according to the circumstances of each county; and it is notorious that many have been in the habits of presenting separate petitions, conjointly with the general petitions usually prepared in Dublin, and they may be disposed in this respect to continue their accustomed course. Such, Sir, has been the conduct of the Catholics on this trying occasion—such the general tenor of their resolutions—and by such resolutions, whilst they have best consulted their own dignity, they have at the same time exposed most effectually the erroneous conceptions entertained by the Crown Lawyers of the Convention Act, and the folly of the conduct pursued by Ministers. I remain, &c.

HIBERN-ANGLUS.

Sept. 22, 1811.



## LETTER VIII.

## THE SAME SUBJECT CONTINUED.

SIR,

As far as it is possible for me to anticipate the grounds on which Ministers will endeavour to justify their conduct, I apprehend that they will attempt to make up a defence, partly upon matter of law, partly upon allegations of supposed fact. They will abandon the construction of the Convention Act, for which they contended, or rather which by an undue assumption of judicial authority they sought to force upon the magistracy of Ireland, in their Proclamation; and they will no longer maintain, that the resolutions recited in that instrument, abstractedly considered, amount in themselves to a violation of that statute. They will relinquish the grounds on which they first commenced active proceedings, and I should not be surprised, if, in the end, they should plant their artillery against their own troops, and blow up at once their own entrenchments. They declared war upon the Catholics of Ireland on a sudden, without plan or preparation, and they have not known how to conduct their subsequent operations, but have allowed themselves to be surprised and surrounded; they have even exposed



themselves to the certainty, in a court of law, of ultimate defeat. If justified in their declaration of hostility, why, it will be asked, have they not pushed on, and by vigorous exertions crushed at once the endeavours of the foe to take the field? They have suffered, however, the Catholics to meet in defiance of their manifesto—to choose representatives—and to support those resolutions, which they had ventured to denounce as a criminal offence. How will they now prevent the meeting of the proposed assembly? Do they conceive that those who have protected the meetings hitherto holden, will not also support an assembly, for the constitution of which those meetings have been called, under their own auspices? Will the civil authorities allow the introduction of a military force to suppress what they conceive to be a lawful assembly? And although the Irish Government should strike out of a commission Justices of the Peace for not paying an obsequious deference to arbitrary mandates and to an assumption wholly unconstitutional of judicial authority, can they also remove SHERIFFS from their offices, and prevent a summons of a POSSE COMITATUS to protect the subject in the exercise of what is considered and pronounced by the universal voice of Ireland to be not only lawful, but an unalienable right? IT IS BEYOND THEIR POWER, AND BEYOND POSSIBILITY.

The conceptions, Sir, of Ministers upon this subject have been from the first imperfect—their conduct has been since inconsistent—and their vindication consequently now becomes confused and unintelligible. They would convert their prejudices into arguments—their imaginations into facts—their wishes into law. They have misled their own minds, and would lead the British public to adopt the errors of their own conceit, and of their wilful self-deception. Of a meeting not hitherto assembled, the members and temper of which it was impossible



before hand to ascertain, but a meeting convened SOLELY, EXPRESSLY, and DISTINCTLY for a DECLARED and LIMITED and LAWFUL purpose, with the ASSENT, APPROBATION, and SUPPORT also of those whom the Irish Government itself has affected to respect—of a meeting without power or authority, or means of acting but for the management of a Catholic Petition to Parliament (*and in co-operation with Parliament itself, should it agree to refer their Petition to a Committee in both Houses, and such Committees should propose plans of arrangement, in the progress of which it would obviously be necessary to ascertain from time to time the sentiments of the Catholic Body*), of such a meeting, convened at a moment when hopes might reasonably be entertained by the Catholics, that in consequence of circumstances sufficiently obvious their claims might procure more favourable attention from the Legislature; and when legislative proceedings in their favour were become a matter of practical consideration, and not of remote contemplation—at such a moment, and of such a meeting, the present Ministers prejudging not only the Catholics, but PRESUMING TO ANTICIPATE THE DETERMINATION OF THE LEGISLATURE ITSELF, as if it were a body moving solely at THEIR COMMAND, the obedient slave of their narrow prejudices, and as if THEIR OWN ADMINISTRATION WERE PERPETUAL, have ventured to affirm, in a public official document, that it MUST NECESSARILY AND “DIRECTLY” ENDANGER THE TRANQUILLITY OF THE STATE \*!!!

Can the history of the British Government afford a parallel instance of arrogance, folly, and presumption? Was ever a country thus abused, calumniated, and publicly branded? They claim it to be granted of course and as a

\* I must request the reader to bear in mind that the language of Ministers has, from the beginning, implied a *treasonable inclination* on the part of the Catholics, in forming the proposed Committee.



postulate, that the whole body of the Catholic Nobility of Ireland, the whole body of the Catholic Clergy, all Catholic Baronets, all Catholic Country Gentlemen, all Catholic Barristers, the whole Catholic Mercantile Interests of Ireland, the whole body of Irish Landholders and Capitalists professing the Roman Catholic Religion, notwithstanding their uniform declarations, professions, and solemn oaths of allegiance; NOTWITHSTANDING ALSO THEIR DEEP STAKE IN THE PEACE AND PROSPERITY OF THEIR COUNTRY, are all leagued in a conspiracy to subvert the established Constitution, to dethrone the Sovereign, and to OVERAWE and SUPERSEDE the IMPERIAL UNITED PARLIAMENT? They not only claim this as a postulate, they hold it to be an axiom; they argue from it as a proposition self-evident—and upon a foundation thus assumed, not only without evidence, but contrary to all rules of presumption, and in opposition to notorious facts, they assert that they are justified in all that they have done, and they will claim perhaps the merit of lenity and forbearance, for not having proclaimed military law, or declared the whole population of Ireland, Protestant as well as Catholic, out of the King's peace, and the Country in a state of ACTUAL REBELLION!!!

Have I, Sir, exaggerated any thing in the preceding paragraph? Is it possible to read the Proclamation and not to be satisfied, that if it has not proceeded from the party motive assigned in my last Letter, it has sprung solely from the wildness of a disordered imagination, in which, however, I am convinced that the candour and good sense of the British public will never go along with the present Administration.

If any thing were wanting to confirm us in this view of the extravagance in which Ministers are inclined to indulge the rancour of prejudice, it would be supplied by the letters of the only advocate, who has ventured to step



forward in justification of their measures. I allude, Sir, to certain letters which have appeared in *The Morning Post*, under the signature of MARCUS, especially to the Seventh. I have had an opportunity of perusing the collection only cursorily, and since the commencement of this Letter, but they have corroborated all that I have advanced in the first sentence of the present epistle. I consider, Sir, the Letters of Marcus in the nature of an official vindication of the Irish Government. They have appeared in a leading Ministerial print, of which (in consequence of a passage contained in a former Letter, and written previously to any opportunity of reviewing its files) I think myself bound in candour to declare that it has not omitted to afford its readers full and accurate information of what is passing in Ireland\*; they are composed obviously by no ordinary writer, and they seem to proceed from a person who either enjoys, or affects to possess, the confidence of Ministers. They may possibly have been written by one in a situation of no *ordinary* exaltation, at the same time from the mode in which they are published, they are liable to the same freedom of observation which must attach upon the productions of the person by whom you are yourself addressed, or upon those of any other anonymous author who, like myself and Marcus, may chuse to engage in what may fairly be denominated a literary masquerade. We have no right to be personally offend-

\* This is due in justice to the Morning Post. Its articles of Irish *intelligence* have been full and impartial, I wish I could say as much regarding its *commentaries*. To charge upon Ministers any solitary and foolish observation which may appear in a Treasury Journal would be unfair; but they must be responsible for the invariable tenor of newspapers notoriously under their influence. I had proposed to have inserted in an Appendix to these Letters, all that has been written on this subject by the Newspapers in the interest of Ministers, satisfied that such a publication would, in itself, *expose most effectually* the conduct of Administration, and their incapacity to direct the affairs of Ireland.



ed at what may be said of our compositions, and we have in our hands the means of vindication and retort.

With this preliminary observation, I shall take the liberty of making a few remarks upon these Letters. The language of them is strong, nervous, and admirable; but I regret that I can ascribe to them ingenuity, only in an affectation of candour which, perhaps, never was assumed with more subtle address, in order to conceal an insidious attempt to entrap the public mind by the means of a most plausible deception. In argument they are deficient; in statement neither full nor explicit, sometimes even not altogether correct; documents are quoted partially and strained beyond the fair import. I could have wished to have seen in the style more of the advocate labouring to support a side, than of the Judge, professing to be impartial and deviating from his professions. Throughout these Letters it must occur to any attentive reader that the author has perpetually shifted his ground from law to fact, and from fact to law. He makes his stand upon no fixed point, and there prevails such an uncertainty in his positions that it is difficult, indeed almost impossible, to join issue, or to engage with him in close combat. At the outset, he wishes the public implicitly to adopt the construction given by Government to the Convention Act in the Proclamation, *upon credit*; but he ventures not to support it by any attempt at *legal argument*: and aware that upon that point Government have been closely pressed, he tries to evade pursuit, and seeks a retreat under the special facts and circumstances of what he considers a novel case. Concealed during a time, he steals, if I may so express myself without offence, from this lurking place, and reverts again to the construction of law, which he had in a manner previously abandoned, but to which, in order to support the weakness of the case which he had sought



to make out upon the facts and circumstances *rebus et actis*, he endeavours to give the same force and effect as to the settled decision of a regular tribunal. Fearing, however, again to be attacked, he appears inclined to give up altogether the Convention Act, and indeed the whole system of established law. With the courage of a person desperate and driven to the last resource (and yet with a cautious qualification, more in expression than in substance,) he charges the Catholics, in direct terms, with an attempt and intention to subvert the Constitution. He would even represent what he considers "the Constitution," as paramount to the law; and he plainly intimates to the Duke of Richmond, that his Grace might exercise, under the circumstances, a vigour beyond its authority. He *assumes* that the Meeting proposed by the Catholics must *necessarily* endanger the Constitution; and although he does not think it necessary to resort to such a principle, in consequence of his opinion upon the existing law, he is disposed to contend, that "whatever endangers the Constitution ought to be put down, *in the dormancy of the Legislative power*, even by UNLAWFUL MEANS." It is impossible to read these Letters, and not to be convinced that they are a prelude (and as such, after the passage which I have quoted, I boldly denounce them), to prepare the public mind of Great Britain to acquiesce, upon the Meeting of Parliament, IN NEW ENACTMENTS OF PENAL LEGISLATION AGAINST THE CATHOLICS OF IRELAND.

Such is the tenor of the Ministerial defence; and having at length ascertained its nature, I shall endeavour to expose its fallacy.

I remain, &c.

HIBERN-ANGLUS.

Sept. 23, 1811.



## LETTER IX.

ON THE ARGUMENT OF MINISTERS AS ADVANCED IN  
THE LETTERS OF MARCUS.

SIR,

THE ARGUMENT OF MINISTERS (*for such I deem the Letters of Marcus, in consequence of the channel through which they have been communicated to the public, and from the LOFTY TONE OF OFFICIAL AUTHORITY in which they are expressed*) turns solely upon the resolution of the Irish Catholics to enlarge, as they have proposed, the numbers of their Committee. The resolution under which that Committee has been appointed and enlarged, is set forth in the Proclamation—it must now have become familiar to your readers—and they will recollect, that the object, powers and authority of the proposed assembly are in that resolution clearly defined, and limited to the legitimate object of petitioning the Legislature. So explicit, indeed, is the language of the resolution upon this point, that throughout the whole course of their ARGUMENT, Ministers have not attempted to except against, or even to quibble with a single expression. The object, therefore, for which this assembly is convened, being, as far as can be collected from the wording of the resolution, and upon the face of it, free of all objection, they have argued, if reasoning it can be called, from that



part of the resolutions, which proposes that the number of its members shall be about equal to that of a former assembly actually holden for a similar and lawful purpose, but exceeding the number of recent Committees; to the proceedings of which they object, and which they aver not to have been satisfactory even to many and distinguished personages among the Catholics themselves. From the fact alone of this proposed enlargement, which they admit has been adopted with the concurrence of those whom they declare not only to have disapproved the conduct of recent Committees, but to have expressed boldly and unequivocally their displeasure—and yet whom by a strange inconsistency, and, in terms little becoming the courtesy of a composition almost diplomatic, they accuse of weakness and timidity—from the mere fact of this proposed enlargement, they infer and charge a criminal intention. In their endeavours to support this inference by evidence, they have wholly failed. What they have adduced with that view, and under the colour of testimony, has tended only to rebut the inference, if any such indeed could fairly be implied solely from such a fact, and upon a supposition invented by their own imaginations, they hold this Committee not to be convened for the legitimate and professed object of petitioning Parliament, but for other purposes. Upon this hypothesis, therefore, assumed by themselves, and wholly unsupported by any facts or circumstances which it is possible for any reasonable man to consider as warranting the assumption, they pronounce the assembly to be unlawful, as prohibited by the provisions of the Irish Convention Act, of which they say such an assembly as that proposed by the Catholics, is a direct violation.

THE ARGUMENT OF MINISTERS is not satisfied with prohibiting both the appointment as well as the assembly of this Committee, merely as a violation of the Conven-



tion Act—a Statute which they admit the Catholics to have proved was in the contemplation of those by whom it was procured, enacted with a view of suppressing other meetings than of the Catholics, for the purpose of petitioning Parliament at a future period for ulterior relief, through the same means which they had then recently adopted, and to which they think it advisable again to resort\*. Without reference to this Statute, and laying the consideration of it aside, they have ventured, in the absence of all evidence, and proceeding again solely upon supposition and assumption, to charge against this Assembly that it is convened for the purposes of HIGH TREASON, and they declare the leading Catholics to have forfeited all claim to forbearance on the part of the Executive Go-

\* The Letters of Marcus admit that the Catholics have proved this part of their case. The Convention Bill was altered by the late Lord Kilwarden, then Attorney-General, expressly that *it might not impede* the Catholics from assembling, at any future time, another Convention for the purpose of actual petition to Parliament. The late prosecutions, therefore, instituted as they have been solely upon the letter of the Act, and conducted as they have been in a manner under which it was not even attempted to offer evidence of any improper views on the part of the Catholics, notwithstanding *long orations* upon treason, faction, and danger to the State, are, as far as Ministers are concerned, a FLAGRANT, AND ATROCIOUS VIOLATION OF GOOD FAITH towards the PEOPLE OF IRELAND.

