

A  
R E V I E W

OF

MR. GRATTAN'S

A N S W E R

TO THE

EARL OF CLARE'S SPEECH.

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*PART THE FIRST.*

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IN WHICH THE MERITS OF THE CONSTITUTION OF 1782,  
AND ITS APTNESS TO THE CIRCUMSTANCES OF  
IRELAND ARE INVESTIGATED.

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“ *A nation ought to know itself.* Without this  
“ knowledge it cannot make any successful en-  
“ deavours after its own perfection. It ought to  
“ have a just idea of its state, to enable it to take  
“ the most proper measures; to know the pro-  
“ gress already made, and those that are still to  
“ be put in execution. Without this knowledge  
“ a nation will act at random, and often take  
“ the falsest measures. It will think that it acts  
“ with the greatest wisdom in imitating the con-  
“ duct of a people reputed wise, and not per-  
“ ceive that *such regulations and such proceedings*  
“ *as are salutary to one state, are often pernicious*  
“ *to another. Every thing ought to be done accord-*  
“ *ing to its nature.*”—Vattel, Law of Nations,  
ch. ii, 1st book.

“ The first and most important duty of a na-  
“ tion towards itself, is to choose the best con-  
“ stitution possible, *and that most suitable to its*  
“ *circumstances.* When it makes this choice, it  
“ lays the foundation of its preservation, safety,  
“ perfection and happiness: it cannot take too  
“ much care in placing these on a solid basis.”—  
Ib. ch. iii.

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R E V I E W,

&c. &c.

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IF I aspired to the rank of an antagonist to Mr. Grattan, I should hesitate to approach the lists, where he has declined the combat. "He will take no notice of any Answer, except one coming from the Author of the Pamphlet;" a quarter from whence a reply is not well to be expected. But the matter, which Mr. Grattan touches, belongs to the Irish public; for its information I shall proceed over the same ground. So trippingly has he run this career, that he has left nothing to answer in the way of argument; but he has made insinuations which are to be repelled, and mistatements which are to be corrected. It seems to be the covered design of this performance, to excite a spirit of unreflecting enthusiasm in favour of an establishment, which, although it is reluctantly given up, cannot otherwise be supported. Mr. G. does not consider, that the predilection, which he wishes to revive, has by himself been frowned and scolded with peculiar assiduity out of the country. Mr. G. has acquired a name in the affairs of Ireland; he

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considers

considers himself the author of the Constitution of 1782. That scheme of government, his boast and labour, is condemned as the great source of the calamities of this country. It is considered essential to the peace, stability, and well-being of Ireland, to deface his trophies, by altering the Parliamentary Constitution, the only member of our liberties which he claims to have established; and the proposal is nearly carried into effect. Does the statesman rise in the pride of wounded dignity to assert his reputation? Does the legislative parent vindicate his offspring? Does he prove the merits of his work by its salutary provisions and practical good consequences? Have the jarring elements, of which this island is composed, coalesced; and has civil society improved under the influence of his institutions? Has he offered, by any piece of solid reasoning, to account for the apparent defects of his system; to prove that it was well assorted to the people, for whose use it was designed; to justify it against past experience, by the probable tenor of its future operations? No such defence—no such eulogium has he attempted. Without the slightest reference to its value or demerits, he means, so far as depends on him, to render his system immortal. For the intention we readily might give him credit, still it would be no more than decent to assign some public motive. Upon this, so solemn an occasion, he writes with the light vivacity of a young gentleman's travelling diary. He appears to be engaged in collecting monumental inscriptions, or preparing mottoes for a gallery of portraits. Shall I say, that Mr. Grattan is insensible to his own fame, or that he slumbers whilst his favourite edifice is menaced with destruction? Or shall I invert the elegant compliment he offers

to the memory of Mr. Flood:—"On a great subject he is miserable. The distaff is more suited to his arm than the thunderbolt." I cannot suppose these things; but fact, and reason, and experiment, and the sense of the nation are against him. I proceed to compare Mr. Grattan's Pamphlet with the printed Speech he professes to answer.

Mr. Grattan chuses "to begin with this performance at the Irish Parliament of James I." I will concur with him in passing over the more early parts of our history. To the Lord Chancellor's Speech they form a material and luminous introduction, although they do not practically affect the present question. But Mr. G. might have found in the Speech, somewhat prior in point of order, matter very much deserving his critical attention.

"My opinions," says the Earl of Clare, "upon this subject, have not been recently or lightly formed; early professional habits had taught me to investigate the foundation of Irish titles, and of necessity to look back into Irish history: it had been my fortune to be called into active and forward public service, perhaps during the most eventful period of it; and from a critical and attentive observation of what has passed in Ireland for the last twenty years, I am satisfied in my judgment and conscience, that the existence of her independent Parliament has gradually led to her recent complicated and bitter calamities, and that it has at length become desperate and impracticable. I did, more than once, when I sat in the House of Commons, state, without reserve, that the rapid growth of faction, and precipitate folly and passion of men, who from time to time

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“ were suffered to take a commanding lead in  
 “ the councils of that assembly, would inevit-  
 “ ably reduce us to the alternative of Separation  
 “ or Union. I have with as little reserve stated  
 “ the same opinion since I have had the honour  
 “ of a seat in this House.”

Here the Answer should have made its first stand, if it proposed to argue. The Speech relates the progress, by which an intelligent mind was led to adopt the measure in contemplation. It accuses Mr. Grattan's friends of that degree of intemperance and faction, by which the constitution of Parliamentary Independence was rendered impracticable and dangerous. If my recollection is accurate, Mr. Fitzgibbon, with prophetic good sense, told these gentlemen in the House of Commons, at the close of the memorable debate of 1785, that their imprudent exercise of the privilege of independence, would compel the Crown to consult its safety by an Union. Indeed, in a subsequent part of the Pamphlet, Mr. G. alleges this long-formed opinion of a principal Minister as the vindication of his own party. His argument and inference stand thus:—“ A principal Minister of the Crown has been led, by the indiscretion of my party and myself, to give up as an untenable form of government, the separate Parliament of Ireland; and because we forced upon him this sense of expediency, our indiscretion is completely vindicated.” Methinks another question arises, which it would have become Mr. G. to dispose of: Which have his party and himself displayed the temper of provident and sober legislators, or of indiscreet political combatants?—But we shall have occasion again to reassume this topic.

