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Houses of the Oireachtas



# OBSERVATIONS

ON THE

PRESENT STATE

OF

*IRELAND.*

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BY GEORGE ENSOR, ESQ.

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1814.



Houses of the Oireachtas



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# OBSERVATIONS

ON THE

PRESENT STATE

OF

## IRELAND.

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### CHAPTER I.

*Relative to Foreign Affairs.*

ALL men praise humanity, and justice, and patriotism. No one directly controverts those principles; and to be unprincipled, in ordinary discourse, is a summary sentence of great reprobation. He, who is directed by principles, must act and speak in similar cases in the same manner; and when he or they, for principles equally affect one and many, deviate from this course, they are unprincipled, and they deserve censure in proportion as they affect overweening pretensions to consistency and virtue:—as Mr. Burke, who, when charged with apostacy from the sovereign maxims of freedom,



which he professed during the whole struggle of America with Great Britain, attempted to excuse his departure from rectitude, by saying that " he varied his means to secure the unity of his end."

If individuals employ a temporizing morality, governments, from the numbers and influence of those who compose them, are more flagitious in their conduct, and less artificial in framing pretexts and palliations for their crimes. The English government is not to be excepted in this general sentence on diplomatic infirmity. Her statesmen pretend to hail the resistance of one country to foreign tyranny, while they persecute those of another for the same identical exertion. They declare war in order to destroy the republic of France, which country, be it remembered, was forced to assume a popular constitution in consequence of the hopeless depravity of the monarchy and the nobles; \* for France had not even a House of Commons, the majority of which is elected by about two hundred individuals; and the expectation of reform was equally desperate in France, as it is now in Britain. The monarchies of Europe coalesced against the republic of France with infinite armies, and their leaders proclaimed arrogant and implacable hate. They would restore the mo-

\* Vattel, lamenting the imperfections of the French monarchy, and wishing for its reform, says, " it's constitution opposes this, and the attachment of the nobles to that constitution is such, that there is no room to expect a proper remedy will ever be applied."—Law of Nations, v. i. c. 3. p. 15.



narchy, and punish the reformers ; and certainly the constituent assembly of France performed more good in a few months than the monarchs of Europe devised in many centuries. The confederates pursued their insolent interposition, and royalty and the king suffered the same destiny. The war was prosecuted ; defeat succeeded defeat ;—peace was granted to them. War recommenced, and disgraceful treaties followed the disgraces of their arms. At last the tide of fortune, which had overwhelmed them, began to ebb, and the sea became dry land. Every circumstance and incident were reversed. The declaration of the Duke of Brunswick on entering France, was succeeded by the declaration of the allies from Frankfort ; and the treaty of Pilnitz was followed by the treaty of Paris. England, having waged war twice as long as the duration of the Trojan story ; having bribed, and bought, and subsidized the arms of Europe ; having raised coalition after coalition, which burst like bubbles ; having added five hundred millions to the national debt, and sacrificed countless lives to redeem nations from thralldom ; England, in the hour of peace, long fought for and dearly and wonderfully won ;—England, while glorifying her disinterested exertions for, universal liberty, abandons Africa and the Indies to all the horrors of the slave trade ; and, with lips red with execrating the conduct of Bonaparte to Spain, England puts forth her force and employs her dominion to transfer the Norwegians from their chosen prince to the craftiest of Bonaparte's generals. Does this pro-



ceed from principle? \* if so, it must be according to Machiavel's maxim, "that the semblance of virtue is useful, but, virtue itself is an impediment." Every humane man must grieve for the victims of this miserable policy; yet, break every British heart, you must fulfil the decrees of fate; your prince, the king's substitute, has ratified it by treaty, by sacred treaty, says Mr. Stephen. Break every British heart for this is law, and in this respect the English constitution follows the ancient despotisms of Asia—"the law of the Medes and Persians is, that no decree nor statute which the king establisheth may be changed."—(Dan. vi. 15.) This is part of the adored constitution. The Assyrians and Medes, says Philostratus, adore tyrannies, *τας τυραννιδας προσχυνεει* Apol. vita. lib. 1. c. 35.

Thus, England authorizes the subjugation of Norway and the renovation of the slave trade, and the British people are involved in this complicated crime because their prince† wills it. The king can do no wrong; be it so:

—————majesty  
Needs all the props of admiration,  
To bear it up on high.

\* Nam & hæc & alia multa faciunt potentiores, non quia æqua sunt sed quia ipsis expedit. Grotius de J. B. & Pacis lib. 3. c. 7. § 6.

† Mr. Wilberforce felt this grievance imposed by the constitution, when (27 June) he lamented that a definitive treaty was signed rather than preliminary articles, which might first have been submitted to parliament, saying that now the treaty was signed we must submit.—Lord Castlereagh asserted that preliminary articles were as binding as a definitive treaty.



Give the king, and those who act in his behalf, all divine attributes, according to the technical blasphemy of the law ; but why oblige the people to sanction, to applaud, to participate, to be active accessaries to these crimes—to this aggregate of the greatest crimes, which would entail slavery on a free people ; which excites war and robbery, and fantastic offences and merciless judgments, in every town, hamlet, and wandering tribe through many districts of a great continent ; and, finally, scatters the wreck of mankind through a cursed world. How fearfully, then, do the principles of the British constitution militate against the principles of morality—for no one is bound to fulfil a vicious contract, and still less to aid and abet its execution.

But, says Lord Castlereagh, his Majesty's Government have authorized the slave-trade *only for five years*. It was infamous to assent to its continuance for five minutes ; the stipulation should have abolished it entirely and at once ; or, the odious traffic should have been disdainfully omitted altogether. Indeed that temper alone harmonizes with justice which dictated the imprecation of Barnave ; who, when some members of the National Assembly wished to compromise the rights of humanity with the wrongs of slavery in the colonies, exclaimed, “ Perish the colonies, but let principles be eternal.” Nor was this expression more just than politic, even in the worldly abuse of the term policy ;—for the insurrection in St. Domingo, and the loss of that



great colony originated simply, to use the words of Charles Fox, "in the indecision of the National Assembly, which wished to compromise between that which was right and that which was wrong. (Clarkson, v. ii. p. 412.)

*Only five years*, repeats Lord Liverpool;—aye, five years, which shall be a lease of years renewable for ever, at something less than a pepper corn fine. Yet, Lord Liverpool, in his notorious letter to the people of Trinidad, insisted that the anxiety of his Majesty's government to abolish the slave trade was so poignant, that they could not allow them the benefit of a Representative Assembly, lest they should abuse their liberty, and interrupt the intentness of Ministry to end that nefarious traffic.

Lords Liverpool and Castlereagh, however, assume a milder tone occasionally, in defending the sanction of the British Government to the recommencement of the slave trade. They acted, forsooth, in this particular, in respect to the government of France; in tenderness to general and inveterate prejudices on this subject. It may be observed, that the administration of Mr. Fox and Lord Grenville carried the abolition of the slave trade, against the prejudices of the King and of the royal family, and of the House of Lords, and of Lord Liverpool, and of the people of Liverpool, and of all the base advocates of slavery in Great Britain. Is Louis the 18th prejudiced in favour of the slave trade? Not more, I should imagine, than he was in favour of the ancient



monarchy of France, with its ecclesiastical establishment. Yet, he chose rather to be a king, in a constitution with some taint of republican equality and resistance, than sojourn, even in England, a disbanded sovereign; nor did the French express any excessive delicacy, when they offered him terms unpleasing to his preference of uncontrolled power, and of a sumptuous hierarchy. Yet circumstanced as Louis was, and his ministers and the nation, and making all due allowance for their general viciousness, which Lord Castlereagh insinuates is extreme, I cannot perceive that there was any such momentous hostility to the abolition of the slave-trade on their part, as our ministry affirm. And I am persuaded that the French would willingly have received their colonies, agreeably to the rights of humanity, as Louis was graciously pleased to accept the kingdom of France; though unfortunately, in consequence of modern innovators, his subjects were to enjoy a qualified liberty under his dominion.

There is nothing before the public to induce a belief, that this momentous subject was pressed or proposed as it should have been. Every circumstance has an opposite tendency; and it is remarkable that the papers relative to this part of the negociation were strenuously called for in Parliament, and their production pertinaciously resisted. Besides, it shocks probability, it is impossible that the French, circumstanced as they were, would recur to arms sooner than comply with a stipulation which England, self-instigated,



had imposed on herself and her colonies. Nothing bears the semblance of so wayward and desperate a disposition on the part of France, except some dark intimations by Lord Castlereagh. That I should treat his mysterious dialect as vain, I do not merely refer to the tremendous recollection of the Irish concerning his language, friendly and official during the progress of the Union; nor to the Walcheren defence of this great \* consumer of words and lives; the whole tenour of his discourse exhibits the valueless character of his unsupported assertions—"Vanity of vanities, all is vanity." The following will exemplify my assertion. In a debate some sessions ago, concerning the law and administration in Trinidad, Lord Castlereagh eulogized the system adopted in that island, and he pronounced it "a combination of Spanish liberality, improved by British justice." Yet Sanderson, though by no means alluding to this specimen of Lord Castlereagh's *manner*, states, "it was not under a British assembly or a trial by jury, but it was during the Anglo-Spanish system that mulattoes and negroes were mutilated and tortured, and burned alive at Trinidad. (Appeal to the Imper. Parl. &c.)

Mark, I pray you, the canting humanity which introduces the inhuman revival of the slave-trade

\* Nelson wrote, 21st August, 1801, "I purpose looking at Flushing, and if possible will go up and attack the ships." He did not, and yet Lord Castlereagh sent Lord Chatham to execute what Nelson found hopeless.



in this treaty of Paris. It is sickening villainy. It militates against experience, and actual circumstances, against common sense and common feeling, to pretend that a timely energetic application could have induced king, or minister, or marshal, or trader, or colonist, even to talk sturdily ; far more to think of resuming hostilities. Had the abolition of the slave-trade been effected, then indeed the treaty would have been glorious, and the treaty of Paris would have rivalled the treaty of Himera ; for Gelon, on conquering the Carthaginians, made the terms of peace—an assurance on the part of the vanquished, that they should reform their domestic cruelties, and treat their kindred with philanthropy.

I am persuaded this might have been accomplished without any peculiar exertion of ability or decision. It is pitiful, calculated to frighten children, credulous infants, to say that war would or could have recommenced in consequence of such a request ; and it is scarcely to be fancied, that the most successful imitator of M. Terrai dare advance so fruitless an absurdity. Terrai was also a chief minister ; and it has been said of him, “ that without an atom of principle or shame, he had contracted such a habit of lying as to assert evident impossibilities.” This is a miserable issue to events exhilarating and stupendous. By this event we have not only, as is usual with us, lost by negotiation what we had gained by arms ; but our ministry did heedlessly, or wickedly, abandon to a selfish few, the interests



of millions and the honour of mankind; for the slave trade, from its flagitiousness, stamps infamy on the human race.

If the English ministry, with regard to the slave-trade, have been remiss and impotent, they have, with respect to Norway, been active and powerful. They guarantied Norway to Sweden, in contempt of the notorious antipathy of the Norwegians to their union with that country. What offence had these people committed? politically they could have committed none, for they were subjects of Denmark, and stood related to that country, as the Irish do now to England. This is abominable, yet the abuse of Denmark increases its criminality. The king of Denmark, whose country was overrun by English armies; whose capital \* was beaten to ruins by English cannon; whose fleet was seized by England, and transferred to her harbours, (on some eaves-dropping tale of some courtier to Mr. Secretary Canning) wished to enjoy peace during the late hostilities between France and the allies; and because he

\* Nelson, in his official letter, April 9, 1801, "We have beat the Danes; we wish to make them feel that we are their real friends; therefore have spared their town, which we can always set on fire: and I do not think, if we burnt Copenhagen, it would have the effect of attaching them to us." The Danes have been miserably abused by England, Russia, Sweden, by all except Bonaparte. This bright example of summary vengeance I have heard, just as this work was going to press, has been followed in the new world;—Washington has shared the fate of Copenhagen. What a nation to send missionaries abroad to preach Christianity !!



persisted in his neutrality, (for the treaty to dismember his dominions long preceded his active co-operation with the friend of his former distress) his highly cultivated country was again ravaged, in order to force him to relinquish Norway to Sweden. Suppose, however, that all these atrocities were justifiable against Denmark, still nothing appears which could authorize the infliction of war and conquest on the Norwegians. Christian was not like Fortinbras, who

Had in the skirts of Norway, here and there  
Sharked up a list of landless resolute  
For food and diet.

Prince Christian commanded the voluntary service of the whole population. Yet against this united people, as interesting surely as the Hessians and Brunswickers, and the like, we associated our forces, who had led the van of battle against Bonaparte and his various hosts, and we followed the orders of Bernadotte and his Swedes; and the fleets with which England blockaded maritime Europe, were sent to the coasts of Norway \* to overawe, confine, and famish its people into submission. And, execrated victory! this free people sunk under this weight of wo. Friendless, they sunk, under Sweden and Alexander the

\* Yet Mr. Abbott, in his speech to the throne, July 30. 1814, "The wise and liberal policy of our government, which announced justice and equality of rights to be the basis of our diplomatic system, has been happily sustained abroad, &c." Let this go with his Catholic extravagance, on the same occasion in the preceding year.



Great, and Britain, the Liberator of the human race. How this closes the climax of our achievements. Admirable consistency! England which has been fighting every nation's battles these twenty years, fighting indeed for and against every nation in Europe, alternately the foe and the confederate of Holland, Germany, Russia, Prussia, Spain; England, which paid and fought, and fought and paid, all in endless succession;—England concludes her career of delirious chivalry, by starving the hardy sons of the north into submission to a hated conqueror—to Bernadotte, a creature of the French revolution, a prince of Bonaparte's creation. Is this the conduct of a feeling, intelligent, magnanimous people? They who approve such truckling policy, such nefarious treaties, and who declare that to execute them is obligatory, may be expert diplomatists, may be devotees of the constitution, but they have forgotten, had they ever learned, the rudiments of honesty and truth.

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## CHAPTER II.

### *General Cause of the Discontents of the People.*

IT may be asked how the preceding observations apply to the state of Ireland. I admit that in the lost situation of Ireland, the state of Eu-



rope is in a great measure extrinsic to her concern; yet the interest excited by the eventful era is unprecedented; and it is also extraordinary, that though this year proclaims peace to many nations—this year proclaims war to Ireland; and that in this year, particularly, no movement has been made to ameliorate it's condition or emancipate its people. Almost all other nations have received some boon; they have been restored to their former rank, or they have been reformed; and, considering the tyranny of Spain, Ferdinand's declaration \*, " I abhor despotism; neither the intelligence, nor the cultivation of the nations of Europe, could now endure it," is an assurance of some improvement in the Spanish monarchy, in spite of the evils which have succeeded. The political amendment of European states is evinced both by words and achievements. Alexander, at the gates of Paris, advised the notables to frame a salutary constitution adapted to the time; and he was heard, so far at least, that all Frenchmen, whatever be their religion, are declared eligible to all offices in the state. Such, however, is not the justice of the British Government to those who differ from the state creed. Beside the disabilities suffered by Dissenters, Catholics are excluded from all offices of distinction; and in proportion as they have been unoffending and submissive, the monarchy has maltreated them. This is wretched; but being contrasted

\* Madrid, May 11, 1814.



with the beneficence of other governments of every description, it is hideous and revolting. While in other countries the sun of liberality turns to the meridian, and the firmament is chafed with the rapidity of its ascent; in Ireland, the same luminary declines westward, and the evening beam sparkles but cheers not; nor do all sorrow when it weighs on the horizon. No—they—a nameless brood, would precipitate its descent, and in haste and hatred of its light, shut their eyes on its parting ray.

Beware, you monopolists, whose religion is your patent, how, at all hazards, you assert your prerogative of despotism over your fellow-citizens. In the fluctuation of affairs, retaliation may succeed; and mark, if the same system continues, men must feel, and they may resent.

You praise your tolerance, your free constitution, while you, for the sake of this constitution, inflict slavery on your own religious people. The Romans also swore enmity to tyrants, while triumphs and captive nations attested their own insatiable tyranny. Praise your constitution, but do not insult those whom it oppresses with your eulogy—those who toil for wages which shall never bring ease; who labour without the hope of attaining subordinate dignity; who are taxed but receive not; who are used in the drudgery of life, who are abused in its perils; who are pressed to fight battles but shall never be crowned, though the Olympian laurel were the weed of the soil; who, from leading the victory abroad, shall, on their



return home, fall back among the vanquished, and be doomed to join serving-men and sycophants, and swell the loyal ranks of a Protestant procession: these men cannot sympathize with the vaunted glory of the British constitution. It is monstrous to expect it.—It is folly, it is infatuation, and matched only by those ghostly divines who while they burned their victims at the stake, entertained them, with sermons on charity, and forgiveness, and brotherly love. Let those praise the British constitution who enjoy its benefits.

Some truth it has, but dash'd and brew'd with lies,  
To please the fools and puzzle all the wise:

Whatever be the merits of the British constitution, the Irish are yet to learn their value.

Praise loyalty also, honour it. I use loyalty, however, not in its regal perversion, but in its genuine import—respect for the laws. Yet still there is something more reverential, more sacred than loyalty, because justice is paramount to every code passed and proclaimed by man;—justice, that moral centre on which society is suspended, and which rules it in all its aberrations, as interest directs the self-preservation of the individuals of which it is composed. A man feebly organized, well-schooled in infancy, and subdued in youth by various evils, may be submissive under most unequal laws; and there may be dotards who respect those who abuse them, as a love-sick swain is enamoured in proportion as the maid proves cruel; but an intelligent generous creature can only be sincerely loyal under just and equal laws.



If these be hostile to him, to his kindred, to his religion, to his nation, he must be disloyal; it is necessary that he must be so: indeed it is merely restating the same thing in different terms. He may not think it prudent or useful "to take arms against a sea of troubles," but he knows, and no technical quidit can unsettle his opinion, that what is upheld wrongfully by force, may not be rightfully overturned by violence. Force is as the outlaw Cain, without the cautionary mark of God's heraldry to save it from the vengeance of mankind.