An Act of Parliament once passed it is to be expounded by Judges without reference to its Parliamentary history, unless there appear a connection with it upon the face of the Statute itself. What must, however, have been the surprise and the feelings of an anxious public, acquainted minutely with the history of the Convention Act, when they heard a Chief Justice charging a Jury to *convict* Dr. Sheridan!! What an impression have Ministers thus excited against all future arrangements in Ireland. They have taught every Irishman at once to exclaim, *NUSQUAM TUTA FIDES*; and what animadversion can be too strong against the conduct of persons who, by such a breach of faith, have perhaps lost, not only for themselves but for their successors, all future confidence on behalf of Ireland.



vernment, from prosecution to the utmost rigour of law. They say the Catholics have “DARED the law”—and they declare unequivocally that the object of the meeting is solely “to *intimidate* PARLIAMENT.” They charge against the leading Catholics, whom, without naming, they accuse “of being avowedly enemies to a connection “with Great Britain”—that it is by the proposed meeting “attempted and intended TO ESTABLISH A CONSTITUTION FOR IRELAND SEPARATE AND DISTINCT FROM “THAT OF GREAT BRITAIN”—and at the commencement of the Letter in which this alarming accusation is advanced, it is distinctly stated, “THAT THE CATHOLICS HAVE FORFEITED, BY THE VIOLENCE OF THEIR “PROCEEDINGS, THEIR CLAIM TO ANY EXCEPTION TO “THE STRICT EXECUTION OF THE LAW.” And yet they allowed these avowed TRAITORS to be AT LARGE, and the elections of the persons who are to compose this TREASONABLE ASSEMBLY, notwithstanding this denunciation and the PROCLAMATION itself, to proceed WITHOUT MOLESTATION.

The ARGUMENT OF MINISTERS proceeds upon grounds still *more extraordinary*, and to my mind more *seriously ALARMING*. Wiser than all former Administrations, matured by greater experience, enlightened with new rays of political wisdom, they aver that even in the absence of a criminal motive danger must necessarily arise to the State, from the meeting of the proposed assembly. Speaking of the Catholics, not as traitors, but “as PETITIONERS,” they aver, “that in the pursuit of a legitimate object they have adopted *means dangerous to “the tranquillity of the State,*” although they are the same means which the Catholics have pursued with success to themselves, and with security to the State, upon a former occasion, means not only ALLOWED, but SANCTIONED and SUPPORTED even by Mr. PITT, than whom I



believe no Minister ever existed more alive to the preservation of public order, more disposed to discountenance and suppress any proceedings calculated to endanger or subvert the established Constitution. It must be in the recollection of your readers, not only that the Catholics of Ireland held a convention upon principles of delegation in 1793, but that their delegates were introduced into the presence of the Sovereign, with Mr. Pitt's concurrence, officially presented by the late Viscount Melville; that the result of their application was successful, and their proceedings cordially supported in Ireland, upon instructions from the British Cabinet. What however Mr. Pitt, even in times more critical and turbulent, conceived to be measures in the Catholics innocent and lawful—measures *against which, it was distinctly avowed, the Convention Act was not destined to operate or be applied*—the present Ministers hold to be *ipso facto* dangerous to the State, and they aver that they are to be suppressed with a strong arm by Government, without regard to the law, however it may authorise the proceedings to which the Catholics have resorted. The application of the Convention Act to the proposed Assembly they do not conceive a material consideration. They have professed to act upon a law, “*since otherwise,*” say they, “*it would be an avowal of weakness*”—and so far only do they appear to consider the question of legality as connected with their proceeding. They have, on the contrary, distinctly declared—I quote their own words—that “they wish neither to JUSTIFY themselves simply by “by the LAW, NOR TO APOLOGISE FOR ANY “BREACH OF THE LAW.” They seem to consider the transcendence of their power, although invested only with the administration of executive authority, superior to any legal enactment, and that they are not bound by any restrictions which it may impose upon their



own conduct, or to respect the liberties which it may secure to the subject, "The spirit" as well as the Letter of the law, are with them matter only of secondary importance. POLICY alone is the rule by which they consent to be governed—they appeal not to legal tribunals, but to "STATESMEN"—(although condemned by the example of that Statesman whom they profess to venerate)—and they will allow themselves to be influenced only by what they call, without any definition of its nature, and in opposition, as it should seem, to established law, "GENERAL" and even "PARAMOUNT DUTY."—They constitute themselves sole infallible judges of what endangers the public tranquillity or the "CONSTITUTION," as they call what they do not define, but what they declare to be PARAMOUNT OVER THE LAW (it will be asked, perhaps, whether they mean the Constitution of the Government or of their own Administration) and they claim a right of arguing "that in the DORMANCY (the reader will mark well the expression) of the *Legislative Power*," the Assembly proposed to be convened by the Catholics of Ireland "may be put down even by UNLAWFUL MEANS\*!!!"

THE ARGUMENT OF MINISTERS, for such I must persevere in calling it, until they *disavow any privity to the Letters signed MARCUS*, is of the tenor which I have stated; and upon referring to the papers themselves, it will be seen whether the preceding extracts, and the application which I have made of them, be not correct.

Such, Sir, has been the argument of persons who are still in office, as Ministers of Royal authority, under a limited, and not an absolute monarchy—under a Consti-

\* I recollect to have read some time ago, a Letter addressed to the Prince of Wales, by a Mr. Miles, which hinted at a plan formed by some to suspend the Constitution. I considered the idea visionary at the time, but I know not what to think upon the subject, after what we have witnessed in Ireland.



tution established not by caprice, but by law—under a Government bound in the Administration of the executive department to conform to Acts of Parliament, and to yield to them in common with the governed implicit obedience. They have applied the doctrines which they have thus advanced, not to an extreme case—not to a sudden emergency of extraordinary peril, which, during the sitting of Parliament, it was impossible to anticipate, and which would not allow the delay of recurring to the Legislature for aid and assistance; but it has been adopted by them in a matter which had arisen originally whilst Parliament *was* sitting—which, previously to a prorogation it was easy to foresee would naturally again recur—in which they have not availed themselves of the power vested in them of summoning immediately a meeting of Parliament to provide for this supposed exigency—and it has been insisted upon in a question which respects the exercise by the subject of an INDEFEASIBLE RIGHT—forming part of the ORIGINAL COMPACT—secured by the OATH OF THE SOVEREIGN AT HIS CORONATION—and expressly recognised and confirmed by special legislative enactment in the FUNDAMENTAL LAWS OF THE REALM\*. Charged with having invaded and attempted to prohibit a RIGHT THUS SACRED AND INVIOLEABLE, they declare that “they wish neither to justify themselves simply by

\* Can Ministers have read the history of the proceedings adopted by the Ministers of James the II. or does there exist a secret cabal in the Cabinet, such as that which urged that unfortunate Monarch to sanction those measures, through which he lost his Crown, by abdication according to the law of England, by forfeiture according to that of Scotland? what questions are excited not only by the Proclamation in itself but especially by this vindication of that instrument? How can the advisers of these measures escape from an IMPEACHMENT, and how serious is the nature of the crime with which, in such an event, they will stand charged!



“ the law, NOR TO APOLOGIZE FOR ANY  
“ BREACH OF THE LAW!!!”

After an elucidation thus afforded by Ministers themselves, have I been too strenuous in imploring the attention of the British nation to their proceedings in Ireland? Have I exaggerated the importance of the question as connected with our own liberties? Have I been too severe in my animadversions upon the conduct of such an Administration—too clamorous for their IMMEDIATE DISMISSION before the mischief and calamities shall be consummated, to which a perseverance in a system from which they may neither be disposed from the obstinacy of their infatuation, or indeed now able, upon principles of consistency to recede, must NECESSARILY AND INEVITABLY TEND? The more, Sir, I consider the subject, especially since reading the ARGUMENT OF MINISTERS THEMSELVES, the more I am convinced that the question concerns the rights of Englishmen, and the existence not only of Irish, but of English liberty. We may dislike the Irish nation, and we may revile them—we may smile at their accent, or ridicule their discourse—we may consider them fiery, obstinate, or wrong-headed—we may view Ireland itself as a political volcano, but MAY IT NOT BE AN ÆTNA IN WHICH THE PRESENT MINISTERS ARE FORGING CHAINS FOR THE ENSLAVEMENT OF OURSELVES.

In advocating, Sir, the cause of so large a portion of his Majesty's subjects, and in endeavouring, however deficient in talent or ability, to defend them against an accusation so heavy and atrocious as that which has been preferred by the Irish Government, not merely in an argument or exposition of their motives through the demi-official medium of a newspaper, but in a FORMAL AND RECORDED ACT OF STATE published to Europe, and to the whole world, in a NOVEL, UNPRECEDENTED, UNCONSTITUTIONAL FORM of a national INDICTMENT, or, ra-



ther, NATIONAL CONVICTION, I trust that I do not request too much from the candour of the British nation, if I entreat them to pause, before upon mere presumption, and only upon the assertion of decided, inveterate, and interested adversaries, they shall condemn unheard THE CATHOLICS of IRELAND. Will they give credit solely to the very limited number of signatures in the list of Irish Privy Counsellors, whose names are annexed to the Proclamation for a knowledge of the real state of Ireland, or to the general suffrage of the collective body of IRISH PROTESTANTS, whose sentiments have been unequivocally expressed in their countenance of their Catholic fellow-subjects, and in their decided refusal to adopt or support that unfounded, illegal, and injudicious MANIFESTO?

I cannot indeed persuade myself that the good sense of England will long allow itself to be abused, or that they can think the Catholics of Ireland liable to just reproach, still less to the grievous charge of TREASON AGAINST THE ESTABLISHED CONSTITUTION, because they have thought it advisable, as tending to promote a desirable adjustment of a controversy, that has created such detriment to the welfare of the Empire—has prevented hitherto the completion of the Irish Union—has disappointed all the views in which that measure was planned in the contemplation of those Statesmen by whom it was effected, and who conceived the consolidation of the two Parliaments to be only a preliminary proceeding in the settlement of Ireland—has so long debarred the country from the services of the most eminent persons in the State—has united on one side only of the dispute, and in favour of concession to the Catholics, all men distinguished by a reputation for talents, political knowledge, and for capacity in arduous times to conduct the Government—has precluded also the possibility of any firm, efficient, and durable Administration, in a conjuncture when a settled



Administration has been so peculiarly requisite—because, Sir, to terminate such a controversy, the Catholics have adopted measures, which they hold to be strictly legal and constitutional; which they have pursued at a former period not only without censure, but with the sanction of the Executive Government, and against which it is admitted to be proved that the Convention Act was not devised or intended to be directed—to which they have on the present occasion resorted, only at a time when an adjustment through a *legislative proceeding has appeared to them at length practicable, and capable of being, to a certain extent, advanced, if not finally concluded*, in order, that by such measures, they might be able to facilitate the means of arrangement. This, Sir, is the view, and their sole view, in resorting to this measure. They have wished, in the first place, to ascertain the sentiments of their own body upon points, on which a difference of opinion has prevailed, or might arise among themselves; and having obtained that information, (or established the means by which if necessary in the progress of any Parliamentary proceeding it might be procured,) to be able to conduct the management of a petition to Parliament in a manner satisfactory to all parties concerned—a manner in which the wishes of the Catholics might be explained to Parliament accurately and authoritatively by their Parliamentary friends, without the recurrence of former misconceptions or misunderstandings—a manner in which Parliament itself might be able to ascertain, with equal accuracy and with dispatch, the disposition of the Catholics upon those points, on which, for the security of our ecclesiastical establishments, it might in its wisdom think proper to require concession from the Catholics themselves.

Pardon, Sir, the prolixity of the preceding paragraph, which it has been impossible for me to curtail, as I have



wished in stating, to develope at the same time, the object of the Catholics in the proceeding to which they have resorted. That object is more succinctly stated in the Letter of Mr. Hay, in which he explains the measure recommended by the Committee as advisable, “in order  
 “ that, at a moment when emancipation might be considered as at hand, the Committee might be able to ascertain, in order that they might obey the wishes, and  
 “ clearly understand the wants, of their Catholic fellow-subjects”—and that in such a moment, and under such expectations as those which they were led to entertain from circumstances on which it is not necessary to enlarge, but which might occasion a necessity of serious deliberation as to the course to be pursued in the conduct of the Catholic claims at that conjuncture—as to the extent to which relief should be solicited—and as to other considerations of accommodation to a new system of Administration, established upon principles favourable to their cause—the Committee, already honoured to a certain extent with their confidence, might, under such circumstances, and for such a lawful and salutary purpose, become the “DEPOSITARY OF THE COLLECTIVE WISDOM OF THE  
 “ CATHOLIC BODY.”

I shall pursue, Sir, in the following Letter, the consideration of this subject; in the mean time, permit me to ask, whether I have not already assigned a fair, and reasonable, and natural motive for the course pursued by the Irish Catholics, under circumstances calculated to induce them to think that an Administration would be formed disposed to support their claims, and that a petition, submitted to Parliament under such auspices, might produce if not a final arrangement at least a result beyond an unavailing and fruitless discussion?

In concluding this Letter, I will venture to ask, even in this stage of the argument, if I have not substantiated



my defence of the Catholics against the accusations of the Irish Government?

## HIBERN-ANGLUS.

Sept. 25, 1811.



## LETTER X.

## THE CONDUCT OF THE CATHOLICS VINDICATED.

SIR,

IN the preceding Letter, I adverted to the special circumstances, under which the Catholics of Ireland resorted during the last winter to the expedient of collecting, through an enlargement of their Committee, the general sentiments of their body upon all points connected with the prosecution of their claims in a Petition to the Legislature. In passing their resolutions of the 9th July, they have been influenced by the same considerations which dictated the Letter of Mr. Hay; they have conceived those considerations more peculiarly applicable to the circumstances under which, as they still are induced to think, the renewed Petition, proposed to be submitted by them to the Legislature within the first month of the approaching session, is likely to be brought before the consideration of the Imperial Parliament. I notice particularly that passage of their resolutions which relates to the *time* at which it is proposed to present the Petition, as calculated to rebut the idea of a wish, on the part of the Catholics, to establish "A PERMANENT ASSEMBLY." The Catholics, Sir, passed their resolutions in July, under an expectation that the time of their emancipation is at hand, and that the moment is approaching, so anxiously desired by Mr. Pitt as the proper opportunity of settling for ever with the Catholics, when their case will be submitted to



the consideration of Parliament, with the official support of Government and the general acquiescence of the empire, under an administration influenced in their conduct of public affairs solely by a sense of public duty, and acting upon enlightened and comprehensive principles of IMPERIAL POLICY. I would put it to the candour of Ministers themselves to declare, whether on the day when Mr. Hay's Letter was dispatched, they expected to have remained *many weeks* in office? And whether, even towards the close of the Session, they contemplated the probability of meeting Parliament again, as servants of the Crown? If, indeed, they flattered their imaginations with the fond idea of retaining their situations, it was not the opinion of the British public; and certainly not the expectation of the Irish Catholics.

