

in it the idea of supreme legislature over us.
The first is a power of a preserving "protecting"
Q nature.

go says—"the chief justice was of opinion, that the statutes of *England* shall bind *Ireland*, which was in a manner agreed by the other justices; and yet it was denied the former day: Yet note, that *Ireland* is a realm of itself, and has a parliament in itself."

Here it may be observed, *first*, that the reason assigned by the judges, why the statutes of *England* bind not the people of *Ireland*, though *specially named*, contains a constitutional principle, the sine qua of freedom. *Secondly*, that the people of *Ireland*, as subjects of the king, were "under the admiralty of *England* as to things done on the high sea;" which is a strong confirmation given by the judges of *England*, to the supposition before made, of the power of regulating trade being formerly vested in the king. *Thirdly*, that the opinion of the chief justice, and of the other justices, such as it was, "*reddendo singula singulis, & secundum subjectam materiam*," proves at most, only that *Ireland* was bound by statutes regulating their trade, for such was the 2 *Henry* 6th ch. 4th on which the case arose. *Fourthly*, that *Brooke* a man of great eminence and dignity in the law, appears by his note, to have been dissatisfied with the judgment, tho only on a statute of regulation, for this reason of such weight with an *Englishman*,—"because *Ireland* is a realm of itself and has a parliament within itself." *Fifthly*, that the authority of the crown, including the regulation of the trade of *Ireland*, and sending writs of error there, were sufficient restraints, to secure the obedience and subordination of that kingdom. This reason seems to have held its ground, till Lord chief justice *Coke's* time; and though a great reverence is entertained for his memory, yet it can never be acknowledged, that an "*obiter dictum*" of his, or of any other man, is a rule of law. In *Calvin's* case, the chief justice reciting the foregoing case, says, "*Hibernia habet parlamentum, & faciunt leges, & nostra statuta non legant eos, quia non mittunt milites ad parlamentum* (which "adds he," is to be understood, unless they be *specially named*) And does the "especially naming them," give them a representation, or remove the injustice of binding them without it? This observation in plain English would run thus. "Our statutes
do