If the law disgrace and exclude wickedly, selfishly, fantastically; if the administration be partial; if honours and rewards be reserved for one description of subjects, and punishments and burthens be imposed on another, the favoured will probably be loyal, as conquerors rejoice in arms and rapine; but the suffering cannot rejoice, they cannot be loyal, for the law is to them a sad grievance. Nature, which enabled them to feel and experience, which taught them to contrast good and evil, forbid their loyalty. It is true they may exhibit no disposition to revolt; they may mope away a doubtful existence, like some Asiatics; they may, like the Germans, hopeless of actual improvement, theorize on transcendent philosophy, and the perfectibility of man; or they may betray, like some of the Irish, a general indefinite restlessness and agitation. For let none conceive that irritation, occasional excesses, attroupments, and insurrections, are properly referable to



the people. The offenders on these occasions are of high distinction—for the constituted authorities, and the whole administration, time immemorial, have been the chief agitators of these national discords. Nor is the state of Ireland peculiar, as some ignorants vainly imagine. Sully, who had more sagacity than Lord Liverpool and Dr. Duignan, and his Grace of Canterbury and Mr. Peel—Sully, a man of civil and military courage, who redeemed his nation from intestine war, and preserved it in peace; who relieved the exchequer from bankruptcy, and made it a treasure-house—for he was orderly, economical and honest: This great minister truly characterized the submissive disposition of the people—thus, “Pour la populace ce n’est jamais par envie d’attaquer, qu’elle se souleve, mais par impatience de souffrir.” These words are quoted by Burke in his pamphlet—The Present Discontents—who adds, “These are the words of a great man; of a minister of state and zealous assertor of monarchy. They are applied to the SYSTEM OF FAVOURITISM, which was adopted by Henry the Third of France, and to the dreadful consequences it produced. What he says of *revolutions* is equally true of all great disturbances.” So spoke Edmund Burke, when his name would have been a fair inheritance.

The people are prone to obey; they are at once credulous and submissive. If we regard ancient times, the Athenians saw nothing beyond Greece and its descendants, except barbarism and slavery,



abject slavery, to the Scythian, Egyptian, and the Great king : and the Pisistratidæ, and the Thirty, and the Ten tyrants were endured for a transient period, even at Athens,—the sanctuary of freedom, of genius, and the arts. At present does the world exhibit a more cheering prospect ? The nations of Europe are submitted to princes, who enjoy the motly prerogative, at once barbarous \* and divine—that they can do no wrong. France, I admit, compared with its ancient monarchy, has revived a little, but Holland has sunk into a monarchy ;—Venice, which armed and fought to stop the career of Bonaparte in Austria, is now, with merciless ingratitude, seized and appropriated by that worthless power : Ragusa, that small republic, which the Turk respected for centuries, is absorbed. The different states of Germany, Italy, and Poland, have been split, resplit, re-united, parcelled, bartered, sold, given, and transferred by the magnanimous allies, as were they children about a dissected map, regardless of the institutions, habits, affections, and interests of the many millions of men who inhabit them. Yet we find no resistance, † no remon-

\* Εἰπόντος δὲ τινος ὅτι πάντα καλά καὶ δίκαια τοῖς βασιλεῦσι εἶπεν, καὶ μὰ Δία τοῖς βαρβάρων. Plutarch Moral, p. 109

† Any effort of this kind by a people, is treated as a special crime. Spenser's capital charge against the bards of Ireland is, that their minstrelsy tended to the "maintainance of their own lewd liberty, they themselves being most desirous thereof." State Ireland, p. 122.—Spenser says these bards praise the most lawless and most desperate ; that is, the most determined to resist



strance, no petition against such laceration and distraction, simply because mankind from ignorance, unremitted suffering, court patronage and corruption, are incapable of thinking with generosity, and of pursuing independent exertions. When even an individual exception occurs, it is wonderful, and the world concluding it impossible that there can exist any sincere energy, busily enquire, what provoked him to assume the exterior of virtuous feeling; or they conclude that he wanted to vend himself to more advantage, as then he might demand a double price for his sins, and his inconsistency. A base submission infests all ranks; even those who pass for educated and enlightened, are with difficulty persuaded that heaven is higher than the king's crown. Those immediately below them hold their opinions of politics, and dress by the same authority, and fashion legislates in both. As for the multitude they view their superiors and their affairs with obsequious admiration, thence they treat royalty as the Jews did Herod; "He-

tyranny.—Tacitus speaks differently of bards:—*sunt illis hæc quoque carmina quorum relatu quem barditum vocant, accendunt animos futuræque pugnae fortunam ipso cantu augurantur.* c. 3. And Marcelinus—*Et bardi quidem fortia virorum illustrium facta heroicis composita versibus & dulcibus lyrae modulis cantitarunt.* Lib. 13, c. 9. The Irish were, in Spenser's apprehension, what the Beshilbai appeared to Pallas, "these obstinate and rebellious people pay little respect to their princes, and submit to no authority; they could not even be subdued by the Russian troops sent against them." *Travels*, v. I. p. 386.—  
What rebels!



rod made a speech from the throne, the people gave a shout, saying, it is the voice of God and not of man." (Acts xii. 22.) Yet this King-God of the people, murdered John the Baptist to please a wanton, and was the son of Herod, stiled the *Great*, who murdered the Innocents.

The world consists of followers, flatterers, expectants, devotees of power, laureate harmonizers of vivant Rex & Regina. There is nothing like independence in our accomplished society. Refinement has banished the rustic Truth from the court circle, and of course from its miniature imitations in private life. Should any one declare the truth, the law officers are on the alert; he is seized, prosecuted before a special jury, and a special judge calculates his guilt, and enhances his punishment in proportion to his veracity. Should the tongue utter what the eye saw, and the ear heard, it is a conspiracy between the senses;—an exaggerated crime, for the truth is ascertained by a double testimony, and the greater the truth \* the greater the libel. This is not merely Irish law but English law; who will then say that the people are not submissive, when such insults to liberty and common sense are pronounced from the tribunals of justice, and they are endured?

\* How very different the English law or usage respecting libel and the Athenian in equity and oppression: "He who utters ill of another, and does not prove it, let him be fined."—Petit. L. att. p. 535. The lie chiefly constituted the crime, and imprisonment was not the punishment.



To recur to the words of Sully and Burke, the people resist from their inability to suffer, and excesses, insurrections, and revolutions are the effects of intolerable partiality and injustice. Ireland has suffered both, yet the people, in comparison to the provocation of her government, are tranquil. Be not, however, confident in its continuance; and read in the SYSTEM OF FAVOURITISM, as in the mirror of murdered Banquo, the consequences through many generations of unutterable crimes. The disturbances in parts of Ireland are as necessary as any ordinary effect from a manifest cause; irritation excites fever, and this is attended with restlessness, and paroxisms of rage: so the fretted, inflammatory state of Ireland proceeds directly from the morbid derangement of its laws and administration. The Irish are agitated "as the sparks fly upward" and they merely minister in their sphere according to God's providence, to the common destiny of mankind. I shall give a brief statement of certain peculiarities in the situation of Ireland; by this the woes of Ireland will be traced to their source, and their specific remedies be clearly ascertained.



## CHAPTER III.

*State of the Landed Property in Ireland, Absentees, &c.*

THE state of property in Ireland deserves particular notice. The distribution and employment of the land of a nation are always important; but in Ireland, where the territorial incomparably exceeds the commercial and manufacturing capital of the country, land and its incidents command almost exclusively its policy and fortune.

On looking at the rental of Ireland, the attention is arrested by the immense tracts appropriated by individuals. Districts, not less extensive than some of the famous republics of Greece, are held by bishops, who are frequently strangers by their nativity, and aliens in their affection to Ireland. Other immense tracts are possessed by absentee lords and commoners, who never approach their estates; or who at most make them a short visit after a long interval of absence; while equally extensive regions are possessed by corporations—the Skinners' company, the Fishmongers' company; and in this respect Ireland is peculiarly afflicted, for the confiscated lands in Scotland, on the rebellion being suppressed in 1745, were applied to the public purposes of Scotland, and not transferred to the Lords of Billingsgate, and to excoriators by profession.



This conspiracy of evil and outrage, has rendered many parts of Ireland destitute of resident proprietors. The Rev. Mr. Ledwich, in his Statistical Account of the parish of Aghaboe, in the Queen's county, says "it is very singular, yet strictly true, that there is not the possessor of a fee simple estate resident in the parish, consequently the whole rent is remitted to absentees." This is disastrous, but not singular\*, for many parishes, I might say whole baronies, are without a resident proprietor. The deserted state of the tenantry and the people has been aggravated annually by the union. This ruinous measure has of course transferred many chiefs of the land to attend the British parliament, many of whom have been virtually expatriated in consequence of the duration of each session, and of the trouble and expence of frequently moving families and establishments backward and forward by sea and land. To these absentees may be added the satellites of the nobility, and of the commons of Ireland; nor should we omit a minor but numerous bevy of Irish, who hover along the shores, and sojourn at the wells of Britain, who to evade the tax-gatherer and support a listless being, gad unceasingly round the pilgrimage of fashion.

The absentees of Ireland are an ancient grievance. It was felt before the Irish found that the fields of Ierne were not as green as those of Eng-

\* I know one which contains 19,000 inhabitants without a resident proprietor.



land, its seas as bracing, its wells as sanative ; for Ireland once had holy wells, and votive rags on overhanging bushes, attested the benefits derived from their waters, as generally and as certainly as the records of the veriest pump-room ; unless we should conclude that the right divine of English kings, when they performed the business of Esculapius by a touch, has been transmitted to them by the royal prerogative, and British fountains are medical patentees.

The injury to Ireland from absentees, has been lamented by the English government ;—by that government which seduced them from their homes, or forced them by its provincial misrule. So early as Richard the Third an ordinance was passed against absentees from Ireland, (Sir John Davies, p. 223) and in the last session ; Mr. Peel, in detailing the merits of the new taxes, amounting to half a million, said, “ with respect to the tax proposed on powers of attorney, it would have the effect of compelling gentlemen to reside upon their estates, by making it expensive to employ agents, and nothing could contribute more to the peace and prosperity of the country.” Here we have this great evil avowed by Mr. Peel, and a notorious fact declared by the Secretary should not be disregarded, for when he speaks truly concerning Ireland, it is a casualty of rare occurrence.

The remedy proposed by him for this wide-wasting mischief merits consideration, as it is quite characteristic of all those English



schemes for the amelioration of Ireland. Mr. Peel means to recall its absentees by a tax on powers of attorney. The Secretary is not accused of much research, yet I suspect, from this political effort, that he has been lately studying George Alexander Stephens' Lecture on Heads, and that the hint of this farcer to liquidate the national debt, has suggested to Mr. Peel his scheme of penny-catching the proprietors of Ireland, and sending these truants to cultivate their domains.

Does Mr. Peel propose, that the Worshipful the Fishmongers' Company should move their court from Billingsgate to Derry? or does he mean to restore Ireland to Irishmen, or to Irish purposes—to build bridges, for example, repair roads, as the confiscated property in Scotland has been employed? The weight of the grand jury assessments might help the suggestion. Mark, however, in this instance, the signal visitation of the sins of nations on their own people. The Society for Bettering the Condition of the Poor attempted, during a late scarcity, to supply the poor of London with fish at a reduced price. The efforts of this humane body were traversed by the fishmongers, and they succeeded in defeating them, principally by the opulence which they in part derive from their Irish revenue, that is, by their property in London-derry they were enabled to aggravate the misery of the famishing inhabitants of London. Whatever be Mr. Peel's ultimate objects by this tax, I am persuaded he will



find more difficulty in obliging this worshipful company to perform one humane act, (and we are told by authority "that all attempts to break this iniquitous combination have hitherto failed," Quarterly Rev. 1813, p. 277) than in repealing the trial by Jury in Ireland, authorizing martial law, and letting loose the dogs of war on this friendless undefended country.

Is this tax on powers of attorney to hie home the Lords and Commoners deputed to the Imperial Parliament? How are they to perform their contemporary duties of attendance in Parliament and residency in Ireland? How are the Irish Ministers to acquit themselves in this dilemma? Excellent union! admirable measure! which honours its principal citizens by banishment, and sends them abroad to legislate for home. The situation of the ordinary members of Parliament is desperate. But perhaps the epic intervention of some divinity will afford assistance, at least to the Irish Ministers. They, according to their necessity, will participate the legal ubiquity of the King, and with their infinite beneficence enjoy the privileges of a double presence. This fortunately will not be always requisite, and the circumstances of Mr. Peel may direct all future administrations in selecting Secretaries for Ireland. Let the prime ministers of Ireland henceforward be aliens to Ireland, both by birth and education; let them not have any attachment to the soil; let them not have even a freehold interest in the island; then, and then only, they will transcend all vulgar prejudices, and suffer no inglorious sym-



pathy with the people to check their designs, or qualify their measures. Mr. W. Pole, like Mr. Peel, was Chief Secretary for Ireland; but unfortunately for himself and his employers, he was an Irishman. He, poor man, professed in the House of Commons that, while he followed the orders of Government, and opposed the Catholic claims, he violated his own feelings and sinned against his soul. Not so with Mr. Peel; his passions and prejudices are in unison, and both accord with the views of the English ministry. His object is simple, his course direct, equally uninfluenced by popular resentment or popular favour: And perhaps the apathy towards the governed by this "Stranger in Ireland" is necessary for the general good of the empire. Had Mr. Peel enjoyed property in Ireland, had he been a native, and felt a little like an Irishman, it is difficult to say how beneficial his administration might have been to Ireland, and, of course, how injurious it might have been to the overbearing influence of Britain. An Anti-Irish Secretary, English to the heart's core, was perhaps esteemed expedient, in order to control the overflowing fondness of his principal; for the Lord Lieutenant must be very partial to Ireland, as he dates his honours from this country, and has been full fourteen years an Irish peer.

By absentees much of the produce of the soil is swept away, and the chief benefit derived from so much of the land and labour of Ireland to its people, consists in the bankers' gains on the lodg-



ments of agents, from the time of the deposit to the transfer of the absentees' revenues to England. Proprietors, from being long severed from their country, become alienated, indifferent, and ignorant of the people and their concerns. The estates of individuals follow the fortune of the national domain. While this stoops to provincial mismanagement and transmitted abuse, those are committed to agents and sub-agents, who set and sub-set in a series of endless oppression. The agent\*, generally speaking, for some are gentlemen, a low griping parasite, who had been a constable on the land, or an officious menial in the family—some half-pay doer of all the absentee's business, assumes the mastery of the soil, and the insolence† of office is crowned in him, for his insolence exceeds his extortion. Farms are let according to his caprice and interest, and a fine is always paid to himself as the price of the lease. This is notorious, and is extrinsic to secret service money, harvest work, spring work, and presents of fowl, &c. The tenants who have been fleeced sub-set portions of their hard bargain on

\* In the north of Ireland, and I have no reason to think it peculiar to Ulster; many agents, under the pretence of light guineas, when guineas were the currency, used to charge the tenant from sixpence to two shillings a guinea on their rent. When the guineas disappeared they required the discount between guineas and bank notes. Now there is a discount exacted between country bank notes and national bank notes, with the surcharge of so much a pound, if the tenant does not pay on a certain day.

† By the bye, Disdain is an ancient name for a certain description of steward.



still severer terms. All this proceeds in a great measure from absentees ; for had proprietors been present, so cruel and pernicious a system could not have existed: And the evil has been contagious, for it is not merely the multitude of actual absentees, of whom Arthur Young gave a list, when this affliction was in its infancy, nor the enormous sum of three millions exported to them; but absentees have been the cause of vitiating the habits, and of hardening the hearts of many of those who still linger in Ireland. Thus the land is exhausted, and the people harassed. Yet the courtiers, the pure loyalists, the spiritual speculators, who fix one eye on St. Paul's and the other on St. James's, yet look not awry, wonder that here and there a few insurgents appear. Let them wonder, for these evils and many more are common throughout Ireland, that the insurrection of the people is not general.

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#### CHAPTER IV.

##### *Church Establishment,—Tithing.*

THE Church establishment is intimately connected with the landed interest of Ireland: indeed with what is not the church involved, or rather, what does it not involve, for the phrase runs not now—the alliance of the Church and State—but, according to the authority of a knot



of Quarterly Reviewers, the improved idiom is "the incorporation of the state with the church."

The chief churchmen who hold numerous tracts of land are English or Scotch, whose loving-kindness to Ireland must be transmitted through a British medium; and truly, when the tyranny or selfishness of England interferes with the prosperity of Ireland, their submission to the ruling power is exemplary and edifying. Let it not be supposed, however, that I include all the Anglo-Irish bishops within this inuendo, though the complaint of the Corsicans, when their island depended on Genoa, as Ireland does on England, (*nos eveches sont tous pour les Genoïs*) expresses the affliction of Irishmen at the servility of Irish bishops to English domination. Yet there have been exceptions; and though it is galling that Ireland cannot afford learned and pious men to supply her church, but must be recruited by the supernumerary excellence of England, some obtruders on the Irish episcopacy have been examples of political integrity. One has lately departed from us. Bishop Law was not ungrateful to those who contributed to his dignity; on the contrary, he fully returned the hospitality with which he was entertained. He did not think that to be a good bishop he should be a bad Irishman, nor had the articles of his creed extinguished the light of truth in him. With an exterior not prepossessing, and a disregard of minor elegancies, he possessed a kind and accomplished mind.



Eo quod

Rusticius tonso toga defluit & male laxus

In pede calceus hæret. At est bonus, ut melior vir

Non alius quisquam.

Would we had such bishops, come whence they might; would we had such men to reprove the petulance of lawyers and judges, as he did frequently the most petulent of all their tribe.

Englishmen are nominated to the Irish church, as an outlet for the surplus expectancy of orthodox Britons, and as a means of securing, by spiritual mercenaries, the subserviency of Ireland. The duties of bishops, even of the *reformed* church, are few; and if their doings are to teach us their duties, we may, without hostility to sinecures, think them overpaid by revenues which vary from four to twenty thousand pounds a year to each ecclesiastic. To the cardinal virtue of Cardinals, according to Castiglione, the Irish bishops add an inordinate anxiety for wealth; and to such excess has this extended, that the lands assigned to them, and which strengthened their interest with the people, have become by the innovated enhancement on renewals, a chief cause for the general disaffection of all ranks to the establishment. Their rapacity affects no conciliation, no excuse, by countervailing acts of generosity or charity. They cannot be humane, even to the miserable of their own profession. The bishops of Armagh and Derry, out of £40,000 annual revenue, do not contribute one shilling to the First Fruits Fund, which was instituted in or-



der to increase the stipends of the inferior clergy: And almost the whole bench of bishops opposed Lord Harrowby's Bill for the better support and maintenance of the stipendiary curates, though not one of them denied the evil, or offered a remedy.

