

The Second Edition.

FIRST

LETTER

TO A

NOBLE LORD,

ON THE

SUBJECT

OF THE

UNION.

BY GILES. S. SMYTH, Esq.

England can never be undone, but by Parliament.

LORD BURLEIGH.

—DUBLIN:—

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LETTER, &c.

MY LORD,

THE strange and eventful days in which we live, have not yet ceased to unfold their wonderful productions. New matters are not only still expanding themselves, but pressing so close on us, that the very island in which we live, exhibits a pregnancy likely to bring forth a numerous incubation of novelties. We can hardly be said to have altogether surmounted the greatest of human calamities, a rebellion, and while we live even in the smoke and ashes of ruin not entirely quenched, with here and there a sparkling ember of mischief, yet in this dubious state of breathing and repose, our rulers meditate for us a new subject of disquiet and trouble, by the proposal of a measure to which our concurrence is expected with all possible complaisance. Our country, unfortunately, has been a long time doomed to be the theatre of our own resentments; and the unfortunate divisions and distractions among us, have so occupied us with quick successions of animosities, that we have had not leisure enough to contemplate our misfortunes with coolness, and to administer to them the emollients of justice, good sense, and good policy. If any thing can bring us to our senses, this

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untoward project of the Union appears to me the most likely. It is the most barefaced, undisguised attempt at our honour, dignity, and character, as a nation, and our liberties, as a people, that has ever been yet attempted. To cut us down from the topping pride of an independent Nation, into a degraded, dismantled appendage to the British Crown, is the advantage about to be taken of our misfortunes—for it is presumed, that the late adherents to rebellion, are sunk by defeat into the apathy which follows baffled desperation, and are now become totally regardless of what may happen; while the other part of the nation, warned by the perils they have escaped, would rather quietly submit, at the feet of the British Minister, than provoke, by contest, the opportunity to disaffection once again, to take a part in an affray, in which it had no other interest than to promote its own views. The aversion to political reflections, and the state of languor which naturally succeeds to the turbulence of our passions, are reckoned upon most sanguinely—and it is fondly hoped, that as we have been so long the sport of calamity, and are now so dispirited by feverish vexations, that our interest in the public affairs will sink into a cold and wearisome listlessness. This is the policy, and the policy betrays the purpose. The men of property and public virtue of this land, have prevailed over the disciples of French anarchy, and they have saved their Constitution, for which they fought, bled, and conquered; and which very Constitution, before the struggle has well closed, we are now called on to surrender, forthwith because, after having tried it since the year 1782, we are audaciously and arrogantly told, “*we have found it to be of no avail;*”^{*} though we are informed in the very same paragraph, that “no country

^{*} See a Pamphlet entitled, Arguments for and against a Union considered.

country in the world *ever* made such rapid advances in population, agriculture, manufactures, in wealth and prosperity, as Ireland has done since that period." The sober sense of this way of talking, is simply this: that since Ireland became a free and independent nation, acting under such regulations of internal and external policy as her own free Parliaments had devised, that she made the most rapid advances to every thing most desirable to a nation that has ever been known in the world, that *therefore* she should lay down her independence, and with it that energy of acting, and that freedom in principle, by which all those advantages have been attained. Really, my Lord, this is beyond the bounds of sobriety, and is only to be understood by taking into consideration one of the several advantages which is proposed to us in direct and avowed terms, viz. by acceding to the Union there would be "*no fear of Ireland becoming too powerful to govern.*"* This undoubtedly is an event more than probable. Before we become the victims of unadvised precipitation, let us for a moment consider what we are about. The subject appears to me to resolve itself principally into, the causes which have brought us into those calamities which are now to be converted into the means of our disgrace; the measure which is proposed as the remedy; the competence of the Legislature to carry it into effect, and the precedent adduced to warrant the surrender of our liberties.

And first of all, Ireland, it must be allowed, exhibits a lamentable instance of internal convulsion; but if we cast our eyes over the Continent of Europe, we shall find that we have no positive claim to more singularity of condition. The situation of this country is attributable to several causes: to those which have operated similar appearances in other nations of

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* Ibid. page 15.

Europe, and to those which especially belong to itself. The Hollander, the Fleming, the Italian, and the Swiss, have fallen beneath the Jacobin yoke, by the ordinary process of division, rebellion, and invasion; for I beg leave to say, that although to slander and traduce the Irish character* may be one of the modes adopted towards working out the job of the Union; yet that if a fair consideration be given to the prevailing character of the times, the asperity so unwarrantably directed against the one, should in justice and reason be applied to the other. It is for our own times to make the meditated subversion of our Constitution palatable to the public taste, by seasoning it with asperity, censure, reproach and insult. But, my Lord, the indiscreet partizans of our slavery, seem to me to have kindled on our cheek the blush of indignation; and perhaps one giddy act of indiscreet zeal, futile reasoning, impudent assertion, and illogical inference, however covered with the pert airs of sagacity, which official presumption, when confirmed into habit, can so easily assume, may rouse us to cling with a closer regard to the liberties of our country, I hate to be abjectly patient, when an insult is the prelude to a wrong. We do indeed avert our eyes from those spectacles around us, which refresh our sensibility, and make us mourn for the public suffering; but our sorrow has been mistaken for a foolish shame, and we have been supposed to be more likely to blush for the name of Irishman, than to do any thing else, except to merge or confound it under some general name, by jumping into this gulph of an Union. I trust, however, and I know there is yet among us manliness and virtue enough to vindicate the honour and freedom of our country, against the impudent speculations of a few paltry sophists. I am not going to describe the path
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* Ibid. page 7.

of destruction which the Jacobin evil has taken; the rise and progress of it have been already given to the world, and I do not purpose to be the recorder of its ruin; but it is enough for me to say of it, that "take it for all and all," it was the most dreadful engine of woe, with which Omnipotence ever chastised the vices of a degenerate world. At one time the repose, freedom, religion, and virtue of the old world, and indeed of the new, were cast into the scale, and fluctuated under a tremulous and uncertain balance. England was visited by it; but there, no artificial division among the people, kept awake angry passions, and prepared resentments for any spark that might fall on them; and though England is not without the leaven, yet its fermentation was prevented by timely exertions, and those not inconsiderable in their kind, in the year 1794 especially.