UPON CATHOLIC EXPECTATION, more might be said; but I would not have written a syllable, had not the Letters of Marcus, under the pretence of declining, invited a continuation of discussion upon so delicate a subject, which I deeply lament to have found agitated, from whatever quarter it may first have proceeded. It is impossible, Sir, not to consider those Letters as written by a superior hand—they profess to proceed from official instructions—and they carry with them the weight of official authority, transmitted to a paper in the interest of Government, avowedly for the purpose of instructing even the friends of Administration, by whom those Letters aver that the matter has been somewhat “misunderstood.” Upon such a subject, I believe all will agree, that in a composition of this stamp silence would have been more judicious, and certainly more decorous. With an INDIVIDUAL, who, however respectable in the discharge of all the duties attached to domestic life, amiable in his disposition, and strictly honourable in his private deportment as a Gentle-



man ‡, is as a Minister in Ireland MOST UNPOPULAR AND ODISIOUS to the Irish nation—it has been indirectly, but intelligibly intimated, that there exists an UNION OF POLITICAL SENTIMENT REGARDING IRELAND in an EXALTED PERSONAGE, upon whom that Country has long rested her fondest hopes, to whom she looks up as her Protector, and for her deliverance from those, to whom she has been made over in a moment of surprise upon the Royal Conscience, and by whom also she has been thus goaded, insulted, and oppressed. After this insinuation, or what in Ireland from the peculiar collation of names will be considered as such, I feel it necessary to declare only my conviction, that although considerations, sufficiently obvious, may have precluded the possibility of Legislative measures in favour of the Catholics, upon the first establishment of the Regency, and the intemperance of individuals in the proceedings of former Committees, misunderstood or misrepresented, disapproved even by many Catholics themselves, may have excited alarm of which advantage may have been taken—yet, many honourable and distinguished persons, Protestant as well as Catholic, with the impressions which they have received, and the opportunities they have enjoyed of forming an opinion, will not believe the probability of CATHOLIC DISAPPOINTMENT.

But, Sir, it is sufficient for my purpose, that I am enabled by common fame, and by a reference to proceedings with which the public are familiar, to shew that the period, at which the Catholics first resolved to enlarge their Committee, was in their opinion favourable

‡ The writer of these Letters has, until the present unfortunate occasion, been a stranger to political controversy, and still more so to political animosity. It has been his endeavour at all times even to conciliate, and he is *persuaded* that he will obtain not only credit but even *testimony* in respect of such a disposition from those individuals to whom he has become thus involuntarily opposed.



to a pressure of their claims. I must, therefore, beg leave again to repeat, *and to impress strongly on the mind of the reader*, that the resolution of the Catholics was taken at a moment when it was expected on their part, that an Administration would have been formed on principles *favourable* to their emancipation—when the presentment of a Petition appeared advisable, not as on former occasions, merely for the purpose of procuring discussion, and preparing the public mind of Britain for future adoption; to keep alive the question; to preclude the idea formerly suggested and even now insinuated by Ministers, that the Catholics are indifferent to the attainment of their object; and to shew, that in no event, and under no circumstances they could absolutely abandon the prosecution of what they consider to be their just claims (whether such claims be just as matter of *strict right*, or upon principles of *expediency*, appears, indeed to me, an *useless* distinction in any practical view of the question, and similar to that in which even the great Earl of Chatham engaged with Mr. Grenville, and *which lost to us America*,) but that the resolution was adopted for the first time only, WHEN A FAIR PROSPECT WAS OPENED TO THEIR VIEW, OF LEGISLATIVE PROCEEDING IN THEIR FAVOUR.

In alluding to these circumstances, I am not, Sir, to be deterred or turned round, by any canting lectures on attachment to the *person*\* of his Majesty, or with a charge of being wanting in a sentiment of loyal affection. Such attempts, I make no doubt, will be made, both against the Catholic body, and possibly

\* No combination can be more dangerous, if carried too far, to Royalty itself, than that of the *person* with the *office* of the King. We should revere the person on account of the office. This constitutes true genuine *constitutional* loyalty, and will always ensure a *steadiness* of attachment to the Sovereign at all times and in all ages.



against the writer of these pages; but I shall meet them by anticipation, as indeed I have met already the whole course of argument on behalf of Ministers. The Catholics of Ireland, Sir, venerate the KING, and their respect is not confined to the Royal Person, it extends to the ROYAL OFFICE—their numbers in the fleets and armies of his Majesty contribute greatly to support the THRONE—and they prove their loyalty, not by flourishes of rhetorical declamation in the columns of newspapers, but of the trumpet and the drum before the host of an embattled foe; not by the vain and often lying protestations of the tongue, but by deeds in arms, and by copious effusions on the plains of honour from their BLOOD. Those by whom the late resolutions are most approved, are those who feel with *personal* knowledge of his virtues, and with *personal* experience of his benignity, the warmest attachment to the *individual person* of his Majesty; they are those who under circumstances of peculiar risk and intimidation have risked their lives in defence of his authority in the field of battle—and the same resolutions, however feebly, are thus boldly defended by those, who pride themselves in the reflection that they also have been able to contribute by their own individual exertions not without considerable sacrifice of personal ease, and other more serious inconveniences, braving also attempts to excite against them popular odium, not only to promote the honour of the Royal House of Great Britain, in all its branches, but especially the means of administering to the consolation of an aged, august, and venerable Monarch, sinking, in moments of agonizing du-biety upon the most tender subject, under the pressure of poignant affliction. Such, Sir, is the character, and such has been the deportment of those who approve, and who also spontaneously and gratuitously DEFEND, the late proceedings of the Irish Catholics. They are



those who have obtained credit with the public for the moderation of their views, and the purity of their political sentiments; they are, at the same time those, who are the most offended at the deportment of Ministers; who will now adopt a course of the most decided opposition to their measures, and who, although they might despise the attempt to revile them as “weak,” and even “insincere,” in a Ministerial newspaper or course of Letters; will not, without expressing their resentment in language of the strongest indignation, allow themselves to be promiscuously branded with the more heinous imputation of disloyalty and even treason, in AN OFFICIAL ACT OF GOVERNMENT.

The persons to whom I have alluded, independently of other considerations, would have been led to form EXPECTATION; in the idea that Ministers who profess such exclusive devotion to the personal feelings of the Sovereign would have sought of their own accord, under the severe visitation with which it has been the will of Providence to afflict his Majesty, to accomplish a settlement with the Catholic body, calculated to obviate the recurrence of a subject, which has always been a cause of irritation on the Royal mind, but which, with every disposition in the wishes of individuals, it has been impossible to prevent. “Nations,” (says a GREAT and ILLUSTRIOUS Orator\*, in whom *fancy* and *philosophy* seem to have concentrated, as in a *focus*, all they can afford for the embellishment and energy of the human mind,) “have neither a parent’s nor a child’s affections,” and when the feelings of a quick and ardent people are excited, by what they hold to be a national interest, it would be as easy “to case in the volatile essential soul†,” or to command the waves of the ocean not to wash the western shore, as to prevent the renewal of petitions to

\* Mr. Grattan.

† Ibid.



the Legislature upon Catholic grievances, from the people of Ireland. Much, however, might have been done. Ministers had printed “MEMOIRS †” upon the subject, open on their reading desks, and something might have been tried—any course adopted than that of devising expedients not to pacify and compose, but to irritate and inflame those, whom it was their interest and their duty to have sought at least to have conciliated.

To revert, however, to the argument. I trust, I have satisfactorily established the fact, that the resolutions of the Catholics in July were passed in the expectation of obtaining relief, under the auspices of a friendly administration, through a Legislative proceeding. That at such a moment, and under such expectations, they should seek to adopt measures of hostility—to intimidate Parliament—and to overawe the Legislature, when they entertained reasonable hopes, if not of spontaneous concession, at least of voluntary acquiescence in their demands, may be averred by a Ministerial advocate to defend the desperate cause of more desperate clients; but it is an insinuation that must be repelled by an impartial and unprejudiced person, almost with sentiments of pity towards those, whose minds can have allowed them to be deluded by such an imagination.

What evidence is attempted to be advanced in their argument by Ministers, to support this allegation? The vote of an aggregate meeting of Catholics in November, that the Committee then appointed, and in July demised, should have “*the sole management of Catholic affairs*”—the supposed declarations of individuals, disapproving some of their proceedings—and the tone of that Committee

† These Memoirs were written originally in 1809, and published to the world in 1810, for the sole and express purpose of promoting such an arrangement.



As to the vote respecting the management of Catholic affairs. I contend, in the first place, that accompanied by and following upon a commission to prepare a petition to Parliament, such a vote, in my humble opinion, amounts in itself to nothing. It only gave the Committee an *exclusive* right of acting, in furtherance of the legitimate object of procuring Parliamentary redress through a Petition to the Legislature. It was passed in the view of preventing individuals from assuming an authority to treat or act as on behalf of the Catholic Body—to obviate *trading* and *jobbing* in the barter of the Catholic interests;—and what, in the proceedings of the Committee under this right to sole management, in order to substantiate their charge, is the instance given on the part of Ministers? They voted thanks to the Earl of DONOUGHMORE!!! and the same persons whom Ministers accuse of wishing to render themselves “*a perpetual Parliament*”—to maintain an ascendancy over the Catholic Body—to procure an exclusive management of their concerns, and constituted a Committee under a vote with powers to that effect—are the first to surrender in a manner their authority, to acknowledge their own incompetence to conduct the affairs of the Catholics, under the circumstances which had occurred, without assistance; and to call upon the body to appoint an additional number of persons enjoying their confidence with whom they might co-operate, recommending to them it is true the choice of persons resident in, or accustomed to resort to Dublin. The argument of Ministers seizes upon the latter recommendation, with the grasp of a drowning person anxious to avoid his fate; and yet an unprejudiced mind will conceive, that such a recommendation would tend rather to extend, than to diminish, the number of the increased Committee. It ridicules the idea of “*the moderate few*” repairing



to Dublin; but I will submit to any man, whether if a sinister view were entertained by those who proposed the augmentation, they would not have encouraged, if the reasoning of Ministers were correct, the election of supine and inactive individuals, who would leave them to pursue, without trouble or molestation, in the name of the Catholics of Ireland, the bent of their own mischievous inclinations? But, when we reflect upon the situation of political affairs in England at this period, was there not a natural motive for these gentlemen to wish, through the nomination of persons resident in, or in the habit of frequenting Dublin, to facilitate the means of co-operation in a critical emergency, and in the case of overtures of arrangement which it was reasonable to expect, and upon which it would be necessary almost instantaneously to decide? Really, Sir, I have to entreat pardon, for having occupied so much valuable room in your paper, and exhausted perhaps the patience of your readers, in contending against such arguments, founding themselves on evidence, the statement alone of which refutes the deduction, which they would impose upon the general credulity or indifference, with respect to Irish affairs, of the British public.

With respect to any intemperance of language adopted by individual members of the Committee, during the months of November and December last, I shall observe, in the present Letter, that much of it I do not approve—for more of it I can account—and, I believe, the best way of settling the whole, will be by thus declaring my sentiments on the subject, *Laudare non possum, irasci certe non debeo*. I am confident that the present Commander in Chief, (at length restored to a situation the duties of which, previously to his resignation, were always ably filled in the administration of that department—from which he was induced to retire by a foul



machination, since sufficiently developed, that sought also to involve persons equally exalted and equally innocent—and to which he has been since reinstated, with the avowed suffrage of Ireland)—would have expressed thanks to that Committee, for their pains in investigating and bringing to light a practice, which had prevailed contrary to existing military regulations, and to the good of the service \*. Upon the debates of that Committee I shall enlarge hereafter. It is sufficient for my purpose to remark, that even upon the statement of Ministers, objectionable matter appears to have been condemned by some of its members; and after all, the Resolutions pointed at by the Proclamation are not those of the Committee, now *functi officio*, but of an aggregate meeting of the Catholics.

But to Catholic Noblemen and their eldest sons, to Catholic Baronets, Barristers, Country Gentlemen, and

\* The practice, indeed, thus discovered, and which otherwise would not have been noticed, was provided against, by General Orders from the Earl of Harrington, and those Orders condemned it, as contrary to existing rules; but it has been objected against the same Orders, that as relating to past transgressions, they were expressed in terms of very mild reprehension. I should not have expatiated on the circumstance, had I not known, that impressions have formerly prevailed, injurious to his Royal Highness the Duke of York, upon the point of permissions to Catholic soldiers in respect to the liberty of religious worship, which I feel myself bound in candour to remove, being convinced that they have been destitute of foundation. As the ordinances of the Army are not constituted by statutory enactment, but by the Royal Pleasure, in what are called Articles of War, I am satisfied with the General Order of his Royal Highness, issued since his return to office, embracing the whole of the Catholic Military, Regulars as well as Militia. In one view the insertion of a clause in the Mutiny Bill, or a permanent Act, might be of advantage, as calculated by removing unfavourable impressions, to promote the recruiting service in Ireland. But there are inconveniences which might arise in England, which will easily occur to any intelligent mind, without the necessity of explanation on my part.



opulent Merchants, (some of them the richest capitalists of Ireland); the Catholic BISHOPS are associated in this general Committee; and this is a circumstance on which the argument of Ministers mainly depends! Why, Sir, who are these respectable, and many of them very venerable men? PRELATES, TO WHOM HIS MAJESTY IS, PERHAPS, ALMOST AS MUCH INDEBTED, AS TO THE ARMS OF HIS SOLDIERS, FOR THE PRESERVATION OF HIS CROWN. His Majesty's Ministers will do well to peruse and study their pious exhortations and energetic remonstrances, addressed at the peril of their lives to the people of Ireland during the rebellion; and should they require further information upon the subject, they will I am sure obtain it in the House of Commons from one of their former colleagues Viscount Castlereagh. However his Lordship may have been surprised, and naturally so, at a recent decision of the Catholic Bishops upon a point of ecclesiastical regulation, I will venture to anticipate that Viscount Castlereagh, sitting in his place in the House of Commons, will never allow observations to be made impeaching their loyalty or the disinterestedness of their motives, without endeavouring strenuously to vindicate them from such aspersions. Whatever may be thought of the decision to which I have alluded, for my own part I am disposed to condemn it strongly, it is to be recollected that it did not preclude the possibility of ULTIMATE ARRANGEMENT. Will not even Christian charity, independently of any political consideration, admit the innocence of the motive which could wish to incorporate with a general Committee, containing the *collective wisdom* of the Body, the *Catholic Prelacy* of Ireland? Upon this I can only say, with a writer in a Ministerial print, who has done me the honour to quote, as I observe, some of my own expressions, *intelligibilia non intellectum adfero*.



I have thus, Sir, endeavoured, more, perhaps, than will be thought to have been necessary, to VINDICATE the Catholics of Ireland from the charges advanced against their conduct by Ministers. I shall, in the next Letter, proceed to JUSTIFY their proceedings.

I remain, &c.

HIBERN-ANGLUS.

30th Sept. 1811.



## LETTER XI.

## JUSTIFICATION OF THEIR CONDUCT.

SIR,

THE ARGUMENT OF MINISTERS ridicules the idea “of a debate about Catholic emancipation among the Catholics themselves”—it conceives a Catholic petition to be the “simplest of prayers,” and it asserts that the course to which the Catholics have resorted, “is perfectly unnecessary for the avowed and legal object.” In making these observations can Ministers be sincere, or if sincere, can they have studied the history of Ireland during the last twenty years, or even read the newspapers of the day? Can they claim credit for a capacity to comprehend even the ordinary course of Legislative proceeding?