After the bishops come close the pluralists. On this subject it is stated in the law books, "by the canon law no ecclesiastical person can hold two benefices with cure simul & semel, but that upon taking the second benefice the first is void. But the Pope, by usurpation, did dispense with that law." (L. Dict. v. 2. p. 512.) Then, in this particular, the amount of our great reformation is, that the manufactory of dispensations has been transferred from Rome to Canterbury. Does any one fancy that pluralities advance religion? no dotard could suppose it. They excuse the parson for doing nothing, as he stands unresolved between both rectories, like the school-man's ass between the bundles of hay. It causes and encourages dissipation and idleness in the beneficed clergy, and faintheartedness and repining among those clergy who do all and receive little; and it increases the aversion of the people to that system, which preaching equality to all, which enforcing charity as a paramount duty, exhibits inequality and uncharitableness, exhibits in the bosom of the church, and among the clergy themselves, the parable of Lazarus and the rich man a hundred times repeated. Pluralities are bishopricks of varying dimensions. Thus benefices suit all pur-



poses ordinary and extraordinary ; they are possessed together ; they are severed ; they are united, and as angels embrace, “ total they mix union of pure with pure desiring.”

The beneficed clergy follow the example of their superiors, nor do they manifest any interest in the welfare of their parishioners. They seem to think, that to do as little, and gain as much as possible, is the summary of their ministry. Hence the increase of methodism, and of lay and vagrant teachers ; and Luther declared, that any Christian had a right to officiate as minister whenever there appeared a deficiency of *regular* clergymen. (Bower’s Life of Luther.)

The Protestant clergy in Ireland are so occupied in enforcing their rights, that they have no time or mind for performing their duties. A rector in this country seldom considers his benefice, however profitable it may be, his provision for life. In this the Irish clergy differ from the majority of the same profession in England, and this contrast was pointedly noticed by the Archbishop of Armagh a short time since in a charge to his clergy, when he something more than hinted, that those among them who neglected the establishment of parochial schools, \* &c. were guilty of perjury.

\* I trust that his Grace will himself at last attend to the Library of Armagh, which may be called a school of schools. Among the many munificent acts of Primate Robinson, he built a library, to which a good house is appended. He furnished it



An Irish rector, who is almost always connected with the aristocracy, takes possession of his benefice as an earnest of future favours. Another is added; still he considers every preferment merely a step in his career, and his pretensions are insured in proportion, (to use a well-known phrase), as he has *the more to give up*. In consequence Irish rectors are not anxious to conciliate their parishioners, or to win, by acts of condescension and kindness, mutual attachment. They consider their parishioners as tenants at will, as they do themselves lords in transitu. Their

with an excellent collection of books; he endowed it, appointing so much as a salary for the librarian, and so much to purchase books, &c. In what manner has this generous establishment been conducted? There is no sufficient catalogue of the books, but I have been informed more than fifty times during these last fifteen years, that, *one was making out*. About ten years ago, the gutters of the roof were in disorder,—the books were damaged in consequence. Since that time no ordinary visitor has been permitted to enter the upper division of the library, and I am told the books there are in the utmost confusion. All this I made known to Dr. Stuart, the Primate of Ireland, many years ago, and I repeated the information. Nothing was done. I now publish what I hitherto ineffectually signified privately to his Grace. This is not the whole ruin which this institution has suffered under his Grace's patronage. A large sum of money, I believe to the amount of forty pounds annually, has been deducted from the general fund to buy books, &c. and given to a deputy librarian—though the deed of donation expressly states that no sum shall be so diverted. This misappropriation was knowingly sanctioned by the Primate, in passing the Librarian's accounts. It is painful to make such remarks, but they are necessary.



sole object is to make their parish lucrative; and this not so much for present gain, as to raise their benefice in the spiritual mart, and claim a profitable exchange.

Hence it follows that, on the induction of a rector, a crusade is preached against the flock; whatever hitherto may have escaped the tithe-proctor is over-hauled; the defeat of a predecessor deters not, the law is again resorted to, the modus is assailed;—for prescription affords no sanctuary from the right divine of tithing the industry of man in the parson's estimate. Thus those who preach against the mammon of unrighteousness, the leaven of the Pharisees—that Christ's kingdom, which they administer on earth, is not of this world; who eulogize charity, declaring its Christian character—"that charity does not behave itself unseemly, *seeketh not her own*,"\* is not ea-

\* No proposition is more common, than that the parson has the same right to tithe as the proprietor to his rents. This is false. The parsonage is no lordship. The parson is appointed to perform certain offices according to the dispensation of Jesus, and the laws of the land, and tithe, without noticing its infinite perversion in after times, is a salary reserved from barbarous ages, as payment for the execution of such services. The parson, to be entitled to tithe, must have performed his duties; and to say he has as good a right to tithe as the proprietor to his rent, implies that those offices have been sedulously performed. He who believes that they have been so performed, may believe the prophecies of Johanna Southcoat. The clergy, who depend so much on the *law* for their title to tithe, should not have applied to the legislature to have been freed from the penalties incurred under the non-residence act. These defaulters



sily provoked," those very individuals use every expedient that artifice can suggest or force supply to surcharge their hearers,—the people—the poor.

The contest between the parson and his parishioners being ended, he being defeated, or they fatigued, a contract, or rather a truce, is effected between Christ's minister and God's creatures. The tithe is then perhaps commuted for so much an acre indiscriminately, or for so much an acre according to the several crops, and this

amounted to 360. Yet the legislature thought proper to rob Mr. Wright of the penalties which he earned, by suspending the operation of their own act, and stultifying their own proceedings, in order that the clergy might sin without correction.—Excellent alliance of church and state.

Another position equally false is, that if the land were relieved from tithe the tenant could not derive any benefit in consequence, because the landlord would require rent in proportion. First it is gratuitous, if not absurd, to imagine that the rents would universally be increased according to the sum of the whole tithe hitherto charged. Secondly, if they should be increased, it would be a beneficial change; for it would be so felt, and the feelings of freemen should not be omitted in calculations in political economy. Thirdly, it would be a rent certain, and not as are tithes, a fluctuating sum, and industry would be enabled to enjoy the entire gain of its exertions.

Suppose, however, that the tenant should gain nothing, it is clear the proprietors lose in proportion to the tithe assessed, whether they are lords of the soil only, or lords and cultivators. Why should they be so charged, I speak not regarding the persons at present enjoying tithe, but of succeeding times.—The church establishment is a monstrous encumbrance. The existing clergy should be indemnified, the church should be radically reformed;—if not it will be swept away.



agreement is to continue for so many years, or during incumbency. If the pastor be exemplary, he preaches now and then, and reads prayers seldom. When the lease of the tithe expires, should he not have escaped to another benefice before that period, the tithe-proctor, that grand inquisitor and financier of a reformed church, takes his seat in the holy office; war is again declared against the parish; hostilities recommence; contributions are raised; another truce ensues,—for this warfare, though it ceases, never ends. Suppose, however, the contract was concluded for the incumbency of the parson, and he, forgotten man! has been doomed to remain longer in his parish than his virtues and expectancy deserved, he becomes sad, and merely to divert his sorrow, he wishes to enhance his tithe. Perhaps, also, a neighbouring parson has just made a more advantageous bargain with his people. He laments his situation; his brothers cannot refrain from sympathising with so interesting a sufferer so peculiarly afflicted; a council is called; the contract is reviewed, and if found technically defective is annulled. If it be valid, alas!—To extricate a brother from so disastrous a state, may well be called a common cause. Fortunately for the whole clerical corporation, another parson finds himself aggrieved in a similar manner. The sufferers meet, and surely the meeting of Pylades and Orestes was not so affecting. They agree to exchange; the difference in the value of the livings is arranged, but not simoniacally, and the



superintending authorities ratify the sacred work. By this means the leases of both with their parishioners are avoided, and each is let loose on the others parish, to exact with improved arts and transferred vengeance. This practice is by no means singular in Ireland; and an *incumbency bargain* is used in common discourse as a generic expression for any contract villainously avoided by an artful conspiracy.

Thus by every human exertion tithes are enhanced. Tithes, I know, have been doubled and trebled in a few years; and I have heard that in some parishes they have exceeded this rapid advance. Whether this be peculiar to Ireland, I do not determine. But I am persuaded Europe does not exhibit another instance of a people of one religion, who are incomparably the most numerous in the nation, being obliged to support the priests of another, while they support their own; for in Ireland the Catholic people pay their own priests, and are tithed by the Protestant clergy. The Rev. Mr. Hall, in his late Travels in Ireland, (and I refer the reader generally to Mr. Wakefield's State of Ireland, for information on this and other topics), says, that at Shankhill, there is no Protestant church in the parish; that the clergyman lives in Dublin; that he has no curate, and that there are not more than five or six Protestants in the parish. The paucity of Protestants compared to Catholics in Ireland, except in some districts, is general. This alone should induce Protestant parsons to be moderate in their ex-



actions, as the mass of the population can derive no benefit from their services, even if they were assiduous. The contrary follows, and directly, because the generality of the people are Catholics; not that I would insinuate, there is any favour shewn to the orthodox of the established religion. No, the parson is equal to all; he exacts the same tithe from every denomination of Christians indiscriminately, following the example of Henry the Eighth, the original *Defender of the Faith*, who burned Catholics and Protestants in Smithfield, with alternate impartiality. I mean to say, that contempt for the Roman Catholics, an abhorrence of them induced Protestant pastors to esteem themselves not ministers of Christ, but ministers of vengeance; and in this respect they resemble the priests of many conquering tribes and nations, who required a tithe of the spoil to be consecrated to God, which they of course chiefly appropriated to themselves; for in parishes abounding with Roman Catholics, the tithe\* is a mulct on the conquered, which is annually levied

\* There can be no more pernicious mode of assessment than tithing the labour of man; it is a device to repress industry. If we wished to induce exertions, we would say, "*Whatever you do above so much shall be your own entirely.*" A yearly rent may have this effect, but a tithe on produce cannot. Paley, who was not prejudiced against tithes, said, "Truly, it is the most pernicious of all taxes." If the clergy will apply a twentieth of their zeal in exacting tithes in devising a commutation, it will be instantly accomplished.



on them to punish their heterodoxy,—that double crime against Church and State.

This merciless infliction on the Catholics was easily transferred against the Protestants, (and never was injustice unpunished) and thus against the whole community.—By these various means the officers of religion have fallen among publicans and sinners; among tithe-proctors, the representatives of both.—“Her priests have polluted the sanctuary, they have done violence to the law.”—The house of God has become a receptacle for money changers, and he who expels them from the temple will be no unworthy follower of that mighty reformer who ejected their prototypes from the scene of their abominations.

To such a height have their mercenary extortions arisen that they alarmed the loyalists of Ulster, even the grand jury of Armagh came to the following resolutions: “We, the grand jury of Armagh assembled at Lent assizes 1808, see with much concern the exorbitant demands made by some of the clergy and proctors in certain parishes in this county in collecting tithe, to the very great oppression of their parishioners, and tending at this time in particular, to detach the minds of his Majesty’s subjects from their loyalty and attachment to the happy constitution of this country.—

Resolved, That our representatives be instructed to further, with their decided support, any measure that may be brought forward in the imperial Parliament for modifying and placing in



some more equitable mode the payment of the the clergy in this country." This was signed by the grand jurors without a dissenting voice.

To this the clergy published a magnanimous challenge: "We do therefore in the first instance publickly call on the late grand jury to make good, by unexceptionable proofs, a charge which may be applied to any or to all of our body."

At the subsequent assizes the clergy of Armagh were gratified, and the grand jury published the affidavit of Robert Hamilton, of Newry, which stated, that Wier demanded for the Rev. Mr. Clelland fourteen guineas tithe for less than seven acres of meadow; that seven guineas were offered and refused; that Wier in consequence carried off a quantity of hay, which he claimed as his right for the tithe; "Deponent at the same time alleging "he was taking more than he was entitled to."— On this I shall make no observations; but I cannot refrain from quoting one sentence from the address of the clergy of the diocese of Armagh: They say, "The mode of paying the clergy by tithes being avowedly contrived to adjust their incomes to the fluctuations and differences that occur between the real and nominal value of coin." If so, the divine right of tithes is proved by the providence that directed this mode of assessment; but unfortunately, when tithes were instituted, rents were paid in kind. According to this episcopal rate of reasoning, it might be *avowedly* proved that the clergy were a primary creation, Pre-Adamites, and



that the laity were an after-birth formed to be their drudges. Yet this avowed contrivance, which set watch and ward over the sacred things of the church, was subscribed by a noble Dean, a Præcentor, and fifteen beneficed clergymen. Their discovery would have been complete had it been promulgated after the Bank Suspension-bill, the depreciation of bank notes, and the escape of shillings and guineas.

This excess of tithing is not confined to the diocese of Armagh. Sir John Newport, in the session of Parliament 1812, offered to prove before the House of Commons, that forty acres of potato ground, in the diocese of Cashel, paid five pounds as acre tithe for its produce.

Different counties have petitioned against tithes; Clare, Wicklow, Kerry, the Queen's county, the King's county, Tipperary, have petitioned. If the empire be not strengthened inherently, it must decline. Let England look to herself. France is now greater than she was, when under Louis the Fourteenth she alarmed all Europe: I talk not of her enlarged boundary, but her increased strength, principally by the civil appropriation of her religious establishments and the relief of the land from tithes; and I believe, considering this vast reformation, and many other mighty improvements derived from her republic, that France, in a few years, will be multiplied by a double power, and with a corresponding influence over the affairs of Europe. Then let England expect a compe-



tition. Let her countervail her danger timely, when she is not pressed from abroad ; and this is to be effected not by building ships that quickly rot, or by upholding a war establishment in peace ; but by imitating France in her improvements, which afford a pure boon and absolute energy, without expense or exertion. Let her reform, and no misery in the empire is more pressing than the exaction of tithes. Yet, it appears, that no semblance of amendment in this mischief is to be countenanced ; the hope of it is not to be brooked. A bill was presented to Parliament last year, its object was to relieve poor cottiers, who cultivated a rood or some such petty portion of land, from the visitation of the tithe-proctor. It was opposed ferociously by Sir William Scott, who declared that it was subversive of religion, of property, of the church, of church-men. He raged as if the Judge of the Admiralty court had been transformed by the occasion into the Chief Justice of the King's Bench. To this, Mr. Barham, (July 7th, 1813) answered, " He had always heard it stated, that the church was the protector, not the oppressor of the poor ; but here it appeared that the church was to be supported not merely by the poor, but by the poorest." Such is the state of the Established Church in Ireland, yet all loyal men are amazed at the partial violences of the suffering poor, when they have no other mode of declaring their feelings and misery. Their case is hopeless ; the law will not relieve them ; the Parliament will not even inquire into their situation.



No, the Lords and Commons seem only empowered to issue laws to assist the tithe-proctor and his employer in their spoliations : and here again we witness the happy union between Church and State.

It may be said, how can this disastrous state be truly imputed to Ireland? Has not the population increased? It has; but this by no means controverts what I have advanced and supported by authentic documents. I mean to treat at large, in a short time, the subject of population in a particular work; but I may here mention, that the increase of people is no criterion of good government. Mr. Pitt, in his speech on the Slave Trade, proved that in Jamaica, which contained half the slaves of all the English islands, notwithstanding the disproportion of the sexes among the slaves, there being four males to one female, and the loss immediately after landing, the deaths exceeded the births for twenty years preceding 1788, only one in one hundred. Here then, under a grievous and most unnatural despotism, the population was preserved. It requires an extraordinary combination of perverse events and incidents to prevent a people, in certain circumstances, from increasing their numbers. The population of Sicily is increasing, and of Spain, and of Portugal.

It may be also said, how can Ireland be disastrously circumstanced, when the rental of the country has risen so rapidly. First, look to those who pay. What Swift said is still true, " Our rents are squeezed out of the very blood, and vitals, and



clothes, and dwellings of the tenants, who live worse than English beggars." It is preposterous to refer to an increased rental as a certain proof that the people are not oppressed. If so, our increased debt and our increased taxes determine our growing prosperity, and the 25 per cent. surcharge, and the nine millions loan in this year, are clear gains superadded to a redundant capital. Accumulated debt is no proof of increased wealth; nor does adding to a horse's load, which he draws, prove that he becomes stronger as he is overloaded. Yet, I admit, Ireland has increased in wealth, which no more invalidates my statement of the evil situation of Ireland, than an admission that our agriculture has improved should induce a belief that tithe-proctors are worthy of being the priests of Ceres. Ireland has improved in many respects in despite of the government, and the laws, and the absentees, and the union. Ireland is pre-eminently favoured by climate, soil, and geographical position. The people labour much, though, like the Jews in their bondage, they are called idle, and they consume little, and that little is chiefly potatoes.—Ireland has improved, because Providence prevents the wicked from inflicting misery to the extent of their intention; because he ordains that victory should minister to its own reverse; because he obliges criminals to be their own executioners, and error to correct itself; because he inclines man to serve mankind, when he has no motive but sordidness, and no object but self.



## CHAPTER V.

*Law Officers.*

ACCORDING to Sir W. Jones (works, vol. 3, p. 180.) the Brahmin's advice, "Let him say what is true, but let him say what is pleasing."—Hence I conclude, that on some points silence is more prudential than censure. Yet there was a time when the public press dared to say of our sovereign Lord the King, "That he was a fool by nature and a hypocrite by art;" and the publisher of this insult, which now paralyzes the tongue that tells this stale story, was acquitted,—for Woodfall was tried by no uncommon jury. The author of the Examiner, for repelling a villainous panegyric on the Prince, was not so fortunate; he was treated with more respect than the proprietor of the Public Advertiser; he was tried by a special jury, and a special judge sentenced the truth-speaking criminal to two years imprisonment, which seems to be the stint of his Lordship's mercy. Two years are also the measure of punishment for ex-officio prosecutions for libel in Ireland; and this we are told is a land of liberty, and that in it justice is executed in mercy.