Ireland it also visited. About that time she was rising by the incommensurate energies of freedom and independence, into a degree of prosperity without parallel in the history of nations. The dust of time had fallen thick and heavy on the records of religious feuds, and time was effecting that to which the statesman might in vain have applied himself. The *mind* of the country was gradually swinging round towards Protestantism. As men became wealthy, they speculated on honours and advancement for their children, and as the road to both was through the Protestant opening, it was beginning to be followed by all who pressed forward to the goal of temporal distinction. At this day of repose and good humour, the Jacobin missionaries found that our ancient sensibilities were not entirely deadened, though soothed and lulled by manners, intercourse, and mutual interest; and therefore as the most probable means of commencing their agitations, which by disturbing the sympathies, and irritating the apprehensions of the public mind, were to prepare the mass of the people
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for receiving their wild doctrines, they first stirred up a clamour against the laws enacted against the Roman Catholics. The policy began to operate. Some pertinaciously adhered to the old maxims of restraint; others embarked with more zeal in the opposite views, and cherished by the passions of both, the seeds of the tempest began to ripen apace: unfortunately the administration ignorantly and unwittingly fell in with the Jacobin policy of dividing the people, and “as the counsels for the government of Ireland are framed in the British Cabinet*,” the Secretary to the then Lord Lieutenant exerted according to his English instructions, all the influence which he could use with gentlemen of weight in their respective counties, to induce them to persuade the several Grand Juries, to enter into resolutions, that they would oppose the pretensions of the Roman Catholics; assuring those gentlemen at the same time, that his Majesty’s Ministers had taken their decided measures. The Secretary prevailed—the Grand Juries resolved—and the Protestant and Roman Catholic stood in array. I do not intend to pursue this history farther than as it may apply to the subject before us; hereafter I shall take it up, when I can treat its importance on the fate of this country, with the attention it deserves; but I must say that from that moment to this, we have been a divided people, and to that circumstance alone of *division*, and not to any inferiority of national character, it is to be imputed that the French doctrines of Jacobin anarchy have among us broke out into rebellion. Ever since that period the machinations of the French have never ceased to operate among us more or less; that moral pestilence which has poisoned with pestilential taint, the palace and the cottage of the best and fairest part of Europe, has grievously afflicted us; but it must be said, that although we have

* Ibid. page 12.

have had a rebellion, yet that it has not been one generated among ourselves, nor is it true, as has been alledged, that "*conspiracy and rebellion have shot up with our prosperity.*"* The state trials of England are yet in our memories—the riots at Birmingham are not forgotten, nor the audacious ruffian who raised his arm against the person of Majesty itself; and had not the project of disuniting the people of this ill fated country, taken place as rapidly as it did, probably the public lectures read by the Jacobin Doctors of London to the mob, might have had their full operation, and the "most moral and religious people in Europe, the most honest in dealing, the most civilized, and the most obedient to the law"† might have had the battle of Chalkfarm to fight; and "*conspiracy and rebellion have shot up with their prosperity,*" and dishonoured their old age. What I can readily ascribe to the state of society in Ireland, I cannot in justice apply to our national character. That state of society was framed by English policy, for "*the interests of Englishmen must ever preponderate.*"‡ Till the year 1782, it was altogether subject to be framed as the English Minister thought advisable; and till that period we had a naked peasantry, an uncultivated country, without trade, manufactures or arts—Since that period, we have had a free Parliament, and the consequent circumstances of a well-clothed peasantry, a country advancing in cultivation, trade, manufactures, arts, wealth and prosperity, beyond any thing ever known in the world.

The second part of this subject, I must insist on, is not, as has been alledged, a matter exclusively for Parliamentary discussion. It is a compound affair, consisting first of a Constitutional question, and consequent on the decision respecting that of one of a commercial nature. Perhaps if it were altogether of the

* Ibid. page 52. † Page 7. § Page 12.

the latter, I might not forestall the Parliamentary discussion of it; but as there is little of the latter, and a great deal of the former in the question, I am warranted, nay, it is my birth-right as an Irishman, to know whether it is within the Constitutional (and it has no other) competence of Parliament to adopt the measure if it thought proper. The matter stands simply thus: Has the Parliament of Ireland a right to abolish the independence of this kingdom? and if it hath, with what commercial benefit can Great Britain, in whose favour we lay it down, requite our sacrifice. An Union with Great Britain is proposed; and it is a matter of course, that the houses of Parliament of Ireland should be diminished to about one-third of their present number, which number is to represent the kingdom of Ireland in the British Parliament.

