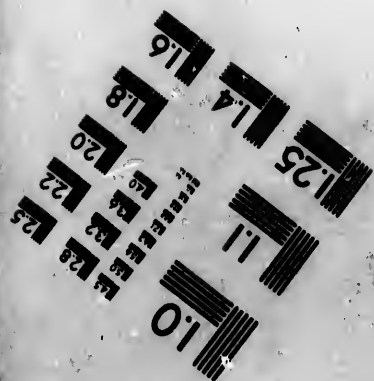
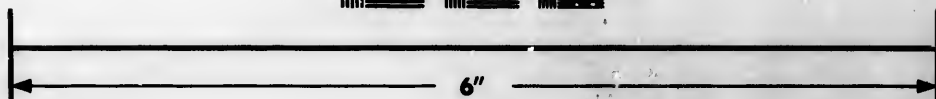
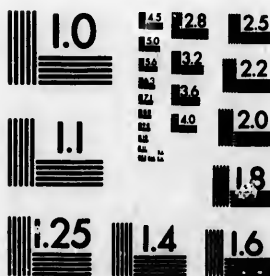


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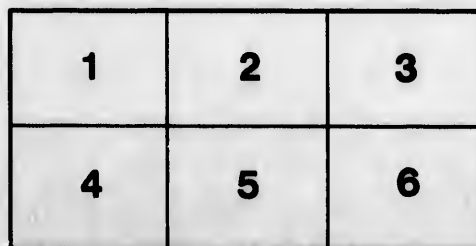
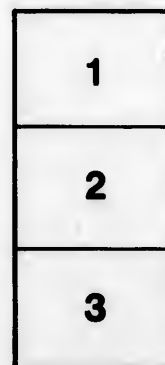
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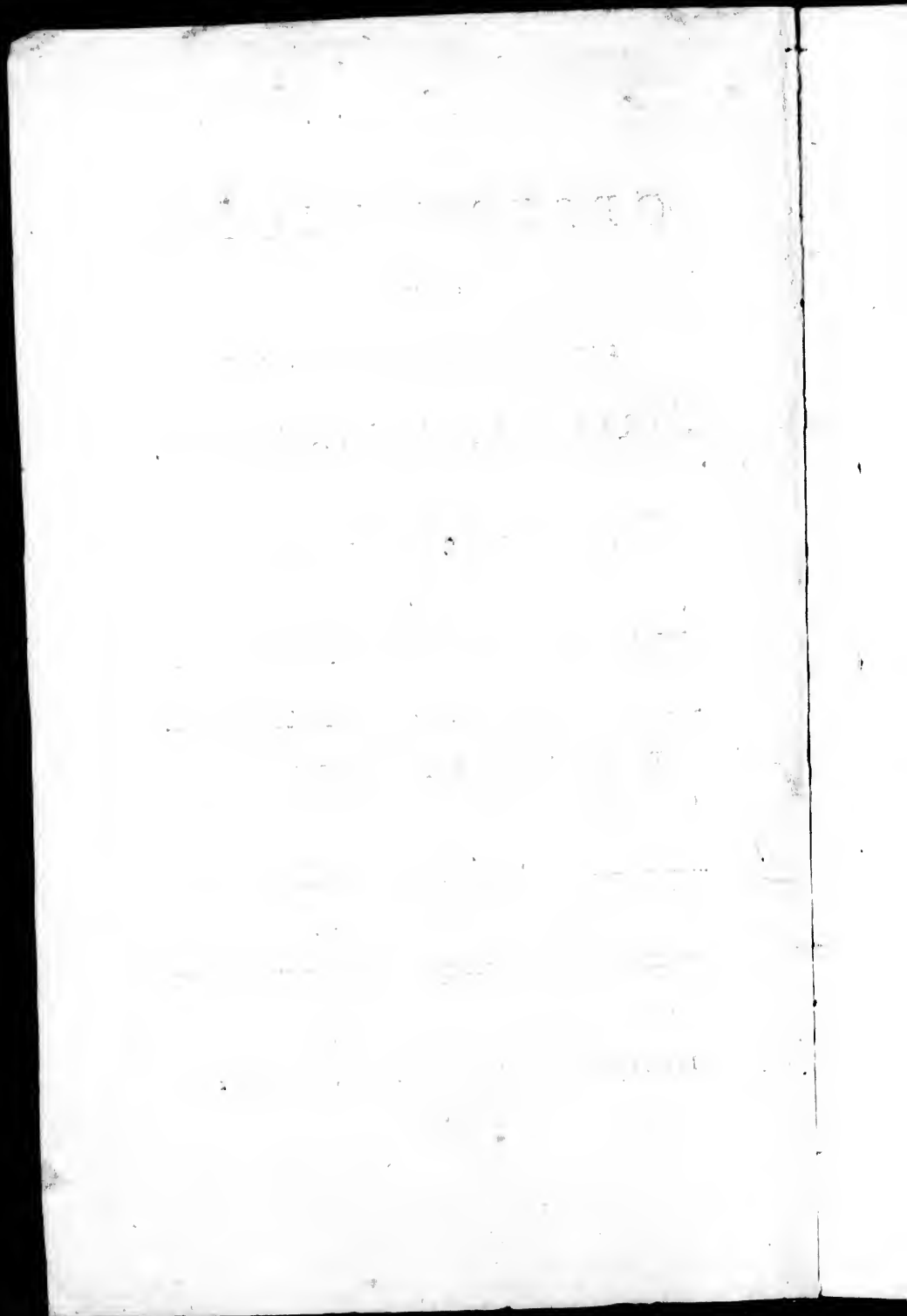
OBSERVATIONS
ON THE
LATE *PROCEEDINGS* IN THE
PARLIAMENT of IRELAND,
ON THE
Q U E S T I O N
OF A
REGENCY FOR THAT KINGDOM.