There was a time likewise when judges were treated also without courtesy. Junius called Lord Mansfield "The worst and most dangerous man in the kingdom." But judges are improved; they are changed, for Lord Mansfield was polite, "and his



lips dropped manna, so the tempter glozed," while the opinions of Lord ————— are obdurate, and his expressions are extruded from his breast as if he suffered the punishment he pronounced. I should observe, however, that the inflexibility of this judge relaxes, when a prince and adultery make an incident in his charge; then the dogma, that the king can do no wrong, is enlarged, and a prince is declared to act always right,

Bis peccat, qui peccanti consilium accommodat.

We have no such judges as these, and we may rejoice; yet I shall, in the following chapter, be obliged to say what is more *true* than *pleasing* on this topic.

With the unqualified praise of the judges, the justice of the law officers of the crown is also chanted. Yet, that justice is not very manifest, which having prosecuted the proprietor of the D. E. Post, and having obtained against him a sentence of imprisonment for two years, again prosecutes the proprietor of the same paper for publishing the Kilkenny Resolutions, which resolutions had already appeared in another public paper, the proprietor of which was not even casually reprov'd by the Attorney General during the trial of his brother journalist. This conduct seemed, or rather *appeared to seem* mysterious to the Solicitor General, who in his reply, only suggested a mere contingency in excuse for this apparent caprice, and which excuse was, in effect, an approval of persevering vengeance. Had the publication



of the Kilkenny Resolutions been censured by Government, and surely they cannot plead ignorance of the Correspondent's columns, which they seem to purchase by the yard, some excuse or explanation would have been made publicly, and thus the proprietor of the D. E. Post would have been warned; but in some crafts trepanning is fair play, and leading into sin is not damnable, only tempting the devil.

Yet, though the Solicitor General did not determine the cause which induced the Calumniator Publicus, Mr. Saurin, to select the follower rather than the leader; he then, and before, without hesitation, praised the Lord Lieutenant, though absent; the judges, though present; the law, which no man ever tried and cursed not; he praised even the Attorney General in the sweet of his laudatory theme. Nay, he once, "his eye in a fine frenzy rolling," actually pushed the oracle from her tripod, flung himself on the sacred seat of Delphi, and pronounced Mr. Saurin the wisest of men. What a competitor have aftertimes raised to the fame of Socrates; Socrates, who drew down philosophy from heaven, and who has shared the reverence of Christians even with the author of their religion; who was all ease, all cheerfulness, a living Attic Drama, approaching in his manners rather the measureless peasantry of the old Comedy, than the subdued humour of Menander's; a signal patriot amidst a nation of patriots; in a republic the freest; a citizen of enduring, unrelenting virtue, who resisted in every stage the tyranny



imposing and imposed on his country by Sparta, through the means of domestic treachery; who was devoted to the people, and died for truth, for liberty, and them. This was the wisest man; but now Mr. Attorney General Saurin, sore and sorrowful, is the wisest man, and Anytus assumes the honours of the sage.

In what consists his wisdom, his sagacity, his uniformity? Has he always opposed the emancipation of his countrymen? It is said he is the descendant of Protestant refugee parents. If so he may inherit antipathy to Catholics, and he can plead something which is more intelligible than Shylock's arguments for Antonio's flesh,

As there is no firm reason to be render'd

Why he should abide a gaping pig,

&c. ———

So can I give no reason, nor I will not,

More than lodg'd hate and a certain loathing

I bear Antonio, that I follow thus

A losing suit against him.

Mr. Saurin, on the contrary, can give two reasons,—the *Glorious Memory* of William, and the inglorious revocation of the edict of Nantz.

Is this the basis of Mr. Solicitor's eulogium on Nathan the wise? Is he also inimical to the liberation of his countrymen? Does his enmity proceed from a mingled emotion of religious duty and filial piety? Did a French monarch banish his Protestant great grand-papa? Did a Dutch prince, transformed by the English into a British king,



metamorphize his ancient ancestor from a soldier of fortune into an Irish landholder? If he be not hostile to Ireland, why does he consort with an anti-Catholic, that is, an anti-Irish government? or is he on this sad occasion like Mr. W. Pole, who, when at confession in the House of Commons, declared that when he was Chief Secretary for Ireland, and anti-Catholic, he was a man *beside* himself? Did the English government in Ireland always command his eulogies? No; preceding the union, and while the deed was doing, the spirit of panegyric had not descended on him. Is the government improved? If so, what becomes of the wisest of men? Mr. Saurin opposed the union; he led the opposition of the bar against it. But the union is now law; aye, marry, Crowner's Quest law; but of this hereafter.

If it should become customary that on all ex-officio informations the public accuser is to be followed by eulogists on the law, on the bench, on our glorious constitution and on its administrators, I quote the following paragraph as an eternal example of the loyal sublime in panegyric, for the benefit of all baristers of thriving principles: "On the trial of the Duke of Buckingham," says Whitelock, (p. 5.) "Sir D. Digges made an eloquent introduction, comparing England to the world, the Commons to the earth and sea, the King to the sun, the Lords to the planets, the Clergy to the fire, the Judges and Magistrates to the air," &c. This may also allay the ambition of lawyers who would interfere with the Olympic



poets; for this panegyric cannot be equalled unless Hotspur should turn rhetorician. I may add, that soon after this assimilation of things on earth to things in heaven, there was a hubbub among the sun, moon, and stars, when the king attained that crown of martyrdom which he so justly deserved.

## CHAPTER VI.

*Executive Government.—Administration of Ireland.  
(Catholic Board, Orangemen.)—Justice in  
Ireland.*

THE present Chief Governor was cheered by some of the oppressed on his assuming the reins of government. A few, perhaps, were sincere; but in general, I imagine, they hailed him in hatred of his predecessor; for how could they expect any essential improvement from the administration of one who became viceroy without even the fictitious parade of new officers, and who dropped into the place of the Duke of Richmond so exactly, that the figure-work of the setting did not require any adjustment.

The first capital act of this new government was to denounce the Catholic Board. The proclamation for this purpose is truly a curious document. Its fourth *whereas* runs thus: "And whereas the law hath hitherto not been enforced against the said assembly, in expectation that those who had been misled by said artifice would become sensible of their error, and in hope that the said assem-



bly would be discontinued without legal interposition : now," &c.—Then the rulers of Ireland were disappointed that the Catholic Board,—traitors to their expectancy, continued their assemblies.—Who could fancy that this body, without Catholic Emancipation, would disappear, as the Irish Parliament at the union, like an ignis fatuus in a storm ? If any one expected this event, he is unfit to rule ; for he misjudged against the clearest evidence of actual circumstances, and he proves that he has passed through life without the benefit of ordinary experience in the affairs of man.

Compare the reason given by the proclamation, and the reason assigned by Mr. Peel in the House of Commons for suppressing the Board at this protracted period of its existence :—"It was true that many of the Protestant inhabitants complained that this meeting was not sooner suppressed : but as there might have been a tendency in the Catholics of Ireland to believe that the suppression arose from the want of inclination to have their claims considered, it was not judged expedient to dissolve the assembly sooner." It appears, then, that the Secretary does not support the proclamation ; he does not intimate that the Board was suppressed because it did not dissolve,—conscience operating as a solvent on the hardness of their hearts who composed it ; he is not so nonsensical. The public, however, cannot fail to recognize the minister of that government which framed and subscribed the proclamation, in the following superadded reason for the suppression of the



Catholic Board; "but their absurd, their ludicrous, their pitiful proceedings, the pompous titles assumed by them, quite in opposition to their proceedings; their abandonment of their friends, who were the best support of their cause, would, he hoped, at length convince the Catholics, that the Catholic Board were the enemies of their cause, and not the supporters of it." Then the Catholic Board, according to this political scene-shifter, was suppressed, because its proceedings were pitiful, absurd, and ludicrous; if so, why is Punch allowed to exhibit his jocularities? They also assumed, he says, pompous titles in opposition to their proceedings. Then why are panaceas admitted to be sold by government? but the keeper of the king's conscience, and other officers incident to the same sinecure, are profited by issuing these patent impositions. The conclusion of this passage of the Secretary's speech distances the preceding parts of it. He insinuates, that the Government suppressed the Board, because it was inimical to the Catholic cause. Then we are to conclude that the Government volunteered its power to advance the emancipation of Ireland, and that in pity for the Catholic claims it suppressed this pitiful Board,—"for pity is a kin to love." Comparing the proclamation and the Secretary's speech, it is clear that the text and commentary are at variance; and I suspect that both materially depart from the truth. Perhaps the barbarous and unexpected murder committed on Quarantotti's rescript, roused the "almost



blunted purpose" of Government, and that this was the immediate cause of proclaiming the principal perpetrators of this foul deed.

The proclamation states, that in consequence of an act passed the 33d year of his present Majesty, the Catholic Board is an unlawful assembly. Lord Stanhope read in the house of Lords the passage alluded to, and denied the inference. "But," says Lord Sidmouth, in reply, "the proclamation denominating the Catholic Board an illegal assembly, was signed by the Lord Chancellor and the Attorney General of Ireland." Lord Stanhope's answer was short; "I care not for either of those authorities:" and I fancy that the legal opinion of Lord Manners would not be held conclusive, if he were not nearly allied to the Archbishop of Canterbury, Primate and Metropolitan of all England. Under this consideration, and observing also that the proclamation is signed by Charles Cashel, and Charles Kildare, there can be no doubt that the interpretation of the 33d of his present Majesty in this state paper is perfect, and without appeal, interpretandi scientia apud collegium pontificum erat. (Petit. L. Att. p. 5.)

Whatever doubts exist respecting the Catholic Board, (for the temper of some of its members, or the policy of some of its decisions, has no connexion with the legality of its institution,) no one who can read, or hear and understand, ever denied the \*illegality of Orange Lodges, and of Orange-

\* The law runs thus, "If any persons being armed with any weapons whatsoever, or wearing any particular badge, dress, or



men arrayed with the insignia of their gang, armed, playing insulting tunes, and parading the country ; occasioning breach of the peace, vexation, dismay, the destruction of houses, and abuses of every kind, even death. Yet, to the eternal infamy of all connected with the execution and administration of the laws of Ireland, not one, as far as I have heard, exercising the Government or the magistracy, reprehended these badged, armed, and liveried insurgents ; not one among them had the discretion to declare Orangemen guilty of an high misdemeanour ; not one word transpired to deter a wicked man, or caution an ignorant one against committing this offence. The consequence was, that Orangemen increased in numbers and audacity ; they concluded that they were sanctioned by Government, and they were so, unless the adage, "silence gives consent," be as erroneous as it is common.

By what miracle did this universal silence prevail, on a subject perpetually occurring, and incessantly subjected to the cognizance of all connected with the Police, the Judicature, the Government of the State, by assaults and riots, attended with ruin of property, and the murder, sometimes, of sixteen men in a single affray. The members of

uniform not usually worn by them upon their lawful occasions, or assuming any particular name or denomination not usually assumed by his Majesty's subjects on their lawful occasions, should rise, assemble, or appear by day or night, to the terror of his Majesty's subjects, every person so offending shall be guilty of an high misdemeanour," &c.



the Catholic Board are not charged with committing insurrection or homicide, yet the institution is suppressed; while the members of Orange Lodges have been convicted of many, yet they pass without a paternal reproof. No; the Government cannot afford any opinion or advice by way of advertisement half-private, half-official, which might be acknowledged or denied according to consequences. Nothing can be communicated from them distantly and doubtfully, through judges to grand juries, on this important subject. Nor can judges, full of the evils attending such associations by their melancholy results, proved judicially in the last circuit town, pronounce one word of regret on the misery they occasion. No; though the verbose judge shall explain to grand jurors, and to the county, the differentia essentialis between a broad and narrow road; though he shall pathetically lament the badness of the last stage he travelled, gesticulate his sufferings, wince, fall within himself, and threaten to fine the county £.500 if this cruel road be not mitigated by an ample presentment for its repairs. Though he shall run all changes on illegal assemblies, yet, most wonderful, in coursing through the category, he shall evade Orange combinations, as were touching on them no less dangerous to his race than striking the goal to the success of the charioteer. He shall praise our glorious constitution in Church and State, which no one on any occasion ever omits, on the principle, I suppose, that a good joke cannot be too often repeated; descant on the excel-



lence of our laws, that they neither regard the high nor low, though the code begins by stating, that the king can do no wrong; nor the rich nor poor, though the rich alone can enjoy the luxury of litigation; that they always apportion the penalty to the offence; to prove which, he proceeds to try a poor man, who was tempted by the crowing of a grouse cock, to trespass\* on the wilderness of some mighty one; all these, praises and details he shall vouchsafe to make; yet not one word, not a hint shall escape him on the subject of Orange Lodges, processions, &c. All are silent; the Governor General, his Ministers are silent; the Judges†, the oracles of the law are as silent as the Pagan oracles; Law Officers, and Ex-Officio prosecutors are silent; nor duty, nor passion, nor casualty, nor petulance, extorts one word against this illegal, pernicious faction; they all, — the grand and subordinate officers of the nation surround the departed spirit of their country, as mutes the state room of death.

\* The following appeared last August in a provincial paper: "Any persons found with dogs, guns, or nets, looking for game on the manors or estates of his Grace the Lord Primate and the Right Honorable the Earl of Charlemont, will be prosecuted with the utmost rigour of the law. R. MACAN."——N. B. "The mountains will be poisoned this year."——Considering that all this poisoning and rigour are introduced by the Primate, and countersigned by the High Sheriff, this notice is absolutely terrific.

† I must except Judge Fletcher, in his charge to the Grand Jury of the county of Wexford, Summer assizes, 1814: he is "the glory of the Judges, and the shame."



Some petitions were presented last session, from Protestants and Catholics of Ulster, against the Orange establishments in that province. They were presented by the Duke of Sussex, Sir J. Newport, and Sir H. Parnell; still ministers maintained an obstinate silence, though the movers declared, that if they did not comply with the petitions, and at least, disclaim the Orangemen and their illegal proceedings, they, the movers, should be obliged to propose a specific measure to meet the evil, yet no voice was heard,

*Horror ubique animos, simul ipsa silentia terret.*

At length the Secretary for Ireland was surprised, and being seized, like Proteus napping among his flock, he was forced to speak. These petitions effected this mighty purpose. Mr. Peel, as he could not prevent the signatures to them, nor their presentation, endeavoured to discredit them; and having made a remark on the penmanship of some of the subscribers, and the names of others, on which occasion he made a serio-comic eulogy on the Protestant Dr. Duignan, he struck at the petitions altogether, and attributed them to the dread machinations of the Catholic Board. I know that this imputation is false; the petitions did not originate with that Board, nor with the Catholics: besides, the Catholic Board is of short standing; orange associations, and their achievements, are as old as many among us. Mr. Peel determines their date. "These societies had existed since the year 1795, and had always been peculiarly



obnoxious, and the objects of marked hostility to the factious and disloyal." Observe, he dates their origin in 1795; and mark, on the 28th of December, 1795, at the close of the very year of their origin, the late Lord Gosford called a meeting of the magistrates of the county of Armagh, of which he was governor; in his address to them he said, "It is no secret that a persecution, accompanied with all the circumstances of ferocious cruelty, which have in all ages distinguished that dreadful calamity, is now raging in this country, neither age nor acknowledged innocence, as to the late disturbances, is sufficient to excite mercy, much less afford protection; the only crime which the wretched objects of this merciless persecution are charged with is a crime of easy proof; it is simply a profession of the Roman Catholic faith.—A lawless banditti have constituted themselves judges of this species of delinquency, and the sentence they pronounce is equally concise and terrible; it is nothing less than a confiscation of all property and immediate banishment." Lord Gosford proceeded to state, that the outrages were unexampled in history, "for where have we heard of more than half of the inhabitants of a populous country deprived by one blow of the means as well as of the fruits of their industry, and driven in the midst of an inclement winter to seek a shelter for themselves and their helpless families where chance may guide them." After this address, the whole of which expresses the same indignation at the atrocities committing, Lord Gosford proposed certain



resolutions in order to counteract them, which were subscribed by twenty-five magistrates. Will Mr. Peel say that this document is false, that the names of the magistrates subscribed, are fictitious? Will he say the whole is a fabrication invented by the malice and forwarded by the agency of the Catholic Board? I shall not press the question; for I should not be surprised if he answered in the affirmative.

Mr. Peel, however in defending the orangemen, says, "that great arts and ingenuity were practised, as appeared by the report of the Secret Committee of the Irish House of Commons in the year 1798, to induce the lower order of Catholics to believe that one of the rules of the Orange Institution was, to be ready at a moment's warning to burn all Roman Catholic chapels, not to wear Irish manufactures, nor to give employment to any Papists." After the authority of Lord Gosford publicly declared, I do not perceive the use of art and ingenuity to instil a belief into the Catholics that they were abhorred by orangemen; neither do I perceive any exaggeration in saying they would give no employment to Papists, when they robbed Catholics of their property and then banished them: And I know that hundreds fled through fear, and hundreds were banished by force. As to the other imputation against Orangemen which Mr. Peel says is false, *that they would be ready to burn all Roman Catholic chapels*, I can assert, that as far as my experience reached of the county of Armagh it was substantially, not what



they would do, but what they did; for the chapels in the neighbourhood of my father's residence had the windows broken, the doors wrested from their supports; some of them were completely gutted, some were unroofed and remain so, or have fallen to the ground. All this might have been prevented had tranquillity been the object of Government; but they wished to drive the people into rebellion in order to advance the Union, and they effected both. But of this hereafter.

We have now, from authentic sources exhibited Mr. Peel's *goodies*,—the Orangemen in their original brightness. These are the men, whom, according to the Secretary, it would be unkind to control, impossible to check in their mighty loyal processions, and other public festivities; “as impossible,” say Mr. Peel, “as to expunge the 12th of July from the calendar;” if so, let us say with Shakspeare,

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Let this pernicious day  
Stand aye accursed in the calendar.

Does Mr. Peel assert that the act against tumultuous risings in Ireland cannot be executed against the Orangemen? If the 12th of July be a day of inebriated joy to Orangemen, it can be none to the Catholic Irish; and its insulting exhibition fixes a sting in the sad memory of a vilified people. He who would support or countenance this cruel faction in Ireland, which is hateful to all Catholics, and contemptible to all rational Protes-



tants and Dissenters, must be a sensualist in wickedness ; he must love wickedness purely for itself, unless, as I am persuaded, this pregnant cause of discord is thought beneficial to the English Government in Ireland, and that it may be employed either to exasperate a rebellion, if the evils of the Union are to be aggravated, or to excite commotions, if an excuse for enacting some hideous law be wanted ; for the tyranny of England has hitherto subsisted in this unhappy country by exasperating factions against each other, and the countenance which Orangemen have received by those in power is a part of that weak and vicious system

Which holds  
Eternal Anarchy, amidst the noise  
Of endless wars, and by confusion stands.