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The Speech maintains, that James I. established a regular Government and Parliamentary Constitution in Ireland, (page 11.) It makes a distinction between this General Assembly of the States of the island, introduced by James I. and the Provincial Meetings of the settlers of the Pale, dignified by the name of Parliaments. "Here," exclaims the author, "his pages only deserve attention, in order to vindicate the lineage of our liberties against slander." And then he leaves the lineage of our liberties to vindicate itself, with only the aid of a few hard expressions to serve as catch-words—"This statement is a traduc-  
 "tion of the inheritance of the realm, a calumny  
 "against her antiquities, and a falsification of her  
 "title. Lord Coke, the Judges of England, the  
 "records of Ireland, the *modus tenendi parliamen-*  
 "*tum*, the statute-book, the extent of acts of  
 "Parliament before the reign of James through-  
 "out the realm, and the act of annexation among  
 "others, answer him. From all those you find,  
 "that Ireland had a Parliament from the begin-  
 "ning, and that the Legislature was not of the  
 "Pale, but of the nation," Mr. Grattan's An-  
 swer, page 2.

Now, this conclusion, I do most decisively contradict. The *modus tenendi parliamentum*, if indeed the document be genuine, which is much disputed, was transmitted to Ireland by Henry II. long previous to the period when the principle of representation was known even to the English Constitution. It was, probably, the wish and hope of Henry, that the Irish Chiefs might be drawn as near to the condition of subjects, as his English Barons; but his design was totally frustrated. The *modus tenendi parliamen-*  
*tum* proves merely the inclination of the Monarch;  
 and

and those historical facts, which are known to every person in the least conversant with our annals, demonstrate that the intention never became effectual. The matter in controversy is, whether before the reign of James I. there was a general plan of regular government in Ireland under the superintendance of a national representation; and Lord Coke and the opinions of the Judges are cited, who declared what nobody denies, that a Parliamentary Assembly was usually held for the management of the district, comparatively a narrow one, which was under subjection to the laws of England. The records of our statutes before James, and the Act of Annexation prove no more. What by a bold flight of imperialism we now denominate the Act of Annexation, (33d Hen. VIII. c. 1.) was in truth no more than an alteration in the Royal style. Little did the framers of that act imagine, that it was to be reputed the great bulwark of the title by which the Crown of England holds the sovereignty of this realm. It sets out that the King of England, using only the style of Lord of Ireland, enjoyed nevertheless all kingly prerogatives. It prays in the name of Parliament and of all the King's loving subjects, that his Majesty will be pleased to assume the title of King of Ireland, and alleges as a motive, that the *Irishmen* will be thereby rendered more obedient. This statute is any thing but a limitation of the Irish Crown to the Monarchs of England; for it supposes the dominion of Ireland to be already vested in them. By the lineage of our liberties, Mr. G. means the pedigree of Parliament. Let him hear the sentiments of an intelligent man, who considered this matter at a period when it was not involved in obscurity.

Davies' Tracts, page 232. " For the space of  
 " 140 years after Henry II. had taken possession  
 " of

“ of Ireland, there was but one Parliament for  
 “ both kingdoms. The laws made in the Parlia-  
 “ ment of England were from time to time trans-  
 “ mitted hither under the great seal of that king-  
 “ dom, to be proclaimed and executed as the laws  
 “ of this realm.

“ In this manner was the great charter of the  
 “ ancient liberties of the English subjects, the sta-  
 “ tutes of Merton and Marlebridge, sent over by  
 “ King John and King Henry III. the statutes of  
 “ Westminster, the first, second, and third, and  
 “ the statute of Gloucester by King Edw. I. the  
 “ statutes of Lincoln and of York by King  
 “ Edw. II.

“ Among the rest, that of Westminster the se-  
 “ cond, and that of York, in their several pream-  
 “ bles do make exprefs mention of the people  
 “ and land of Ireland, as well as of England,  
 “ where the laws were made.

“ All which statutes, together with the war-  
 “ rants and writs, whereby they were transmit-  
 “ ted, we find enrolled, and preserved to this day  
 “ among the records of this kingdom.

“ But what then? How long since? In what  
 “ King’s reign was this great common council,  
 “ this high Court of Parliament, erected first and  
 “ established in Ireland?

“ Doubtless, though the rest of the ordinary  
 “ courts of justice began with the first plantation  
 “ of the English colonies here, yet the wisdom  
 “ of the state of England thought it fit to reserve  
 “ the power of making laws to the Parliaments  
 “ of England for many years after.

“ So as this high extraordinary court was not  
 “ established in Ireland by any authority out of  
 “ England, for many years after the form that  
 “ now it is, till towards the declining of King  
 “ Edward

“ Edward the Second’s reign. For before that  
 “ time, the meetings and consultations of the  
 “ great Lords with some of the Commons, for ap-  
 “ peasing of diffensions among themselves, though  
 “ they be called Parliaments in the ancient annals,  
 “ yet being without orderly summons, or formal  
 “ proceedings, are rather to be called Parlies than  
 “ Parliaments.

“ But by what reason of state was the state of  
 “ England moved to establish this Court of Par-  
 “ liament in Ireland at that time ?

“ Assuredly this common council was then in-  
 “ stituted when Ireland stood most in need of coun-  
 “ cil ; for under the conduct of Edward le Brus,  
 “ the Scottish nation had over-run the whole  
 “ realm, England had the same enemy at her back,  
 “ and the barons’ rebellion in her bowels ; and  
 “ so, being distracted in herself, could give neither  
 “ consilium nor auxilium to the distressed subjects  
 “ here, so as they, being left to their own strength  
 “ and council, did then obtain authority from the  
 “ state of England to hold this common council  
 “ of the realm among themselves, for the quench-  
 “ ing of that common fire that had almost con-  
 “ sumed the whole kingdom.