We have heard of the omnipotence of Parliament—a term which serves tolerably well, as a figurative way of speaking; but which, considered in any other way, is monstrous in the extreme. This omnipotence I not only question, but I utterly deny; and to this degree, that I say the Parliament ought not to permit a discussion of the subject, which is, whether or not the fundamental principles of the Constitution shall be violated, by taking away the right of franchise from the people and corporate bodies, and circumscribing their representative body by two-thirds, and then transporting them to a distant metropolis, to legislate for the people of Ireland whom they have left behind. This most preposterous assumption of power is not within the competence of Parliament. The people of Ireland have an inherent right to delegate to their representatives *the care of their liberties*. This is their birth-right by the common law, of which they cannot be despoiled by any constitutional means whatsoever. Nothing short of a revolution can do it; and a measure of that kind, which tore away the fundamental

mental rights of the people, would be as much a revolution, as if the people themselves confounded right and wrong, in one of the wild phrenzies of our times, in searching after objects to which they had no right at all. We do not surrender the *entire of our liberties* to our representatives. They are members of our house of Parliament, because *we* have sent them there to preserve our rights and franchises unmolested; to enact such laws, as under the spirit of the delegation which we confer on them, they may judge most expedient for the great ends for which we have instituted them. The representatives of a free people are intrusted with the honour and dignity, as well as with the safety and freedom of those whom they represent. And it is not to be conceived, by any flight of the most disorderly fancy, that those purposes could be best answered, or at all answered, by the delegation of a few Peers and Commons to another kingdom; unless it be admitted that a few sea-sick senators may be better than a greater number in health; or that the Irish statesman, like the Irish soldier, may be more conspicuous in his vocation, abroad than at home. But in truth, the Commons of Ireland cannot exercise any power paramount to that which they receive from the people; and it would be a most monstrous inversion of reason and justice, as well as it is directly against the essence of our constitution, that a person who was in possession of a temporary trust, should have the right and the power to dispose of that trust according to his fancy, and to destroy, if he thought proper, the very author of his own legislative being. The right of committing a suicidal outrage on the Constitution, has not been committed to the Parliament; and therefore the Parliament cannot make a sacrifice of itself in principle as well as in fact. A member of Parliament is obliged to execute the trust reposed in him—he may resign back to his constituents their liberties which they confided to his guardianship; and those liberties, like every other trust, he

is bound to return, at least not worse than he found them. We have now a right to be represented in Parliament, in Ireland, and there alone by three hundred gentlemen, and of this right the Parliament cannot of itself make a compliment to the ambition or necessity of the Prince or the Minister. If a Prince were to forbear to do the august and solemn duties prescribed to him by the law, he would violate his oath, and be guilty of subverting one of the fundamental principles of the Constitution—and of such a circumstance the Parliament is bound to take cognizance; but Parliament can *no more justly overturn foundations than the Prince*; and if it were so disposed, in order to fall in with any project of smooth, theoretrical aspect, propounded by a minister, the people may, in that case, controul, by legal and constitutional means, the defection of the Parliament from its duty; for it cannot be supposed, that the Prince will controul those who are stretching their means to increase his power. We must watch principles more than facts; and while we keep a jealous eye on the former, any error in the latter does not assume the force of authority. Such privileges as are derived from the King and Parliament, upon account of the subjects temporary convenience, are trusted to the review of the same court; but those fundamental privileges of our Constitution derived originally from the law of nature itself, and bottomed, for ages past, on reason, justice, law, and liberty—where these fall under the cognizance of Parliament, it is, that they may be more vigilantly guarded, and more firmly secured against the inroads of power, or the more hidden and more formidable machinations of corruption. In no construction, even of bare reason, plain sense, or positive justice, can delegates be understood to be empowered to make a surrender of our rights, into the hands of King or Minister—even for a moment; and if such a dereliction
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of honour and duty, if such a delinquency against the Constitution, were defended on arguments respecting the safety and necessity of the State, which put our rulers upon such extraordinary measures, or if reasons or pretences of state could apologise for such bold strokes against our most fundamental privileges, surely there is no right or immunity which we can call our own, or be assured of, for one hour. The soul and spirit of our Constitution is strained towards the distribution of civil rights. The sphere of freedom it is always operating to enlarge, because liberty is its operative principle. But the abrogation of constitutional rights, the contraction of the circle of civil privileges, with a view to *permanency*, is to render the operative power an illimitable despotism.

Arguments drawn from history, are seldom of great internal force. I own, history has declined, in my estimation, not a little, from the difficulty I find there is, in understanding accurately the most ordinary occurrence of a public nature, in our own time. But if history be quoted to state a fact, on which an argument is to repose, it is essential that the fact and the argument should so coincide, that one should not be dissimilar to the other. It is not without a smile, that I can perceive some advocates for this death-warrant of our liberty and honour, an Union, gravely claiming the aid of history, to shew the omnipotence of Parliament, and, actually with that view, referring to the reign of Henry VIII. I am again obliged to call your attention to this poor and jejune production,* in which, after recommending an Union, *because* the Sabines, being unable to contend against the Romans, did not decline an incorporation of their country with Rome, and also because the kingdoms of the Heptarchy became at last united; and after much recondite reading of the same tendency, the writer proceeds to combat arguments used against the omnipotence of Parliament, by alluding to events in the English history.

* Ibid.

“ If this argument had any real weight, we could
 “ never have obtained the reformation, and the esta-
 “ blishment of Protestantism ; we could never have
 “ procured the revolution, and have changed the line
 “ of hereditary succession to the Throne, and the
 “ Union of Scotland and England could not have
 “ been entertained.” See, my Lord, how historians
 have misled us respecting Henry VIII. of clement, and
 constitutional memory ! It now appears, that he had
 nothing to do with the matter ; but that his omnipo-
 tent Parliament, far from being “ brute folk,” were
 busy in ascertaining their constitutional right to sub-
 vert the fundamental principles of the Constitution ;
 which, by the way, *the Petition of Right, the Habeas*
Corpus act, the Bill of Rights, and the Act of Settle-
ment, had some little share in rendering tolerably ex-
 plicit between the King and People. Judge Black-
 stone, like ourselves, had a very erroneous idea of this
 reign—for, speaking of the *omnipotent* Parliaments
 of Henry VIII. he says, “ and what was the worst
 “ circumstance, its (not the omnipotence of Parlia-
 ment, but, the *royal prerogative*) “ its encroachments
 “ were established by law, under the sanction of those
 “ *pusillanimous Parliaments*, one of which, to its eter-
 “ nal disgrace,” &c. &c.