BY DOMINICK TRANT, ESQ.
ONE OF HIS MAJESTY'S COUNCIL AT LAW IN IRELAND.

QUIS SEPARABIT — ?

D U B L I N:
PRINTED BY W. SLEATER, No. 28, DAME-STREET.

M D C C X X X I X.



OBSERVATIONS

ON THE

LATE PROCEEDINGS IN

The PARLIAMENT of IRELAND, &c.

TO form a true judgment of great political transactions, and of the conduct of men concerned in the management of public affairs, it is necessary to look forward into time, and consider how the proceedings of the age in which we live may probably affect the interests of our posterity.—In private life, a prudent father of a family looks beyond his own narrow span of existence, and, in the management of his own present interests, endeavours to promote the prosperity of his descendants: In
B the

the great family of the publick, this rule of conduct is still more binding on every good citizen ; he poizes, with the utmost circumspection, the good and the evil of every measure of general importance ; overleaps the narrow limits of party, of avarice, and of the fordid views of the moment ; and, with a liberal and dignified policy, secures the solid and essential interests of generations yet unborn.

By this great rule, applicable to all countries and to all ages, I propose to examine the late proceedings of the two houses of Parliament of this kingdom on the question of REGENCY, and to see how far they tend to counteract, or to promote, the real and permanent interests of the Kingdom of IRELAND.

As countries differ from each other in moral and physical points of view, in situation, laws, religion, original connections, habits, resources, and various other objects of consideration, so must their interests essentially

essentially differ ; it is exceedingly difficult to determine, in the abstract, the utmost possible publick good which may be attained in any country ; this political problem has been found too difficult for the best Lawgivers, the ablest Statesmen, and the most consummate Writers and Philosophers ; the REPUBLIC of PLATO, the UTOPIA of SIR THOMAS MORE, and the OCEANA of HARRINGTON have all been the reveries of great and excellent men, differing from each other in theory, and none of them reducible to practice : Local interests and prejudices, ancient laws and habits, various combinations of internal expediency, numerous relations of external interests and connections, and the great dangers of general innovation, must, when united, place an insurmountable barrier against speculative Politicians.—Men of warm imaginations frequently confound the *possible* with the *probable*, and, having created, by the plastic powers of Fancy, a new people, in a new country, and in the pure state of Nature, they model them at

will, and, like the fabled ORPHEUS and AMPHION, build up systems of social life and government by the tones of the Lyre, and the powers of Song:—But Judgment and not Imagination should lead the practical Politician; He must see things as they are, consider what they have been, and weigh well the advantages and disadvantages of any change:—He must perceive that strong expediency sometimes equals necessity; that the present order of things is not always to be violated on the contingency of producing a better, and that the *best possible constitution* is as much a relative term and idea in the Moral, as in the Physical, world.

Let us apply this to the political State of Ireland as to its EXECUTIVE GOVERNMENT, as we now find it, and as it has been for many centuries; and to a recent attempt of a Majority of both Houses of Parliament to alter its frame and constitution, under the idea of improving its security and independence; and let us consider
whether

whether this supposed improvement has not been introduced merely to answer the purposes of Party; to delude the warm and honorable affections of the GENTLEMEN of IRELAND often strongly inclined to support even the appearance of Patriotism; and whether, in the event, it must not necessarily lead to Consequences dangerous to our political Security, subversive of our fundamental Laws, and fatal to the established Religion and Government of this Country.

The Constitution of Ireland, as to its Executive Government, as it now is, and as it long hath been, is of a very peculiar nature, formed by a variety of events in our History, and recognized and declared by our written Laws on principles of Certainty and Wisdom.

