LETTER

FROM A

RETIRED BARRISTER

IN

LONDON,

TO A

PRACTICING BARRISTER

IN

DUBLIN.

DUBLIN:

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LETTER, &c.

DEAR SIR,

THE honour you have done me in desiring to know my sentiments upon some important occasions, in which the Interests of the Bar in Ireland have been involved during the last fifteen years, encourages me to offer a very few plain Observations to your consideration, respecting an Union between Great-Britain and Ireland, as far as it respects the Interests of the Profession of the Law at large, on your side of St. George's Channel.

Being

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Being at ſome diſtance from London during the Chriſtmas vacation, I learn merely from Newſpapers, that a meeting has been held to conſider of this Subject, in which it was almoſt unanimouſly agreed, that ſuch an Union would be diſadvantageous to our Profeſſion in Ireland. You may recollect that I argued with a degree of warmth, which nothing but your Good-nature could have juſtified, againſt taking away the Appeal and Writ of Error from Ireland to England. When you deſired my ſentiments in writing upon that ſubject, I then foretold, that the Value of Iriſh Security, even the beſt, would be greatly depreciated in the eyes of the Engliſh Capitaliſts; and I remember, after having reaſoned on the more important parts of the ſubject,

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that I expreſſed a hope, that no mean and wretched conſideration of intercepting a few briefs on their way to England, had any ſhare in guiding the Opinions of ſuch Members of Parliament as were Lawyers; hoping that they were ſufficiently acquainted with the real foundation of their own proſperity, namely, *the general advancement of the Country in Commerce and in Agriculture.* I obſerved to you, that if the continuance of the Appeal and Writ of Error ſhould facilitate the lending of a portion of the increaſing Britiſh Capital in Ireland, the regulating and protecting hand of the Law would be required in proportion to its productive effects in Ireland, and the aſſiſtance of the Miniſters of that Law required in the ſame proportion.

Perſons

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Perſons of great conſideration in your Country have informed me, that little Engliſh Capital has been lent in Ireland ſince that period; and, that as to profeſſional profits ariſing from Appeals and Writs of Error, theſe have never amounted to ſo much as went to pay for powdering the Tye-wigs in the Four-courts.

The ſurpriſe with which I read the reſult of your deliberations, in the Newſpapers, was the greater, becauſe in every company, which has happened to converſe on this ſubject in my preſence, it had been without diſcuſſion aſſumed as a thing which could not poſſibly be controverted, that the landed Intereſt, the mercantile profeſſion, *and the Profeſſors of the Law*, muſt

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muſt be gainers by ſuch an event beyond all power of preſent calculation. It amazed myſelf and others when we found, that part of a Propoſition which appeared to us ſo manifeſtly plain one way, and inſeparable from the reſt, ſhould appear equally manifeſt to a large and enlightened body of men the other way. Of two opinions diametrically oppoſite the one to the other, holden by two ſets of men converſant with the ſubject, one muſt be perfectly erroneous. I will endeavour to ſhew that the miſtaken reaſoning lies with you; and, although no Engliſh Barriſter is perſonally intereſted in the point, I ſhall be happy, for the ſake of truth, to have it ſhewn, if you ſhall be of that opinion, and able

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ſo to do, that the miſtaken reaſoning lies with me.

No account has yet been given to the Public (I ſpeak from Newſpapers only) of the media through which the Profeſſion in Ireland arrived at their concluſion, of an Union being hoſtile to their Intereſts: I muſt, therefore, endeavour to gueſs at them, and having conſidered them ſhortly, ſhall proceed through my own media to ſhew the vaſt advantage of it to all Branches of the Profeſſion in general.

But firſt, Sir, I muſt take a very ſhort view of the conſtitution of your Bar, as contraſted with that of Weſtminſter-Hall, in order to ſhew that as far as regards the Bar, the objections

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to an Union proceed from ſome vices in that Conſtitution, of which I muſt be permitted to ſpeak freely.