Mr. Peel, (and I should not notice this man's opinion, if he were not the representative of the Irish government,) insists that Orangemen are loyal, excessively loyal. What ! men loyal whose institution is illegal ; men, whose proceedings affront the law in every particular of its prohibition. Loyal, yet illegal !!! if so, when ministers bid adieu to decency, language lost its meaning, and synonymes became contraries. I rather suspect that government is not so very certain of their loyalty, which, in the court dialect, means implicit submission. There is obviously some truckling to confirm this doubtful tenure. The contract seems a compromise to this effect :—*We will coun-*



tenance you, provided you favour us and abandon the Catholics to our malice. Granted: inasmuch as you are loyal to Government, you may be disloyal to Catholics. For their love to the one, seems to be proportioned to their malice to the other; their love is the abortive offspring of their hate. The amount and character of their loyalty may be learned from the following fact: Two or three years ago an officer in the yeomanry corps of Armagh signed the Protestant petition in favour of Catholic Emancipation. The whole company, above 300 strong, added another oath to their Orange bond of fraternity, and they determined that they would not serve with him. In short, day after day they mutinied; these loyal men, Mr. Peel's excessive loyalists, on whose loyalty the peace and protection of Ireland mainly depends, mutinied, because their officer dared to sign a petition to Parliament; they persevered in their mutinous loyalty, and were of necessity disbanded. Since that memorial of the Glorious Memory, a band of equally loyal men overthrew the St. Patrick's cross in the market place of Armagh,—a monument which had remained unmolested during civil wars and occasional outrage, and which escaped even when the Catholic chapels were abused and ruined.

The Orangemen, of whom I have hitherto spoken, are of the yeomen and inferior classes in society. For the character of the superior cast of them, I refer the English to that of Lord Yarmouth, the chief of Orangemen in England; a man loyal by nature, by habit, loyal by all ties of



father, mother, wife, and prince ;\* and who made his last public exhibition at a *grand* dinner, where common prize-fighters were his peers, at which he praised at length the pugilistic art. Mr. Peel said also, in order that the fountain of power should not seem entirely to overflow with waters of bitterness ; “ that the Government would, if the peace was broken, or excesses committed, have justice impartially administered; and that if the injured party could not afford the expense of prosecution, the Government would undertake it at the public charge :” — But is it not the business of Government rather to prevent than punish? and as to the proposed benefit of Government—counsellors, it is in fact a mode of bribing the Bar by the Exchequer, and is no benefit to the persecuted and oppressed. The Government, it is true, did afford counsel to the Catholics, yet the Catholics employed counsel for themselves, which Catholic counsel was more suspicious of their auxiliaries than of their enemies. I speak particularly of certain transactions on the north-west circuit, summer assizes, 1813. The Catholics consider Government—counsel afforded to them mere pretence, pure hypocrisy ; and why should they think otherwise?

\* Many have been surprized at the choice of Lord Yarmouth by the prince. To some who asked Dionysius why he raised a vicious man to office, he said, “ I wish there was any one more odious than myself.” *Αλλὰ καὶ βελομαὶ εἶναι τὸν ἐμὲ μᾶλλον μισοῦμενον.*



No opinion is more frequently stated or more strenuously maintained, than that justice is devoutly administered in Ireland. The contrary is esteemed impossible. Yet, if facts thronging on each other did not belie the assumption, any man having any knowledge of the state of affairs must be convinced that justice in Ireland is frequently a vain name. Justice is not, cannot be done in Ireland. Justice proceeds from the law, and the goodness of the law depends on the equity and ability of the legislature. A law may be unexceptionably executed, yet the greatest injustice follow, and the law will be bad and partial if it be enacted by one for all, or by few for many; aye, or by many for few: and who enact the laws for Ireland? This is not, however, the immediate question. Suppose the laws equal, and they are flagrantly the contrary; I say the laws are not executed or administered with justice; so far from this being the case, that one judge expressed his satisfaction with the Orangemen, and considered them as a very pretty behaved sort of loyal subjects. Another, the year following, said he could not perceive any thing illegal in processions of Orangemen, provided they were not armed. Such opinions delivered judicially are stupefying. Let the Catholics, however, assemble on the 12th of July, though they should not be leagued by a secret oath; let the women wear weepers; let the men bear cypress; let them play any mournful tune, and we shall see if the Judges and the Secretary of the Lord Lieutenant will treat with the same



temper their heartfelt sorrow, as they have done the insolent exultation of their enemies.

It is trash, mere skimble skamble stuff to talk of justice to any description of people condemned to impotence or disgrace. Catharine of Russia, (Instructions, p. 135.) laments that vassals are tortured contrary to the ordinance of 1722, and that those who commit the offence are not punished according to the penalty pronounced by it. The same wickedness and weakness are exhibited in the West Indies; and it is related as an achievement that Hodge, the murderer of a slave, was punished, and really it was an exploit; for the punishment of this slave-holder—so entirely was he befriended by all his tribe, was attended with all the circumstances of actual war; still it is insisted that in Ireland the law is equal to all, and judgment equally administered. The law equal! the administration equal! Yet these pretensions are not unparalleled, though they are not exceeded, even in Turkey.

Thornton says of Turkey, "The law indeed is equal to all, and in the true spirit of it extends the same protection to the believer and the infidel; but, in its administration, *the household of faith enjoys peculiar advantages.*" (State of Turkey, v. 1. p. 203.) But in Ireland, we must believe, there is no household of faith; that reason has exorcised credulity, and that virtue and ability are alone the common and universal standards for honouring and rewarding every individual in society. Rather in what great or petty concern does not the house-



hold of faith domineer and monopolize? When eulogists speak of justice in Ireland, it must be with this reserve,—*considering that the representation, is unequal and the laws are iniquitous, their administration is accordingly.*

In Ireland every thing passes through the household of faith. The Legislators are Protestant; the Judges are Protestant; the Sheriffs are Protestant; and should the jailor employ assistants to transmit prisoners from jail to jail, the persons assisting may receive so much a mile by the presentment of the grand jury, provided *they are Protestants*: but, I am reminded that Catholics may be jurors; and it was related with amazing triumph, that on the trial of a Catholic at Kilkenny ten of the jury were Catholics. I do not doubt but our Protestant government would willingly transfer all Catholic malefactors to Catholic juries; and why should they not wish to reserve for them the painful duty of pronouncing guilty, as the law, in pure loyalty, reserves the prerogative of mercy to the king? but I say it evinces the nullity of one privilege, amidst a system of prohibitions, that Catholics, though vastly out-numbering Protestants, are seldom or never *effectually* returned on the panel when the question to be tried involves, or seems to implicate a party interest between Catholics and Protestants. The reason of this is, that Kings, Lords, Commons, Judges, Governors of counties, Sheriffs, are Protestants. It is not because the Catholics must decide unjustly and Protestants justly, which Mr. Abbot assumed in



his fanatical speech ; for if the juror be an Orangeman, or tainted by that faction, he will decide unjustly ; and I assert, without fear of being contradicted by any one who knows the spirit of the Orange institution, and the temper of its members, that a Catholic has no hope of justice when he prosecutes or is prosecuted before Orangemen.— An example of this was exhibited at Downpatrick last Lent assizes. The jury pronounced the prisoners not guilty. With astonishment the Solicitor General, who tried the cause, exclaimed, “ Gentlemen is that your verdict ? ” “ Yes,” answered the foreman. The judge replied, dashing his pen with indignation on the bench, “ Thank God the verdict is yours, not mine.” The same perversion of justice, of course follows, whether an Orangeman is to be saved, or a Catholic sacrificed.

I did suggest, in my “ Reply to Mr. Abbot, &c. on the Catholic Question,” the benefit which Catholics might derive from juries formed on the principle of those *de medietate linguæ*, in their present abject, alienated state. This sort of jury originated from a belief in the Legislature, that if a jury, all natives, should try a question between a native and a foreigner, the interest of the parties would probably be unfairly decided. In consequence it was thought equitable, in such cases, that half the jury should be the foreigner’s countrymen. This is the law of the empire, and certainly there was much less fear of injustice from a jury of natives to Turk or Hindoo, or even of Orange-



men to the present Grand Inquisitor of Spain, than from the same faction, if charged to try the interest of a Catholic neighbour. The Catholics should now enjoy such juries in mere justice. Nor is this request wholly without precedent. Juries *de medietate linguæ* were granted to the English Jews, who were almost as ill-treated by Henry the Third and his brother, as the Catholics by the Orangemen of Armagh, according to Lord Gosford's exposition; for it was said of the Jews *quos rex excoriaverat comes eviscerat*. This security was granted to the English Jews by the 9th of Edward the First. The mode of trial *de medietate linguæ*, was by the 28th of Edward the Third, c. 13. extended from matters of contract to criminal cases. (Reeves Hist. Eng. Law, v. 2. p. 461.) Surely England will not, in the nineteenth century, refuse to Christians what in the thirteenth she granted to Jews.

## CHAPTER VII.

*Parliamentary Proceedings.—Taxes.—Expenditure.*

*—Bill for increasing the Salary of Judges on their retiring.—Peace Bill.—Insurrection Bill.*

IF the subjects which I have already noticed present a melancholy scene, the Parliamentary Proceedings of this year exhibit one truly appalling. I shall begin with the finances, because the House



of Commons is chiefly and peculiarly esteemed the guardian of the public prize.

Mr. Fitzgerald, in his speech on the Irish Budget, stated that the net revenue of Ireland, was £5,350,000, he calculated that the expenditure for this year, 1814, would amount to £14,556,626, that is, the expenditure nearly trebles the revenue in the present year of proclaimed peace,—in this jubilee year—the centenary of the accession of the house of Brunswick to the British throne,—this extatic year, this mumming year, mumming to Oxford, and mumming to Portsmouth ;—a year in which great generals are dubbed doctors of law, and mighty princes are *cross-gartered*, like the fantastical steward in the play, but who forgot in their topsy-turvy merriment to say with the same Malvolio, “ ’Tis but fortune ; all is fortune.” In this wonderful year, such is the tremendous deficit between the wants and the means of Ireland.

This excess is not less striking in another point of view. Ireland increases while Britain diminishes her expenditure ; Britain, the prodigal of nations, abridges her expences ; Britain, which grants a civil list, with the stated allowance and the debts annually incurred and liquidated, of nearly two millions a year ; Britain, which in this year condescends to waste many thousands on blazing pagodas, and Chinese lanterns, and fire works: Oh ! but says Mr. Ward, the fire-master is a very ancient office, and Sir Leoline Jenkins, in the reign of Charles the Second, is directed always to have persons about him to make fire works for



the amusement of his Majesty. Though Britain expends many thousand on other toys to amuse our prince of pastimes ; for instance, to effect the grand remove of Bartholemew fair to this and that royal park, with the addition of the cockle boats on the Serpentine, as a Roman emperor carried shells from the sea shore as memorials of his triumph.— Yet notwithstanding these specimens of the magnitude of waste, and the ingenuity in wasting the public funds grievously wrung from a pauper population,—England's expenses are somewhat less in this than in the preceding year,—while Ireland's increase.

Mr. Fitzgerald having stated the excess, added, “ at the same time he could not but reflect that the system of indulgence which up to this time had been adopted toward Ireland, had enabled her now the more easily to bear the weight he was about to cast upon her.”—*The system of indulgence!* What, mingle farce with tragedy, and make irony minister to panegyric? Oh, the amazing tenderness of England in imposing debt on Ireland! Does not the equity of contribution depend on the ability to contribute? That Ireland has contributed beyond her relative means is obvious, because she has been obliged to contract a great foreign debt to supply her contingent, while England has been able to supply herself and all others out of her own store. Observe also, that the foreign loan by Ireland was not sought, because the money was more cheaply raised abroad than at home ; for the £3,000,000 con-



tracted for in Ireland was borrowed at the rate of £5. 11s. 9d. the hundred ; (but the £5,958,333 contracted for in England cost £5. 18s. 9½d. the hundred,) Ireland applied to England, because she could not raise the whole loan within herself without the greatest embarrassment, and what she could not raise at home without considerable inconvenience, she should not have been required to have raised at all, if circumstances and equity made any part of the consideration of our Imperial Ministry.

The system of indulgence to Ireland! the chariness of England, her gloating fondness for her sister was unconsciously developed by this ingenious orator and financier Mr. Fitzgerald, when he stated, "Since the Union, Ireland had made greater efforts, than she ever did before. For thirteen years previous to that event, her total expenditure was only £39,000,000 ; during the thirteen subsequent years her expenditure was £116,000,000." Mark this systematic indulgence, and thrice mark, that with the Union she began to expend more than thrice as much as she had done previous to the Union. This very charming speech Mr. Fitzgerald concluded by a panegyric on Lord Castlereagh ; and surely after exhibiting in one capital point the benefit of the Union, the praise of Lord Castlereagh, who principally effected the Union, was most appropriate, while at the same time it drew the dear delightful theme of this Jubilee budget to a conclusion sonorous and surprizing.

As to the proceedings of the Chancellor of the Irish Exchequer in the whole financial department, they are a tissue of ignorance and inability.



In order to raise a monstrous revenue to answer an enormous expenditure, the duties on timber were raised at once, in some particulars, twelve hundred per cent. These, however, instead of producing a golden harvest, operated as a virtual prohibition to the import of this article. Thus the state actually lost what it might have gained by the old duties while the improvement of Ireland was suspended. On this the Commissioners of the Treasury, among whom Mr. Fitzgerald, the Chancellor of the Exchequer, is a principal, bethought themselves of the good of Ireland; and as the noble plan of assimilating, in this instance, the duties of Ireland to those of England, partly in order to give the Irish a foretaste of the happiness which the Union will confer on Ireland in the fullness of time, utterly failed, they in downright patriotism reduced the duties, that is the duties on the most useful timber in Ireland were raised only to five or six times their amount on the preceding year. On this and on the intentions of the financial department in Ireland, the Commissioners pronounced an eulogium. Happy country, to have such ministers! Happy people! now a poor man may have a door to his shed for a pound sterling, and he may die in peace, for his coffin will not cost more than a net quarter's wages for hard work to the heir apparent of his misery.

Among the particulars which will shortly be added to the expenses of this country, I may notice an increase to the pensions of judges. I do not mention this as affecting the treasury; yet it



is remarkable that the salaries of the judges, and of the Lord Lieutenant, were formerly increased at a time when the revenue fell considerably short of the expenditure. It was then said prices had increased,—but had they only increased to the Lord Lieutenant and the Judges?—the deficit in the revenue proved the contrary as to the state, and all things proved the contrary as to all others.—Now prices have fallen extremely, yet another increase is superadded for the satisfaction of Judges on their retiring from office. The bill was well timed ; it passed preparatory to the beginning of circuit, and ministers had declared Ireland in uproar ; the remains of their character were at stake to substantiate this imputation, or to give some colour to the falsehood.—The treasury papers worked hard to blind the weak-sighted. The old hue-and-cry of the barbarism of Ireland was hawked about ; faggots were said to be collected in different districts, and the Sun set them on fire.—The Courier out of breath in haste, declared that Judge Fletcher, though attended by dragoons, was pelted by the populace ; and a third journal insisted he was shot at. If the Government, in aid of their own lies and of those of their minions, could have obtained the authority of the Bench for their horrid relations all would have been well. The wish of Government on this subject was obvious, but they would not tamper with the sacred ear of justice, and Coke in a sturdy mood declared against auricular confession with the Bench. Suppose they could make their wishes speak, yet say no-



thing. When a great politician wished to win a Lord Mayor to his purpose he had it repeated where it might be heard, that he had said it was great pity that the honour of the Lord Mayor should not extend beyond his year of office; and why might not Government effect a similar purpose by making the Judges' salaries outlive their years of service? Salaries are all-powerful; they have reconciled certain dissenters; and why should not the timely application of the same specific make Judges clamour as loud as the Ministry? Yet the Judges did not catch the cue, though the Government, in one instance at least, inverted the order of the circuit, "for the express purpose, as was alleged of meeting the supposed exigencies of that county (Kilkenny) by an early assizes;" yet in Kilkenny four men only were capitally convicted before Judge Day, two for an attempt at assassination, and two for burglary. Indeed so far were the Judges from adding their discord to the yells of Government, and for the honour of the Bench let one Judge stand for all,—that Judge Fletcher, in commenting on the convictions at Kilkenny, indignantly asked "Was this a case for exciting public alarm, or spreading national disquietude, or for causing the ordinary course of the circuit to be inverted, and leading every person to apprehend machinations and conspiracies of the most deep and desperate kind?" Were the Judges ever so wicked and so corruptible, there were no grounds for the lies on which the Insurrection Act was introduced and enacted.



Though this kindness to the Bench failed on the present occasion, it will surely operate effectually hereafter against the same body ; it will relieve the veteran brigade from the Bench, whose places will be supplied by their sons. No longer will the Bench be a resting place, but a point of transit ;—this will quicken hope, assist circulation, increase trade, and advance the patronage of the crown, which by police magistrates, assistant barristers, counsel for this board, and for that set of commissioners, promises to be full as powerful in the Four Courts as in the office of Excise.

Every thing in Ireland is directed by patronage, by venality, by jobbing ; hence the inefficiency of officers and the waste of public money. Patronage, some years since, raised a barrister to be Attorney General ; on this the conduct of the crown business devolved on the then Solicitor General. Mr. Attorney was soon superannuated ; though now, fifteen years since his dismissal from office with a pension of thousands, he is the most active man in forwarding his own interest in the country. Waste affects the treasury of the State by ten thousand jobs ; a department itself a job, has its job ; the household of the Faith has many jobs, and it receives above £.40,000 a year from Parliament for the sole maintenance of Charter schools, the professed object of which was to proselyte the children of mendicant Catholics to the Protestant faith. There are many Boards ;—the Linen Board, a nuisance in the way of regulation, and a source of waste. So of other Boards, other Societies, and



other undertakings; the round tower at Sandymount, the tower at the Black-rock, erat inter ceteram planiciem mons saxeus, mediocri castello; again grants for inland navigation and outland navigation, rari nantes in gurgite vasto; more grants for bog measuring and bog draining saliunt limoso in gurgite, all which are in a great measure pensions *with pretence* to extend patronage and to gratify either those who promote them or their dependants.