It is my intention in the present Letter to refute these assertions thus advanced by Ministers; to shew the propriety of the course which the Catholics have adopted, by reference to circumstances existing within their own body—and in the sequel I shall endeavour to justify their resolutions, even upon other grounds. From the rapidity with which these Letters are composed and dispatched; from the distance of the place where they are written, from that of publication, and the interval which necessarily elapses between the transmission and revision of them in a printed form; it is possible not only that I may fall



into various inaccuracies of style, but into frequent repetition of ideas. They will therefore I hope be excused; and if I am late in my observations on events, or in reply to animadversions, it must be attributed to the situation of the writer—to his remoteness from the scenes of political discussion; and to the casualty of opportunities, in which he is enabled to peruse the journals of the metropolis.

In point of fact, Sir, is it not notorious that the Catholics of Ireland, however agreed in the wish of being freed from their incapacities, and however natural Ministers in their argument now acknowledge that desire to be, having formerly endeavoured to represent that the people of Ireland were indifferent upon the subject—is it not notorious that they have not always been equally agreed, upon the means proper to be pursued for the attainment of that object? There have been few assemblies of the Catholics, whether aggregate meetings or Committees, in which a difference of opinion has not often prevailed, leading not unfrequently to a division of suffrages. They have disagreed even upon the propriety of petitioning Parliament; but without deciding upon the merits of the parties to that disagreement, and not meaning to concur in any opinion which may have been expressed upon the subject, I must say it is a little remarkable, that those most *adverse* to petitioning are persons, whose political principles the advocates of Ministers have generally been disposed to condemn most severely. I will not, Sir, defend either persons or their principles, when I do not approve—I will declare boldly, as I have already expressed on some occasions, my dissent—but I will not join in any cry; still less will I court reputation for purity in my own motives, by inveighing against others, whose imaginations may be more ardent, whose expressions more vehement, but yet whose hearts and intentions may be as honest, as those of the most loyal of men.



Permit me, Sir, to avail myself of this opportunity to introduce observations, which appear to me not unworthy of attention, as connected with Catholic debates. We are told that they are *intemperate*. Applied to some occasions I admit the fact. I will add that the debates of Irishmen, unless *read in an English translation*, will often appear TERRIFIC. To be understood, Sir, they must always be translated, and that translation must be liberal—consistent with English idiom. The two nations will never otherwise comprehend each other, or we shall always misunderstand the language of Ireland. Allowance must ever be made, on these occasions, for the general tenor of Irish eloquence. The force and effect of language depend indeed always upon the acceptation prevalent among those to whom it is addressed; and strong expressions are in some countries frequently applied to ordinary incidents, which in other countries would convey the most serious import. Thus a Frenchman is “*desperate*,” *au desespoir*, if he spills coffee on a carpet; and an Italian is equally “*desperate*” if he cannot have the “*glory*” to copy for you music; *e disperato di non poter aver la gloria di servir la sua eccellenza*. I actually received once a note, Sir, from an Italian copist exactly in these words. In the same manner an Irishman, directing his mind to higher contemplation, and soaring to a more transcendant altitude, will use the strongest terms to express even a slight degree of displeasure at the conduct of affairs; and having delivered himself in a lively sally of keen invective against Ministers, and talked by the hour of chains and thralldom, tyranny and oppression—will retire from a meeting apparently turbulent, in perfect good humour; satisfied if his wit shall be recorded in a newspaper, and indulging, no thoughts of mischief and sedition, but only the flattering hope, that it may meet the eyes and approbation



of some beauteous fair, in the circles of peaceable domestic society. Such, Sir, were often the debates of the Irish Parliament; and its courtesy allowed a gallery to the ladies, who held, within its walls, a Parliament also of their own.

We must not judge of the Irish, in this respect, by ourselves. The national character, habits, feelings, eloquence, all are different. They are a quick, sprightly, animated people. Their tone is always impassioned. The Athenians themselves delighted not more in speeches. With the Irish, oratory is not only a natural endowment; it is absolutely a passion—which therefore cannot be extinguished, and must be indulged; humour it, and it will not be perverted. Freeze not its genial current—let it flow on; and if you will, divert its course. But seek not to dam it up. The rash attempt will not succeed; and it will cost you dear; it will burst your flood-gates—overflow—and in a torrent impetuous and irresistible, carry with it desolation.

Such, Sir, is the nature of Irish eloquence—such the view in which it is to be contemplated—such the policy to be pursued in the direction of it, by a Statesman.—*Valeat in concionibus, vehementes habeat repentinos tumultus—spatio interposito et causâ cognitâ, consenescet.*

We must concede to the Irish the merit of genius, invention, and brilliancy of invention. I may be permitted, however, to observe, that although copious, poetical, and even sublime; they have sometimes a disposition to adopt a style of eloquence too FLORID, what rhetoricians call *fervidum genus dicendi*—*cadunt in hoc vitium*. It is well understood among themselves, where from their frequency exaggerated expressions produce little or no mischievous effect; but I cannot complain, and they must not themselves be surprised, if transported into this country it may alarm an English reader, inclined to



weigh each expression according to its true import, in the scale of that *quiet sober good sense*, which is the striking feature of the English character. I cannot, on the other hand, allow Ministers to avail themselves of any hasty intemperate expressions, used by any individuals at former Catholic meetings, as affording any argument in favour of their own proceedings. We must at all events mutually adopt, upon this point, what in technical language is called the law of set-off; and if this be not conceded to me, I must take the liberty of holding them bound by every thing calumnious, and as adopting all the atrocious sentiments which are to be found in the speeches and publications of their own Privy Counsellor and favoured advocate, the Right Honourable Dr. Patrick Duigenan. Let Ministers abandon to me the LEARNED DOCTOR, and I will yield up on my side the most infuriated among those, whom they call by the appellation of "*Catholic agitators*," if any are indeed to be found in the Catholic Body, and not *solely* among MINISTERS THEMSELVES.

If the language of the Catholics at former meetings has been violent, it must be kept in mind, and I may be allowed to argue from the circumstance, that the provocation has been also violent. It cannot afford an argument decisive of the fact, that a future meeting not yet assembled will be turbulent: still less for denouncing such an assembly unlawful. How is it possible that persons should meet, smarting under the stigma which the law still inflicts upon their character, and labouring under incapacities to which the Catholics are still liable, (and which, because they are less numerous than heretofore, they feel more galling), without expressing themselves in the language of strong feeling, without loudly complaining, and without availing themselves of an opportunity to vindicate their principles and their conduct, from foul



insinuations and injurious misrepresentations, on the part of Ministers. Let Ministers read over soberly their own speeches during the last ten years, and consider their effect; let them reperuse the pamphlets which they have encouraged—let them ponder over the columns of their newspapers, particularly those in justification of their own late violent proceeding; and put the question whether they could themselves, as men of spirit thus derided, or as honourable persons thus slandered and aspersed, meet without expressing their indignation and indulging their resentment, in very vehement discourse? We may regret, we may even lament many things at which we cannot be surprised, and which we are not able, or authorised to prevent. When, independently of Peers deprived even of a vote in the representation of their own body, and gentlemen of large estates excluded from the House of Commons, it is considered that the number of Catholic Barristers in Ireland exceeds SIXTY, all debarred from advancement in their profession—when we reflect upon the numbers and opulence of the Catholic merchants of Dublin and other cities, who have been deprived, *by an Act passed during the present Administration*, of any share in the direction of an establishment, to which they were themselves principal contributors—when we think upon the number of parents and heads of families, anxious to prefer their children in the service of the state, in one department precluded from attaining any distinguished situation, in the other, from all promotion beyond a certain step, an inadequate reward for the toils, risk, and other sacrifices in a military career—when we remember that the persons, thus restrained, form the GREAT MAJORITY of the PEOPLE of IRELAND, encreasing daily in property, and with that property encreasing in a desire of the POLITICAL CONSEQUENCE so wisely attached to it in the TRUE SYSTEM of the BRITISH CONSTITUTION—when these things are



recollected, and the language also is recollected of men in power, as well as the *sparing hand* with which those advantages have been administered, to which the Catholics are even at present legally entitled—can it be extraordinary, that meeting under such circumstances they should decline to lavish encomia upon LAWS, by which they are thus restricted—to declare the praises of a CONSTITUTION, of which they are told such restriction is a FUNDAMENTAL PRINCIPLE—or to wish the continuation of a government, under which Ministers would seek to render such laws ETERNAL. It is not in the NATURE OF MAN.

I admit that this is an evil, a misfortune, and even a deplorable calamity. I think, perhaps, more seriously on the subject than Ministers themselves; and in the course of these Letters I have invariably expressed my apprehensions of the effect which may be produced by their late proceedings, and still more by the general tone of their administration, towards this numerous and powerful body of Irish subjects. It was the advice of Mr. Grattan to a former Government, “*whatever, (I write the words from memory) be your conduct towards the Catholics, let it be decent; and if you will refuse them, let it be always with civility.*” This has not been done by Ministers; and the evil I repeat is serious. But how are we to proceed? There are only two ways. Reason points at the post to one. Folly alone entices us by the other. In the present case, it is fortunate that the road of reason is straight before us, easy, and what we cannot miss. The other is IMPRACTICABLE—would involve us in inextricable PERPLEXITY, and ultimately conduct us to certain perdition, “*leading us even down into the chambers of DEATH.*” We must dispute each inch by the sword with dubious success; and in the very beginning of our career we must trample upon every thing dear, sacred, and unalienable from mankind. The inconveniences, either apprehended,



or actually resulting from Catholic meetings, can be obviated only by REMOVING THE CAUSE, and by granting without delay, and before importunity, liberally, spontaneously, and cheerfully, CATHOLIC EMANCIPATION. Such was the plan, and such were the views of Mr. Pitt. If this be not done, there remains but one means to which we can resort. THE ASSEMBLY OF ANY NUMBER OF CATHOLICS FOR THE CONSIDERATION OF THEIR GRIEVANCES MUST BE RENDERED PENAL BY A NEW ENACTMENT—new torments must be then devised—and we must take away, the only solace of the wretched, the FREEDOM OF CONDOLENCE.

OUGHT this to be, CAN this be accomplished? The good sense and humanity of Englishmen—the spirit of Irishmen—the liberality prevalent in the laws and disposition of Scotchmen, and their prudence in deliberation—the universal voice of the Empire, loudly proclaim that it CANNOT. And yet, Sir, the infatuation of Ministers is such, that they seem to have dreamt, in the madness of their intoxication, of accomplishing such a project. It can be proved to demonstration; and if any thing were wanting, the inquiry into the fact would be sufficient to open the eyes of Englishmen, and to exhibit in their true colours the new jewels, by which it has been sought to add false lustre to the Crown; and which I am told, certain OFFICERS of the TOWER are busily employed in endeavouring to bind in, with clasps of the HARDEST IRON, rendering them INSEPARABLE.

Pleasantry, Sir, is ill suited to this mournful occasion; and if I have indulged it, I hope innocently, in the preceding paragraph, it has been only to drive away the melancholy thoughts which rush upon the mind, when we reflect upon the awful alternative to which Ministers have brought both themselves, and Ireland. I affirm and charge against them, that by their own acts, followed by their own arguments, they have driven themselves, in their



blindness, to the NECESSITY OF ELECTION. Consistently with the grounds on which they have issued the PROCLAMATION, and on which they have explained and justified that measure in the LETTERS signed MARCUS—letters upon the face of them purporting to proceed upon official information, and official authority—clearing also away the obscurity of the Proclamation itself, which struck me upon the first perusal of it, and which I noticed upon my first address—MINISTERS CANNOT NOW AVOID making choice of the LATTER ALTERNATIVE; and it seems indeed to have been with them from the beginning an ORIGINAL CONTEMPLATION. This, Sir, I will PROVE.

When we consider, that in their Proclamation they attempted to avail themselves of *an existing statute*, seeking to wrest it to the purpose of suppressing an assembly, lawfully convened by the Catholics in order to promote the constitutional course of a Petition to the Legislature for relief from their incapacities—that they have not relied upon that statute even in their PROCLAMATION—have shewn themselves inclined to repudiate that statute altogether—and have the effrontery to declare that if not justified by that statute, and even if their conduct be contrary “to its spirit,” as well as to “its letter,” they seek not to “APOLOGISE FOR THE BREACH OF ANY LAW”—when they have gone so far as to insinuate that the proposed assembly “*in the DORMANCY of the Legislative power,*” might be put down *even by UNLAWFUL MEANS*—surely, Sir, their disposition must be CLEAR and MANIFEST. The attempt in the Proclamation shews a deficiency only of the means, not of the inclination; the Proclamation implies the principle, on which the Legislature, in their contemplation, should be called upon to act—and the justification, explaining and developing that principle, plainly intimates, what during the “DORMANCY” of the Legislature are the laws, which they are preparing for its



consideration when it shall awake; at all events *their own* ideas of what is PROPER AND NECESSARY TO BE ENACT-ED!!!

What, Sir, is this but DEMONSTRATION—plain, palpable, irrefragable DEMONSTRATION: and what stronger evidence, of what is passing only in the interior invisible recesses of the mind, will the people of England require? To them, Sir, I address these Letters—not to the people of Ireland; they have already thought upon these things; and they have no information to obtain from Hibern-Anglus.

THE CATHOLICS OF IRELAND, although Parliament may be unfortunately lulled to sleep, (*and it has been only during the hour sacred to its repose that Ministers have ventured on this deed of darkness and surprise*)—the Catholics of Ireland, Ministers may be well assured, are NOT DORMANT.....they are upon this occasion tremblingly ALIVE.....their attention and their fears have been, from the first moment, strongly EXCITED.....their apprehensions, should Ministers venture or be allowed to meet Parliament (I am satisfied they will not) will amount to CONVICTION.....they anticipate a question involving not so much CATHOLIC EMANCIPATION, as CATHOLIC PRESERVATION.....and if the minds of Ministers be made up, upon what they call “paramount duty,” to *legalise* “unlawful means,”—they will find not only the Catholics but ALL IRELAND, upon principles of duty more certain and acknowledged, with the advantage also of RIGHTS SACRED and UNALIENABLE on their side, equally DETERMINED. But I repeat the assertion contained in my first Letter, and since more minutely explained—The continuation of the present Ministers is IMPOSSIBLE†.

HIBERN-ANGLUS.

2d October, 1811.

† This Letter concludes the series of those, which actually appeared in the Morning Chronicle.



## LETTER XII.

ON MR. PITT.