As little can we see, how the Parliament shewed,
 by the Revolution, its *omnipotence* over the liber-
 ties of the people. Meseems as if a recurrence to
 that great circumstance went to prove any thing,
 rather than the right of Parliament *to disfranchise*
the People, and transfer the care of their liberties to
 the legislative assembly of another kingdom. The
 liberties of the People are as much endangered,
 when they want a King, as when they want a Parlia-
 ment ; and if the Parliament of that æra elected a
 King, when the Throne was vacant by abdication,
 it went to shew, that they thought the solemn trust
 delegated to them, warranted the measures they had
 taken,

taken ; because, by restoring the royal functions, the Constitution was re-established, and by that, the laws and liberty of the People. But this was done to preserve the People's rights, not to infringe them ; not to lessen their power in the council of the nation, but to enlarge it ; not to wrong them of their freedom, but to place it on a more certain basis.

The latter part of this paragraph, naturally leads me to another branch of my subject. Let us see how far the example of the Scottish Union applies to our situation. If the conduct of one nation be cited as a rule of action to another, I take it it should be first made to appear, that a reasonable similarity may be found between their respective situations. Every nation, about to effect changes in its own concerns, as well interior as exterior, and which are to be the result of its deliberative councils, must be supposed to act from necessity, interest, and desire of freedom, and to be guided by the fundamental principles, on which its laws, political, and municipal, as well as the entire body of its jurisprudence, are built. At the opening of the present century, Scotland bore but an humble rate among the nations of Europe. She was without arts, manufactures, or commerce. Her government was a strange and awkward compound, in which feudal bondage, something softened by maxims of the civil law, and somewhat restrained by usages and custom, exhibited the principal feature. In a state of general discontent, from the predominance of foreign interest in her councils, dejected, from the failure of a large commercial project, made with a view to remote colonization, poor, harrassed, dispirited, and disturbed by the intrigues of a powerful neighbour, from whom she had no natural defence, by distance of situation, or strength of frontier, in a wearisome fit of spleen, she reluctantly consented to preserve her customs, and municipal laws, and to give up her government, not so much
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to modification, as to a total alteration. The Union with England took place; which, whether with bad or good consequences to Scotland, I shall not now wait to enquire; but by that Union, if the example be taken from Scotland, as to the constitutional power vested in her government, to surrender her independence, we search in vain for its application to the present state of Ireland. For, my Lord, it is not what we are to get by the Union with England, which is the point in question; it is, can the Parliament of Ireland vote away the liberties of the People, and the independence of Ireland? Scotland is alledged as an example to shew they can; I say they cannot, and that Scotland furnishes no example of the sort. If the government of Scotland had thought proper to do any thing a century ago, is that a reason why the government of Ireland, at this day, should follow the example? Those who use the honied cant of guileful servility to Ministers and men in power, will say any thing; but will any plain-dealing, reasonable man say, that whatever the government of Scotland thought proper to do 200 years ago, or 100, for time had not altered its powers, that, also the government of Ireland may now do? Does the one stand on the same principles on which the other has stood? You know what Scotland was—let us look to ourselves for a moment. The People of Ireland are free, and uncontrouled by any power on earth; claiming rank and eminence with all—secondary to none. Our Constitution is warmed, invigorated, and animated with the very life-blood of Liberty. An active, energetic, self-directing principle, inherent in the People; incommunicable, indivisible, operating primarily on all things which, under the providence of God, tend to the honour, peace, prosperity, and happiness of man. It has been earned by their virtue, and supported by their courage. The People of Ireland have accomplished their final redemption,

tion, from the ignominious and galling yoke of an authority *undelagated* by themselves; and the slavish principle, which so long held themselves and their forefathers, in the thraldom of a foreign jurisdiction, which measured its policy on the scale of its own interests, now only lives in the record of Ireland's wrongs. They feel a lofty and a manly sense of the consequence of their country. They know that, let the events of the time turn out as they may hereafter, that so long as they preserve their liberty, their country must rise in consequence, and hold its high place in the empire. Surely the pure and honest spirit of a virtuous freedom, cannot be so soon evaporated and gone; and if it be not, a fair ambition to hold our proper rank and importance, cannot give way to venality; nor the dignified pride, the high feeling of character, which sets one nation on imitating and emulating the virtue and freedom of another, cannot, and will not be sacrificed to an hungry avarice, which would mortgage our liberties for remote, dubious, and contingent gain. In honest truth, my Lord, I can find no force in this example of the Scottish Union; it is quite out of the high road of this nation's progress. If any similarity can be wrested from the occasion, we ought rather to draw it from the conduct of England, than from that of Scotland. England and Ireland possess the same Constitutions, and that which the former has *constitutionally* done, may be fairly offered as a rule of conduct, though not always as a rule of policy, to the latter. But did England, by the humiliation of Scotland, and the annexation of it to her herself, did she violate *her own* freedom? Did she run against and upset any principle of antient Saxon Liberty in herself? Did she shew that her representatives in Parliament might vote away the independence of the kingdom, and the constitutional liberties of the People, and relegate a few Peers and

Commoners,

Commoners to represent her in a Scottish Parliament? No, she did not. Are the people of Ireland to take example from the conduct of a government *like their own*, or from that of one *utterly unlike it*?