“ And this, by the testimony of the best anti-  
 “ quaries, was the first time, and first occasion of  
 “ instituting this high Court of Parliament in  
 “ Ireland.”

Ibid, page 296. “ For the space of 140 years  
 “ after the meeting of this high Court in Ireland,  
 “ it is apparent, that never any Parliament was  
 “ called to reduce the Irish to obedience, or perfect  
 “ the conquest of the whole island, but only to reform  
 “ the English colonies that were degenerate, and to  
 “ retain the sovereignty of the Crown of England  
 “ over them, and to no other end or purpose.”

Davies

Davies then proceeds to recount the objects for which subsequent Parliaments were held, and concludes, that until 10 Henry VII. they were for "such mean and ordinary matters, as, but for want of other business were not fit to be handled in so high a court." Page 298.

After dwelling on the merits of Sir Edward Poynings, he treats in these words of the several Parliamentary Assemblies from 10th Henry VII. to his own time, 1613:

"For what end was the Parliament holden by the Lord Leonard Gray, in 28 H. VIII. but to attain the Giraldines?"

"Wherefore did Sir Anthony St. Leger call the next Parliament after in 38 H. VIII. but to invest that Prince with the title of King of Ireland, and to suppress the abbeyes and religious houses?"

"To what purpose did Thomas Earl of Suffex hold his first Parliament in 3 & 4 of King Philip and Queen Mary, but to settle Leix and Offaly in the Crown?"

"And his second in the second year of Queen Elizabeth, but to re-establish the reformed religion in this kingdom?"

"What was the principal cause that Sir Henry Sidney held a Parliament in the 11th year of Queen Elizabeth, but to extinguish the name of O'Neale, and entitle the Crown to the greatest part of Ulster?"

"And lastly, what was the chief motive of the last Parliament holden by Sir John Perrott, but the attainder of two great peers of this realm, the Viscount Balinglas, and the Earl of Desmond, and for vesting their lands, and the lands

“ of their adherents, in the actual possession of  
“ the Crown.

“ And now having made a summary collection  
“ of the principal causes of summoning the former  
“ Parliaments, which from time to time have  
“ been holden since the first institution of this  
“ high court in Ireland, I must not forget to note  
“ also unto your Lordship, what and how many  
“ persons were called in former times to make  
“ up the body of this great council.

“ For the persons, before the 33d year of King  
“ H. VIII. we do not find any to have had place  
“ in Parliament, but the English of blood, or  
“ English of birth only; for the mere Irish in  
“ those days were never admitted, as well because  
“ their countries lying out of the limits of  
“ counties, could send no knights, and having  
“ neither cities nor boroughs in them, could send  
“ no burgesses to the Parliament; besides, the  
“ state did not then hold them fit to be trusted  
“ with the counsel of the realm.

“ For the number, since before the 34th year  
“ of King H. VIII. when Meath was divided into  
“ shires, there were no more than twelve  
“ counties in Ireland, besides the liberty of Tipperary;  
“ the number of knights must needs have  
“ been few; and since the ancient cities were but  
“ four, and the boroughs which sent burgesses  
“ not above thirty, the entire body of the whole  
“ House of Commons could not then consist of  
“ one hundred persons; and though Queen Mary  
“ did add two shires, and Queen Elizabeth seventeen  
“ more, to increase the number of knights  
“ in that house, yet all did not send knights to  
“ the Parliament; for the remote shires of Ulster  
“ returned none at all.

“ For

“ For the Lords temporal, though they are yet  
 “ but few, yet was the number less before King  
 “ H. VIII. was styled King of Ireland; for since  
 “ that time divers of the Irish nobility, and some  
 “ descended of English race, have been created  
 “ both earls and barons.

“ And lastly, for the bishops and archbishops,  
 “ though their number was greater than now it  
 “ is, in respect of divers unions made of latter  
 “ years, yet such as were resident in the mere  
 “ Irish countries, and did not acknowledge the  
 “ King to be their patron, were never summoned  
 “ to any Parliament.”

“ The present Parliament,” he says again,  
 (speaking of the first Parliament of King James,  
 anno 1613) “ is not called in such a time as when  
 “ the four shires of the pale only did send their  
 “ barons, knights, and burgeses to the Parlia-  
 “ ment, when they alone took upon them to  
 “ make laws to bind the whole kingdom, ne-  
 “ glecting to call the subjects residing in other  
 “ parts of the realm unto them, as appeareth by  
 “ that Parliament holden by the Viscount of  
 “ Gormanstown, which Sir Edward Poynings,  
 “ in the tenth year of King Hen. VII. caused to  
 “ be utterly repealed, and the acts thereof made  
 “ void, chiefly for that the summons of Parlia-  
 “ ment went forth to the four shires of the pale  
 “ only, and not unto all the rest of the coun-  
 “ ties.

“ But it is called in such a time; when this  
 “ great and mighty kingdom, being wholly re-  
 “ duced to shire ground, containeth thirty-three  
 “ counties at large; when all Ulster and Con-  
 “ naught, as well as Leinster and Munster, have  
 “ voices in Parliament by their knights and bur-  
 “ geses; when all the inhabitants of the king-  
 “ dom,

“ dom, English of birth, English of blood, the  
 “ new British colony, and the old Irish natives,  
 “ do all meet together to make laws for the com-  
 “ mon good of themselves and their posteri-  
 “ ties.

“ To this end his Majesty hath most graci-  
 “ ously and justly erected divers new boroughs  
 “ in sundry parts of this kingdom. I say his  
 “ Majesty hath done it most justly, even as his  
 “ Highness himself hath been pleased to say,  
 “ that he was obliged in justice and honour to  
 “ give all his free subjects of this kingdom indif-  
 “ ferent and equal voices in making of their  
 “ laws, so as one half of the subjects should not  
 “ make laws alone, which should bind the other  
 “ half without their consents.”