SIR,

UPON the nature of Catholic debates, I apprehend that I shall be thought in the last Letter, to have sufficiently enlarged; and I shall conclude my observations on that head by remarking, that any inconvenience, which they may be supposed to occasion, was long since foretold by that truly accomplished Statesman, whom I have so often cited. It grows, indeed, out of the system, if system it can be called, which has been adopted hitherto in the repeal of those laws, by which the IRISH NATION were so long excluded from the IRISH CONSTITUTION. “Your comprehensive theories and imperfect grants,” said Mr. Grattan, “have opened discussion, and let in a train of ideas, which MAY GREATLY SERVE; or MARVELOUSLY DISTRACT YOUR COUNTRY. The Bill (that of 1793) has my support, because it does much, and LEADS TO SO MUCH MORE; but the author of it would have displayed more wisdom, if he had given the Catholics the whole now, and had SETTLED WITH THEM FOR EVER.”

It is not my intention, nor indeed is it within the scope of the discussion which I have proposed, to enter upon



the present occasion into a consideration of the question, how far it might have been practicable, at that period to have accomplished what was desired by Mr. Grattan; and whether the Statesman presiding over the councils of that day did not in his heart, although not at liberty to follow the impulse of his own mind, even at that time concur in the opinion which I have quoted. He espoused in *early* life the cause of Ireland; and perhaps on no subject had his eloquence been more conspicuous. He was elevated *prematurely* to the supreme direction of public affairs. Upon matters connected with continental policy, it is impossible that his ideas could, in the first years of his accession to office, have been even formed, still less combined or systematically arranged. He must have entertained, however, upon matters regarding domestic policy, opinions naturally resulting from actual observation, and Ireland appears from the *beginning* to have engaged on his part very attentive consideration.

Upon the policy of Catholic emancipation, all eminent persons in the state have long been agreed; and in that point, even those in other respects discordant have uniformly concurred. It is but fair after what I have just quoted, that I should avail myself of an opportunity to pay a tribute, which I conceive in justice due, to the memory of the departed Minister. I will not, Sir, cant in the usual notes his praise. Mr. Pitt had his errors—his faults—was not without ambition—he is no more. But even his political adversaries, and those the most opposed to the system of his Government and still more to the *mode* by which it was conducted, are willing to admit that he had a COMPREHENSIVE MIND. Perhaps only upon TWO GREAT QUESTIONS did a REAL difference of opinion prevail between that Minister and Mr. Fox—the question of WAR with France, and of the IRISH UNION. Upon the first, their difference is notorious—



and we begin, whatever may have been our former impressions, not only to think, but to *feel* also very sensibly, that the policy recommended by Mr. Fox was the more wise. Of the Union with Ireland it will be perhaps in recollection, that Mr. Fox, upon his return to Parliament subsequent to the accomplishment of this measure, took occasion to deliver in his place, retrospectively, a DECIDED DISAPPROBATION. Upon the Catholic question, however, both were agreed; and of this, whatever may be thought by others, I am myself now thoroughly persuaded; that Mr. Pitt ENTERTAINED A SINCERE DESIRE OF ABOLISHING IN IRELAND ALL CIVIL DISTINCTIONS BETWEEN CATHOLICS AND PROTESTANTS, ON ACCOUNT OF RELIGIOUS OPINIONS. Mr. Fox, from the freedom of his own situation in Parliament, had only to *declare* his sentiments. Mr. Pitt had to carry the same sentiments *practically* into effect. He had to overcome *difficulties*, by which his views of what with his political rival he considered to be true policy, (*and which even Mr. Fox could not himself accomplish*) were, to use his own expression, “INSUPERABLY opposed,”—and he had also to contend, perhaps, with the INTRIGUES, by which, if they did not excite these difficulties, they had subsequently been encouraged, and industriously MAINTAINED. Whether they had not occurred at a period long anterior to the Union, I leave to be determined by those who remember the reports of that period. But we have almost unequivocal intimation from Mr. Pitt HIMSELF, that it was principally in the hopes, and as the means, of *surmounting those difficulties*, he had himself planned, and accelerated the UNION WITH IRELAND.

It will be of advantage to many if they will turn to the speeches of that great Orator, of whom some of the present Ministers affect to be disciples; and if they will contrast his opinions, there disclosed, with their own lan-



guage, and their own deportment ‡. Those, Sir, who can feel for a Minister assuming office, not for the advantages of place; not upon calculations of pecuniary benefit, and as a barter of professional employment; not

‡ I must, however, admit, that candour, precision, and open unqualified statement, are certainly not the characteristic beauties of those speeches. Those of Mr. Fox are distinguished by these qualities; and they contributed greatly to the force of his eloquence. You could always comprehend Mr. Fox, you never could answer him, but you had not the courage to adopt his plans; and you allowed others to talk you into a *distrust* of his philosophy, which naturally you did not feel. He was always above seeking to remove prejudices—he never would argue with them—he indeed often excited them. Mr. Pitt with more natural hauteur, and from the difficulties which he experienced in the first years of his administration prone to asperity, was withal more courteous.

How different, many think, would have been the situation of the British Empire if the counsels of Mr. Fox had prevailed, and the King of Great Britain had been advised to adopt that course towards France which he actually pursued as Elector of Hanover. The system of our foreign policy, as adopted since the French revolution, has made France a great Empire—it has nearly undone ourselves—and the continuance of the present Ministers, or of those who adhere to a system radically erroneous, will accomplish the destruction of our power.

I cannot subscribe to that sentiment, which considers peace to be necessarily unattainable, or which repudiates the idea of negotiation. Peace I conceive to be the interest of Britain, and an adherence to it when concluded, not incompatible, but even consistent, with the interests of France properly understood; peace, *concluded upon terms fair and honourable to both countries*, will be of long duration. Europe has suffered, so much from the scourge of war, that its flames once extinguished will not be allowed to be again enkindled.

What, I would ask, is the *object* for which we are contending; and if that object could be accurately or intelligibly defined, I would ask further what is the *prospect* of ultimate success? By what means is it likely to be obtained? Are such the means which we *actually* pursue? Are we proceeding upon any *settled principle*, or are we fighting a war of *chances*? Are we engaging our last stake at *political hazard*? If so, against *whom* are we playing, and on what side will the *odds* be laid by spectators?

Peace I cannot but think wise policy, conducted under negotiations invited not by an *ephemeral Administration* without character, strength, or solidity, and only as the last resource in order to obtain lost popularity



through a casual opening, which none could have expected, and an opportunity which few would have embraced; not upon principles of obsequious deference to mistaken piety; to continue the fetters of a brave and loyal people, and frustrate their relief from incapacities, as impolitic as they are oppressive;—but a Minister accepting his official situation from an innate consciousness of transcendent talents, and of ability to conduct with the superior advantages of uncommon and splendid endowments the affairs of a great nation, upon the views and systems of an enlarged and enlightened mind—a Minister, seeking not by paltry shifts and expedients, and by courting those whom recently he had stigmatized and reviled, to secure the prolongation during a time of little brief authority; but bent upon the accomplishment of plans tending to produce permanent benefit to the state, and able to maintain, even by the sanction of his name alone, a steady system of political government—supporting himself in power, not by the intrigues of local and limited prejudice, but almost by the general and spontaneous suffrage of the empire—a Minister, with all due devotion and submission, yet not watching the transient smiles nor dreading the frown of princes; not compelled to consult intermeddling courtiers, nor dependent upon their will; but proud in enjoying the respect of the Sovereign, commanding from

by other means irretrievable, but by Ministers of capacity and known ability enjoying public confidence and respect. The honour of the country would, by such men, not be committed in the opening of negociation, and its interests would not be endangered by any weak, unnecessary, or impolitic concessions: but defend us from any attempts at peace, made solely in the view of keeping any set of men in the offices of Administration! Let us also avoid for once the former system of putting in a weak Minister, merely to sign a disgraceful treaty which all may abuse, and then to retire for ever from office. Peace can be *attempted* only by those, to whom the country will give a confidence, perhaps never before enjoyed or bestowed.



his servants reverential awe, and emulous of glory in the estimation of succeeding ages—those who can feel for such a Minister, will feel for Mr. Pitt; and they will almost shed a tear upon the page, where they shall behold that Statesman, in accents mournful but in language dignified although depressed, retaining even in humiliation and distress the same exalted tone of lofty and commanding eloquence, bewailing a misfortune not to himself alone but to his country, bitter, severe, and unexpected—disappointed in his fondest wishes—thwarted in the fondest object of his contemplation—cut off in the blossom of his hopes—and compelled to relinquish all those plans, long meditated, and with such care matured, through which he sought to terminate the contest of three hundred years; to establish a new and glorious æra in our annals, to be recorded until the end of time; to bring down the benedictions of millions upon his head; to transmit his memory unto their latest posterity as the founder of their liberties; to consecrate in the hearts of Irishmen the name of Union—and to bind round the temples of a Sovereign, (to whose service he was devoted) the TRIPLE CROWN of his kingdoms, consolidated through such means not in theory but in effect, in bonds indissoluble of UNITY AND PEACE.

I shall, Sir, in my next Letter, resume my argument in *justification* of the proceedings adopted by the Irish Catholics. I thought it, however, allowable thus to advert to the sentiments of Mr. Pitt, by whom similar proceedings on their part were not only tolerated, but APPROVED, SANCTIONED and SUPPORTED.

HIBERN-ANGLUS.

2d October, 1811.



## LETTER XIII.

IN JUSTIFICATION OF THE CATHOLICS, AND ON THE MOTIVES BY WHICH MINISTERS HAVE BEEN ACTUATED.

SIR,

THE variance of opinion, which heretofore has prevailed in the Catholic body of Ireland, has not been confined solely to the question of petitioning Parliament for ulterior relief. They have differed upon the language of their Petitions—upon the extent to which relief should be prayed or pressed—upon the time and mode of presenting their Petitions—upon the persons to whose conduct in Parliament they should be confided—upon the powers which should be entrusted to those, by whom their Petitions have in general been brought to England.—If such differences have subsisted in times, when the possibility of relief was remote; how much more likely must it have appeared to the most reasonable men that they might recur, when in their expectation, a Petition was likely to involve not merely discussion, but the actual adoption of a legislative proceeding.

I think, Sir, it will be admitted by candid and impartial persons, that it was advisable for the Catholics under such circumstances as a matter of prudence, if other considerations did not urge them upon grounds of necessity, to adopt a new mode in the conduct of their affairs. The importance of the questions likely to be agitated, as connected with concession to their claims, in the event of ei-



ther House going into a Committee upon their Petition—the temper manifested in the course of debates among themselves—the pertinacity of some—the violence of others—the precipitancy of former resolutions—the dissatisfaction of many respectable persons at antecedent divisions—the mode in which Committees had hitherto been constituted—the principles on which they had been accustomed to proceed in their instructions to those, commissioned by them with their interests in London—these, and many other considerations which I might state, were all of a nature to excite, in the minds of the most honourable and loyal men, the innocent desire of establishing a new and more perfect system; at all events of improving that which had prevailed, in the management of future Petitions.

What I have already stated would be a sufficient answer to the argument of Ministers and to those, who have been disposed to ask of the Catholics, Why have you not gone on in your accustomed mode? I have pledged myself, however, to meet every question fairly; and I am desirous, for the satisfaction of the public, as well as for my own honour, fully to discuss this point.

The inadequacy of the former system, even upon the slightest consideration, must appear obvious. The late Committee itself, against which Ministers have strained objections to the utmost, was the first to declare, if not its total incompetency, at least its reluctance to proceed under its existing constitution, in an emergency when emancipation might be considered as at hand; and when the management of the Catholic interests might require much prudential consideration and promptness of decision. Such Committees of the Catholics, as hitherto constituted, have been too numerous, and at the same time too limited—sufficiently considerable in point of number to occasion the inconveniences incidental to all public



meetings; but not established in a manner to give weight to their decisions, as expressing upon any controverted point of great importance the sentiments of the body at large—competent to withhold authority from those deputed to manage their Petition at the seat of Government—but not capable of investing them with powers, which it might be prudent and necessary to confer, and upon which it could be possible to act, as in the name of the Catholics, with certainty and effect; without the risk of being deprived of subsequent support—of subjecting their Parliamentary supporters to great embarrassments—of exposing themselves to personal mortification—of exciting also, against the whole body of their constituents, obloquy from their adversaries; and perhaps just reproach, even from their friends.

The Committee itself was sensible of this defect in December; and the aggregate meeting applied the remedy in July. Let it however be considered as a suggestion proceeding from the Committee, and the question still argued with reference to the Letter of Mr. Hay.

I regret that I have not in my possession, nor an opportunity of referring to the speech of the Irish Secretary in the House of Commons, on the occasion of that Letter. I will however venture upon a few observations respecting that Committee, which the Right Honourable Gentleman thought proper to asperse, calling it an “illegal assembly sitting in Dublin,” which even then he attempted, but was not able to suppress. That attempt was not pursued by the Catholics as it deserved, because it was despised. It appeared to many too contemptible; it had sufficiently in itself exposed the folly of the proceeding; its recurrence was not apprehended; and the most respectable Catholics were divided in opinion, as to the notice with which it should be marked. To many, and those of exalted rank, it appeared a more



dignified course to *let it pass*; not expecting, as a return for their forbearance, that they would have been complimented, as they have been, in a new and more splendid edition of the original performance, although in correctness but little improved.

It is not in the nature of man to part willingly with authority, and in elucidation of this remark I might advert to the spirit of tenacious adherence, with which the present Ministers seem inclined to cling to office. The Catholic Committee, however, appear to me to have pursued on this occasion an honourable, disinterested, patriotic course, entitling them more to thanks than to censure on the part of those, who ought to feel most interested in the welfare of Ireland. Unfortunately, however, the present Ministers are not of that description; since it has been and still continues the principle of their administration to oppose the claims of the people of Ireland; embracing every opportunity which may occur, and as it should seem almost seeking them, to deny their wishes, and to offend their feelings. They are strangers to the manners, to the character, it should appear almost to the history of that people; and whatever superiority they may affect, the Irish will not be disposed to concede to them the pretensions which they advance of understanding, better than themselves, the interests of Ireland.