Your education for the ſober, accurate and laborious profeſſion of an Advocate begins among you, by attendance for a year or two at the Temple. You and I know well, how few of thoſe Students are really intent on their Studies. Pleading and conveyancing, I have very ſeldom known ſeriouſly ſtudied by the Students of your Country. On their return to Ireland, they are, in no long ſpace of time, called to the Bar, and no ſmall portion of them, before their underſtandings are matured by anſwering caſes, or conducting, or aſſiſting in conducting important cauſes, before they have laid in any well-digeſted

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ſtrore of Principles to be ready, as current Coin, or have fixed any ſets of leading caſes in their memory, get rumbling into deſultory argument at the Bar, without good Method, or any direct *quod eſt demonſtrandum*, in view, and having talked long and loud, are not a little commended by every one who knows nothing of the matter. Thus eminently ſucceſsful, our young HORTENSIUS is *ſolicited* to accept of a ſeat in Parliament; he does ſo at the enſuing Election, comes into the Houſe of Commons in Ireland with the formidable appellation of *Counſellor*, diſplays his unchaſtiſed reaſoning and ill-digeſted learning, day after day, and becomes that mongrel kind of thing which is neither Lawyer or Stateſman, as one often ſees two very good things put

together

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together which made one very bad one. Men of this deſcription are certainly *Barriſters*, and, as ſuch, entitled to a Voice in every meeting of the Profeſſion at large. They are not, however, what Lord Coke emphatically calls "*ſad and diſcreet Lawyers*;" to men of the former deſcription, a Parliament at hand, which furniſhes an Arena for a ſort of Prize-fighting, is certainly of conſiderable value, becauſe, by parliamentary intrigue, they may be prematurely placed in ſome tolerably-profitable ſtation in the Profeſſion.

You obſerve that I divide the Bar in Ireland into BARRISTERS, and LAWYERS. Now the mere *Barriſter* (as I uſe the word) is, in my judgment, a member of Society very detri-

mental to its true Intereſts. He confounds ſeparate objects of ſtudy and purſuit, at a period of life when they ſhould be kept ſeparate and diſtinct, and never after can be perfect in either. His influence, buſtle, and tinſel ſparkling, enable him to uſurp the place of the Lawyer, who is greatly injured by his manœuvres, and parliamentary ſupport.

That ſuch men therefore, Sir, will act as men fighting for their only ſupport and means of advancement, I can eaſily conceive; and they are fighting *pro aris et focis.* But let me turn a little towards the *Lawyers.* By the Lawyers I mean the men, who, though comparatively few, have laboured with diligence, who have toiled through the

laborious

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laborious department of cauſes for years; who argue with conciſeneſs and to a point; who ſilently acquire the eſteem of the Bench, and of thoſe who underſtand the ſubject; and who, when they have acquired the reputation of men of gravity and weight, come into Parliament to aſſiſt on more important occaſions. I ſpeak of Tiſdals, Malones, Fitz-Gibbons (Father and Son), Yelvertons, Wolfes, &c. &c. Will not the field be cleared for future Lawyers of their deſcription, and the few Prizes which the Profeſſion affords, be far more within their reach, when the expectants on parliamentary aſſiſtance are reduced in number, or are no more? and will not the Public be moſt eſſentially benefited by that reduction or annihilation?

What

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What proportion of thoſe whom I have ſtiled *Lawyers*, have diſſented from an Union at the Meeting I have alluded to, does not appear; but if ever men voted for a ſelf-denying ordinance, they have certainly done ſo, if they diſapproved of an Union on that occaſion. Before, however, I place any reliance on the ſenſe of that meeting, ſo far as it conſiſted of the Advocates, I muſt know, what proportion the Barriſters bore to the real Lawyers, and what number of the real Lawyers, that is, the juſt and true Candidates for perſonal Employment and high Office, ſo declared themſelves. Of the other department in the Profeſſion, namely, that of Solicitors and Attornies, I ſay nothing particular in this place, as much of my own reaſoning

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upon the ſubject will be addreſſed to them, to which I immediately proceed.

I aſſume it without any apology *as an Axiom*, that if Ireland were diſtinguiſhable from Great-Britain by no other circumſtance, than that a traveller muſt add to his poſting, a few hours paſſage by ſea; that kingdom rich in cultivated, and perhaps more ſo in uncultivated ſoil, bleſt alſo with a mild climate, muſt increaſe in Wealth and Population, in a proportion beyond any thing we have heard of, even in America.