Our ancestors, my Lord, when they demanded explanations of certain matters, from the Judges of Ireland, more than a century and half ago, did not trouble their heads about the manner in which the Scots decided on constitutional measures. Mr. Darcy, who was appointed by the Commons of Ireland, in the year 1641, to manage a conference with a committee of the House of Lords, 9th June, 1641, opened the sentiments of the Commons, on the questions propounded to the Judges, with the following preamble:

“ Inasmuch as the subjects of this kingdome are
 “ free, loyale, and dutifull subjects to his most excel-
 “ lent Majesty, their nativial liege Lord and King;
 “ and to be governed only by the common lawes of
 “ England, and statutes of force in this kingdome, in
 “ the same manner and forme as his Majesty’s subjects
 “ of the kingdome of England, are, and ought to be
 “ governed by the same common lawes and statutes of
 “ force in that kingdome, which of right the subjects
 “ of this kingdome doe challenge and make protesta-
 “ tion to be *their birth-right and best inheritance, &c.*”

Mr. Darcy remarks on this preamble, “ To mantayne the preamble to the questions, (viz.) that this nation ought to be governed by the common lawes of England, that the great charter, and many other beneficial statutes of England, are here of force, by *reasoning* or argumentation, were to alter a foundation layed 460 yeares past, and to shake a stately building thereon erected by the providence and industrie of all the ensuing times and ages. This is so unanswerable a truth, and a *principle* so cleere, that it proveth all, it needeth not to be proved or reasoned.”

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I cannot think so poorly of ourselves, as to permit myself to entertain the dread, that our Parliaments are not sufficiently aware of the evil tendency of this measure, which they are about to agitate. The awful institutes, the ancient and solemn doctrines of the Constitution, must leave upon the public mind, many strong and forcible impressions; and as the eve of separation excites, in ordinary matters, new sympathies and endearments, the pang of departure brings the object closer to our affections; perhaps before we turn our backs on our Constitution, the parent of our liberty, and our recent prosperity, some emotions, not unworthy of us, some recollection of past services, may tempt us to put off the sad and irrevocable moment of eternal separation. I would not, my Lord, waive one single principle in favour of the civil liberty which our Constitution professes, for all the proffers, which all the Kings and Ministers of the earth, could make to the people of Ireland. Rely upon it, as long as we continue to be independent, we shall continue to prosper; but that the æra of our declension will commence, the instant we part with our freedom, for any thing else, however shewy in speculation, which may be held out to us. If we once give up the manly heart, there is an end of us; and we can only preserve that, by pertinaciously adhering to our independent Constitution. But after all, what are we to have for our freedom, supposing the right of Parliament to fling us down at the feet and mercy of the English Minister, were unquestioned? In what shape does it come to us? It is hatched in silence, and in secret conference; not by ourselves, for we cannot be so blind as not to see, that it is not for our honour or our interest, but by those whose interest it manifestly is. The British Minister has the goodness to signify, that if we will make a few paltry sacrifices of honour, character, independence, and its consequent prosperity, that he will most generously requite us. With
D what?

what? What has he to bestow, as a compensation? By what *deceptio visus* of state juggle, will he conjure up a painted phantom of advantage, to play before our eyes for an instant, vanish in a moment, and leave us in a beggared and besotted plight, the victims of a base and stupid credulity? "Relinquish your Constitution, says he; and although I may, whenever I think proper, stop an English clamour, by an Irish tax, and exercise the power most odious in legislation, that of restraining your trade, and levying taxes on your consumption, yet, I assure you, I should scorn to do so unhandsome a thing." Smooth and fair indeed; but if the people of Ireland lay altogether at your mercy, what service have you it in your power to do them? They have, at this moment, the market with the British colonies in the West Indies, and on the coast of Africa, open to them, on the same terms as it is open to the merchants of Great Britain: the East Indies they had a right to trade to, if they had not given it as a compliment, as they are now (it is feared by some) going to give their independence. On the trade with America, there is no restraint whatsoever; and this trade would, in itself, in times of peace, be enough to dispose of all the goods we could export. 'Tis an infinite market for all we have to exchange, and opens the most ample career to our industry, and the most lucrative temptations to our manufactures. We might trade, if the war were ended, with any nation in Europe, export our own merchandizes of every kind, and bring back returns of every sort, unfettered and unclogged; except as the policy of our own free Parliament may think it expedient, for the public interests, to lay restraints on the exports and imports. Great Britain is *the only nation in Europe*, the markets of which are closed against our general merchandize. And now, my Lord, what is there left for the British Minister to bestow on us? Not the trade of the West Indies,

Indies, for we have it already; and the like may be said of the whole globe, except that of Great Britain. Well, but we shall have the British market open to us. That is only to say, that the British Parliament will either lessen, or take off, the high duties on the importation of Irish goods into England: Which is, in plain sense, to convert a matter of justice, into a measure of policy; and for the Minister to bribe us to our own degradation, by his promising to act with more equity by us, in the Channel trade, than he has hitherto thought it proper to use. But is not this an insulting fallacy, meant rather to mock us, than serve us? Is it for this, that we are to permit the measure of an Union to be whirled along with such unbecoming precipitancy? It has been said, that the Union England gets nothing, whereas Ireland may have a more enlarged market for her commodities, by the removal of the prohibitory duties laid on them in England: doubtless, it is a very reasonable expectation, that Great Britain, disparaging and disqualifying herself, and throwing on us all the lustre and envy of her prosperity, should, so disinterestedly, minister to our fortunes. What modest and continence in ambition! what chastity in power and "*preponderance!*" what tenderness in avarice! what conscience in force! But is it getting nothing, to be able to clog Ireland with a land tax, and, at will too? to clog her infant commerce, with imposts? To induce by incentives, operating with the force of compulsion, her men of property to live in London? To have the patronage of the kingdom, for the Minister to range over, free and uncontrouled? To be able to allay the heat of the entire and unbroken force of the Parliamentary influence of England, in occasional opposition, by Lawn sleeves, Judges places, Commissioners of the Revenue, &c. &c. for dependents in Ireland. Prostrate Ireland, then, her fate sealed, FOR EVER, could be managed without the