From the Conquest or Acquisition of Ireland by Henry II. and the universal Submission of the several Provincial Kings to that Monarch, as to their Lord Paramount, the Common Law and Constitution
and

of England became those of Ireland, and this Kingdom, under the Name of a Lordship, became a Dominion of the Crown of England, inseparably annexed and knit thereto, and dependant thereon ; this annexation or dependency, founded on Conquest, Cession, and Acknowledgment, is clearly declared and recognized in many of our Acts of Parliament, some of which I shall briefly mention.

The 28th of Hen. VIII. Cap. 2; Entitled, "*An Act of Succession of the King and Queen Anne,*" recites that several persons had pretended titles "to the Imperial Crown of the Realm of England, where-
unto this your Land of Ireland is appending and belonging."

28 Hen. VIII. Cap. 3. "*The Act of Absentees,*"—begins with this recital "Forasmuch as it is notorious and manifest that this the King's Land of Ireland, heretofore being inhabited, and in due obedience and subjection unto the King's
" most

“ most noble Progenitors, Kings of England, who in those days, in the right of the Crown of England, had great possessions, rents and profits within the same land, hath principally grown into ruin,” &c.

And, in another part of the same Act, it is enacted, “ That the King, his Heirs, and Assigns shall have hold and enjoy, as in the right of the Crown of England, all Manors, &c.” of the Absentees from Ireland therein named.

28 Hen. VIII. Cap. 5, recites in the Preamble “ Forasmuch as this Land of Ireland is depending and belonging, justly and rightfully, to the Imperial Crown of England” and then enacts “ that the King our Sovereign Lord, his heirs and successors, Kings of the Realm of England, and Lords of this said Land of Ireland, shall be accepted, taken and reputed the only supreme head in Earth of the whole Church of Ireland, (called
“ *Hibernica*

“ *Hibernica Ecclesia*) and shall have and
 “ enjoy, annexed and united to the Imperial
 “ Crown of England, as well the stile and
 “ title thereof, as all honors,” &c.

28 Hen. VIII. Cap. 6—*the Act of Appeals*, first recites that divers good and wholefome Laws were made in the realm of England for the taking away all Appeals from the Bishop of Rome : and See Apostolick “ and forasmuch as this Land
 “ of Ireland is the King’s proper Dominion
 “ of England, and united, knit, and belong-
 “ ing to the Imperial Crown of the same
 “ realm, which Crown, of itself, and by itself,
 “ is fully, wholly, entirely and rightfully en-
 “ dowed and garnished with all power,
 “ authority and preeminence &c,” and then follows the enacting part, which directs that such appeals shall be brought to the King of England, and Lord of Ireland, his heirs and successors, and further directs that, on such appeal, the Chancellor of England, or Keeper of the great Seal for the time being, shall grant a Commission
 or

or delegacy to some discreet and well learned person of this Land of Ireland, or else in the Realm of England, for final determination of all Causes and Grievs in said Appeals, &c.

28 Hen. VIII. Cap. 14. "*An Act for the twentieth part*" enacts "that the King's Majesty, his heirs and successors, Kings of the realm of England, for more augmentation and maintenance of the Royal Estate of his Imperial Crown, and dignity of supreme head of the Church of England and of Ireland, shall yearly have, take, enjoy and receive, united and knit to his Imperial Crown for ever, one yearly rent or pension," &c.

N. B. At the time of passing this last mentioned Act, King Henry VIII. was stiled LORD and *not* KING of IRELAND—the Grant was therefore to him, merely as KING OF ENGLAND, and annexed to the Imperial Crown of *that realm*.

28 Hen.

28 Hen. 8. cap. 19.—“ *The Act of Facul-
 “ ties,*” recites at length the English Act of
 Faculties, and then, in the 21st Section,
 proceeds, “ Forasmuch as it is mentioned
 “ in the said Act that the effects thereof
 “ should not only extend into the realm
 “ of England and to the commoditie there-
 “ of, and of the subjects of the same,
 “ but also to all other the King’s Domini-
 “ ons and his Subjects, and that this the
 “ Land of Ireland is his proper Dominion,
 “ and a member appending and rightfully
 “ belonging to the Imperial Crown of the
 “ said realm of England and united to the
 “ same,” &c.

Thus it appears, from the recitals and
 enacting clauses of these several Statutes,
 that the Land, Dominion or Lordship of
 Ireland was, from the first Settlement of
 the English in this Country, considered as
 a Member of and belonging to the Imperial
 Crown of England.—However, as the title
 of KING founded sweetly in the Ears of the
 Irish, and the title of LORD, derived from
 feudal

feudal principles, appeared, to them, comparatively inferior, King Henry VIII. and his Parliament, thought it adviseable to change the title of LORD into that of KING, and recogniz'd and confirmed the original subordination and appendancy of Ireland of the Crown of England by the following Statute—