It appears from the same historical tracts of Sir John Davies, page 80, that until the reign of James I. charters of denization were habitually granted by every Prince to the Irish, as to persons not entitled to the legal advantages of subjects; and these charters were held necessary in order to qualify the grantees to maintain actions in any court of common law. James I. discontinued the practice of granting such particular charters, *because he had received the entire nation into the class of subjects.* In another passage the same author informs us, that before the accession of this Prince, the royal authority was so feeble and precarious, that no laws could be enforced but by an army. It is also deserving of notice, that not one of the Irish annalists speaks of Parliament. It did not enter into their notions of national dignity or interest.

In Farmer's Chronicle of Irish Affairs, preserved in the *Desiderata Curiosa Hiberniæ*, we are informed, that when the session of 1613 was opened by Lord Chichester, the procession from Christ Church to the House of Parliament was repeatedly

peatedly interrupted by altercations, extending even to blows, between different peers for precedence; a plain testimony that they were convened to an extremely unusual assembly. A paper, preserved in the same collection instructs us, that the people of Ulster had no conception of the nature or meaning of Parliaments. See examination before Sir T. Caulfield.

Let me now entreat the public, to compare the Earl of Clare's account of the origin of our present Parliamentary Constitution with Mr. Grattan's contradiction, and Sir John Davies's testimony, and to determine to whom this extraordinary compliment should with propriety be applied:—"The boldness of this assertion is rendered more remarkable, by the distinguished feebleness of its reasoning."—Mr. Grattan's Answer, page 2.

Certainly no historical fact can be placed more completely beyond controversy, than this, which the Earl of Clare asserted, and which Mr. Grattan very rashly controverts, that James I. introduced regular government in Ireland, and extended the cares of Parliament, and the circle of its duties, from the colony to the island. He gave to the nation a deliberative assembly of dignity, weight, and universal interest. But it is objected, because the basis of this assembly was not a popular representation, that it therefore must have been a contrivance to overpower the freedom of Parliament, and extend the prerogative\*. Do those who make the objection know what at the time was the state of the royal prerogative? In England it was high; in Ireland it was unlimited. Although King James had never called a Parliament, he might have governed without interruption like his predecessor; and the

\* "To pack a Parliament." Mr Grattan's Answer. See also his Address to the Citizens of Dublin.

the Prince, who had power to create an entirely new constitution, was doubtless not obliged to depend on that constitution for his influence. It matters little whether the seventeen counties were created by Elizabeth or James. Doubtless the plan which James carried into effect, was sketched in the cabinet of Elizabeth. These seventeen counties appear to have had a legal, but until the year 1613, they had no political existence.

As to the merits of the constitution established by King James, it is new matter, too extensive for a digression. I am satisfied to ascertain the date of Parliament in Ireland under its present form, and of regular government under any form whatsoever. To Mr. Grattan's accusation I reply, that Ireland never was at any period less fit for a popular government. — James I. who might have governed this nation as an absolute Monarch, restrained his prerogative by summoning a Parliament, and still more encumbered himself, by augmenting considerably the number of persons whom that Parliament was to consist of. He who need never have intermeddled with county representation, or permitted himself to be fettered by it, is presumed by Mr. Grattan to have taken so much trouble, merely to counteract that county representation. He is presumed to have in a great measure created a Parliament, or at least drawn it from the oblivion in which it slumbered, for no purpose but to traffic with it. Mr. G. writes for that part of mankind, who will accept as argument, hard words, and intemperate declamation.

clamation. He makes his assertion, and then wraps himself in mysterious jargon, intelligible perhaps to his votaries, but to no other. See Answer, pages 2 & 3.—Let me inform him, that the traffic of packing a Parliament is of much more recent date. Such things were said to be in the contemplation of some of Lord F——m's counsellors. There are others, I believe, better acquainted with these arts, than either the Monarch, or the modern Minister whom Mr. Grattan censures.

To my view the defects and errors of King James's project are of a very different complexion. It did not immediately connect Ireland with the superior government; it did not create an interest on behalf of this nation, in the breasts of those who were to regulate its destiny; it gave birth to the fatal principle of distinctness. That which it professed, it unquestionably accomplished. A competent proportion of the notable men of Ireland, were called under this institution to assist and to controul the government; and this practice was more congenial to the constitution it was designed to imitate than Mr. G.'s favorite plans of general representation. If in the relative circumstances of Great-Britain and Ireland, an establishment of separate Parliaments was calculated to produce the good of the weaker nation, that end King James's Parliament would have accomplished; but Wales was the precedent in point. If the same course of proceeding had been followed in the settlement of Ireland, we might have avoided most of the calamities of the last age, and we should have been by a century more forward in cultivation and prosperity. Parliaments were not

not regularly held, although the groundwork of them was laid, until after the Revolution. For the inconveniencies since that period, Parliament may be deemed responsible; of the evils of the former century it certainly is blameless. "*The lineage of our liberties,*" is not then, what Mr. G. states it, but critically thus:—For 140 years after the English settlement in Ireland, our barons made one Parliament with those of England. From Edward II. to Henry VII. a Provincial Assembly was occasionally held for purposes nearly of a private nature. Under Henry VII. an appearance of more solemn legislation was assumed; but until James I. it did not extend its cares from the settlement to the island. The model of a national Parliament was formed, among other projects for regular government, by that Prince; his projects were frustrated by improvident efforts, to force an ignorant people from their religious prejudices, and the country was governed very much without Parliaments until the Revolution. From that event to the year 1782, we languished under the assiduous use of these assemblies. About the year 1782, a new system arose; by the acknowledgment of the actors in this change, it appears to have been struck out hastily, improvidently, and with little foresight. From this innovation we seemed to live in a delirium of liberty; not valuing any franchise, but that of obstructing government and quarrelling with our rulers. At length the fever reached our lower people; they burst into insurrection; the servant against his master, the peasant against his landlord. This is the history of our Parliament. Let Mr. Grattan lay his hand upon his conscience, and answer there, how far his precipitancy as a statesman, his intemperance as an orator, his

his imprudent ambition, as the leader of a party, contributed to our calamities.