The next parliamentary business to which I call the reader's attention, is the PEACE BILL. By this, seven magistrates signifying that a county or a barony is disturbed, authorize the Lord Lieutenant to nominate a magistrate with £.700 a year, with a house and offices, his clerk having £.150 a year, his head constable having £.100. and his petty constables £.50 a year each. These several sums are to be presented by the grand jury preliminary to all other business, and to be raised off the proclaimed district. This is a summary of the Peace Bill; and yet it would have been satisfactory, if Mr. Peel had shewn in what degree this column of magistrates and constables, placed and supported in the proclaimed district, differs from a detachment of troops punishing a rebellious people, by enjoying the license of free quarters from their commander. I shall state one particular in which it disagrees from it. When free quarters are granted to mercenaries, the great majority of the people is esteemed hostile, but in all the imputed disturbances to parts of Ireland, the



offenders, with respect to the population, are few. It follows then, that to mulct all for the offence of a few, exceeds the summary vengeance hardly permitted by the usages of war; indeed it inverts the judgment of Courts Martial; for as these punish by decimation when many are guilty, that for the offence of some, perhaps included within the decimal number, punishes thousands. This law may be still more iniquitous in its execution; suppose that the disturbers came from an adjoining county or barony, for a crime may be imagined in one county or barony, and be perpetrated in another, and I believe that this is often the fact. Consider this law in every view, it is unjust. What! a district is afflicted by some miscreants, and because its inhabitants are maltreated, they are fined by being forced to support I know not what motley array of constables and magistrates. Suppose any faction wishes to take vengeance on a district, they may commit acts purposely to authorize an anxious magistracy to apply to the Lord Lieutenant, and thus they may make Government accomplish their own persecution. They may proceed more directly, and it has been executed even while the Judges were performing their duties on the Leinster circuit, a faction of loyalists met in Wexford, and under the shape of resolutions told tales of terror, declaring the county *disturbed*; and had there not existed a countervailing and predominant virtue among its leaders, that county perhaps would have instantly enjoyed the virgin virtues of Mr. Peel's Peace Bill. What has since happened? the



utmost anxiety has been shewn by many trading justices to have districts proclaimed ; they aspired to turn their pettyfogging retail into a *wholesale* traffic under the Peace Bill, nor has their loyalty been altogether disappointed.

Suppose a county proclaimed, and that the magistrate and his auxiliaries have begun their campaign, when may we expect that peace will be restored ? It appears that this aggregate body of laws, and equity, and magistracy, and constables, are not to be paid by the job like free hands, but that like crown vassals they are to work and be paid by the year, at all events it is to their annual benefit and superintendence that this measure is directed. We may conclude then, that perfect peace will not be the primary object of these magistrates and constables, when peace is to sound a requiem to their dignity and interest. But this pacific measure, I suppose, is to be conducted on a new and improved plan. To be sure constables have held hitherto a sorry reputation, and from the days of Jonathan Wild at least a suspicion has been prevalent that they are more active in detecting criminals than in preventing crimes. But these constables are to be quite a new description of catchpoll. Mr. Peel suggested that they might be sons of respectable farmers ; but this was eventually abandoned by him ; perhaps they will be chosen out of the modern evangelicals, or out of that superlative sect in America when England conquers it,— who are, “ pure as angels in heaven ;” or from the converted Hindoos, when they are converted ; or from the



converted Jews.\* As for the magistrates, they must be complete, for the Lord Lieutenant is to appoint them; yet I have known magistrates appointed by the king, personally lead insurgents; aye, magistrates have headed loyal Protestants, and burned houses in mid-day; and to prove this I refer to a verdict pronounced against magistrates for this offence in the court house of Armagh. One man of some substance who could prosecute his suit, obtained damages,—the poor suffered without regard, and without redress; and even on the 12th of last July, magistrates marched at the head of Orange Lodges, and some of these magistrates were also clergymen;—thus exhibiting in their own persons the sacred alliance between Church and State.

Suppose that this adventurous loyalty should cease, on what principle of human experience should we conclude, that these magistrates, clerks, and constables will not avail themselves of their opportunities, and encourage just so much irrita-

\* This summer Ireland has been amused by a Mr. Frey, or a Reverend Mr. Frey, a converted Jew, preaching, in order to raise a fund to convert other Jews who have a *misgiving*, which precedes belief. The spirit of converting is something worse than a nuisance; in aftertimes it has been the art to make rogues hypocrites. Of this fanaticism I shall merely mention there was once a rage for converting Jews in England. It appears that those so won to Christianity became so abandoned that they were dismissed, and the institution suppressed by the 51 of Edward III. Cunningham says that the house where the Rolls of Chancery are now kept, was the habitation of those converts. L. Dict. vol. 2. p. 413.



tion in the county, as may maintain themselves in office. Is it not notorious that if the profits of a judge depend on the quantity of litigation, judges sink into pettyfoggers—but by this bill the existence of the magistrates and of the constables depends on the quantity of disturbance provided within some part of the area of their jurisdiction.

Look round the world, read every class, decipher every profession, and you will find, generally speaking, self and selfishness the same. Who would imagine that any being could raise contributions on the inmates of a common prison; yet laws have been ineffectively passed to secure such wretches from rapacity; and Howard mentions a clergyman of a southern county in Ireland, who was detected in embezzling the bread which charity had afforded for their scanty subsistence. Who could imagine that insanity would not assuage the sordidness of man; yet it appears in Mr. Tuke's work, that many lunatics are purposely retained in a deranged state, because their misery serves the interest of those who superintend their sufferings. The same author also informs us that the success, which is notorious, of the means used in the Retreat near York, in restoring the insane to reason, has principally arisen from the substitution of *kind* for *severe* treatment.—Will our politicians profit by the observation, and try a remedy which has been found effectual with maniacs? It is said, "Surely oppression maketh a wise man mad." What then must be its effects on the apprehension of ordinary minds: Were



the magistrates and their officers nominated with more care than ever such persons were ever selected, I should doubt their inclination speedily to restore a district to tranquillity, when that event was to be the be-all and the end-all of their employment. This character of *official* human nature is attested by universal experience, and sanctioned by the English law. By that law no one is to be a witness in his own cause, except in some peculiar cases, and none is to judge in his own cause without exception; but in this particular of the magistrates and constables under the Peace Bill—the same persons prepare the trial, testify, and judge in their own cause, that cause in which their special interest is concerned.

It may be said they will be controlled. By whom? The Chief Judges. Did they control their own officers, when they raised contributions on suitors in their own courts by increasing the fees of office? The reports of the Commissioners on that topic have declared the contrary. Will the Lord Lieutenant or his Secretary control them? They can know little of Ireland, and that little is perverted. Courtiers will not tell the truth; honest men are not courtiers, they are unobtrusive. The informants of the Castle are insincere; busy people, like lackeys out of place, fellows ready for any job.

Past events do not induce a belief that the Government of Ireland wishes to promote the amity and unity of the Irish people. By the statute of Kilkenny, passed in the reign of Edward the



Third, all connexion or assimilation in dress or law between the Irish and English in Ireland is forbidden. The distinction between English and Irish continued to the reformation. Then Catholics and Protestants were the terms of antipathy. By this enmity was extended, and all Ireland became *debateable* ground. In 1704, Catholics and Protestants were prohibited from intermarrying, as in the supplementary tables of the Decemviral Code Patricians and Plebians could not contract marriages; and the reason given by the historian for this separation, that the two classes might not live in fellowship, (Dion. Halicarnassus, lib. 10. c. ult.) is more strongly applicable to this policy in Ireland than in Rome. Many other laws were passed, at once marking the disparity of the two sects and embittering their dissention; to these were added a heart-rending contrast, by patronage, by management, by connivance: and it must be the policy of England to nourish enmity and dissention in Ireland, so long as England wishes to hold Ireland in abject dependence; for as soon as the Irish fully recognize their country and themselves, Ireland must become erect; for twelve millions of people cannot, even were they not encumbered by immense foreign possessions, hold in provincial servitude a country more favoured by nature than their own, and approaching their own in population, if the inhabitants of the oppressed country did not minister to their own degradation. I perceive therefore, no probability, that rulers or governors are likely to secure the country from



the interested mismanagement of magistrates and constables under the Peace Bill, for the object of both is to maintain a certain quantity of discord among the people ; though in the present state of the country, and while the measure is new, some industry and attention may be exerted to qualify this absurd and iniquitous measure.

Yet this Peace Bill passed through the house triumphantly ;—some English members espied in this salutary measure the spirit of the statutes of Winchester and Winton ; this was not said by them wittily, though Locke writes the province of wit lies “ in the assemblage of ideas wherein can be found any resemblance.” And the same philosopher, whom now any one can refute, Madame de Stael or Sir John Sinclair adds “ Judgment, on the contrary, lies in separating carefully one from another, ideas, wherein may be found the least difference, *thereby to avoid being misled by similitude.*”

As for the Irish members, they seemed to entertain this bill as part and parcel of the great jubilee, as an interlude in the secular games of these aftertimes. Every one said something kind on the occasion ; Mr. Fitzgerald obtained an ovation ; Mr. Peel bore away the greater triumph ; one gentleman, and in kindness I do not name him, finding all the topics of panegyric exhausted, yet aspiring to novelty, congratulated the people of Ireland that they were not, as hitherto, to be dragooned ; and that constables and not soldiers were to execute the commands of the magistracy. He had



read in the Remains of Pythagoras, perhaps, "rake not the fire with a sword."—Yet, after all, it appears that Veterans of the Line have been chosen to act against a proscribed people. I conjectured that the Peace Bill, for things in Ireland are named by their contraries, was only a herald at arms preceding the battle; but I own I was not prepared for so sudden a commencement of hostilities, for such seems to me to be the undisguised character of the INSURRECTION BILL; and I am persuaded that the eagerness with which the House of Commons entertained the Peace Bill, hastened the adoption of this extreme outrage.—Observe, the Peace Bill was introduced at the close of the sessions, when the Irish members, jaded by an irksome and nugatory attendance, had dispersed. This was the period adopted by Mr. Peel for introducing the Insurrection Bill. What, however, is Mr. Peel's account of this protracted proceeding? Why, he waited until he saw what effect the continental peace would have on the Irish. Yet this consistent Secretary admitted that the disturbances in Ireland had nothing political in their object. Having waited two or three months, and finding that peace had as little effect in tranquillizing the Irish as it had in reducing their taxes, increased annually at once to the amount of half a million, Mr. Peel introduces his Peace Bill on the 27th of June, which he follows post-speed on the 8th of July, by proposing the Insurrection Bill; and never was the state-machine borne by



two such fiery coursers, and with so transporting a flight since Phaeton turned charioteer.

On introducing the Insurrection Bill, (8th July) he said he had apprehensions when he proposed the Peace Bill, (27th of June) that he should be obliged to resort to severer measures. He may have said so, yet I have not seen any such expression in his printed speech. But I am sure if he said so, he contradicted his own declaration, as will appear by the following statement. On the 23d of June, when he first notified to the House of Commons his intended Peace Bill, the following account of his sentiments was published in the *Globe*: "Mr. Peel in reply, adverting to Mr. Bankes' speech, observed that the laws were already strong enough in Ireland, and that to enforce their execution was all that was necessary.— He then enumerated the White-Boy act; the act for sending strangers out of the country who cannot give account of themselves; (let him look to himself,) the Searching for Arms act, and the act for making the Affidavit of a Dead Man evidence upon trial for murder." Does this evince any brooding necessity, any dread of recurring to severe laws? Directly the reverse: And surely if severity could prevail, this catalogue of coercive statutes would be effectual. I say there was no expectation or prospect of any such measure being adopted. Almost all the Irish members had left London, yet Mr. Peel, in reply to Sir Samuel Romilly, contended that he had not taken the House by surprise. Is there to be no limit to



ministerial effrontery? He denied again and again that the House was taken by surprise by the introduction of this tremendous measure at the close of the session, and he would have denied it oftener than Peter did Christ, but without any corresponding penitence for his transgression.

Observe the grounds on which Mr. Peel founded the revival of the Insurrection Act, and I should not have made these observations, if the members of Parliament had exerted their ingenuity on the subject. He said, "Since he had last addressed the House on this subject, he had endeavoured to collect information from every quarter, as to the state of Ireland, and it was with particular pain that he had now to state that the disturbances which existed were of a most alarming description." Mark, he last addressed the House the 27th of June, and this alarming account was delivered the 8th of July,—the dates are most material. Mark also, that having introduced his Peace Bill to the House of Commons, he then, and not before, as it should seem, proceeds "to collect information from all quarters." Well, after the 27th of June, he applied for information, which application must have travelled from three to five hundred miles by land and crossed the sea; then the information was to be collected, as least it was to be written. Then the information was to journey back the same hundreds of miles by land and sea. Then the multifarious information from all quarters was to be read, compared, digested with great gravity and circumspection, for it re-



garded the most momentous consequences. Yet all this was imagined, begun, prosecuted, and accomplished, between the 27th of June and the 8th of July. Aristotle has insisted that to legislate was the consummation of political sagacity, (*Endemiorum*, lib. 5. c. 8.); at present legislation is exercised by folly run mad. What! all this thinking and doing, and going to and fro, was prosperously and fully effected in ten days, in ten little days! What is the fanatic's belief in *speedy communication* to this man's proceedings;—what is the lover's prayer? “Ye Gods annihilate both space and time” to this legislator, who treats time, distance, and intelligence, as a juggler does pass pass with his cup and balls.

And what was the amount of Mr. Peel's newly collected information on the alarming disturbances in Ireland? A letter from a magistrate of the county of Roscommon, anonymously introduced to instruct the House of Commons, and “a letter from a magistrate of equal authority, Mr. Maycocke of the county of Westmeath,” and a third letter of Mr. Wilkes, which stated that four persons were carded; after which relation, Mr. Peel explained the process of carding to quicken the sensibilities and the decision of the House. He also mentioned a sort of story, rather old to be sure, of some two or three alarming rebels who had sworn allegiance to Bonaparte. But the most capital part of these just imported documents, which proved the *present* alarming disturbances in Ireland, he thus introduced,—“he had in his hand



a memorial, dated November 29th, 1813, signed by thirty-six magistrates of the county of Westmeath, stating that the most daring outrages were committed in open day, "and this was followed by a series of resolutions passed at the Lent assizes, in March last;" and what had either the memorial or resolutions to do with the alleged instant disturbed state of Ireland? yet to ground the passing of the Insurrection Act, these resolutions in November 1813, and those which followed them in March, were purposely displayed as evincing "that the disturbances which existed were of a very alarming description." Yet Mr. Peel, the nursing mother of Ireland, stated, that he was anxious the Irish should be governed by maxims of mildness and moderation. Who can doubt this, when he carried the Peace Bill and its help-meet the Insurrection Bill. These form the authentic evidence of his mildness and moderation; and they recall the declaration of a certain Lord Deputy of Ireland, "The Irish are like nettles, which make them smart who handle them gently, and to prevent stinging they must be crushed."

Mr. Peel, after this preface, moved for leave to bring in the Insurrection Bill.—Lord Castlereagh seconded it,

Arcades Ambo,

Et contare pares et respondere parati.

Did this proposition induce any one to expose these trivial subterfuges? Did any one express



horror at the despotism it would confer? Not a word escaped any member to this effect. Mr. Abercromby indeed suggested that a select committee should be appointed to inquire into the existence and nature of the evil complained of. No, says Lord Castlereagh, this is unnecessary, because the disturbances are notorious; by which his Lordship meant, the disturbances do not exist, therefore we will assume their existence. Were they however more notorious than the disturbances in Nottinghamshire, which were announced by every post and from a hundred quarters? Not that I would suggest Ireland should be treated with something like the respect granted to a small English county:—No; that would be arrogant indeed.

Some slight objections were made to the Bill in progress by Mr. Grant, Mr. Baring, Sir Samuel Romilly, yet rather parleying than debating; for as Sir Samuel Romilly said, it was vain to think of preventing its passing. But of all the speeches on this subject, by casual speakers or by ministers, not omitting Mr. Attorney General's, the most extraordinary was that of Mr. Wilberforce; he began by saying, that as an Englishman he owed much to Ireland for the wrong done her by his country, and he concluded, "the inhabitants of Ireland seem really, as some nations were said to be, incapable of enjoying liberty, to be at present incapable of enjoying the blessings of the British Constitution." The blessings of the British Constitution in Ireland! Mr. Wilberforce might as



well condemn Irishmen, because on receiving old clothes from England, when they had paid for new ones, they expressed no taste for English fashions. The Irish have not enjoyed the blessings, but the curses of the English Constitution. It is ignorant, stupid, insensate to complain and rail, that the Irish are not in Ireland what the English are in England; in no particular do their circumstances effectually concur; they may rest on the same political foundation, but the aspect and atmosphere of either state are most different; of course they present dissimilar scenes, like those elevated lands in some countries which rest on a common basis, but are severed by the north and south; these on this side display the union of Autumn, and Spring, and Summer, while those on the other, bare and bleak, exhibit Winter only in its vicissitudes.

The circumstances of the two countries have no coincidence. William of Glorious Memory, was William the Conqueror in Ireland, and the English Parliament acted to Ireland as his council of war. I speak not now of their breaking the treaty of Limerick, but of the petitions printed in 1698 by both Houses of Parliament to William against the Woollen Manufacture in Ireland, to which William graciously answered, "Gentlemen, I will do all that in me lies to discourage the Woollen Manufacture in Ireland:" And what is also remarkable, this royal promise was kept inviolate.



I pass over the penal laws that afflicted Ireland for a century, and which have been repealed; for enough remains to contrast the situation of the people of these two countries. Still nine-tenths of the people of Ireland cannot sit in Parliament, cannot be employed in the chief departments of the State, nor in many of minor consequence. Catholics cannot be admitted into any corporation, which is more selfish than the monopoly of the *household of Faith* in Turkey; "in these fraternities," says Castellan, "Turks, Greeks, Armenians, and Jews are admitted indiscriminately, but the Chief and the Kealya, are always Musselmans."

Catholics are prevented in important respects from providing establishments for the education of their children; Catholics cannot keep arms, unless they have a freehold of £.10 a year, or a personal estate of £.300. There are many other penal laws still in force; yet the Irish are reviled, while they are thus persecuted, oppressed, and disabled by the existing laws. What would be the state of the English, if for centuries they had suffered these afflictions with the whole penal code, which had no other ostensible object than to exterminate or brutalize.