33 Hen. VIII. cap. 1.—“ *An Act that the King of England, his heirs and successors be Kings of Ireland.*”—After reciting that the Kings of England have been Lords of this Land of Ireland, then enacts “ that the
 “ King’s Highness, his heirs and successors,
 “ Kings of England, be always Kings of
 “ this Land of Ireland, with all manner of
 “ honours, preeminences, prerogatives,
 “ dignities and other things, whatsoever
 “ they be, to the Estate and Majesty of a
 “ King Imperial appertaining or belonging, and that his Majesty, his heirs and
 “ successors, be, from henceforth, named,
 “ called, accepted, reputed, and taken to
 “ be Kings of this Land of Ireland, to
 “ have,

“ have, hold and enjoy the said stile, title,
 “ Majesty and honors of King of Ireland,
 “ with all manner of preeminence, prerogatives, dignities, and all other the premises unto the King’s highness, his heirs and successors for ever, as united and knit to the Imperial Crown of the realm of England,” &c.

Many other Acts I might adduce, all proving the ancient annexation, subordination and dependency of the Land, Lordship, and Crown of Ireland on the Imperial Crown of England, before any Statute was enacted for that purpose, but I hasten to more modern times, in which this great constitutional point has been proved in actual practice, and confirmed by various Statutes of this Kingdom.

When King James II. in 1688, had abdicated his Crown of England, and, on the 7th of February, 1688-9, the Lords united with the Commons of the Convention Parliament in a vote that the throne

was

was vacant, and, by a declaration of the 13th of February, 1688-9; fixed the Crown on the heads of William and Mary, Prince and Princess of Orange, by *that Vote and Declaration* of the Convention Parliament of England King James II. was, *instantly and completely* deprived of all right to the *Crown of Ireland*, though he had not deserted or abdicated the exercise of the functions of *that Crown separately*, and though the Parliament of Ireland had no share in such Vote or Declaration, and did not recognize the right of William and Mary till the year 1692, when the first Parliament after the Revolution was holden in Ireland in the 4th of William and Mary.

It is well known to all, conversant in the slightest degree with the History of this Kingdom, that King James's Government was exercised in full vigour and practice in Ireland, long after the Declaration of Abdication and Vacancy of the Throne, and Settlement of the Crown by the Parliament of
England.

England.—There never had been any dereliction, or even suspension, of the Administration of King James *in this Kingdom* until after the battle of the Boyne in July, 1690.—His Lord Lieutenant TYRCONNEL had never been removed from, or disturbed in, his Government, until King James himself arrived in Ireland on the 12th of March 1688-9, from which day, until his shameful flight after the battle of the Boyne, he exercised, *in person*, all the functions of the Crown of Ireland.

Within that period He called a Parliament in Dublin, one of whose first acts was an assertion of the Independency of the Irish Legislature and Courts of Justice, but even they, in their Rage for Reformation and Independence, did not yet think the time ripe for a total separation, nor did they venture, by any solemn act, to sever the Union of the two Crowns, or to disclaim the dependency of that of Ireland on that of England: all their proceedings, however, had a tendency that way, and, if continued

continued a little longer, must have produced the long desired eternal disunion of the two Kingdoms.

But the success of King William restored the old English Constitution of this Country, and the first Act of a free and Protestant Parliament recognized and confirmed the indissoluble union of the EXECUTIVE POWER in both kingdoms, and the dependency of Ireland, in all matters of Imperial Government, on England the Center and main Support of the Empire.

The first Parliament of King William and Queen Mary in Ireland passed the 4th of W. and M. cap. 1. “ *An Act of Recognition of their Majesties undoubted right to the Crown of Ireland.*”—As this Act clearly recognizes and ascertains the great point of the ancient union of the two Crowns, and the dependency of that of Ireland on that of England, I shall lay it before my readers at full length in the Appendix.

Appendix
No. 1.

The

The 7th of W. and M. cap. 7. *An Act declaring the Attainders and all other Acts made in the late pretended Parliament to be void*, ascertains this great principle in the strongest manner:—the words of the preamble are, “ Forasmuch as since the happy Accession of his Majesty King William and the late Queen Mary of blessed memory to the Imperial Crown of England, whereunto this kingdom of Ireland is inseparably annexed, united and belonging, no Parliament could or ought to be holden within this kingdom, unless by their Majesties Authority, yet, nevertheless, divers persons during the late War and Rebellion in this Kingdom did, on or about the seventh day of May, 1689, assemble themselves at or near the City of Dublin, without authority derived from their Majesties, and in opposition thereto, and being so assembled did pretend to be, and did call themselves by the name of, a Parliament, and, acting in concurrence with the late King James, did make and pass several pretended Acts or Statutes,
“ and

" and did cause the same to be placed and
 " recorded amongst the records and pro-
 " ceedings of Parliament, all which pre-
 " tended Acts were formed and designed in
 " manifest opposition to the Sovereignty
 " of the Crown of England, and for the
 " utter destruction of the Protestants and
 " the whole Protestant Interest in this king-
 " dom, and are and were null and void to
 " all intents and purposes whatsoever."