I have rested on this historical assertion of Mr. Grattan; as between antiquaries the question is of little import. Whether Henry or James laid the foundation of the constitution, the form of our government ought to be subjected to this test, and to this alone, is it productive of civil good and social prosperity? These speculations of national vanity, are started to divert the public mind from the essential considerations, on a sober view of which the merits of the Union ought to be decided. Mr. Saurin, a gentleman, whatever may be his weight or consideration in other respects, who in this affair of the Union has acted under impressions of singular simplicity, and deviated far from a sound intelligence either of our history or constitution, is made in some of his printed speeches, to recommend the present state of connection, by the experience of 500 years. The prescription of 500 years may well be alledged to protect the rights of the British Crown in Ireland. That it cannot cover the institution of Parliament we have already shewn; the truth is, that the present state of connection can boast a prescription of exactly 18 years, since the repeal of the law of Poynings. That event was the material revolution in the annals of the connection. Until 1782, the bonds of union between Great Britain and Ireland were the identity of the Monarch, the influence of the Crown, and the initiative of the Privy Council. By the abrogation of the last, at the period I mention, the Parliament of Ireland acquired new rights, and assumed a new position in the British empire. The separate Parliament, brought to perfection by King James, was held in check by the

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controul of the Privy Council over its deliberations. It is only from the year 1782, that Ireland has had a Parliament, acting and deliberating from within itself. We have therefore precisely the pride of 18 years to feed our vanity, and the experience of 18 years to instruct us, how far this species of establishment is calculated to confirm and protect the combination of the British islands.

The transaction of 1782 is a sort of mystic ground, over which Mr. Grattan waves his wand, and forbids the impertinent approach of criticism. Whoever does not think with him on this subject, "is a slave," page 4. Precisely in the same spirit Lord Peter is made to say, "If any man refuse to believe that this brown loaf is a leg of mutton, may G—d d—n him." Those were called slaves in France by the constitutionalists, who desired to support the Crown on the basis of the antient corporations. The Brifotines would have neither crown nor corporations. Danton proceeded further; he would not admit order; and Robespierre discarded decency and humanity. As each innovation successively prevailed, the innovator protected himself, and overwhelmed his adversary with this sort of summary denunciation. At this day few can doubt that he, who endeavours to feel his way, when he deviates from antient establishments, is the man who takes the most solid precaution against tyranny. About the time Mr. Grattan began to take a lead in politics, the state of Ireland unquestionably offered materials upon which to ground a "great transaction." In that form, which he imparted to the *transaction*, I most urgently protest against qualifying it, with this epithet of approbation. We shall be enabled to form a  
 judgment

judgment by considering what, previous to the affair of 1782, were the necessities of Ireland, and how far the arrangement of that period was calculated to remove them. It is, perhaps, the fault of my weak judgment; but I see this famed proceeding somewhat in the same light with that compliment, of which Dr. Goldsmith observes jocosely, that "it was like sending you ruffles when wanting a shirt."—"The Pamphlet," says Mr. G. "now comes to its own times; it states the adjustment of 1782." To that eventful transaction I shall endeavour to accompany "the Pamphlet," and the Answer.

The Earl of Clare conducts us to this æra of 1782, by a very clear and circumstantial detail of the origin and growth of the factions that beset the government of Ireland. He has fully detected and exposed the political profligacy of parties, who preserved the image of a free constitution, without care or concern to communicate its practical advantages; merely using it, like the appearances of decorum, to enhance the stipend of immorality. I will not attempt to imitate or abridge this valuable piece of history; and it is superfluous to transcribe from a recent Work in universal circulation. (See Speech of Earl of Clare, from page 26 to 30.) But here the angry animadversion of Mr. G. is provoked; and he acquits himself somewhat as in the *affair of the lineage of our liberties*. He comes on with bold assertion, but flies off, after this vigorous onset, into rhodomontade and arrant nonsense. "The Pamphlet," says he, "now comes to its own times, and it is to be remarked, that as it dwelt on the past with all the fury and prejudices of the present time, so it expatiates on the present with as much error and mistake,

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“ as if it were treating of the remotest anti-  
 “ quity.” In what consists this error? A serious  
 charge deserves to be supported by evidence of  
 some material misconception. The Aristocracy  
 of Ireland had common sympathies with the peo-  
 ple; it never laid rapacious hands upon the  
 public property; it never harassed the Crown by  
 its cabals, nor disturbed the people by its con-  
 troversies; turbulent alternately, and oppressive,  
 as it happened to be thwarted or indulged. These  
 are not Mr. G.’s allegations; indeed they would  
 ill become him. No; he seeks the important  
 materials of his accusation from another quarter.  
 Truly he is supposed to have attributed a higher  
 stock of merit, than he is at present willing to  
 admit, to the famed Convention at Dungannon!

And does Mr. Grattan indeed discard Dungan-  
 non now? How low are laid the glories of that  
 celebrated spot! Time was, when Dungannon  
 was to have been decorated with monuments and  
 trophies; and thither, as to Mecca or Delphos,  
 the votaries of independence were to resort in  
 pious pilgrimage. At this day, to give the as-  
 sembly at Dungannon a principal share in the  
 constitution of 1782, is to “ blemish a great  
 transaction.” I cannot speak to the precise words,  
 as I do not know to what particular occurrence  
 the Earl of Clare alludes; but surely what that  
 nobleman asserts was the general tenor of all  
 Mr. G.’s public declarations. “ The Presby-  
 “ terian Church\*,” says he at one time, “ is the  
 “ parent of the constitution.” Mr. Flood went  
 further; he made the constitution of 1782 an  
 emanation from America †. I will not waste time

\* Debate on the Catholic Bill, 1782.