Regard the disparity of the two countries in other respects; England transports those who are ruined by their poverty and vice; Ireland transports those who should exemplify by their own conduct and station the rules of honour, and her wealth goes with them. Every climate and soil



transmit riches to England, which increase her capital and feed her manufactures; while Ireland loses her chief produce to England, and the residue at home consists of scanty wages to enable her to prolong her labours. Let legislators consider how Ireland has suffered, how England has gained,—gained at the expense of Ireland's sufferings; and then let them compare the two people. Let them consider that the laws were the friends and protectors of one people, and of the other the enemies and persecutors. Ireland is no monster among nations, and it equally betrays want of science to admit non-descripts in the civil and the natural world. Bad laws are neglected by necessity, the iniquitous are broken without remorse, and often in the spirit of retaliation; the persecuted will pursue; the insulted will assail, desperately assail, like the strong man captive among his scornful enemies, resolute,

“ At once both to destroy, and be destroy'd.”

Beware ye ministers and minions how you abuse the Irish with the imputations of barbarity, cruelty, and sedition. The excesses of the people are overt acts, testifying against the Government and the laws. I do not say the Irish would not quarrel, if the Government were tolerable; for the heaven-born minister insulted Mr. Tierney, and they fought; and the dispute and combat of Lord Castlereagh and Mr. Canning, show that the best friends and the best men will sometimes



appeal to arms. But I charge on Government and the Laws the dissention and discord which harass the factions in this ill-fated country, and which must have reduced Ireland to that state to which its enemies malignantly assign it, were not the native Irish as remarkable for courtesy as for humour. The Irish are not cruel in their sports; cock-fighting is almost extinct in Ireland; bull-beating is scarcely known, yet Mr. Windham entertained the House of Commons with the merit of this invigorating amusement; prize-fighting, which is so attractive in England still remains exotic; and though some noblemen imported buffers to Ireland, yet these beasts, like other noxious things generated in England, as toads and serpents, sickened and disappeared. The character of the Irish is not depravity; this observation had been long since made by no friend to Ireland. Sir John Davies said, "There have not been found so many malefactors worthy of death in all the six circuits of this realm, (which is now divided into thirty-two counties at large) as in one circuit of six shires, namely, the western circuit of England." (On Ireland, p. 267.) In like manner the Criminal Calendar of Ireland now does by no means exhibit the atrocious, unnatural, mysterious horrors which perpetually afflict the public eye in the English journals.

The disturbances in Ireland, exaggerated as they absurdly have been, are directly referable to the policy of England, which misrules Ireland by the conflict of internal factions, by antisocial laws,



by perverted despotism, in which Ireland is also contradistinguished to England; for in England the many oppress the few; in Ireland the few who are reduced by faith, and country, and connexions to the fewest, bow down the many and monopolize the inheritance of all. This is the mighty evil, to which are added taxations annually and enormously increasing, and county assessments, which in some instances are almost equivalent to a just rent. To these grievances, the letting of land by land-jobbers, the creatures of absentees, and by proprietors, who follow the same crime of rack-renting the populace, largely contributes.—Land is set to the highest bidder, and those who possessed the farm long before the present proprietor was born, who perhaps reclaimed it from the wilderness, are ejected, and some stranger is substituted, because he offers a greater rent than the land is fairly worth. Many Irish proprietors, particularly the absentees, are a heartless, worthless crew; and I aver, I have never observed in Ireland, (though nothing is more common than saying, that the people would have the land at their own price,) that tenants were indisposed to renew on equitable terms, and this they have as good a right to (technicality omitted) as the proprietor has to the dominion of the soil. These complicated afflictions are exasperated by tithing, by merciless parsons, by tithe proctors who aggravate God's curse on man, and on his laborious life; for with the sweat of his brow, they force from him tears of blood.



Ireland wants remedies very different from Peace Bills and Insurrection Acts. It is not destitute of penal statutes, nor in want of their execution. Mr. Peel says so; "he regretted to state that those parts of Ireland where the laws had been administered with the greatest severity, and where the greatest number of convictions had taken place, the term of those convictions had scarcely survived the cause, when new combinations of a more extensive and dangerous character had obtained birth; and these combinations were carried on with a degree of secrecy which defied the operation of the law, as it at present existed."—Then, as neither penal laws, nor a vigorous magistracy, nor numerous convictions succeeded, he with his characteristic sagacity adds to the penal code, and like a true empiric applies at the same time two remedies to the same disease. What though the Catholic Board had been suppressed, which we were told would have very tranquillizing effects, Mr. Peel and his confederates find it convenient to enact the Peace Bill, and to follow the Peace Bill with the Insurrection Act—"To make assurance double sure, and to take a bond of fate."

From time immemorial every minister has been a framer of penal laws, and all with the same success; not because the remedies were not potent, but because the malady was really or purposely unknown. After all these efforts and miscarriages, Mr. Peel appears with his axe & fasces & lic-tors; this is the mighty man the politician sent from



England to work wonders among the barbarous  
Irish, The grand transformist

Implore his aid, for Proteus only knows  
The secret cause and cure of all our woes.

The mode by which his sovereign remedy, his compounded nostrum is to be prepared and applied, is rather whimsical ;—two magistrates are to summon seven magistrates, who are to apply to the Lord Lieutenant, who is to issue a proclamation ; truly this is not unlike the children's puzzle,—two legs sat upon three legs, up came four legs, &c.—Why all this fantastical parade ; why this puerile labyrinth of Peace Bill and Insurrection Act, merely to tell the world that the Imperial Parliament in 1814 has followed, with respect to Ireland, the precedent of the Parliament of England in 1543, when it was enacted that proclamations should have the power of laws. Indeed on the present occasion, Magna Charta, the Habeas Corpus act, and the trial by jury, may be repealed by fewer than *nine*\* *counsellors*. Why all this mystical management to escape the declaration, that the Anglo-Irish government has reimmersed Ireland into the same abyss of misery in the nineteenth century, that England experienced in the eleventh ;

\* They (the Parliament) appointed that any *nine counsellors* should form a legal court for punishing disobedience to proclamations. The total abolition of juries in criminal causes, as well as of all Parliaments, seemed if the king had so pleased, the necessary consequence of this enormous law," &c.—Hume.



for they have revived the curfew which was first established in England, by William the Norman, who conquered England, who exasperated rebellions, who confiscated the property of its nobles, and converted extensive districts of cultivated land into wilds, to gratify his savage pleasures and caprices.

If these measures be necessary, the Government of Ireland is among the worst; if they are not, they prove that this government, if not the most absurd, is determined to be the most pernicious. The mere introduction of the Insurrection Act into Parliament, if it never passed, is a great crime; and enacting such laws, though they should not be executed, is still greater; it familiarizes despotism, and lessens the hideousness and the horror which all should feel at its most distant approaches. This, observe, is the uniform proceeding of wickedness; vice ever advances purposing good, and acts of tyranny are always at first introduced with apparent reluctance, as a necessary but painful task; yet let us be thankful, as for one year we have escaped a permanent and general Police Bill from the same laboratory of penal statutes, and Mr. Peel respites the nation from the general execution till the succeeding session.



## CHAPTER VIII.

*Spirits Intercourse Bill.—Consequences of the UNION, &c.*

MR. Fitzgerald, the chancellor of the Irish Exchequer, proposed in the last session of Parliament the Spirits' Intercourse Bill. By this he endeavoured to restore to Ireland immediately her right, as authorized by the act of the Union—that contract between the strong and weak. The English Parliament, for it shows no sign of an imperial legislature, when the affairs of Ireland are subjected to its attention, resisted the proposal.—Observe the progress: Mr. Huskinson, in favour of England and against right, defended the continuance of the prohibition,—he then did not succeed. On the second reading, he again assailed the measure, and he triumphed. During this importunate opposition he was without office; because it would not be decorous that an English should oppose an Irish minister. Having performed this good office, however, he was immediately invested with ministerial dignity, and thus for helping to injure Ireland and violate the act of Union, he was rewarded with a considerable employment.

The Union was violated by this repeated suspension; of this there is no doubt; not one denied it, while even Mr. Fitzgerald contended, “that if the measure were not adopted, it would be a violation



of the act of Union. The present state in which credit stood in Ireland, was another circumstance that pressed its adoption at the present time.”— “Lord Castlereagh also contended warmly, that the United Parliament had been guilty of much remissness to Ireland, and was not justified in taking from her any portion of the benefit she derived from the act of Union. The acts of suspension, which had so often taken place with respect to spirits, were not justifiable. The United Parliament had gone largely out of her duty in doing so, or in suspending the intercourse at all.” Yet it was again suspended, contrary to the voice of every Irish member, contrary to this strong reprobation of Mr. Fitzgerald and of Lord Castlereagh; for even his Lordship on this occasion spoke intelligibly; he, who so often reminds his hearers of the remark of the Devil in Goethe’s *Faustus*, “when ideas are wanting, words come of course to supply the place,” spoke intelligibly, for he spoke perhaps with feeling. Such is the recorded opinion of Lord Castlereagh, respecting the frequent violations of the Union by Great Britain; of that man who was the main instrument in the hands of William Pitt in effecting the Union: yet as Mr. Pitt, who ruled despotically, yet could not make the cause of humanity and Africa triumph and abolish the slave trade, which Lord Castlereagh lately revived by his diplomatic inefficiency; so the same Lord, though he could accomplish the Union, could not secure the fulfilment of one of its provisions; wrong and injuries



he can impose on Ireland without remorse, without stint triumphantly, to do her justice, to secure a pittance reserred for her when her trustees abandoned all to the mighty one,—then only is Lord Castlereagh impotent. I believe he was impotent. The sin of the Union was visited early on those who advanced this monstrous grievance; it is said that it hastened the death of Lord Chancellor Fitzgibbon, when he experienced the neglect and contempt with which Irishmen and the affairs of Ireland were treated by the English ministry; and we know that a judicial violence,—the consequence of that measure, forced one indignant and learned judge to ask pardon of God and his country for assenting to that most flagitious measure.

I do not however repine at the violation of the articles of the Union;—that act, which lessens the horror of Bonaparte's appropriations of independent states, and by comparison lightens the guilt of those who severed and dismembered Poland.—I am glad that the Union has been repeatedly and contemptuously broken; for now the remnant of the last subterfuge of its support is annihilated.—Without original authority in the party presuming to contract for Ireland; without honesty to sanction authority, had they possessed any; without equity in the contract; without security that its terms should be fulfilled; and finally, in opposition to the contract—England having frequently violated its articles, what can now be said in sophistry, in prostitute daring to defend the Union?



This measure had been for some time meditated by the English ministry ; for the march of Ireland might be retarded but could not be stopped. The people increased, and knowledge was diffused.—Ireland, in a moment of England's weakness, learned her own strength ; Ireland armed,—her native troops repelled invasion, and thus she challenged respect at home and abroad. America, became free, and to use Penn's words respecting his own colony, she arose “ an example set up to nations.” France was obliged by the coalition of Europe and inveterate misrule, to assume a revolutionary aspect, and France would not be forced under its ancient despotism of Church and State, and the invading monarchs of Europe were sent home chastised like truant school boys. Ireland, the most perversely governed country in Europe, considering all things, marked the fortune of America, admired the achievements of France, and the theme of liberty was hailed by many of the generous and oppressed Irish with sensibility and rapture. On the sympathies of this ardent, sanguine people, the enemies of liberty founded their hopes of effecting the Union, which should confer on Britain the uncontrolled dominion of Ireland. Observe, Ireland had given some proofs that she would not lackey the capricious and selfish measures of England and her ministers. The Irish Propositions, better called by Thomas Conolly the English Impositions, and introduced to the English Parliament by Mr. Orde, the Mr. Peel of the day, were rejected.—



This was a grievous failure in Mr. Pitt's system.—The Irish Parliament also offered the Regency to the Prince of Wales before it had received the fiat of the dilatory policy of the same statesman. This anticipation of the tardy proceedings of the English Parliament was considered as highly criminal, as, a century preceding, the Irish, for protracting their allegiance after the English had thought proper to withdraw theirs from their common king, were afflicted by endless penalties; those were mortal offences to be punished and to be prevented. Former ministers of England had heaped law on penalty, and penalty on law; these were trivial, troublesome proceedings. Mr. Pitt followed Macchiavel's advice, "to do evil at once;"—and having effected the Union nothing should be considered grievous, as this contains the sum and consummation of all grievances.

How was this measure accomplished? By bribery and corruption of all kinds, and by appointments the most extraordinary; men were raised to the magistracy who had neither law nor understanding,—the ignoble were ennobled; in short, men and situations were so incongruously mated, that the state presented a masquerade or a grand transformation. Infinite were the arts employed for this purpose; lies were scattered rapidly and widely through the land, as the winged seed of thistles and weeds when driven by the wind.—Suspicion, enmity, and discord were infinitely promoted;—the malcontents were exasperated,—Orangemen were favoured, cherished, insultingly



preferred. The desperate state of the victims of this favouritism, the general excitement from public occurrences, and a start in thinking, induced many to look to their own defence; the efforts and the artifices adopted to inflame and irritate confirmed their determination. The Government having created a conspiracy, moved the motley monster at will; they could have crushed it at any period of its existence, but they continued it to harass and distract the attention, and to weary intolerably the resolution of independent minds. When this was effected they burst the bubble, or to use Lord Castlereagh's expression, uttered in the pride of victory, "Government made it explode." The country people arose in some places; here and there they surprised a few small detachments, but in general, like all rash insurrections, they made little resistance, and the more numerous their body the more sudden their discomfiture.

All these sad circumstances bereaved the timid of their senses, weakened the constancy of others, rendering many reckless of consequences, provided they might be relieved from the terror and turmoil of the present exigency. In this situation of the country the Union was proposed and rejected. The Stygian council again sat, ministers renewed their intent, villainy was improved by practice, and all former arts and efforts were exercised with increased activity. During all this complicated and overwhelming guilt, faction was fomented, and the image of civil war was occasionally presented to confound or overawe. The



next year, in the session of the same Parliament, the Union was again proposed and to the eternal disgrace of England, for Ireland had little share in the deed—it was passed. This extraordinary measure, which transferred the dominion of Ireland to the British Parliament, was passed, not by a special appeal to the people\*, but by their ordinary, and for the most part, their nominal representatives, who could have no right to determine so momentous, so total a subversion of the law and constitution of the State, though every one who voted in the Parliament were as wise a Solomon and as just as Aristides. Yet it is doubtful whether these state criminals possessed less right or less virtue.

\* Yet we are assailed with the eternal cant of the superior freedom of our constitution,—the unparalleled excellence of our mode of enacting laws. There was an oath of allegiance at Athens; by this the Ephebi swore that they would obey the laws passed by common consent of the people, *and if any one would abrogate the laws without the common consent, I will not endure it, but singly, or in confederacy with others, I will repel the attempt.* This is mentioned by Demosthenes—Stobæus Pollux, &c.

If we consider the conduct of the barbarians of Europe, the means in these countries of enacting laws appears also in a degraded state. Mascou, talking of the Alemanni and Bavarians, says, “These nations may be justly commended for their adherence to certain laws, and it is an indication of their liberty that they were not enacted or amended but at a general assembly of *the whole nation.*” b. 15. c. 2. Contrast this and England now, when two hundred individuals return a majority to Parliament. As to the subversion of the constitution in Ireland by a sort of deputation from this body, with all the incidents of the Union—the freedom of the Irish appears quite superlative.



It was passed when war lingered in the land,—when martial law was proclaimed. “Martial law,” says Hale, “which is rather indulged than allowed, and that only in cases of necessity, in time of open war.” (Hist. C. Law, p. 37.) Sir Thomas Smith also calls “Martial Law absolute power.” (Commonwealth of England, p. 98.) Here contrast the situation of Ireland and England, by the 8 Geo. III. c. 30. troops quartered in a town are obliged to withdraw before the election of a single representative for a few years to Parliament can be held; but in Ireland, when the whole country was flocking with troops, and during martial law, the political extinction of the nation was proposed and forced, and the political existence of the State was transferred for ever, by trustees named for a few years—trustees named according to fundamental laws; yes, these temporary trustees assumed eternal dominion over the constitution, over the people, over the inalienable rights of their posterity—tremendous wickedness—infatuated audacity. Should this measure be continued? should it be respected? Ask the crown lawyers. No; ask justice, truth, honour; appeal to the feelings and understandings of any thinking man. Can it produce good? can this, generated in treachery, and iniquity, and violence, produce tranquillity and comfort? It is as impossible as that Sin and Death could have a fair issue; a common parentage will be succeeded with a similar progeny,

With yelling monsters, that with ceaseless cry,  
Hourly conceiv'd,  
And hourly born with sorrow infinite.



Some writers have insisted that Ireland should possess more than one hundred representatives in the Imperial House of Commons. One hundred representatives are certainly disproportionate in every point of view, but there is a countervailing evil in the principle of the Union that would defeat equity itself in framing its provisions. By increasing the representation of Ireland in the Imperial Parliament, the absentees of Ireland would be increased, with all the evils attending an abandoned territory, and income exported without any equivalent. Observe also, that were the Irish representatives increased to any specific number, to two or three hundred for instance, the power of Ireland would not be effectually commensurate to the numerical augmentation. Many causes prevent Irish members from regular attendance during a session of the Imperial Parliament, which cannot affect those returned from England. A journey of four or five hundred miles, and two voyages, would deter an invalid from visiting London, who might without inconvenience travel fifty or a hundred miles to the capital. Some of the Irish members, by going to England, leave their families in Ireland; attendance on Parliament is to them a temporary divorce from their nearest and dearest affections, a derangement of their habits, and a privation of domestic joys. Individuals so circumstanced endeavour to delay their departure from Ireland and hasten their return. Some of the Irish members are professional men; an English lawyer and legislator may, at the same time



and on the same day, transact his business in the senate and at the bar; but an Irish lawyer, by attending the British Parliament, sacrifices professional emoluments to legislative duties. These circumstances alone would greatly diminish the relative efficiency of any number of representatives to which Ireland might be entitled in the Imperial Parliament, and at present I am persuaded that the hundred which is granted to her cannot be rated at half that number in the gross representation of the empire.