The Capital of Great-Britain has increaſed to a ſize incredible; when peace ſhall come, ſome of thoſe channels which uſed to abſorb much of it, will

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not be open in the degree they have heretofore been, I mean the Weſt-Indies. Good and ſound ſecurity will be at hand, without riſk of knaviſh Overſeers and Attornies, hurricanes, dry ſeaſons, long and circuitous litigations, &c. &c. Six per cent in Ireland, with ultimate Juſtice in the united Parliament, will draw to Ireland a very large portion of the *unwieldy* Engliſh Capital.

What will be the effect? I venture to ſay no leſs than, that in thirty or forty years after peace ſhall be reſtored to Ireland, and all diſtinction between her and Great-Britain done away, the whole face of the Country will be changed. I will give a powerful inſtance

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of the ſudden and laſting advantage produced in our own time, by the operation even of a meretricious Capital making its appearance for a ſhort time only.

When the famous Ayr Bank degenerated from its original purpoſe, an immenſe factitious Capital, in paper-money, inundated Scotland, circulated without difficulty for ſome years, and performed all the offices of real Caſh. The effect was, that during this temporary wealth, the whole face of the country was improved in a moſt ſurprizing degree. The individual Proprietors loſt a great deal in the end, and the Public gained a very great and laſting advantage. Engliſh Capital by

no

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no means finds its way into Scotland readily, by means of *Loan*, by reaſon of ſome difference in the laws reſpecting landed ſecurities in the two Countries, which will not be the caſe as between England and Ireland; and yet in ſeventy years Glaſgow has become a City ſo conſiderable, that it is doubted whether Glaſgow, Liverpool, or Briſtol rank next to the port of London in buſineſs and wealth. Round the Muſlin Manufactory, land lets at five and ſix pounds an acre. It is familiar to aſk, whether you have been in Scotland within theſe fifteen or twenty years? If you anſwer no; the reply is, "believe me you would not know it again it is ſo improved." Let me then, Sir, put this plain queſtion to your common ſenſe: Can the variety of

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ſubject-matter over which municipal laws operate, increaſe, without an increaſe of employment to all thoſe concerned in the adminiſtration of thoſe municipal Laws, from the Great-ſeal down to the Tipſtaff? Muſt not contracts of every deſcription, ſettlements of every deſcription, and all the tranſactions of men take place with reſpect to this new-created property, if I may ſo call it, as well as with reſpect to the old?

The vaſt proportion of the richeſt land in the world which remains to be drained, incloſed, &c.: The vaſt communications which remain to be made from lake to lake, and from great river to great river, dazzle and confound me; with the proſpect of the vaſt in-

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creaſe of ſubject-matter, which muſt ariſe from the Law of Property to work upon. You may as well imagine, my good friend, that population can increaſe without an increaſe of profit to Shoemakers and Taylors, as that a country can climb from a low to a high ſtate of Agriculture and Commerce without raiſing the Stocks, (as we ſay in Weſtminſter-Hall) of the Four-courts, ten fold.

Commerce and Agriculture have been ſhamefully neglected till within theſe laſt fifty years in Great-Britain. Is it not notorious that the King's-Bench Stocks (as they are humorouſly called) bore no proportion fifty years ago to their preſent price? I am informed too, and moſt readily believe it (becauſe, according

cording to my principles, it cannot poſſibly be otherwiſe) that the general gains of the Bar at Edinburgh, have, ſince the Union, gradually kept pace with the vaſt improvement and great wealth of the Country. This is really too plain a point to argue upon farther. Lawyers thrive in rich paſtures, not in ſandy deſerts, nor in bogs.

But, Sir, I will own to you that although I was greatly ſurpriſed at reading that the Bar, including the *Lawyers*, had reprobated an Union; yet, that I was ten times more ſurpriſed, when I read in this very day's Paper, that this ſeemed to be the ſentiments of ATTORNIES and SOLICITORS. Now, Sir, the ſubject-matter of the employment of thoſe Members of the Profeſſion, is

quicquid

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quicquid agunt homines. I ſhould think it a moſt incontrovertible propoſition, that if you increaſe the employment of a *Country* ten fold, you will increaſe the employment of this neceſſary body of men perhaps much more than ten fold. I remember ſomewhere in Dodſley's collection, ſome lines from a young Lady to her brother, on being called to the Bar, in which ſhe ſuppoſes, that, "Purſes and Maces float before his eyes." I really ſhould have thought, that on the bare mention of a Junction between England and Ireland on a perfectly equal footing as to Commerce and Agriculture, Canal Bills, Incloſure Bills, vaſt Drainages, Leaſes with various proviſions to encourage firſt Tenants, Bonds and Mortgages, Agreements, &c. &c. &c. would have floated

before

before the eyes of every Solicitor in Dublin. I ſhould have thought that Policies, Charter-parties, &c. would not have eſcaped his imagination; and, that as the Sea-port Towns and others, grow in proſperity in Ireland, his *Agency* from the country would have appeared a thing likely to increaſe rapidly in value.