Then the Act proceeds to direct the can-
 celling and destruction of the several
 Acts, Rolls and other Proceedings of the
 said pretended Parliament, and enacts
 and declares all such Acts and Proceed-
 ings, or pretended Acts and Proceedings,
 of the said pretended Parliament, to have
 been from the first making thereof, and
 now to be, absolutely null and void, to all
 intents, constructions and purposes what-
 soever.

Here we perceive that, by a Declaration
 of the English Convention Parliament in
 1688-9, King James ceased to be, *de Jure*

et de Facto, King of Ireland, *tho' he acted as King in Ireland, and with the sanction of an Irish Parliament*.—Such pretended and illegal assumption, or continuance of kingly power in Ireland, after the declaration of vacancy of the English Throne, did not even constitute him *King de facto of Ireland*, in the eye of the succeeding Parliaments from that day to the present period; did not legalize any of his nominations to Office, additions to the Peerage, or other Acts of Royal Authority, or even save his unfortunate adherents in the Irish War of 1689, 1690, and 1691, from the charge and consequences of Rebellion.

Thus we see that the possession of the Crown of England, *quocunque jure*, is considered, by our Laws, as carrying with it the legal title and possession of the Crown of Ireland, and a Case has occurred in our history, where such an event took place, in direct opposition to an Irish Act of Parliament.—I allude to the following instance.

By

By the Irish Act of 28th of Henry VIII. Cap. 2. intituled "*An Act of Succession of the King and Queen Anne,*" the Succession of the Crown of Ireland is, in pursuance of an English Act, settled, in prejudice of the right of the Princess Mary daughter of Henry VIII. and Queen Catherine, on the issue of Henry VIII. and Queen Anne Boleyn, and, *by name*, on the PRINCESS ELIZABETH, yet, on the demise of Edward VI. when Mary was proclaimed, in London, Queen of England, she was, in a few days after, proclaimed Queen in *Ireland*, without any previous consent of the Lords and Commons of this kingdom, in direct opposition to the limitations of the said Irish Act of the 28th H. VIII. Cap. 2. but merely on the ground of her title to the English Crown having been recognised *in England*, and in consequence of the following letter from the Lords of the Council in England to the Lords Justices and Privy Council of Ireland.

E. ROT.
Canc.
Hib.
Anno.
1st
MARY.

Extract — “ Ye shall understand our So-
“ vereign Lady and Mistrefs Queen Mary,
“ being indeed the very rightful and un-
“ doubted heir unto our late Sovereign
“ Lord and Master Edward VI. was by us
“ yesterday, here in London, proclaimed
“ Queen of England, France and Ireland,
“ as, by the Proclamation herewith sent,
“ ye may perceive, whose Majesty is now
“ rightfully and justly possessed of the
“ Crown; wherefore we do pray and
“ charge you, in her Majesty’s name, not
“ only to see the said Proclamation pro-
“ claimed and set forth to the whole
“ realm, but also to cause good Order
“ to be taken for the preservation of her
“ Majesty’s peace, until her Majesty’s
“ pleasure shall be signified—dated 20th
“ July, 1553.”

N. B. The inrolment is signed by one of
the Lords Justices, and five of the Privy
Council of Ireland.

Having thus clearly proved, from our own
Laws, that Ireland has, since the acquisition
thereof

thereof by the Crown of England, been considered as *the Dominion of the King of England for the time being, inseparably annexed to and dependant on the Imperial Crown of that realm*, it seems of much weaker and less conclusive authority to cite English Statutes in support of the same Doctrine: I shall therefore omit them.—They are many in number, clear and precise as to the point, and several of them have been cited, recognised and approved by various Acts of the Parliament of Ireland.

The Succession to the Crown of England, France and Ireland is settled by the English statute 1st W. and M. Sess. 2. Cap. 2.—and 12 and 13 W. III. Cap. 2.—the authority of which Acts is supported and recognised by the Irish Acts of 2 Ann. Cap. 5. and 2 Geo. I. Cap. 2.—It is observable that these Irish Parliaments of Queen Anne and Geo. I. in passing these Acts did not think themselves competent to settle the Succession of the Crown of this Realm; they merely recite
the

the English Acts of Succession, as necessarily binding in this Kingdom, and inflict the punishment of High Treason on such who may be found wicked enough to oppose them.

It is, by many Acts of the English Parliament, declared to be High Treason, by writing or otherwise, to deny the power of the King, Lords and Commons to limit, arrange or alter the Succession of the Crown of England, and, on such limitation by the Legislature of England, is founded the present right of the House of Brunswick to the Crown of England, France and Ireland, Scotland having acceded thereto by the Act of Union.