† “ A voice from America shouted to Liberty—the echo  
 “ of it caught our people, as it passed across the Atlantic,  
 “ and it reverberated here.” Mr. Flood’s Speech in 1783.

in splitting frivolous points. Mr. G. scarcely advances a page from this resolute charge, when he takes up and places on his front the obloquy he deprecates. It is alledged, that the transaction of 1782, in which that gentleman bore a principal figure, was not a sound and sober exercise of legislative deliberation; that a popular outcry was indiscreetly, not to say criminally, excited, to which Government yielded from panic and from necessity. The essence of the accusation is, the dangerous precedent of intimidating Government. Now, the meeting at Dungannon was either an instrument of intimidation, or it was a pageant. "I respect and admire the meeting at Dungannon," says Mr. G. For what does he respect it? Because it fulfilled some public purpose. But one object alone was in the contemplation of the meeting—to conquer from the Government a system of legislative independence. On this point Dungannon professed to speak the sentiments of one armed province, and to direct and animate the energies of the remainder. With these pretensions, and on these alone, Dungannon was attended to; yet, in the language of Mr. G. to make Dungannon a principal in the business of 1782, is "to falsify history, and blemish a great transaction." Then Mr. G. admires and respects the agent, whilst he considers the only act of its existence a blemish. He admits Dungannon to be a source so impure, as to "blemish" the transaction of 1782; and yet, according to himself, the participation of the Dungannon Convention is incontrovertible.

A friend will venture on liberties, which he does not permit to any other. This is surely the condition of Mr. G. with respect to his favorite

favorite constitution. After much hesitating and stammering, he reasserted the positions which he has affected to repel; and if the accusation of the Speech be a "*blemish*," he has counter-signed the disgrace of his "*transaction*." "The subjects of 1782 did not emanate from Dungannon; two years before they were discussed in Parliament. They were discussed on the 19th of April, 1780, on a motion made by myself, and in the course of that session and of the next session repeatedly and fully; they were *adopted by counties and various descriptions of men, and finally they passed the Parliament.*"

Does Mr. G. mean, that in 1782 the proposition he advances was more clear than in 1780, or the parliamentary conviction of its propriety more prevalent? If so, what becomes of this machinery of counties and descriptions? Doubtless they urged the tardy prudence of Government, and produced an expediency which it was held necessary to acquiesce in. Without this circumstance Mr. G., less rich by 50,000*l.*, might still assail in vain the deliberative wisdom of the House of Commons. Then external and popular interference was employed in 1782, against the sovereign authority; and the fatal precedent was created, and what more does the Speech import, or allege to have been pronounced by Mr. Grattan? But this gentleman in the next page puts this matter beyond all difficulty.—"Does any man," he exclaims, "mean to affirm, that we could have established that claim without the Volunteers? If so, he is a mistater of the truth." Now, Mr. G. appears to me to be the only person disposed to question the fact he here triumphantly establishes. The Earl of Clare did not doubt the interposition of the Volunteers, nor the importance of that interposition, but he arraigned its propriety.

ety. Mr. G. sets forward with vehemence, and concludes by confirming the very impresson he proposed to overturn. Admirable apologist!

One circumstance, indeed, is pretty obvious from this bungling vindication—that experience and common sense have altered the temper of this country. If the spirit that appeared at Dunganon still continued to animate any considerable portion of men, Mr. G. would have appealed to it; he would not thus falter in his panegyric. In truth, time has divested this transaction of its imposing circumstances, and extinguished the enthusiasm that upheld it. We know the value of the acquisition; it gave dominion to the Aristocracy; it conferred his fortune upon Mr. G. and left to the people false views, perverse habits, and visionary pretensions.

The Earl of Clare, in tracing the history of our cabals, develops a system of administration “which would beat down the most powerful nation upon the earth.”—Government, at length awakened “to the defects and dangers of it, attempted to shake the power of the Aristocracy.” During this conflict, Mr. G. entered upon the scene. Probably he did not design or foresee the consequences of his measures; for he seems very much to have taken his politics at random. But Mr. G. under colour of the independence of Ireland, did decisively play the game of the Oligarchy. These cabals were already beyond all proportion too powerful for the Crown and for the country, although they were restrained by the law of Poynings and the supremacy of the British Parliament. Mr. G., by his forcible declamation, excited so much outcry, and an antipathy to these two regulations so violent, that Govern-  
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ment, in a moment of distress and dismay, thought it prudent, by the sacrifice of them, to gratify the popular impatience; and the Oligarchy remained thenceforward without any curb whatsoever. The Irish Parliament and nation were so constituted, that the popular influence was mere theory. That people, whose name was used, and whose force was most rashly set in motion, took nothing by the concession; but the Oligarchy, who stood behind the curtain ran away with the advantage. Thus the Irish Nation was taught, that its Government might be intimidated; it was instructed how to proceed, and what moments to select; and no one step was taken, by which it might be induced to forbear from reverting again to the experiment. In the affair of 1782, the *rights of men* were at every instant in the mouths of legislators and of popular leaders; but, lo! when the exertion was made, the public found that they had toiled with great simplicity to augment the powers of a few persons of overgrown influence. And the manner this service was received by the Oligarchy, ascertains the nature of it. Mr. G. was rewarded by a profuse donation. It was just in the same spirit, that a sum of £30,000, was voted to the Duke of Ormond, to requite his exertions in procuring the act of Settlement. The Commons were grateful in the one instance for the influence they acquired; in the other, for the estates of the unfortunate Irish that were secured to them. Let no man talk of Ireland in a transaction, thus contrary to every principle of sound policy and national advantage. Boast, if you will, that you improved the borough market, and enhanced the value of a seat in Parliament. To found upon them a claim of merit, these matters must be proved to have some connection with

with the welfare of the country. The free trade, although the effects of it upon this kingdom are excessively overrated, stands on a very different ground. Even this matter as between Great-Britain and Ireland was more proper to be negotiated for, than extorted. The times however, the justice of the demand, and the importance of the acquisition will apologize for some transgressions of political intemperance. One must respect the persons who upon that occasion urged the pretensions of Ireland with effect, and directed its energies with sagacity. These were not the merits of the Constitution of 1782; this is not the fund which Mr. Grattan draws on.