favours sometimes thrown from the hand of power to those who can contend with it, but never to those who are unable to thwart it. But, by the *terms* of the Union, certain stipulations will be entered into, which will preserve Irish commerce from unreasonable burthens, and have the effect of preventing those mischiefs we in so lively a manner apprehend. If the condition be broken, what remedy is left for us? We may use the language of insulted honour, wounded pride, or repining credulity—but it will be to little purpose; our oppressors will not sweeten the bitterness of that cup, which they themselves have drugged with the gall of insult. Power can never be curbed but by keeping a steady pull, and an unyielding hand; throw the rein on the neck for a moment, and you will be thrown to the dust. Political sagacity is, at best, but short sighted, and the deepest schemes of the politician, the effects of his best measured undertakings, often but reproach his judgment, by their consequences, and shew him the fallacy of his means. But if we seal the bond which binds us in this obligation, though our hopes be frustrated, and our promises faded into the blankness of disappointment, we have no remedy by which we may repair the workings of our own folly. Our dreams of wealth, prosperity, and repose, may vanish, but our low subserviency, and our prostrate fortunes, remain *unalterably settled*, or left to the hazard of a civil war. Our complaints will be answered with casuistry. This Scotch Union, which has of late been painted and tricked out with such alluring finery, ought to apprise us of what may befall ourselves. Judge Blackstone in a note to page 97, vol. 1, of his Commentaries, says, “ it may be justly “ doubted, whether even such an infringement (i. e. “ an infringement of those points which, when they were “ separate and independent nations, it was mutually “ stipulated

“ stipulated should be a “ *fundamental and essential con-*
 “ *dition of the Union*)” though a manifest breach of
 “ good faith (unless done upon the most pressing ne-
 “ cessity), would of itself *dissolve* the Union : for the
 “ bare idea of a state, without a power somewhere vested
 “ to alter every part of its laws, is the height of such
 “ inpolitical absurdity. The truth seems to be, that
 “ an *incorporate Union* (which is well distinguished by
 “ a very learned Prelate from a *fæderal alliance*, where
 “ such an infringement would certainly rescind the
 “ compact) the two contracting states are totally anni-
 “ hilated, without any power of a revival, and a third
 “ arises from their conjunction, in which all the rights
 “ of sovereignty, and particularly that of legislation,
 “ must of necessity reside. (See Warburton’s Alliance,
 “ 195). But the wanton or imprudent exertion of this
 “ right, would probably raise a very alarming ferment
 “ in the minds of individuals ; and therefore it is
 “ hinted above, that such an attempt might *endanger*
 “ (though by no means *destroy*) the Union.”

It is thus that the complaints of the oppressed
 Irish will be hereafter replied to, if her freedom
 shall once pass the *irremeabilis unda*. We are pro-
 mised, it seems, very ostentatious compensations for
 the relinquishment of our Constitution. But it does
 not often happen, that a man in his senses will part
 with a long possessed benefit, for the airy reward of a
 few smooth sounding contingencies. It costs the Mi-
 nister of England nothing, to give us *speculation* ; but
 it will cost us a great deal ; it will be a dreadful
 purchase indeed, if we pay down our *independence* in
 this bargain. If all that is promised were realized,
 we should lose incalculably ; and it may be proved to
 a demonstration, that the benefits held out, are not
 within the compass of probability. On this part of
 the subject, I shall perhaps have to address you again ;
 that is, if unhappily our stupidity and madness should
 gain

gain ground ; at present I am more disposed to notice the futility of the topics generally urged to promote our declension in every thing, and to take my ground on the incompatibility of the Parliamentary authority to bring it to the issue, of what we may gain or lose.

Of the many whimsical advantages promised, we are told, with the presumption and towering airs of wisdom, which the noisy and the shallow make the instruments of imposition, on the minds of the unwary, that *we may have a modus for tythes* coupled with the Union. May not such a matter be as easily effected at this moment, as at any other ? And can we rationally suppose that the members of the British Parliament, with a few of our exiled legislators amongst them, are better able to adjust this, or any other internal regulation, than our own Parliaments at this day ? May not the other promised arrangements be as well entered on now as hereafter ; and infinitely better than under the circumstances proposed to us ? I see no reason, my Lord, why the Roman Catholic Clergy should not now, as well as at any other time, be above the poor dependence they now hold on the very weaknesses of a neglected, unenlightened and ignorant peasantry. The policy of coercion is only adapted for an exigent occasion ; it can never be a living system, under a free Government ; it must occasion such tossing and tumbling of the public passions, that the sword must interpose too often, and it will ever be found ineffectual. The experience of the world decries it. Other means must be resorted to ; and those are, the parental and healing policy of inculcating a better moral system, by means which are ordinary, and lye ready at our hand. If it be rendered incumbent on the Roman Catholic Pastor to pass the ordeals of academic discipline ; if he become liberalized in his views,

views, and independent, as far as a modest competence may render him, he will be above adapting himself to the prejudices of his flock; he will prescribe a better controul on their sensibilities, and better precepts to their minds; he will have an interest of an higher sort, in their decency and good order. But surely we may do this with a better grace among ourselves, than have it altogether ascribed to the generosity of British controul. We may just as well institute parochial schools for all orders and sorts of our countrymen; raise to a seemly and decent respectability at least, the temples of prayer, and continue as we are, as have the amelioration of our state; coupled with the loss of our pretensions as a nation. We are, in the exuberance of British beneficence, promised a Viceroy, *that Dublin shall be the residence of his court, and that amusements may be cultivated, as there will be less attention to politics.* So that it appears we are to have the burthen and expence of an idle pageant, when we have lost all efficient authority; a sort of Viceregal mummary—an emasculated cypher of state bombast; the ineffective semblance of vigour, a mere eunuch in power, to move before the mob in a periodical flourish of ponderous and unmeaning pomp. Instead of our character as a nation, in the place of every thing honourable and dear to us, we are to be gratified with *amusements*. We may idly loll in circusses and amphitheatres, and, laggard and degenerate, contemplate feats of horsemanship, jack puddings, and dancing dogs, while all the time the British Parliament are good naturedly blowing away their lungs, for the honour and advantage of the People who were once Irishmen! *Heu quantum Niobe, Niobe distabat ab illa.*