Thus we see that the Succession to the Crown of Ireland is now settled by the Act, not of the Irish, but of the English, Parliament; let us consider whether this succession, or any subsequent change therein, can be in any manner affected by the late Acts of the British Parliament repealing the
Declaratory

Declaratory Act of the 6 Geo. I. and renouncing all authority to legislate for Ireland.

No Man will be found shameless enough to assert that, when Ireland asserted her Independency of the British Legislature, she could have thereby proposed to separate from the British Crown.—It was the declared sense of the Irish Parliament that, on a grant of legislative Independence to Ireland, no constitutional question could possibly remain to occasion dispute or jealousy between both kingdoms—that Ireland was, and must be for ever, knit to the Crown of Great Britain, and that, sharing the Constitution of Great Britain, we were determined to share her fate, standing or falling with the British Nation.

It is therefore clear that, as every modification of the Crown or Executive Power of Great Britain must necessarily take effect from the authority of the British Parliament, no Act of that Parliament changing the limitations, or succession of the British Crown,

Crown, should be considered as a Cause of Jealousy to Ireland, or a breach of the Act whereby Britain renounced the power to legislate for Ireland—the inseparable annexation of the Crown of Ireland to that of Great Britain is an original and fundamental Act of Union, prior and paramount to Acts of Parliament, the great cornerstone of federal compact, and the unalterable political MAGNA CHARTA of the Constitution. I believe, therefore, that no Man will be found hardy enough, on reflection, to assert that, as our Law and Constitution are at this moment settled, Ireland can have any King but that of Great Britain, by whatsoever title such King may hold his Crown, by Act of Parliament or otherwise—the contrary opinion was rashly hazarded in the warmth of debate, thrown out as the assertion of intemperate party, but unsupported by even the shadow of argument.—I thought it, however, my duty to clear up this point at length, and by a detail of authorities from our History and Laws, as, from the inseparable unity of the Crown,

Crown, I hold it conclusive that the unity of the Executive Power, assistant to the Crown in both kingdoms, must necessarily follow.

On what great and universal principle is this concurrence of the English and Irish Statutes founded, as to the absolute and necessary indivisibility of the two Crowns?—Certainly on the necessity of providing, in the most effectual manner, for the maintenance of the ancient rights of the English Crown, for the promotion of the solid interests of the subjects of both Countries, and for the support of the English Laws and Constitution granted to, and received by, the People of Ireland; all which salutary purposes can be effectually obtained only by keeping, entire and unimpaired, the Unity of the Supreme, Executive and Controlling power of the Empire, in which consists the strength of the whole, and the security of every part, of the British Empire.

Let

Let us first examine, by such lights as History can afford us, the truth of this position that the Executive Power, whether exercised directly by the Crown, or by one or more persons in the name and aid of the Crown, must be always ONE AND THE SAME in both kingdoms, and that the Government of Ireland must necessarily follow the Administration of the Crown of England, as a Satellite follows its primary Planet, as every accessory follows its principal.

I shall produce some of the most memorable instances of English Regencies, and show their influence and controul over the Government of Ireland, almost in every period of our History.

Rymer,
1st vol.
passim.

Cox, p.
64, &c.

In the Reign of Henry III. the Earl of Pembroke, by his own authority, assumed the Regency of England during the King's Minority.—The Commissions under the Great Seal of England within that period, of which there are many on Irish business
and

and directed to persons in Ireland, are in the King's name, and generally *Teste meipso*.

A. D. 1326.—During the minority of Edward III. the Parliament appointed a Guardian and Council.—Many Commissions issued to Ireland under the Great Seal of England as before, *Teste meipso*, and sometimes *Teste Custode*. Rymer,
Vol. 2

In the first year of Edward III. while yet a Minor of 14 years of Age, his Guardian and Council issued letters to Ireland, entitled, "*Litteræ mandatorie magnatibus Hiberniæ super susceptione regiminis et Justiciario Hiberniæ constituto*" they all begin *Rex, &c.*

A. D. 1377.—During the minority of the King, then eleven years old, the Duke of Lancaster and a Council of Regency, appointed by the Parliament of England, governed both Kingdoms.—The Commissions of this Regency, issued to Ireland, are, Rymer,
Vol. 3.

are, as before, under the Great Seal of England.—One of them is to summon a Parliament in Ireland.

Rymer,
Vol. 4.

A. D. 1422.—Henry VI. then an infant nine months old, ascended the throne ; during his long minority both Kingdoms were governed by a Regent and Council appointed by the English Parliament : the Commissions under the Great Seal of England during this minority, many of which are directed to Ireland, are in the King's name, generally *by the Advice and Consent of the Council and Teste meipso.*

In this Minority, Articles of grievances were sent to the King by the Lord Deputy and the Lords Spiritual and Temporal and Commons of Ireland, praying remedy “ *by advice of his right worshipful and wise Council and Governors ;*” and similar articles were sent to each of the King's Council or Governors.