Thus, Sir, have I thrown out with perfect freedom, not my ſentiments only, but thoſe that are current in the ſociety which I live in, *non meus hic ſermo*; but merely what I have never heard diſputed.

One thing indeed I have omitted. It is ſaid that your Bar is of opinion, that the profeſſion will bear a large ſhare of the loſs of profit by *the depopulation*

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of Dublin, in the event of an Union of the two Parliaments.

The habits of your mind, unleſs you are greatly altered within a few years, will, I know, lead you to prefer one ſtout fact, to a thouſand arguments *à priori*.

In ſeventy years Edinburgh has added to its old Town two moſt beautiful and magnificent additions which may well be called *Cities*, inhabited by a great number of the opulent Nobility and Gentry of the Country. The Courts of Juſtice, the Univerſity, and the ſeveral literary Bodies, furniſh one of the beſt and moſt rational ſocieties in Europe. A Winter's campaign to London is not, in point of expence, within

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within the compaſs of many who live very handſomely during the Winter in Edinburgh; and, at the ſame time, educate and introduce their Children to good Company. It is not a tranſient expedition to London, that will incorporate any one into the firſt ſocieties there; wherefore, few Scotch families undertake them. Why, Sir, ſhould not this be the natural courſe of things with reſpect to Dublin? That Capital will have all the attractions that learned and good ſociety can give. Few Sir Francis Wronghead's, not in Parliament, will take this enormous Journey, in order to be in reality in a more contracted ſociety than they would enjoy in Dublin, amidſt their old acquaintance, relations, and friends; and

that

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that too at double the expence. Is it not much more probable that, as Ireland by general improvement acquires a more univerſal competence than ſhe at preſent enjoys; the number of perſons who will be able to afford a reſidence in Dublin, will increaſe very faſt? but, that perſons of overgrown wealth, who pant for a London Winter, will be comparatively very few in number, and never will be ſo many as to affect the local proſperity of Dublin? The ſame cauſes which have made Edinburgh increaſe to ſo great a degree, muſt operate in Ireland, if it be true that the ſame cauſes will ever produce the ſame effects; and, to that I truſt, rather than to any deſponding ſpeculations.

Having

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Having given you my opinion on this ſubject, as far as it reſpects the profeſſion of the Law in Ireland, permit me to add, that Ireland has now an opportunity, which may never again occur, of becoming one of the firſt countries in the world. How far an Union is or is not *beneficial to England*, I think is much more problematical; and, perhaps I may take an opportunity of ſhewing, that this meaſure, however beneficial to Ireland, is not lightly to be acceded to on the part of England, and deſire you will not conſider me as pledged to any opinion on the general queſtion as far as it relates to *Great-Britain*. Being unwilling that any ſmall point, (ſuch as the intereſt of any particular

 profeſſion)

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profeſſion) ſhould be ſo palpably miſ-
underſtood, as I think it has been in
Ireland, I have put this much upon
paper, but whether the expected tran-
quillity of Ireland and its future wealth
and proſperity, may, or may not be dearly
purchaſed by Great-Britain, by reaſon
of the important changes which a junc-
tion of Parliaments may occaſion, in
the frame of her own Conſtitution, are
grave and weighty points, on which I
am diſpoſed, till better adviſed, more
than to doubt; and muſt hear much
more, than I have yet done to ſatisfy
me, that a mine may not now be form-
ing, if it be true, that an Union of the
two Parliaments is ſeriouſly intended,
which may ſpring at a diſtant day,
and

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and totally deſtroy that delicate balance on the preſervation of which the exiſtence of our Conſtitution wholly depends. I am,

DEAR SIR,

Your very faithful, and

Very obedient Servant,

* * * *

LONDON,
December the 29th,
1798.

THE END.

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