Is there on earth a dispassionate man, who will aver, that in the affair of 1782 an appropriate remedy was applied to the grievances of Ireland? The inhabitants of this country at the time might be divided, into those who were concerned in the political management of the kingdom; those who derived some profit by their residence; and the class of cultivators who were fixed to the soil by the difficulty of removal. The first class were not in general the great properties of the kingdom. The natural Aristocracy transplanted itself to England, leaving their political influence in Ireland, as a provision for the younger branches of their families. Under the administration of the Lords Justices an act of Parliament was obtained, which under the usual pretence of public improvement, converted at one stroke all the boroughs of the land into private property. When the James's and the Charles's created corporations, the law ran, that no corporator should exercise his franchise, unless he resided within the precincts of the borough. But the new dynasties that settled themselves in Ireland, found this ob-

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stacle inconvenient. They procured a law, that threw open the privilege of electing in boroughs to non-resident freemen; and then, by introducing a number of their own connections and dependants, wherever they could gain admission, they compleatly ousted those, who were alone in the contemplation of the original charters. I have heard it asserted that *during some former Parliaments* 220 members sat by private nomination. If this assertion be accurate; if, in consequence of the habitual non-residence of the natural leaders of the country, the composition of these members was still more defective, surely it was not patriotism to extend those powers which had hitherto been made subservient to mercenary views, and which still were probably to be subject to the same misapplication; for the scheme of 1782 contained neither precaution nor corrective.

Of the second class I have described, the natural destination was industry. But the habits of this order were badly cast. It was taught to look to other things than frugality. Mixing with a peasantry, whom they were permitted to trample underfoot, this description of men became overbearing and intemperate; and politics were so very near at hand, that they almost considered the pursuit as a provision for their children.

The third denomination contained a people, suspected for its race, detested for its religion, despised for its poverty; untaught, unprotected; with fierce passions, which every thing was calculated to irritate and inflame, and nothing tended to mollify. Upon these materials the statesmen of 1782 were to act. What was their conduct? They utterly neglected those classes which were proper subjects for reform; and they removed the checks by which Government was enabled

to bridle that order, whose evil example and corrupt practices threw the entire state into confusion.

Do I mean to imply, that Mr. Grattan's friends in 1782 ought to have promoted a more popular representation? By no means; although at that time the expedient might have been resorted to with greater safety, than of late, when Mr. G. thought right to recommend it. I think after the acquisition of the free trade, they ought to have suffered the country to rest. I think they were to blame in rashly despoiling the Crown of advantages, which although not corresponding to the theory of the English Constitution, were in the case of Ireland beneficial, and afforded a substantial security to the subject. Above all I reprehend them for exasperating the discontents of this nation, and exciting and fomenting a disposition to innovate, and all this on the score of matters, which were either nugatory or injurious, and which in general were adverse to the elementary principles of political prudence. To this Mr. Grattan replies. "To have countenanced resolutions essential to the establishment of your constitution, and to have opposed any further interference when that Constitution was established, was the duty and pride of them by whom the business of 1782 was conducted." Thus Petion might have said, "I raised a mob to dethrone the King, and I put up a tri-coloured ribbon to stop them, when they would fain dispatch him; but my barrier was laughed at." And thus might Mirabeau and Barnave have declared, "when we had instigated the people to every kind of phrenzy, and undermined the foundation of social order, we preached to a populace who disregarded us, the boundaries of law and liberty." We are conversant with the history of Mr. Grattan's transaction. We know that, when certain gentlemen were

taken into power by the Duke of Portland, and by Lord Northington\*, their former followers did not exactly agree with them, as to the measure of innovation; they turned about indeed and chid the angry spirit of the times; but the spirit of the times retorted the rebuke, and scoffed and reviled its monitors; and spoke of inconsistency, upbraiding its former friendship, and their present elevation. Fortunately the Government of Ireland had preserved its armed force and its influence. These were of more avail than Mr. Grattan's counsel or Petion's ribbons. The ferment was allayed for that time; but the desire of innovation, and the pretext and precedent sunk deep in the public mind of this kingdom. You may trace every one of them in the steps preparatory to the late disturbance. I admit that it is rather the part of an austere political moralist, to sit in judgment, and try, by the experience of the present time, a matter transacted before the awful lesson of France had afforded its instruction. Many, concerned in the politics of 1782, would recoil in these days from any tendency to innovation. But when Mr. Grattan ostentatiously puts forward the affair of 1782, he abandons his claim to that indemnity. "We saved the Government," says Mr. G. That I deny; tho' I entirely admit that he endangered it. We thought," says he, "that at this time as in the period of Magna Charta, armed men might make declarations to recover liberty, and having recovered it, we thought they secured their glory as well as their freedom, by retiring to cultivate the blessings of peace." But it was necessary in order to repair the mischief, that the armed men should be of the same opinion. A very great proportion

\* See debate on Mr. Flood's motion for a Parliamentary reform.

proportion of them happened to differ, as did a still greater proportion of their unarmed fellow-subjects, who felt in themselves the ability and disposition for martial achievements.

I cannot pass over this eternal vigilance to compare the affair of 1782 to Magna Charta. If the admirers of Mr. Grattan talked of the law for perpetuating entails, or any other factious effort to force upon the Crown and Country a mutinous Aristocracy, I should admit the parallel. Every individual in the land can point to the immunities he derives from Magna Charta. He must be judged by his Peers; he is protected from outrage; from judicial injustice or the capricious exercise of authority. Now what is any plain man the better for Mr. Grattan's Constitution? In civil and religious matters the seat of supreme authority has usually drawn to it a certain superintendance, over public bodies of the same design and constitution, more remotely situated. Thus the Parliament of Paris was set over the French judicatories. Our monarchy is of more delicate texture than that of France, and in the adjustment of its component parts the necessity is stronger to preserve harmony by means of a paramount authority. In matters of internal regulation we had not been molested by the supremacy of the English Parliament; but we were debilitated by laws of our own; by a vicious distribution of powers; by factions, and penal incapacities upon the people. Mr. G. stepped into our aid; he was indeed a bold reformer. He dealt unmercifully with the theoretical imperfections that injured none. But he was tenacious of the real, tho' latent evils; and never meddled with that which was practically defective. I feel no satisfaction in reviving these matters; but really if gentlemen will write romances upon that leap in the dark, with which  
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our unprofitable licentiousness, during the American war, concluded, they must expect that the facts shall be divested of their false colouring, and that the matter shall be laid plainly and without disguise before the public. We were quibbling about renunciation and simple repeal, when we ought to have been occupied in establishing confidence within the country. It did not increase the demand for labour in favour of the peasantry, to have brought home the Appellant jurisdiction. The rich and the poor were not drawn more closely together by abrogating the initiative of the privy council. No man had been molested by the supremacy of the British Parliament, therefore no man was relieved, when this nominal supremacy was surrendered. To have asserted the legislative independency of Ireland, and induced Great-Britain to recognise it, resembles in theory and in declamation, the exploits of Harmogenes and Aristogiton. It was in reality a transfer of power from the British to the Irish legislature; the latter of which had not, with the subjects handed over, much more political connection than the former. Parliament was not in consequence of this transition blended more intimately with the nation. They were indeed placed at a greater distance from each other. If we call to mind that period, when the supreme power at Athens was vested in a certain number of individuals, who to support themselves, admitted a portion of the citizens to an inferior degree of influence; and if we suppose in these circumstances, a popular Orator to arise, and proclaiming to the people, that high pretensions and prerogatives were their birth-right, conclude the farce, by strengthening the hands of their rulers, then that state of things,