What can fifty or a hundred (and some of these are named by Englishmen) effect amidst six or seven hundred, who have always exclusively favoured the interest of England, and who must of necessity prefer England on every occasion. The act of Union is an act of conquest, and it resembles in some degree the terms granted by Genoa to Corsica, after the revolt of that island in 1732. It was then stipulated that the Corsicans might have a subaltern nobility,—that native Corsicans might be promoted to the episcopacy in their island, and that the Corsicans might depute one of their own country to reside at Genoa, with the title of Public Orator, (*Mably Droit. Pub. t. 2. p. 340.*) It is to be observed that this treaty was guaranteed by Charles the Sixth:—but who guaranteed the Union? None; and England has shamefully and frequently violated its articles. In other respects the two measures literally coincide—Ireland possesses a subaltern nobility,—Irishmen may be appointed bishops, and it is true she may have



one hundred instead of one public orator. Yet, I do not doubt if one orator\* specially appointed to defend the interests of Ireland, would not be as effectual as the whole century. I do not say so contemptuously of the Irish members, but of the necessary impotence of their most strenuous endeavours, for they are few among many. What can a few strangers effect among a suspicious interested multitude? They have become, of course, hopeless, indifferent; for it is folly to waste time and mind without any chance of success. The members for Ireland cannot expect that their greatest exertions will lead to a prosperous issue, when the House of which they are members affronts the express articles of the Union, despotically, without condescending to defend the enormity. What can eloquence, and none are more eloquent than Irishmen, gain against selfishness when self decides? Nothing, though they spoke with the tongues of angels it would not more avail than "as sounding brass or a tinkling symbol."

The interest of Ireland is declining, and surely never was nation so despised as Ireland in the last session. In 1807 the introduction of the Insurrection act occasioned considerable discontent and animadversion in Parliament, even when the empire was in flagrant war with a mighty power, who trod on Europe; and when it was affirmed that there ex-

\* Many cities in Italy and Spain had a privilege to send ambassadors to their kings, mais sans pouvoir cela en reclamer leurs Droits. Martens Droit des Gens t. 2. p. 250.



isted a strong French party in Ireland. Now, with all Europe either friends or confederates, without the fancy or fear of French partizans, the same Insurrection Act, colloquially speaking, passed without any opposition. To be sure it was passed by surprize, as I have said, when the Irish members had seperated, no new business being in contemplation, for it was introduced just twenty-two days before the prorogation, and passed even after the Helstone Election Bill had been postponed to another session for want of time to discuss its merits. Such is the state of Ireland in consequence of the Union, which has so degraded this country in the concerns of the empire, that the pretensions of a corrupt borough in England are treated with more circumspection than the rights and liberties of all Ireland.

The Union contains the terms and is the recognition of conquest. There is no disguising the fact; and if there was any doubt that such is the meaning of an unqualified transfer of legislative sovereignty with the petty privilege of a small dissentient minority, the contempt of England in breaking the promises made by the Union, would remove any scruple which might affect even a partial interpreter of that measure. To those who love depravity and tyranny in proportion as they are inveterate, it must be gratifying to them to learn that the present degraded state of the country is but a relapse into its former abjectness, as appear from Cunningham, "That Ireland is a conquered kingdom is not doubted, and admitted in Calvin's



case several times ; that its having a parliament is gratia regis, subject to the parliament of England. It is to be considered as a provincial government.” (L. Dict. v. 2. p. 309.) This is the present state of Ireland, but deteriorated, for now it does not enjoy the king’s gratuity, even a subordinate parliament.

This exposition, and these undisguised opinions, will be assailed with the harshest epithets. I have nothing personally to resent, nothing personally to hope, nothing to fear ; for though I am neither in love with martyrs, nor their triumphs, I should esteem it disgraceful to be a false witness, and either declare falsehood or suppress truth, when I presumed to testify for my country. If my remarks offend any intelligent Irishman, who is not a placeman, a pensioner, or an expectant, I am sorry for it ; as to the rest I shall endeavour to survive their censure : and in Ireland these censors are almost as numerous as “ locusts warping on the eastern wind.”—Transplanted Englishmen, when Lord Lieutenants, brought with them, but were forgotten on the return of their leaders—all those who esteem virtue a commodity, which being sold, they call loyalty—prating busy-bodies who must be employed, and who consider flattering the noble and the powerful, shaking hands with greatness—wicked ones, who like Snake in the comedy live by the infamy of their character—together with framers of Grand Jury resolutions, maudlin chiefs of corporations, whose admiration of the glorious memory rises, as the bottle circulates ;—



judges who delight jurors by turning their school-boy themes into charges;—patriot barristers, now crown-lawyers on their way to the Bench, will all condemn my exposition of the miserable condition of Ireland. Church will conspire with State on this, as on every occasion, and has not the lowest established hierarchy—the regium donum divines of Ulster, in their late address to the Prince, said among other pious and marvellous things, “We beg leave to assure your Royal Highness that we are duly sensible, in our humble sphere, of the blessings we enjoy under a free constitution, and a mild and beneficent government.” They enjoy just as many blessings as they do pounds sterling. “Presents and gifts blind the eyes of the wise, and stop up his mouth that he cannot reprove.” A mild government! Does not the Insurrection Act prove that the Government is a paragon of amiable weakness? Our free constitution! which must be always repeated, least it should be soon forgotten. Oh most equitable constitution, in which nine-tenths of its people are aliens to its confidence, honours, and rewards. Oh sacred constitution, under the auspices of which there are pastors without hearers—pastors who seize all and do nothing for it; aye, and right venerable; founded on antique precedent, for, “from the days of John the Baptist till now, the kingdom of Heaven suffereth violence, and the violent take it by force.” A wise constitution, in which the chief offices in Church and State are conferred on foreigners, on Englishmen—a wonderful constitu-



tion, in which the three states\* are mingled, and a political essence is extracted from all. A constitution in which King, Lords, and Commons balance each other; and in which Lords and Commons have each an inward balance like Libra in the Zodiac, which adjusts the component parts of each, according to an equation invented at the Union. By this twenty-eight Irish Lords counterbalance two or three hundred English Lords, and one hundred Irish Commoners form an equipoise to five hundred and fifty-eight British Commoners; all which are together weighed in the grand statistical balance against the Insurrection Act, which marvellously holds these, and Magna Charta, and the Habeas Corpus Act, and Trial by Jury, in trepidation.—Oh superlative constitution, “high above all height.”

Moving of th' earth brings harms and fears,  
Men reckon what it did and meant;  
But trepidation of the spheres,  
Though greater far, is innocent.

They are unmeaning, vapid canting constitutionalists, who talk of the freedom of the constitu-

\* I have insisted, in *National Government*, on the absurdity of any such balance in the British constitution. I have since met with two authorities for this opinion. Nous conclurons donc, qu'il n'y a point, & ne se trouva onques republique composée d'aristocratie et de l'estat populaire et beaucoup moins des trois republiques.—Bodin de la Republique, liv. 2. p. 229. “For it will be found that this title is improperly given, and that a mixed constitution has never yet existed.” on Legislation p. 155.—Michell.



tion; there is no constitution in Ireland—when one did exist in this country, it was always most oppressive in comparison to the English constitution.

On this side life and lucky chance ascends,  
Loaded with death that other scale descends.

and now the Insurrection Act, like the sword of Brennus, is thrown into the conqueror's scale.—Considerate thinking Irishmen will not now lend a reluctant hearing to those bloated panegyrists—their ears will no longer be receptacles for mere sounds, nor their mouths be employed to repeat the ministerial echo—lullaby will no longer soothe them. What a delightful episode in the epic canto of our glorious constitution do the Treasury Journals and Crown Lawyers make of an incident which succeeded the homicide of many men by the triumphant faction at Shercock; they introduce it by saying, “a very respectable gentleman of the Bar was sent down by government to inquire into this unhappy affair.” Truly this activity and condescension exhibit our constitution and our government as wonderful; but they forget to notice that if favouritism, a system of favouritism, had not been the law and usage of the land, there would have been no mission, for there would have been no murders—no molestation. What was the amount of this mission to Shercock? something less than a common inquest by a coroner, for that would have been taken *super visum corporum*, and before a jury. But I forgot Trial by Jury,



the authors of the Insurrection Act, that is the Irish government, consider an incumbrance. Yet we shall hear the glory of our free Constitution, the beneficence of our Government, the equity of our Laws, the sanctity of their Administration :— And thus, when the Woollen Manufacture in Ireland was put down by statute, the popular attention was directed to the amazing anxiety of the Viceregal Court to the Irish Manufactures, for the master of the ceremonies had an order inserted in the Gazette, that it was a *sine qua non*, that those who danced at the fancy ball at the Castle should be dressed in Irish stuffs.

It is insulting to speak of the freedom of the Irish constitution. Ireland remains as it was described in that summary which I quoted concerning Calvin's case, a conquered province. Some may think that this is exaggerated or rhetorically expressed, but I shall prove that by the Union it is a province, and one of the lowest character exhibited in ancient or modern times.

Compare Ireland at present with Britain under the dominion of Rome. Beside the stipendiary states, there were others which enjoyed the *jus Latii*; these were governed by a *Prætor* and *Quæstor* elected among the citizens, "and in which," says Whitacre, (*Hist. Manchester*, p. 246.) "a Briton was the justiciary, and a Briton was the tax-gatherer." Does Ireland reach even this rank among provinces? Yet the *municipia* enjoyed far superior liberty; these were exempt from the imperial statutes, and they enacted their own laws.



Tacitus says generally of the Britons, *Domiti ut pareant nondum ut serviant*, (*Agricolæ Vita*, c. 13.) and Dion Cassius, that they were *ελευθεροι και αυτονομοι* free and self-legislating, nor can there exist liberty, except on suffrage, which is absurd if the people do not legislate in their own concerns absolutely, without subterfuge, without impediment, without the intervention of others. Is Ireland a self-legislating province? No, she does not present the semblance of such a distinction. Ireland is inferior to the American provinces.—They possessed legislatures when they were subordinate to Great Britain, and these legislatures alone had the power to tax the people. Ireland has no such safeguard for her finances, and she contributes accordingly. It is true that England dared to tax those provinces in order to shift her burthens on them. But the American provinces spurned the insult. They sent no tributary legislators to the British Parliament as Ireland does. No, they possessed legislatures chosen by themselves and acting within their territory. The wickedness of England eventually occasioned an union, but not of America with England, but of the American provinces among themselves; and may this union be eternal.

Compare Ireland with Canada, a conquered Catholic province of old France; and this province particularly deserves our attention, as Mr. Abbot, in his fanatic speech on the Catholic Relief Bill, offered Canada as a precedent for the Catholics of Ireland; Canada, which is said to be named from



Acanada, here is nothing. Yet this wilderness afar off has a legislature, and all laws must be enacted by the majority of that body. It is however very probable that this province will soon follow the example either of Ireland or of the American provinces; for Jackson, in his View of Upper Canada, mentions among the grievances of that province, the attempts of the executive Government to influence parliamentary elections, and to destroy the liberty of the press.

Ireland is lower in the scale of provinces than those which I have mentioned; and how miserable is the reflection that Ireland, with her numerous population, is treated with less attention than an outlying district, which does not now count more inhabitants than a single Irish county. Ireland cannot long endure this complicated misrule. — Sympathy must be communicated by general suffering, and the interest of the many must sweep away the petty interruptions which individual selfishness opposes to the common good. Let not the English ministry wait this coming time. Let them not delay. Had they retracted their assumed right to tax America sooner than they did, then war and the separation of the colonies had been avoided. Had they rescinded the orders in council, before continued vexation had driven the Americans to extremity, they would not now be waging an inglorious warfare, nor should the sons of Ireland be forced to bear the brunt of the onset. This is purely England's war, and to infer the



contrary by saying,\* that if the Americans were sincere in their proclaimed motives of war, they would have stopped hostilities on the repeal of the orders in council, is deceitful,—for a drop will make a vessel overflow, but a drop will not raise it to its former fulness.

Let the ministry of England be taught by experience, and let them not add Ireland to the examples of their folly and misfortunes. Restore to Ireland her Parliament, her nobles, her proprietors. The Union, as Tarquin when he desired the conspirators who wished to restore his tyranny in Rome, has taken off the pre-eminent in the State. England has conquered Ireland, and has used her conquest most haughtily. Restore her captive chiefs, who under the show of representing her power wait on the dignity of England, contribute their income to her people, and swell the parade of her legislative sovereignty. Restore Ireland to liberty, now that Bonaparte is conquered, as the Romans did Greece when Titus Quintius defeated Philip, and the sons of Hibernia will be even more generous than the Grecian states who redeemed, on that occasion, all the captive Romans from slavery; for they will become indissolubly bound to England, and become her safety and her glory. Restore peace to the country, by restoring its peace-makers, the proprietors of its soil, who

\* This is doubly absurd from the English ministry, who commenced hostilities with France, after the offensive expressions were retracted by Chauvelin,



will be doubly interested in its tranquillity. Without a repeal of the Union, and I speak most sincerely, I do not think Ireland will be tranquil, will be happy, will be creditable; on the contrary her people will be unquiet in peace, dangerous in war, fatal on a reverse of fortune. If England do not perform this conscientious duty, we must prepare for the consequences, and reflect

That even-handed justice  
Commends the ingredients of our poison'd chalice  
To our own lips.

If England do not correct this deep-seated evil, England is predestined to fall, I mean as inveterate wickedness hardens the heart, and obliges man to persist in sin till sin works its own destruction.—Every thought, word, and action connected with the Union has proved lying, disgraceful, ruinous, flagitious.—The act of Union has been repeatedly violated; add then a formal to its virtual repeal. Besides, Mr. Vansittart the chancellor of the English Exchequer, in a debate on the Spirit Intercourse Bill, said, “that articles of the Union were ambiguous and unintelligible;” it is then a tissue of weakness\* and wickedness.

\* I have not heard any thing uttered in favour of the Union for some years, except the benefit Ireland was to derive from an interchange of the militia. Regiments of military improve a people! I fancy there is not a little of the missionary madness in this. The English regiments were improved, for many of their soldiers were made Orangemen.



Repeal the union—restore to Ireland, ye imperial legislators, its parliament, and let it be a parliament in the genuine meaning of the expression—let the House of Lords be the representative of the dignity of the country—not the ambiguous, shuffling, subordinate thing that it appeared before the hand of death had seized it. Mr. Newenham says truly “the Irish House of Lords was in a great measure an English House of Lords.—Many of the members of the House resided constantly in England. The few Lay-Lords that attended Parliament generally found themselves, as the journals of their House show, outnumbered by the spiritual Lords, who appear to be [have been] very punctual in their attendance, of whom a very large portion were Englishmen, and very few had territorial possessions of a permanent nature in Ireland.” Let not the House of Lords of Ireland be so composed, for under such an assembly there can be no security for the accomplishment of any prudent resolution; even the union might again be enacted. Continue, if the divorce be impracticable, the alliance of Church and State in the House of Peers, but do not commit the monstrous blunder of filling an Irish House of Lords with English bishops. Let the House of Commons in the regenerated state represent the people; let none, as formerly, direct its votes under the ominous title of *undertakers*. Let us have an Irishman for Chancellor, that the memory of Redesdale may be forgotten; let men who know the country rule the country; what can be expected from a government,



the chief of which is a stranger, and whose deputy, and whose deputy's deputy are strangers, and the blind lead the blind. A philosopher said, there is no royal road to mathematics; and a greater philosopher said, it was easier to be a mathematician than a politician.—(Arist. opera, t. 2. p. 247.) But the English Ministry seem to imagine that any bye-path, by the king's appointment, leads to politics; and that it becomes, by virtue of the royal prerogative, so plain that none can mistake their way. I do not think it would injure the cause of England, if the Irish had a voice in naming the substitute for royalty in this island. At all events, the province of Connecticut had the privilege of appointing its own governor and council, independently of the crown—and mark, this province was little affected with the revolutionary war of the other colonies, and its people, it is said, are now affectionately attached to the interests of Great Britain.—(Adams, Democracy Unveiled.)

If this be too great a boon, at least repeal the Union, restore to Ireland her Parliament, her subordinate Parliament; why should she be deprived of a legislature to regulate even her local concerns, which the paltriest corporation enjoys. The English Ministry in guaranteeing Norway to Sweden, (Norway, which is not an island separated from Sweden, but which joins the frontier of Sweden uninterruptedly for five hundred miles, and which has not above one-fifth of the population of Sweden) stipulated that Norway, by its union with



Sweden, should enjoy an independent Parliament; then, why should Ireland, an island, and possessing two-thirds perhaps of the population of Britain be left thus destitute. This solorn state is offensive in every possible view, to right, circumstances, relations; it is against the nature of things. It is said that Alexander of Russia, meditates the restoration of Poland. Let England's Prince imitate Alexander in one single act. Poland has, it is true, great pretensions; she had framed a constitution in 1791, of which Burke, though distracted by the horrors of the French Revolution, was the panegyrist, and Poland had received the congratulations of Christendom for defeating the Turks. Ireland also presumes on her success;—her sons, headed by Wellington, were not less distinguished among the Confederates, than the Poles and Sobieski among their companions in arms, and they stopped and repulsed a greater power than all the Ottomans.

Let not Ireland be excepted in the general restoration of Europe to liberty and peace; and while the Union exists Ireland cannot attain permanent tranquillity. The Union is an act of manifest subjection;\* the baseness of the conditions has been declared in the last session of Parliament, and every year will more poignantly display its ruin to the neglected and proscribed inhabitants of the land. Formerly Ireland had a

\* As Cicero says, "Cum his facta pax, non erit pax sed pactio servitutis."---Philip 12. t. 2. p. 652.



nominal Parliament, which by its resistance on two or three occasions, proved that it possessed at least the principle of vitality. If Ireland ever enjoyed a compromised liberty, now she suffers unconditional domination,—she has lost all, the power, the seeming, to legislate in her own concerns, and to tax herself according to her own judgment and capacity ;—she is reduced to a state of pupillage, she cannot act without her self-constituted guardian ; her property is vested in trustees, who employ it on their own projects, and account for it among themselves.—Her orators are gone, perhaps, for ever ; her absentees are numerous,—their fortunes are lost to the community, and these evils annually increase.—The public mind wants objects to interest and reward its application,—the press survives only in the journals, and these, I speak not of the state hirelings among them, are supported by detailing the miseries that infest the land. The Union is a pure evil ; if the former state of Ireland might be compared to the serpent in the egg, the present exhibits the serpent disclosed—the emblem of eternal death.

FINIS.



Houses of the Oireachtas