Dublin also, it is said, *is to be the head-quarters of the army.* It is of singular advantage to London, that his Royal Highness the Commander in Chief keeps

keeps his office there. No doubt we should have our proportion of such advantages. A foreign Legislature, and a military Minister, and then Irishmen need not to take much trouble, at least about this world. It will be a miraculous emollient, however, for the pinchings of our pride, and the lamentations made for our freedom, thus irrevocably gone, that the Commander in Chief is to reside in our decaying metropolis! *Oppida quodam tempore florentissima fuerunt, nunc, prostrata et diruta ante oculos jacent.*

We have been reckoned a People of quick feelings, but the very life-blood should seem pricked out of us, if we can consider those matters with much insensibility. If we can behold ourselves sacrificed to a few unruminated regulations of trade, and fallen from our state and dignity; the wealth of the country drawn away for dissipation in another kingdom—a circumstance of most extensive evil; the talents of the land exiled, and doomed to another theatre of action; the nobles, the faded forms of departed greatness, without influence, weight, authority, or power, court-ing 'mid the purlieus of St. James's, the complacency of some kind-hearted Scot, or humble Englishman, who might vouchsafe to listen to their suit, on behalf of a friend in their own country. If we can see this in imagination without emotion, it is of little consequence how soon we bow the neck. The metropolis may crumble into ruins, the seat of learning may be deserted, an event infallibly true, and a more modish place of education may allure to it our youth of high hopes, the real ornament of every country. All this may happen, and we may become a beggarly set of pedlars and peasants, to raise provisions, and soldiers for the King's army, under the rod of a Verres, and just of consequence enough, to call down the proud and contemptuous demeanour of those to whom we have leased out, *for ever*, the freedom of our country.

Whether

Whether or not it is expedient to yield to the example of Jacobin France,* whose enormous and unrelenting tyranny, confounds states and countries into an undistinguished mass, and then casts them into her gulph of general *incorporation*, I shall not now take into consideration. I never liked examples drawn from the republic of blood and regicide; though sure I am, there are some who would draw into precedent the crimes of any country, when the example of a crime will serve their turn; I content myself with building my hopes on a constitutional security, as we cannot be undone, so long as our Parliaments keep in view their own duties, and the People's rights. We have now, with Great Britain, one common interest; we must rise with her, or we must fall with her. We fight in the same battles, at her side, by sea and land. We have a similar frame of polity, the same language, and laws. Of all *incorporations*, we *now* have that which is the most forcible and binding that is imaginable—an intermixture of interests, wove in the same web, strengthened by the ties of blood, and confirmed, and bound by the very ligaments of nature. Can any Union be stronger? Can a cold and speculating hypocrisy, a plotting and artful state juggle, devise an Union more binding, permanent, and honourable, between two independent nations? Is it necessary that *we* should lose our honour and independence to keep in good humour with our sister kingdom? Shall we be nearer to her affections, and more worthy our own self-love, when we shall be disgraced, humbled, and enslaved? Is not this a most monstrous vagary of the brain?

But the Union is to keep us quiet, and to ensure peace and prosperity. How so? Where is the chance for that? If to circumscribe the means

* Ibid. page 9.

of knowledge, be to make men more wise, this fancy may be indulged. If a numerous representative body of Commons, and a proportionate number of Peers, with competent means of local knowledge in a country, the peculiarity of whose internal condition, demands the most pointed sagacity, the most industrious wisdom, perpetually active; if these, taught by the condensed force of public opinion, and partaking of the public sympathies, cannot devise means to insure us repose (as some would either wickedly or foolishly inculcate), what hope can we reasonably entertain, that diminished in numbers, and honour, and transported to a foreign country, remote from those powerful and necessary influences, they shall become more adequate to promote public peace on the ground of public interest? An expectation of this nature is beyond any thing I could have conceived of human folly.

But observe the arts which are working our disastrous destiny. The People are informed of the ascendancy of the English Cabinet, and of the compliance of their Parliaments, in order that they may become indifferent about them, and be as contented with a decent sort of qualified slavery, as with an independence debauched into a confirmed corruption.* It is my opinion, that the writer of the letter alluded to, should be called to answer for a libel at least, before the bar of the Commons of this kingdom; but this I give as an *obiter* opinion.

We indeed must be in a most fatal lethargy, if our sense of freedom be so dull and blunted, as from such base artifice must be presumed of us. Should not this rouse us a little? Should it not call on the exercise of an energetic virtue? My Lord, if we have one generous spark left unextinguished, we may be yet shamed into a love for our country, and

* Ibid. Page 12—14.

rise eminently in renovated honour, above the crooked policy which is now undisguisedly labouring to our *eternal* humiliation, our *everlasting* subjection.

The upper ranks of our country are told from *high authority*, that a *discussion* of the measure is all that is desired by the British Minister, and that it shall not be forced on us, if it then appears unpalatable or impolitic : premising, at the same time, that some sacrifices must be made for the acquisition of the solid advantages which we are *promised*.