A. D.

A. D. 1483. Edward V. then thirteen years old, ascended the throne—the Duke of Gloucester was declared Protector by the Privy Council.—Commissions issued to Ireland under the Great Seal of England, as in former Regencies.

A. D. 1546.—Edward VI. became King, then nine years old.—Sixteen Executors, appointed by Henry VIII. under an English Statute, chose the Earl of Hertford, PROTECTOR.—Commissions to Ireland as in former Regencies.

Rymer,
Vol. 6.

A Commission under the Great Seal of England, in the 1st. of Edward VI. is directed to the Deputy, Chancellor, Vice-Treasurer, &c. of Ireland, returnable into the Irish Chancery "*faciendi ea omnia quæ in instructionibus præsentibus annexis exprimuntur.*" *Teste Rege 4 Mar. 1547.*

Rymer,
6 Vol.

Who gave these instructions to Ireland?—certainly the English Protector and Council.

Rolls
Office.

4. Ed. VI.—Kings Letter for Sir Thomas Cufack to be Lord Chancellor, and, *inter alia*, for summoning a Parliament.

Rolls
Office.

There are Parliament Rolls in this Regency, tho' there are no Statutes in print—they do not take any notice of the Regency.

Of Regencies since the Revolution there have been many, particularly in the reigns of W. III. and Geo. I. and II.

By the English Act of 2^d. W. and M. cap. 6. Queen Mary was appointed Regent in the absence of King William out of England.—By the 1st. W. and M. Sess. 2. cap. 2. She had no power in the Government, but the whole authority was vested in King William during his life.—So that Queen Mary's Acts of State and Government, after the 2^d. of W. and M. cap. 6. were those of a Regent under a Statute, and not of a Queen Regnant, and, as Regent, (tho' neither appointed or recognised by the Irish Parliament) She issued Commissions, &c. under the Great Seal of England to Ireland.

1697. April

1697 April 2.—King William appoints a Council of Regency which governed Ireland without any recognition, and it is observable that the Princess Anne of Denmark, then Heir Apparent, and not merely presumptive Heir of the Crown, was not included in this Council of Regency—the same is observable in the Regencies of Geo. I. and II.

During these Regencies of W. III. and Geo. I. and II. all the Commissions under the Great Seal of England, directed to this country for the appointment of Chief Governors, Chancellors, &c. are in the King's name, and *teste'd* by the Regents, and particularly the Commissions annexed to such of the Irish Bills as passed during these Regencies, of which there are many, authorizing the Chief Governor to give the Royal Assent, are in the King's name, tested by the Regents, and subscribed by "the Guardians and Justices of the Kingdom."

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In 1695 the Lord Deputy in his Speech to the Commons says, “ the Lords Justices of England have, with great application and dispatch, confidered and transmitted all the Bills sent to them.”

All the Commissions, Writs, &c. issued under the great Seal of the Kingdom of IRELAND for the appointment of Lords Justices of Ireland, &c. &c. during the period of the several Regencies above mentioned, are in the King's name, and tested by the Chief Governor or Governors of Ireland, and are, in all respects, in the same form as at other times, the Regents not being mentioned in them.

Thus it is manifest, from the whole progress of our history, that the person or persons acting in the name and in aid of the Crown of England, in whatsoever manner, or by whatsoever name, appointed, did at all times, thro' the medium of the Great Seal of England, direct and controul the operations of the Government of Ireland, without

without the appointment, or even the recognition, of the Irish Parliament.—The King's authority, conveyed by the Great Seal of England, gave life and vigour to the general Administration of the whole Empire.—The Chief Governor or Governors here, Officers appointed by the King and his Council of England, and under the Great Seal of England, represented the person and authority of the King, as much in the periods of Regencies, as when the Kings exercised their own personal authority in England ; and, as to any acts requiring the Great Seal of Ireland, that was always affixed, by direction of the Governors of this Kingdom, in the name of the King, and without taking notice of the existence of any Regency whatsoever : So that, to all intents and purposes, the existence or non-existence of a Regent was never considered as a point necessarily within the reach or observation of the Irish Parliament, who, equally at all times, saw nothing but the name, authority and seal of the King in all the acts of the executive Government.

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Now,

Now, in aid of our knowledge derived from history and our records, let us see whether necessity, or expediency as strong as necessity, does not require that the supreme Executive Power, whether styled King or Queen, Regent or Protector, Justices or Council of Regency, must be one and the same thro' all parts of the Empire, for all purposes of general import.—Peace and War, Alliances with Foreign Nations, the maintenance of similar Laws in both Kingdoms, and a thousand other concerns of common import particularly demand, for Great Britain and Ireland, ONE EXECUTIVE, from whose Administration all the delegated authorities must proceed—this must appear indispensibly necessary in every Act of State, and, if possible, more than in any other proceeding, in the Acts of the Irish Legislature, as settled by our own laws within a very recent period.