Allow me, Sir, here to pause, and to bring before the consideration of your readers the difference of conduct which has been adopted towards Scotland, and towards Ireland, since the Union of each kingdom with England, or indeed during the last century. The progress of commerce and improvement of every description throughout Scotland, the augmentation of its population, and the religious harmony by which that part of the United Kingdom is so distinguished, whilst they do hon-



our to the industry and intelligence of its people, evince the wisdom of the policy pursued towards that country during the present reign; and it has proceeded in a peculiar manner under the auspices of his present Majesty. It has been fortunate, not only for Scotland but for the Empire, that his Majesty in early life and upon his first accession to the throne chose for his advisers, in the government of that country, persons in character and disposition widely different from those, who are supposed, through intrigues generally thought to have been practised about the year 1793, to have obtained and grossly to have abused the Royal confidence, in points regarding the affairs of Ireland. The persons consulted by the Sovereign in relation to Scotland, however unpopular in England, were those who had the interest of the country at heart. They tried not to poison the Royal ear with calumny against their countrymen—they wished not to perpetuate the animosities of former times, or to misrepresent the state of the country and the disposition of its natives—they preached not to the Sovereign the fear of losing the affection of one class, in a hopeless endeavour to obtain the good will of another;—but they sought to promote the welfare of Scotland and the honour of the Monarch by a system of conciliation, and by endeavouring to allay, not to foment, internal divisions. By acts of conspicuous favour shewn to the adherents of the unfortunate House of Stuart a sentiment of attachment was enkindled towards the family upon the throne, and to the Union; whilst by allowing natives of that country a certain share even in the administration of English affairs, the pride and ambition of Scotland have been gratified. With respect to the Scotch, it has not been sought in the executive department of Royal Authority to establish an inquisitorial tribunal, prejudging the tenets of their religious opinions; nor have the mass of



Scottish population been denied civil preferment, either at home or in England, because they will not submit to Episcopal hierarchy, or prostrate themselves before the altar of holy communion. Because they profess Presbyterianism, they have not been calumniated and reviled, as persons dangerous and disaffected—as levellers and republicans—with whom even the ordinary intercourse of society was to be shunned and suspended. They have not been reproached with the crimes, nor made to bear the iniquities of former ages—they have not been rendered the butt of Treasury hirelings—nor have persons, in proportion as they have manifested an inclination to load them with abuse and invective, obtained exaltation. The sins of the father have not been visited upon the unoffending child—he has been restored to the property of a rebellious ancestor—he has himself received honour, and found favour in the sight of Royalty.

The Scotch, Sir, have also been permitted to judge for themselves, upon all points connected with the interests of their own country. They have not been handed over, as persons incapable of conducting the administration of affairs, to English subalterns of office—nor have those, who never put their feet within its boundary, or witnessed its condition, *presumed* or been *allowed* to protrude their advice—nor have such persons ever yet ventured, *as upon Irish affairs*, to represent themselves better qualified than its natives to give opinions, and to decide upon the expediency of regulations for its internal government. There has existed, in this respect, in Scotland, a noble spirit of INTERIOR INDEPENDENCE, AND OF DECIDED OPPOSITON TO THE INTERFERENCE OF ENGLISH INTERVENTION, IN THE MANAGEMENT OF THEIR DOMESTIC AFFAIRS. If I mistake not, the hour is fast approaching *when the same spirit shall prevail in Ireland*—it may not please a Minister, who will frequently be



disposed to send young gentlemen, impertinent and troublesome at the doors of the Treasury, to Ireland, upon the same principle, sometimes, on which the poet in the play sends Hamlet from Denmark; but I am convinced that nothing will tend more effectually than such a spirit to cement the connection between these Islands. Let the SYSTEM of SCOTLAND, in the freedom of religious opinion and in many points of internal administration, be transplanted to IRELAND, and we may entertain no alarm for the permanence of a LEGISLATIVE UNION.

To return, however, to the conduct of the late Catholic Committee. They may have been intemperate, as I have already admitted, in speech—misguided in zeal—and mistaken in judgment. Their intentions, however, I am persuaded, have been honest. I am convinced that they have anxiously desired to promote the relief of their fellow-subjects from their remaining incapacities—that they have sought to accomplish that object only by lawful proceedings—and that, in endeavouring to obtain for the Catholics of Ireland a more complete enjoyment of political liberty, under the established constitution, they have wished to strengthen, and not to impair, the connection of the two Islands. Their conduct I think proves, that my impression is well founded. *They have a greater interest in the prosperity of Ireland than all the members of the present Cabinet can have, whether you consider them collectively or individually, or in their Ministerial capacity; they contain, in their number, persons of as sound intellect and of as distinguished talent, men fully as able, if not more competent, to judge what is expedient for the welfare of Ireland—and I hope the period is not arrived, as from the language of Ministers one would be inclined to think, when to know and to wish the happiness of that country is to be held a REPROACH, and objected as a CRIME.*



Sir, I never can, I never will, allow a subaltern of office to run down a body of respectable Gentlemen, because they may pursue a course which he may not please to approve. To those who from their infancy have been destined and regularly trained for official situations, no one is more inclined than myself to render all due respect; but as to those who have not received what I will call an official education—who have obtained their offices, I will not say surreptitiously, but unexpectedly—and whose attention may have not been drawn, at an early period of life, to the conduct of public affairs: towards such persons, I am speaking generally and not intending the slightest individual allusion, I feel the *reverse* of deference. I always *distrust* their judgment, and still more their information—they are of all men those who are most likely to go wrong, and to mislead others. The fair portion of respectable talent, which they may have previously possessed, immediately forsakes them.—They are lost and bewildered—blinded by their exaltation, they are sure to miss their way. They conceive themselves to be endowed at once, as it were *virtute officii*, with superior intellect. They believe that upon entering Downing-Street or the Castle, they are, *ipso facto*, inspired with divination. To seek information is no longer necessary—to consult, is to depart from the dignity of their official character. They are approached only by those who have an interest, if not in deceiving, at least in not *opposing* the turn of their inclinations—they are more than others exposed to be caught in the wiles of flattery—they are the last persons to whom credit is to be given, for accurately knowing or representing the state of affairs in Ireland. It has been reproached to the Catholics, that individuals have heretofore maintained, although they all declare in Ireland upon their oaths that it is *not* an article of their faith,



THE INFALLIBILITY OF THE POPE: but I am afraid we are too much inclined to believe in England the INFALLIBILITY OF OFFICE. The one opinion I reject; and against the other I PROTEST.

But, Sir, there are other reasons why Englishmen should adopt with prudent caution, and not always implicitly receive upon credit, the assertions of an Irish Minister. There will exist always in the minds of such Ministers a bias, leading them to discourage any political association or the meeting of Irish Gentlemen, whose firmness and intrepidity may be a check upon their conduct. They are, in Ireland, removed from that superintendence of public opinion, which obtains in England over their personal acts, or their measures of government. In England, the proceedings of Ministers pass under our own eyes—they are the subject of our conversation in society; of animadversions in the public prints, which circulate throughout the country, and are read with avidity in the remotest corner of the kingdom, exciting a general interest. How different in this respect, is the fate of Ireland! Who reads here an Irish newspaper, but when, fortunately perhaps for the discussion of Irish affairs, there shall arise a quarrel between a Secretary and a Committee? And how obviously is it the *interest* of persons in that office, (especially if disposed to acts of vigour and energy as they are called, or to carry things with a high hand, under an administration which does not possess public confidence, and is odious to the whole nation, from the principles on which it has been formed,) to put down *any* assembly of persons, disposed to canvass and expose their measures and deportment. I am not, Sir, partial to popular assemblies, as the means of government—steadily opposed to democracy; and I have always concurred in the opinion of Xenophon, that to democracy every respectable man who values the repose



of society must necessarily object, “ αἰε το βελτιστον εναντιον τη δημοκρατια.” But I am fond, Sir, of public assemblies lawfully convened, for the purposes of fair discussion upon the conduct of public men and measures. We owe to them in a great degree the preservation of our liberties; and I can only say, that when they shall be suppressed, *and it shall be penal to publish in a newspaper a fair account of their debates*, the liberties of Englishmen will have ceased to exist.

These observations are necessary to promote, in an English reader, an impartial consideration of the question between the Irish Government and the late Catholic Committee. Had the members of that assembly been agitators, ambitious, disaffected, desirous only of defeating, and not of promoting the success of their claims (if it were indeed possible, that persons, from their talents, situation, and expectations, deeply interested in the success of those claims, should wish to defeat them) or if they were anxious only to retain a supposed ascendancy over others, it will be thought, I conceive, more natural, that they would have acted in a manner totally different from that which they have adopted. They would have arrogated new powers—acted at least on those which they held—and if they had lost the confidence or excited the disgust of those, to whom Ministers allude as concurring involuntarily in their proceedings, they would not have resorted to a plan, calculated only to give weight to a party in their own body, whom Ministers would represent them as wishing to overwhelm.

But, Sir, the idea that those who take the most active part in forwarding, are the least desirous of effecting the emancipation of the Catholics, is a proposition so extraordinary; that if it had not been advanced by persons holding really a rank in society, entitling their o-



pinions to respect, I should have dismissed it at once without an observation, and my remarks shall be few.

Throughout this discussion, it has been my wish not to animadvert upon individuals—to make no personal allusions—to comment upon the ideas of any single member of administration, only in such respects, as may attach on his official situation, or on his public declarations, or conduct; and however strenuously I may express myself, I have sought not to deviate from the freedom usually allowed in parliamentary debates, upon the measures or fitness of Ministers. I have wished to express myself in the language of a Gentleman, to the character of which I have some pretensions; not in the abuse of a demagogue, the popularity of whom I certainly neither seek, nor ambition. Had Parliament been assembled, these Letters would not have been written. I trust, therefore, after this explanation, I may be allowed to put this question, fairly connected with the matter at issue. Whom will the public conceive more naturally inclined in his heart to wish the *failure* of the CATHOLIC CLAIMS? Mr. O'Connel, a Gentleman whom I have already described to be of ancient family—of brilliant talents—heir to a large estate—in extensive practice at the Irish bar—in the present state of things precluded from all advancement, but who, in the event of emancipation, may reasonably look forward to the enjoyment of the highest honours in the state—or after the knowledge which we possess of his political views and sentiments so repeatedly declared, and upon the principles by which he originally obtained, and on which alone, from the decided tenor of all his professions, he can continue to hold his official situation—the FIRST LORD OF THE TREASURY? I have selected two persons, with whose names the British public are best acquainted—a PRINCIPAL LEADER



OF CATHOLIC COMMITTEES \*—a PRINCIPAL OPPONENT OF CATHOLIC CLAIMS—and the head of the PRESENT ADMINISTRATION.

To conclude this Letter. I have, Sir, I trust sufficiently established, that there existed a necessity, on the part of the Catholics, from circumstances existing within their own body, to establish a new system for the future management of their Petitions. The enlargement of the Committee, as proposed in the resolutions of the last aggregate meeting—supported by the Earl of Fin-gall, and the most respectable among the Catholic community—has been acceptable to ALL PARTIES; and it has appeared to them the only means of terminating for ever differences, which have existed among themselves—which have been injurious to the success of their claims—which they all regret, since *they are all anxious to promote that success, (and truly woful to the interests of England, will be the moment, when the people of Ireland shall be indifferent upon such a question,)* differences the recurrence of which they have all been desirous effectually to prevent. Hibern-Anglus will claim superiority over Marcus, in all that relates to information upon the sentiments which actuate the Catholics of Ireland; although he will not

\* I have mentioned this Gentleman, because he has concurred with the Corporation of Dublin, at an aggregate meeting of that City, respecting a petition for the repeal of the UNION. Will not the British public see that the continuation of Catholic restrictions, necessarily leads Catholics to join with PROTESTANT ANTIUNIONISTS? I always foretold that the cry of "NO POPERY" in England would be answered from the opposite shore, by the yell of "NO UNION." It will come in "loud surges," if the Ministerial prints continue to charge *disaffection* upon those, who think Mr. Pitt's measure an experiment which has failed, and that the connection of the two kingdoms can be preserved better by a FEDERAL, than by an INCORPORATE UNION. The time is past in which THE PEOPLE OF IRELAND will submit to be instructed by the Treasury Prints of ENGLAND, or by the rhapsodies of puritans in PARLIAMENT.



dispute with Marcus the most intimate knowledge of the views and motives of the present CABINET. He will, however, assure Marcus, that the Catholics of Ireland will not be deluded by *such a Cabinet*, into any forbearance of their claims, or to depart from the course which they have chosen to pursue. Nor will the *most subtle diplomatist of such a Cabinet*, obtain with them credit, under any specious intimation or even the most SOLEMN ASSURANCE.

The Catholics, Sir, have therefore wished to collect the general sense of Catholic proprietors, upon all points connected with the prosecution of their claims. They could adopt no means to collect that sense, but by calling upon the counties of Ireland to name persons in their confidence, through whom their sentiments might be accurately and authoritatively conveyed. The general sense of each county could not be ascertained, but by the nomination of many individuals. The parties nominated are Gentlemen of landed property, of great respectability, many of them conspicuously distinguished by the loyalty of their exertions. They have been chosen, not by the rabble, but by proprietors; and what one would have conceived would have *removed*, instead of *constituting* an objection, and have been thought an antidote to *any latent spirit of democracy*, if any existed, the whole body of the Catholic aristocracy, including the Catholic prelates, to whose conduct and character I have already done justice, have been incorporated with this assembly.

Such, Sir, is the Catholic Committee, or if you will CATHOLIC CONVENTION—such are the persons of whom Ministers have proclaimed that the proposed assembly must necessarily and *directly* endanger the peace and tranquillity of the State—against whom they have denounced all the vengeance of the law—whom they have



called upon the Magistrates of Ireland to put down—whom they have directed the conservators of the peace to apprehend, together also with their constituents; as *if they had prisons to contain the whole population of Ireland*, or in the plenitude of their power, could call up a new island from the deep for their incarceration. They claim, Sir, indeed, authority of new and undefined extent—powers unlimited, and before unknown—to be Lords Paramount of Irish creation—and their contemplation exceeds in boldness the eagle's flight, towering round their high dominion. For volcanic exertions I will give them credit—Neptune himself could not, like they have shaken Ireland to its very centre—nor *Ætna* deluge the country with more fiery lava. But I deny that they are gifted with the spirit of prediction. *There*, Sir, they are deficient, and false in all the prophetic visions of their fancy.

The result of the elections has shewn the total ignorance of Ministers, respecting the views in which it has been resolved to convene this assembly—now nearly constituted—and which speedily WILL MEET. The Ministers, indeed, assert, that in convening this assembly the Catholics “have DARED the Government and “the Law.” The Catholics reply, that “the Government have DARED the Law, and therefore they DARE “the Government,” and they retort upon Ministers the words of their own accusation, in the vindication of their own proceedings. Whilst conscious of acting consistently with the law, they will not acknowledge any right whatever of interference in the management of concerns which are their own, on the part of hostile Ministers, especially of those who claim to be above the law, and who are not disposed “to apologise for any “breach of law,” although they should have invaded the most sacred right of the subject, and transgressed



the fundamental statutes of the realm!!! But the Catholics strenuously protest against the doctrine, that because an Administration, influenced by unfounded prejudices or interested motives, have the weakness to commit themselves by an illegal proceeding, in an attempt to defeat the success of their claims; they are, therefore, as required with astonishing assurance in the Letters of Marcus, in order to palliate the errors of such Ministers, to abandon at once resolutions, which they had formed as advantageous to their cause, upon the most wise and mature deliberation!!!

With reference also to the proposed elections, “the argument of Ministers,” as in all other instances, has assumed every thing and proved nothing. It takes for granted, that the members proposed to be added to that Committee are to be persons turbulent and seditious. On what ground has this been assumed, and on what foundation can it rest, but on the supposition, that the majority of Catholic proprietors are rebels in their hearts—hostile to that Constitution which they have sworn to defend, and in the prosperity of which they have such an important interest?