If this crafty treaty be entered into, the measure will be introduced into Parliament immediately ; and if it be, before the public mind has had time to protest against such indecent precipitation, so surely will it be carried through. The Jacobin grins in joy at this prospect : he is on the watch ; *vocatus, et non vocatus, audit*. It is entirely favourable to his views. On the very haste and hurry of this measure, he builds his favourite and darling hope, of seeing the two countries separated : And he reasons with as much accuracy, as wickedness. If the people be surprised into this measure, there are enough to tell them of it. Every faction who would earn popularity, is sure of it, so long as so plausible a topic of public wrong be descanted upon. They will remind the People, and upon the statement of a Ministerial Pamphleteer, that England now maintains 44,000 soldiers in this country ; that the communications of the Press are timidly made, with a scrupulous caution not to offend those in power ; and that in the present state of the country, the People are not assembled, after their wonted constitutional manner, to instruct their representatives. All parties will make the best of these ingredients, towards a public clamour. The late fermentation, or one as formidable, may be re-kindled, and the fabric of the Union, like the walls of Jericho, may fall at the sound of the trumpet.

But what are we called on to discuss? Simply and plainly this. The Parliament of Ireland are called on to devise the most compendious mode of breaking faith with the People, of betraying their liberties, and of subjugating them to any modification of bondage, which the British Minister may chuse to impose on them. If we be fallen from our high state, a free Parliament is the noblest, and most efficient engine of recovery and regeneration. While we preserve that, nothing is hopeless—despair can never hold the mastery. Let us then not see our liberties violated, and let us not permit our Constitution to be betrayed. It cannot be overthrown by any other power on earth, than a suicide Parliament; and even then, if the People know their rights, they may redeem it from destruction, and set the same upon its antient base. Our Constitution is indeed erected on broad, and deep-laid fundamental principles. Fundamental laws, my Lord, are those which grasp within their strong compass, the very form and substance of the state, prescribe to it its proper and peculiar mould, and prevent the mutilation of its frame. They are the parent springs of law, the legislating principle, the laws that dictate other laws, and defend them, that decide on their spirit, that define their object; that hold the constituted authority within the circle of his trust; that repress his encroachments on his constituents, and hinder him, as much from yielding his place to his *co-estates*, as from cancelling the powers *deputed* to his care. Our fundamental laws enclose and encircle the mass and substance of our laws, statutes, and customs, binding, and confining by a constitutional coercion, as well the Prince that would govern without Parliaments, as the Parliaments that would surrender their legislative right, and the liberties of their constituents, into the hands of the Prince. The fundamental laws have been infringed and betrayed

trayed by both. The Parliament of Henry VIII. who conferred on the Royal Proclamation the force and authority of a statute, betrayed the People, and broke their trust; and the unfortunate Charles, while he tried to exalt his authority above the laws, and to abrogate the fundamental principles of the state, rose not to power, but to a scaffold.

It matters not by what means the basis principles of the Constitution be attacked. Between extortion and surrender, fraud and force, treachery and usurpation, there is but little, if any, difference. The Constitution distributes the powers, and measures to each the quantum of operation. The fundamental and constitutional law watches over, and inspects that distribution, and preserves the measure. The gravity or the antiquity of a statute, does not make it constitutional. Fundamental, constitutional law, is not confined to a single statute, though it be of ever such importance or sanctity; but it is that which preserves the equipoise and independence of the sovereign legislative power in the *same distribution*, and in the *same possession* where it is committed by the Constitution.

For my own part, my Lord, I cannot see the prospect before us, with so hopeless an eye, as to consent to a wicked encroachment on the fundamental law. On the contrary, I augur sanguinely from the very means which are used for effecting our perennial bondage, as from those which preserve our freedom. We have among us abundant means of rectifying our errors. We have received much severe instruction in the school of adversity, and it is impossible that we can possess such an hebetude of mind, as not to be able to profit by our recent lessons. Let it be remembered, that though confusion and crime have stained the land, and the most atrocious of all crimes, rebellion, has inflicted on us the stamp of its misery, yet that the manhood and the virtue of our native character, have saved

saved us from their predominance. The loyalty of men who love Freedom, the Laws, and their Prince, has been conspicuously exerted. The Bar of Ireland set the example of a free, yeomanry army; that example was followed, and Jacobin rebellion dismayed and crushed. Let us get credit for that, and who would despair of a country, where, in such times, and amid such disasters, so much credit has been so honourably maintained? If we try to be virtuous, we must succeed, and if we succeed, we must be happy. But neither virtue nor happiness ever followed a national degradation. We have taken solemn oaths to defend the constitution, *as it is* established by law. How can we desert that we have sworn to defend, and suffer it, consistent with such obligations, to be cast down, and a mis-shapen caricatura usurp its place? Casuists may solve and qualify this objection, but I cannot. "*Ireland can never be undone, but by a Parliament.*" But it should be recollected, that even the authority of Parliament has a bound; that they are not empowered to desert and betray their constituents, but to serve them; that they are *responsible* for the trust committed to their charge; and that if they should make ever so solemn a surrender of the public liberties to any hand, power, or state whatsoever, that surrender would be, *ipso facto*, void; that if the People have reason to apprehend any such conspiracy against them, THEY HAVE A RIGHT not only to put in their protest, but to renounce the deed, and refuse obedience; and that in such a case the *delegation* they had made would be dissolved.

These, my Lord, are not only my sentiments, but those of every man who loves Liberty, and understands the Constitution. I have spoken plain, but I have suppressed more. I could not stand gagged by circumstances, and not speak out, when the *eternal* freedom of my country is menaced. I
would

would rather the subject had not been provoked ; but as it has, I could not suffer the independence of Ireland to be crucified between two thieves, the fear of tumult on the one hand, and the love of commercial gain, seen in visions and fancies on the other, without entering my firm opposition to its execution. Enemies, no doubt, we have, of every kind, within and without ; but when Cæsar fell, the friend's blow was keenest felt, and Brutus gave " th' unkindest stab of all."

I am, &c. &c.

FINIS.

Houses of the Oireachtas