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and that man's conduct, would exactly represent the Constitution of 1782, and the political labours of Mr. Grattan. But the Aristocracy itself was most egregiously deceived. Its triumph was short-lived. It received a wound in the affair of 1782, from which it has suffered much and which at length proves fatal. This indeed was inevitable. Whoever would read the publications and parliamentary annals of the time must have foreseen it. The contests of our Aristocracy as Mr. Hume says of modern wars, were like cudgel-playing in a china shop. The supremacy of the British Parliament over the empire rested upon reasons of state, necessity and expedience. We were told that those were of no avail against abstract right, and that prescription and usage did not fortify them. Then how could it be expected that the Catholics should bow to the Protestant minority, or both acquiesce in the dominion of the borough influence. The poor man too was divested indirectly of his reverential impressions for existing establishments; and between the rich and him, actual power was left the sole resource of subordination. Quite consistently, when an opportunity offered, the lower classes proceeded to substitute themselves in place of a dominion of which they were weary.

Now this land in which so many loose speculations were set up by the politicians of 1782, was the least fit of any place on earth to be thus rashly tampered with. The circumstance of one religious body claiming ascendancy over another, and the propensity to discord necessarily arising from such condition, ought to have been before the eyes and in the contemplation of a statesman. If he inclined to equalize  
privileges

privileges, he should have considered that those, might repine, whose influence was diminished; and that the other party might, perhaps, be at first intemperate in the exercise of new authority. He should have preserved the powers of Government in vigour, that it might be able to meet either emergency. If it were his design to uphold the ascendant of the one party, still the strength of Government ought to be his care, for the reluctance of the subordinate body was to be overcome, and it was to be protected from the aggression or the contumely of its more favoured fellow Citizens. The example of the last century stood, as an eternal incentive to enterprizes of violence. I do not mean that the re-assumption of particular estates is ever dreamed of by any party or by any individuals in this country. There is scarcely an instance of a forfeiting family, which has not either become extinct, or mixed with the other races, or acquired under the present settlement a valuable property. I allude to the impression, that necessarily must have remained in a nation, where the ordinary course of acquisition and inheritance have sustained an immense, and rather a recent disturbance. It is distinctly remembered that, without the least merit in themselves, but purely the success of the cause they espoused in a time of general confusion, a multitude of families were advanced, as if by a lottery adventure, from the meanest stations to affluence\*. Whilst this recollection is preserved, the unpropertied part of the Irish will expect to derive the like advantages from

\* In the reign of Charles II. when a point of ceremony was in controversy between the Lords and the Commons, "another rebellion says, one of the managers for the Commons, may make Lords of us all,"

from similar occurrences, and must of consequence continue prone to civil commotion. — They were of course peculiarly unfit to receive the lesson and precedent which in 1782 were laid before them. I do not wish to speak with levity upon this solemn subject; but really the constitution of 1782, taken with a reference to the topics it opened, and to the great materials for discord and discontent, which already existed, strikes my mind, as not unlike the boon of one of Cromwell's officers to the Irish; he ordered by his will a bottle of whiskey and a knife to be distributed to every Irishman who should attend his funeral. He sought to call the passions of the people, he detested, into action, and he facilitated to them the means of employing these passions for their common destruction.

Let party hold what language it may, common sense must pronounce, that "*the transaction of 1782,*" left the interests of Ireland unprovided for. It had all the faults of the Royal Democracy of France, the same tendency to unsettle the public mind, and efface received impressions; the same inadequacy of the end to the means; the same difficulty in supplying new objects of attachment, and providing against the mischief likely to result from so great an agitation. The scheme of government, which took place in 1782, was not suited to the country; it did not embrace our relations, domestic or external; the basis on which it was placed did not promise either peace or permanency. As the Constitutionalists of France were precursors to the Republicans, so did the proceedings of 1782 necessarily and inevitably dispose and prepare for the politics of Mr. O'Connor and Mr. Emmet. To a certain extent the likeness is accurate; and severe indeed, so far as we advanced, have been our sufferings.

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That we did not compleat the picture, by running the entire career of revolution, we are indebted neither to Mr. G. nor to his parliamentary coadjutors. It is for these matters that I censure this alleged statesman—for plunging rashly into the most weighty of all concerns, and managing the delicate charge of a nation's welfare without forecast, prudence, or circumspection; for that very circumstance, which he most whimsically makes one of his boasts, that he missed a great opportunity to negotiate; for having formed a system which left every thing at random, and laid the foundation of that most irksome state of society, an eternal jealousy between the Sovereign and the subject. Upon these grounds it is, and not for an idle conversation with Mr. Nelson, that I controvert Mr. Grattan's merits, and reject his celebrated "*transaction*" from the catalogue of those events, which it is the duty, or should be the policy of Ireland to reverence.

THE END.