Observe, Sir, in this respect, the tendency of the Ministerial argument—its want of candour, or its total inconsistency. It affects to charge disaffection only on a few whom it alleges to be “notoriously adverse to the connection of Great Britain.” The print through which the Letters of Marcus have been conveyed, recently states its *tranquillity about Ireland*, in case of invasion by the French, from the *general and known loyalty* of the Irish nation. Whence, then, is the alarm of Ministers affected in their argument? The Catholic proprietors, upon the statement of Ministers themselves, must be *against* the *few* whom they accuse; and, therefore, an appeal by these few to the general or more prevalent sentiment, would be the



last step to which such men would have resorted, as being calculated effectually to defeat their machinations. Emancipation, we are told, is not their object. Then why should they pursue it with such eagerness, and call the attention of the whole body to the chase? If hostile to a connection with Great Britain, why engage the exertions of the Catholics to obtain a further participation of the British Constitution, under the system of a *legislative* Union, and thereby endeavour to promote their attachment the more strongly to the Constitution, which, under *that* mode, many honourable persons certainly disapprove, who are anxious for the existence of connection itself under a federal system, thinking it more beneficial to the two countries, and more likely to bind them in true affection and mutual co-operation; but which persons accused by Ministers wish, as it is pretended, absolutely to destroy and dissolve, seeking to accomplish TOTAL SEPARATION? Is it thus meant by Ministers to insinuate, or have they let slip unwarily *an important secret*, that THE MAJORITY OF THE PEOPLE OF IRELAND ARE ADVERSE TO THE UNION? Then how can it be possible to continue it but by force of ARMS? and if they call upon the people of England to support them in so terrible and bloody a conflict, as under such circumstances it must prove, should it unhappily be excited by the rashness of men, who have even *volunteered* their aid to oppose the plans, by which alone it was thought practicable by those who proposed the Union, to complete the measure and ensure its promised advantages; shall we not only think ourselves entitled but bound to exact from Ministers, UNDER THE AWFUL RESPONSIBILITY WHICH THEY HAVE ASSUMED, UNDERTAKING AS THEY HAVE DONE THE GOVERNMENT OF IRELAND ON PRINCIPLES CONDEMNED BY THE UNANIMOUS AND GENERAL VOICE OF ALL DISTINGUISHED STATESMEN, A MOST RIGOROUS AC-



COUNT?—Shall we not call for a knowledge of the steps which they have adopted, during an administration nearly of five years, to *conciliate* the people of Ireland, and to promote their *attachment* to the Union? Are Ministers disposed to stand their trial on this point? Are they prepared to justify, on *constitutional grounds*, the system which they have pursued, and the advice which they have given, or to give which they have OMITTED and DELAYED; but for which omission or delay the Constitution views them, holding as they have done their offices, equally RESPONSIBLE?

These, Sir, are questions which arise upon the Proclamation, but especially upon the statement of Ministers themselves, in vindication of their own proceedings. How will they answer them, or how will it be possible for Ministers to extricate themselves from the dilemma in which they are placed by their own arguments? They either think in their hearts, what they choose not to avow in their words; (in which case, they would be liable to a mixed charge of prejudice and duplicity) or they must be deemed guilty of an endeavour to impose upon the people of Great Britain, by a foul deception. That they are alarmed, Sir, I verily believe, but the real nature of that alarm they have not disclosed. They are terrified at the loss of their own power—not at any danger which menaces Ireland, from the approaching assembly. They have gone too *far* in opposition to the Catholic claims, to be able now to recede from their declarations, still fresh in the public recollection. They cannot, in consistency, without a total abandonment of character, propose what they have lately so scornfully rejected.—The Catholics would also scorn a boon offered by such hands—they could place no confidence in their assurances—they could never co-operate in cordial communication—and the proposal of emancipation through such an admi-



stration, which *from such Ministers* could only proceed from the effects of their weakness, extorted by fear or from motives more reprehensible, would complete what they have already prepared—the degradation of government itself. The Catholics of Ireland contend not for victory, they only seek justice, and a settlement compatible with the dignity and respect of all parties concerned. This, Sir, the Ministers have well anticipated; and they have now no resource, but to indispose the public mind of Great Britain, by exciting prejudice and vain imaginations of danger, which, if it exist, they have themselves created, by the blind rashness of their own deportment. The fears of Ministers only regard the establishment of a new system in the future management of the Catholic affairs, by which they foresee the Catholic claims will be brought before the Legislature with coolness, temper, judgment, preparation, decision, and unanimity, upon all the points on which the controversy has hitherto turned; and which will defeat all the little pitiful sophistical tricks, by which it has been hitherto sought to oppose measures, by which alone the true political consolidation of the two islands can in reality be established, and without which, the act of Union is a mere piece of useless parchment. They dread the moment in which the justice or propriety of Catholic emancipation (I shall never, Sir, argue the question, either with Ministers, or with Catholics, upon metaphysical, quibbling, and *dangerous* distinctions, between abstract right, and political expediency) SHALL BE ACKNOWLEDGED by the IMPERIAL PARLIAMENT—and they know that the hour in which the eyes of the British nation shall be opened to the fatal delusion in which they have been entranced, will witness the downfall of an Administration, formed upon principles of oppression—an Administration, that abroad has sacrificed the resources of the



State, in fatal and fruitless expeditions which, however valorously led by our Commanders, where Ministers have been concerned have been conducted without plan or combination, and which at home has been devoting its cares only to the promoting of religious animosities, and to light up the flames of dissension in the most vulnerable parts of the Empire.

Such, Sir, is the ALARM OF MINISTERS; and it may be the ALARM OF OURSELVES, that their rashness and imprudence, especially should they be allowed to meet Parliament in official situation, may excite to violence the temper of a people susceptible of very accute feelings, who, unmolested and indulged, or to use a truly English expression *let alone*, would have been peaceable and quiet. Excuse, Sir, the homeliness of the preceding sentence; but, perhaps, it may tend more than any attempt at oratory, to describe truly and intelligibly the imprudence of the present Ministers, and their incapacity to conduct the affairs of a great nation. They have chosen wantonly to offend the whole body indiscriminately of the Irish Catholics—a body one of the most numerous, respectable, and powerful, in the Empire, and the more formidable, as from the geographical situation of the country it is the more concentrated—a body which constitutes a considerable part of our military and naval establishments, as well as the great majority of the Irish nation—a body growing in riches, and to whom with the prosperity of their country, the far greater portion of its wealth must speedily and necessarily devolve. Such a body have Ministers aspersed. Without the shadow of necessity or plausible excuse, they have molested them in the peaceable exercise of their Constitutional privileges—and they have attempted, but in vain, to deprive them of what they hold to be their **LAWFUL AND UNDOUBTED RIGHT**. Against such a body, by a new juridical expe-



riment, they have endeavoured to prefer an indictment, upon which they have sought to convict the whole nation of HIGH MISDEMEANOURS.—This they have done; but let them beware that on the part of the same body, with a petition for Catholic emancipation, it may be answered by a petition of millions, on behalf of the same nation, for their IMPEACHMENT. They will not have been the first Ministers, whose conduct towards Ireland has brought them to the bar, and they may be the LAST. I have asked in a former Letter whether the sense of Ireland, respecting the present Ministers, could be mistaken, and whether they will wait until it be more *expressly* DECLARED?

I remain, &c.

HIBERN-ANGLUS.

7th October, 1811.



## LETTER XIV.

A JUSTIFICATION OF THE CATHOLIC PROCEEDINGS, AS WARRANTED BY THE RECOMMENDATIONS OF THEIR PARLIAMENTARY FRIENDS.

SIR,

HAVING shewn, I trust satisfactorily, in my last Letter, that the Catholics of Ireland were justified by circumstances notoriously existing within their body, in assembling this convention, I shall now advert to other collateral considerations, tending to establish the necessity of that measure.

It would be sufficient for me to state, that Lord Grenville in his Letter to the Earl of Fingall had himself adverted to the fact, that the Catholics of Ireland could express their sentiments through no common organ. Such, I believe, are the expressions used by his Lordship; I have not, indeed, an opportunity of referring to the publication itself, but unless my memory fail me egregiously, his Lordship in that Letter calls upon the Catholics, when the period shall arrive for a settlement of the question, to collect and communicate their doubts and their difficulties, their wishes and alarms upon all points which may arise, to the consideration of Parliament.

The Catholics would be justified by this invitation alone, in all that they have done; and any thing short of what they have done, would be ineffectual to accomplish the conformation of such an organ, by which they could express, as desired, upon the matters connected with an ultimate arrangement, the inclination and will of the Catholic body.



Upon the point to which the Letter of Lord Grenville principally related, I propose not to enlarge. Whether the measure in dispute be necessary, or if necessary can be made available to the security of the State—whether it be detrimental or advantageous to the Catholic Church of Ireland, as leading to a dangerous controul, or tending to prevent the more serious mischief of secret influence and intrigue, in the election of her future Bishops—whether the State be entitled, in fairness, to require concession in a matter of ecclesiastical regulation, as the consideration of relief granted to the Catholics from their incapacities, or have a right, in virtue of its supremacy in temporal concerns, to interfere as to the persons by whom spiritual functions shall be exteriorly exercised, although it has clearly none, with respect to the functions themselves—whether it be wise to introduce any change in the existing system, or the Catholics have any reason to be alarmed at any change, for the safety of their Church—these are questions which upon this occasion I shall not discuss\*.

I feel myself, however, compelled in justice to the Noble Author of that Letter to observe, that after what he had been induced to state upon this subject in the House of Lords, on authority which had every claim to credit, (but an authority of which I will say, that if deceived itself in Ireland, it has been more deceiving in England), I do not see how his Lordship with honour to himself, and with advantage to the Catholics, at the time and under the circumstances proposed, could have moved the Catholic petition. Upon a calm and dispassionate review of his whole deportment upon this occasion, I can discover in Lord Grenville nothing indicative of any thing

\* The matter is fully discussed in the notes to the Memoirs upon the Catholic Question.



but the most kind, and I will add affectionate, regard to the interests of the Catholic body, testified both in the resolution itself, and in the time and mode of the communication. The resolution, in itself, was calculated to promote their true interest, by screening the Catholic body from bitter animadversions, on the part of their adversaries, to which the presentment of a Petition, under such circumstances, was calculated to expose them; and the communication was delayed until the last moment: not made until after all expectation, so naturally entertained, had ceased, that the Catholics would depart from a determination which, however wise and expedient on their behalf, was certainly adopted under circumstances of great precipitancy, in a moment of ferment, and contrary to the avowed opinions of individuals, entitled to respect, among themselves. To have consulted Lord Grenville, after the part which his Lordship had taken in their affairs, would have been complimentary—to have apprised him at the time, and by a formal communication of the resolution by which it was proposed that the Petition should be presented through his Lordship, was required upon principles of ordinary politeness, and would have been consistent with the course of regular proceeding. This was not done; and if Lord Grenville has not complained of an inattention, which perhaps never was before shewn to a Nobleman in his situation, the Catholics have no reason to be offended that he should have expressed his motives for declining a course, which exercising conjointly with all his friends a sound and deliberate judgment upon the state of the public mind in England at that period, and on the effect likely to be produced by the late resolution of the Catholics themselves, they did not think conducive to the Catholic interests.

Lord Grenville, Sir, is the friend of the Catholics, tried and approved; but I am not aware of the grounds,



on which the Catholics are entitled to claim against his Lordship, or to consider a Nobleman of his high consideration in Parliament and in the State, as a servant subject to their commands, or the blind follower of their will. To Lord Grenville I conceive the Catholics under the most important obligations—to the zeal of that Nobleman, to his exertions, intrepidity, and sacrifices in their cause, they are indebted in a great measure for its importance in the eyes of Englishmen, and for the respectable and numerous suffrages which they have obtained in both Houses of Parliament. Ingratitude has never been the reproach of Irishmen, and, I trust, it will not be imputable, upon an occasion when thanks appear to me most due, for the most strenuous exertions and important sacrifices in their behalf. I firmly believe, Sir, Lord Grenville to be the steady, sincere, disinterested friend of the Catholics; and from the most noble of motives, the conviction of his enlarged and comprehensive mind upon the expediency of the measure, which he has so repeatedly urged. I am not to be told that he entered into office without proposing that measure, or making it a condition of his accepting the government. Mr. Fox, if it be a fault, was equally guilty, but both were equally innocent. THE MEASURE COULD NOT BE ACCOMPLISHED. Can that, after what we know, and have since witnessed, be *doubted*? Will the *present Ministers*, with their knowledge of circumstances, tempers, and parties, venture to charge their forbearance, upon entering office, as a reproach? Will they assert upon their honour a belief that it could have been pressed, in a moment of great nervous agitation, as a preliminary condition, without an apprehension, if not the certainty, of consequences, at which *humanity* as well as loyalty would revolt? Under such circumstances, what was the interest of the Catholics themselves? That their



friends should adopt the line of conduct which they actually pursued. They entered upon office—and they quitted it, because they would not commit their own honour, or the Catholic interests. They would sign no pledge; and in expressions, perhaps too forcible, they claimed a right, or rather declared, as honest men, what they conceived the duty towards a British Sovereign of British Ministers, the obligation at all times of offering such advice, as circumstances might induce them to think expedient for the welfare of the Empire.

Their expressions on that occasion, we must recollect, were garbled in a surreptitious and *indecent* publication of a cabinet minute. They may be thought too strenuous—they are not, perhaps, to be found in the vocabulary of courtiers—but it is easy to believe that the objectionable word \* could have been introduced only inadvertently, and still more easy to excuse that inadvertency, where accompanied by an actual surrender of their own opinion to the will of the Sovereign. Englishmen will not be severe on those Ministers who, at the moment when they complied with the wishes of a King, did not forget, but ventured to remember, their duty to their country, and even to the throne itself.

They were frank also with the Catholics—the natural candour of Mr. Fox carried him even, perhaps, beyond the bounds of what many might think prudence; but the

\* “Insist.” Another certainly might have been adopted; but if Administrations are to be removed only for an expression, what can be the stability of British Government? The Crown may have *servants*, but the State will not have *Ministers*. As to the abandonment of the Bill respecting military service, the writer of these Letters can undertake to declare, that the measure was relinquished only after consultation with Catholics upon the spot, in London, deeply interested in the success of the Catholic claims, strenuous advocates of their rights, and who, in consequence of the opposition made to that proceeding, were the most urgent that it should not be pressed.



error was pardonable, much more so than the error of a few among the Catholics, who, with good intentions, but most mistaken judgment, would not allow a Letter of Mr. Fox to be read, still less to be taken into consideration at a public meeting; although the meeting was held for the purpose of considering what steps they should pursue, and the Letter was addressed to one of their fellow-citizens, whom but a short time previously they had honoured with their confidence and sent to London, as one of their representatives, in which character alone Mr. Fox had become acquainted with the Gentleman, to whom I have alluded. The same persons, also, were not satisfied with disallowing the Letter to be read, but they passed resolutions to bind the hands of Catholics from writing, and to tie up the tongue from speaking with any Minister, dictating even almost to Ministers themselves with whom they should communicate circumstances delicate in themselves, not proper to be divulged generally but only to select individuals, and requiring strict confidence and profound secrecy. The same persons went further, and by a determination to bring on a discussion of their claims, in opposition to the candid advice contained in the memorable Letter of Mr. Fox, had only the satisfaction of breaking up the administration of their friends, and of elevating to office their most inveterate foes, as foretold by Mr. Fox even in the first moments of his accession would be the case, if the question should be pressed.

I will defend, Sir, the Catholics, but I will defend also their friends, when unjustly accused, against the Catholics themselves. I would defend even the present Ministers, if in the whole course of their administration, as connected with the Catholics, I could find one solitary instance of liberality, condescension, or even decency, in their political deportment towards that body. Do not all these circumstances then, tend to demonstrate the pru-



dence and necessity of establishing, on the part of the Catholics, a new system in the conduct of their affairs, particularly in a moment when they had reason to expect that they should find again in official situations those, who had been expelled in a great measure by the imprudence of some among the Catholic body. I am satisfied, however, that those to whom I allude have been the first to regret their errors in this respect, and also most solicitous to prevent their recurrence.

I beg leave to repeat, that upon the necessity or propriety of what is called the veto, or of arrangement respecting the future election of Catholic Bishops, it has not been my intention to offer any opinion, beyond what I have expressed in a former publication. I have only felt myself bound, in candour, to render justice where I think it due, and to remove a prejudice which I conceive to be not only unfounded, but to have originated principally from the dark intrigues, the malicious insinuations, and the scandalous detraction of an individual, whose conduct is now sufficiently known and developed by his own publications, but who, I am sorry to say, holds, in England, the rank of a Catholic Bishop in the sacred orders of the Church. He will, however, no longer be allowed to interfere in the affairs of the Irish Catholics, with which, indeed, from the beginning, he ought to have had no concern.

Whatever may be the opinions of Earl Grey and Lord Grenville upon this important point, (and it must be recollected that they were advanced principally to obviate difficulties near the throne, with a view to the accomplishment of an arrangement previously to a recent calamity, by which the predicament of the question is materially varied) of this I am convinced, that in the sittings of the approaching assembly, containing a representation of all orders among the Catholic body, any plan which may



be suggested will be received with that consideration, discussed with that temper, and decided after that mature deliberation, suitable to the dignity of an assembly which, in defiance of any sneer from the Treasury prints of England, I will venture to call AUGUST.

Sir, The meeting of that assembly will form a MEMORABLE EPOCH in the ANNALS OF HISTORY: It will not be an encampment of ferocious and steel-clad Barons, wrestling from a tyrant Sovereign, with spears and javelins at his throat, A GREAT CHARTER on the plains of Runnymede—it will not be a congress of bold and determined warriors, deliberating in regimentals, amid the din of arms, and rescuing from national usurpation INDEPENDENCE at Dungannon—it will be a meeting of distinguished Nobles, of venerable Prelates, of learned Jurists, of heads of ancient families, of respectable and wealthy citizens—persons ENJOYING THE CONFIDENCE, AND REPRESENTATIVES OF FIVE MILLIONS AMONG HIS MAJESTY'S SUBJECTS, CONSTITUTING THE VAST MAJORITY OF IRISH POPULATION, assembling in charity with those among their fellow-subjects of the Protestant communion, and not only in THE PEACE, BUT UNDER THE SECURITY OF THE LAW; convened for less brilliant, but in the calm view of mild philosophy, more NOBLE EXPLOITS—not to extort, but to petition—not to exact, but to solicit—not to form a new compact, but to ratify one previously existing—to co-operate with a willing Prince and willing Parliament, in completing a more glorious achievement—the establishment between two great and powerful nations, bound in allegiance to one common Sovereign, and by a common interest to support his Imperial throne, of FINAL CONCORD, LASTING UNION, AND PERPETUAL PEACE.

I remain, &c.

HIBERN-ANGLUS.

10th October, 1811.



## LETTER XV.

THE CATHOLICS JUSTIFIED BY THE REQUISITIONS OF  
MINISTERS THEMSELVES.

SIR,

IN the preceding Letter I endeavoured to vindicate the conduct of the Catholics, as justified by the recommendations of their Parliamentary friends; I shall now proceed to establish the propriety of the proceedings which they have adopted, by referring to the deportment of Ministers themselves. They are the last persons entitled to complain, that the Catholics should have adopted a course, rendered necessary even by their own requisitions.

To any man endowed with a comprehensive mind, and who will consider the nature of a Catholic petition, it must be obvious that a settlement on the part of Parliament with the Catholics, is a matter, as I have expressed myself in a former Letter, of very complicated and very delicate arrangement. According to the arguments of Ministers themselves, on former occasions, such a settlement involves the consideration of mutual claims, of mutual concession, and the repeal or modification of many important statutes, a numerous list of which may be found in the Works of the Right Honourable Dr. P. Duigenan. Whatever difference of opinion may pre-



vail, with respect to mutual concession, all must agree, that a Catholic Petition cannot be compared to an application to the Court of Chancery for the appointment of a guardian, or to the House of Commons for a road bill, or for enclosing a common field. Even, on such occasions, much consultation and communication with the parties interested are required; but how essentially necessary must they be considered, at the time when Parliament shall think proper to entertain the consideration of a Petition that concerns the interests of the great majority of the people of Ireland, the prejudices of the people of England, and the repeal of laws which, however erroneously, have long been considered necessary to the support of the Constitution, in what is called the Church and State.

Is it enough that such a Petition should be simply voted by the Catholics, and transmitted to Mr. Grattan, by the Earl of Fingall, as a more honourable and distinguished bag-bearer than the guard of the mail-coach, but without greater authority to sanction any statements in Parliament, upon matters connected with the petition—to pledge the Catholic body to an acquiescence in what may be thought by the State a necessary concession—to consent to any modification of the relief sought by a Petition—or to suspend the pressure of any part of the claims which it may advance? Is this the extent of what Ministers understand to be “the undoubted right of the subject to petition,” expressly secured under the provisions even of the Irish Convention Act?

I will not, however, solicit of the present Ministers any consideration for the Catholics of Ireland, but I will demand of them due respect to the dignity and accommodation of the Imperial Parliament. I will, therefore, ask whether the Lords and Commons in both Houses are to be deprived, by a construction on the part of Ministers of



the Convention Act, of all means through which they may be enabled to obtain explanations from the Catholics of Ireland, or to derive assistance from their suggestions, in the framing of those acts which they may in their wisdom think it expedient to enact, not merely for the gratification of the Catholics, but even of the Protestants of Ireland—for the security of the Protestant Church itself—and for the general welfare of the Empire? Are the Lords and Commons to be debarred from the possibility of learning authoritatively the sentiments of the Catholics—and are the Catholics to be also debarred from any opportunity of communicating with the Lords and Commons, but through formal Petitions, bearing the signatures of millions? Is each House of Parliament, upon every point that may arise, to adjourn its deliberations, and postpone its proceedings, until aggregate meetings can be convened of all the counties and cities of Ireland? And is it possible for any deputation of Catholics to pledge themselves to Parliament, or to co-operate with its members, unless they shall be made the depositary of the *wishes* of the Catholics, acquainted with their *wants*, and enjoy *their full confidence*? Can such a deputation be established unless elected, delegated, or appointed either by the general suffrages of the Catholic body, or by those whom the body may, by similar means, have entrusted to act on their behalf? Do Ministers also conceive, that the Irish Parliament, in enacting the Convention Act, *meant to deprive itself of all means by which it might communicate, at any time, in an effectual manner with the Irish nation*? Or will the arrogance of Ministers lead them to prescribe to Parliament, and to dictate to the Legislature itself, declaring that it never shall take into consideration the grievances of the great majority of the people of Ireland?

These questions, Sir, I venture to propose to the con-



sideration of every man accustomed to the common routine of public business, as deciding in themselves the controversy; and the necessity by which they are occasioned evinces the narrow comprehensions and incapacity of those, to whom the administration of public affairs is at present entrusted.

But, Sir, let us consider the deportment of Ministers themselves. Whatever may be my ideas respecting the propriety or expediency of former Petitions to Parliament, it will not be denied, that the turn of debate, on each Petition, has elucidated many very important points. Objections have been stated and canvassed. On the part of Administration, the argument has not turned solely upon general and fixed principles. The party in power, opposed to ulterior concession in favour of the Catholics, have always been divided, as to the grounds of their opposition. Some have argued with respect to time and existing circumstances, others have holden out expectation at future periods; all have concurred most injudiciously in cavilling at the conduct of the petitioners. It was first objected that the Petition was not signed by any of the Catholic clergy; then, that it contained the sentiment only of a small portion of the Catholic community. Upon the discussion of the third Petition, it was objected that it contained no offer of ecclesiastical arrangement, with respect to the future appointment of Catholic Bishops. This, Sir, will not be denied, and nothing I submit can more plainly demonstrate how preposterous is the conduct of Ministers. They investigate minutely every expression contained in a petition of the Irish Catholics—they call for explanations, qualifications, assurances, and spontaneous concessions, upon difficult, important, and most delicate points—they expect five millions of persons to act with unanimity, and, at a moment, as individuals; and yet they denounce as a crime,



any attempt, on the part of the most respectable characters, to *ascertain* in order that they may *express*, the general sentiment of their body!!! The same persons who require such exactness and precision on the part of the Catholics—who have made England ring with alarm at the idea of the most trifling concession—who raised a cry that the Church of England was endangered, by acts *to which they have themselves resorted*—who magnify, on all occasions, the difficulty of acceding to the claims of the Catholics—the same persons, declare a Catholic Petition “TO BE THE SIMPLEST OF PRAYERS,” and charge against the Catholics, because, at their own instigation, to meet their own scruples; to remove their own objections, real or pretended; and to discover how far they may be able to accomplish an adjustment of a great national question, upon a principle of mutual concession, they have resorted to the only practicable means, by which it could be possible to ascertain the sentiments of the Irish nation—that they have “ADOPTED A COURSE PERFECTLY UNNECESSARY FOR THE AVOWED AND LEGAL OBJECT OF A PETITION, and dangerous to the PUBLIC TRANQUILLITY!!!”

If the course adopted by the Catholics be dangerous to the public tranquillity, the danger has been created by MINISTERS THEMSELVES, who also have occasioned the necessity of this measure. The matter, Sir, is not a party, but a NATIONAL QUESTION. Ministers have called, in Ireland, for an expression of the NATIONAL WILL, and through a constitutional proceeding, and, as I contend through an organ also legal and constitutional, they will be enabled to ascertain what *is*, upon this point, in Ireland that NATIONAL WILL. They have wantonly called up THE SPIRIT OF ERIN—and it hath *appeared*. If terrified at what they behold, they have to blame their own rashness. It has been excited solely by the incantations of



their own folly. Why have they invoked it? What could it tell them but misery, the loss to them of domination, and their political EXTINCTION?

I remain, &c.

HIBERN-ANGLUS.

17th October, 1811.



## CONCLUDING LETTER.

\* \* \* A few copies of this Letter have already been published with the following Preface.

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The following pages were originally commenced with the view of concluding a long series of Letters, on the late proceedings of the Irish Government, some of which have appeared in the Morning Chronicle, under the signature of HIBERN-ANGLUS, and with others will be speedily published in another form. The matter to which the present Letter relates is of such importance, that the Author has not wished to delay its publication; and he has thought it a due respect towards the public to declare the name of the person, from whom it has proceeded.

The question of Catholic emancipation may possibly be thought to be exhibited, on this occasion, in a point of view different from that, in which it has hitherto been presented or contemplated; urged, perhaps, more forcibly than in former arguments on the subject, proceeding from the same person. The writer, however, is convinced that he has placed the subject in the only light in which, under recent circumstances, it can be considered, by any who have pretensions to the character of Statesmen. He also knows that he has only faintly expressed the sentiments and reasoning, which at present prevail in Ireland. If there be thought any inconvenience from the discussion, it must be attributed solely to those, whose management of Ireland since 1801, aggravated by their proceedings in a moment of more free agency in 1811, have brought affairs to a point, in which they may have rendered the immediate concession of Catholic emancipation of absolute necessity, in order to obviate an application on behalf of Ireland for a repeal of the ACT OF UNION.

In 1782, a Noble Lord (then Mr. Eden) surprised the British House of Commons with information respecting the necessity of immediate attention to the state of Ireland, and of gratifying "THE FIXED PASSION OF THE COUNTRY." The mode of communication was thought objectionable; but the necessity of adopting what he recommended was admitted; and by the Administration of that day, although so recently established, it had already been anticipated.

Satisfied that even a more urgent necessity prevails in the present moment, the publication of the present Letter has been accelerated. From those who may be disposed to peruse it, the Author has only to request that they will favour it with attention, deliberate and unprejudiced, pronouncing on it no precipitate or premature judgment. He has endeavoured to shew that Catholic Emancipation was necessarily involved in the



transactions of Dungannon in 1782, and essentially connected with the principle then established—that the evils which, since that period, have occurred in Ireland, have been occasioned solely by the attempts made previously to the Union to defeat the operations of that principle—and that whilst the connection of the two Islands was exposed to imminent danger by those attempts, it has subsequently been increased by the disappointments experienced since 1801, but especially by the proceedings of the present Ministers in 1811.

He has endeavoured also to shew that Catholic Emancipation is not a religious but a political controversy—the question not of a sect, but of a whole nation. The cause impelling the Irish nation is, and ever will continue stedfastly the same as it was declared to be in 1782, “THE FIXED PASSION” of political consequence, or what they consider, and describe, NATIONAL LIBERTY. There is only this difference between the state of things in 1811 and in 1782. The cause of Ireland in 1782 was strong in arms; it is in 1811 with the increased wealth and energies of an improved country, more powerful in the support of national sentiment. In the struggles of 1782 the majority of the nation were spectators: they are in 1811 principals supported strenuously in a common cause by that interest, which took the lead in 1782—and even then succeeded. Such is the present political state of Ireland.

To have gratified the passion of Ireland, to have secured the interests of England, and to have prevented all future questions between the two countries, was the object of Mr. Pitt, in proposing a Legislative Union. He was not allowed to prosecute his plan. Matters have since gone on. Ministers have indulged, as they thought in security, their intrigues, their prejudices, and their spleen; but the consequences long since foretold, are now likely to be realized. The moment has arrived, when the Legislative power having become more free, the people of Ireland press with energy their claims; a nation degraded, outraged, and insulted, has assembled legally and constitutionally to obtain the fulfilment of those assurances, under which alone they were induced to support the Union, and the dismissal of those, who have sought to impede them in the exercise of what they hold to be their indubitable and unalienable rights.

OCTOBER, 1811.



Houses of the Oireachtas