By the 21. and 22. Geo. III. cap. 47. No Bill can become an Act of the Irish Legislature, unless it have previously annexed thereto the authoritative Stamp of the
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Great Seal of Great Britain;—the Irish Parliament considered this as an unequivocal mark of the approbation of the executive power of Great Britain, and a bond of the union and harmony of both Kingdoms. —The Great Seal of Great Britain being the sole Organ of the publick will, or assent, of the Executive Power of Great Britain, is, of course, under the controul and at the disposal of *that* Executive Power, without whose consent, therefore, no Bill can pass in Ireland.

The particular Commissions, empowering the Chief Governors of this Kingdom to give the Royal Assent to Bills, are always under the Great Seal of Great Britain.—That Symbol alone can convey the Royal Will to the Commissioner, and he becomes the organ of the Royal Assent to such Bills, when *so impowered*, and not otherwise.

It must be admitted that, when Ireland assumes the right of naming *her own* EXECUTIVE POWER, she supposes THAT POWER *necessarily* invested with all the

rights and strength of effective government, and the Crown's Voice in the Legislature; but, it is demonstrable that, by the Laws of Ireland, she, in naming an EFFECTIVE EXECUTIVE POWER, can only name that of Great Britain.—The power of choice or deliberation being excluded, it seems highly ridiculous to assert a right of nomination.

But, if the Parliament of Ireland can chuse and name the Regent of Ireland, she can, and sometimes possibly may, name an Executive Power different from that of England, who must, in such case, exercise the King's Authority without the known Symbol of the Royal Will, and in direct opposition to our own Acts of Parliament.—The state of parties may be so different in the two kingdoms as that the weaker in Great Britain may prove triumphant in Ireland; this often has been, and will be, the case, and, surely, it would be highly dangerous to leave the great principle of the Unity of the Empire to the remote chance of two discordant parties

parties uniting in the choice of one Object at the Election, particularly when it is considered that the exaltation of the favourite person renders him the decided and effectual Supporter and Protector of that Party to which he owes his elevation.—The greater or lesser degree of fitness for that great office will, then, be determined by the interested judgment of men, pledged to oppose each other in every thing—those judgments will, of course, differ ; and that difference will be considered as a sufficient ground for an opposite election, and, consequently, for a separation.

In such a case, not only a separation of the Governments of Great Britain and Ireland must ensue, but a malignant jealousy, easily awaken'd into actual hostility.—The choice of a different Executive power is, in itself, a secession from the Dominion of the Crown of England, to which this Land of Ireland is, by every Law of this Kingdom, declared to be appendant, annexed and belonging.—It is, in itself, a commencement of hostility not easily forgiven

forgiven by a Nation well acquainted with her rights and authority, and well able to assert them.

Is there a Man of English blood in this Country, zealous for the Laws and for the Protestant Religion, anxious for the dearest rights of himself and of his posterity that will risk the consequences of such an event——? Our situation, our poverty, the nature of our people, the variety and opposition of our different Religions, the claims of our ancient Land-owners or their descendants, must form an insuperable bar to any state of absolute separation from the Crown of England, in which our present established Religion and the interests of its professors must not be the immediate victims.—On a separation from England, Ireland, deprived of *her* fostering Aid and Protection, and confined to her own internal resources, must necessarily experience the usual consequences of a state of Society.—The Interests, the Religion and the power of *the few* must yield to those of
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the many.—The prejudices, the passions, the avarice, the ambition, and what may be called the natural rights of man will be exerted ; Establishments, of long standing, will be considered, comparatively, as innovations.—Properties, long settled, will be attacked as usurpations ; and those days of misery and violence will return, from which no WILLIAM will be found to relieve this devoted Country.

The Experience of the past Age should guide the present.—The torch of History should irradiate the policy of nations.—History is Philosophy teaching by Experience.

What were the great objects of the Parliament of James II. in 1689 ? What were the means adopted for the attainment of those objects ? and what must have been the necessary consequences of such attainment ?

The Objects were an entire Separation from the Crown of England—a total and
absolute

absolute Independence—a King of Ireland *exclusively*—an Annihilation of the Protestant Religion and of English Influence and Property in Ireland.

The means adopted were,—The formation of a Parliament purely Irish—Acts of Independency, Attainder, Alteration of the Property of the Church, Revocation of the Act of Settlement, &c. passed in that Parliament.—Acts of Imperial State of King James, under the Great Seal of Ireland; and, at length, open War against the Government adopted by the People of England.

If Providence had not interfered and sent the GREAT DELIVERER to the relief of this, then distracted, Kingdom, what must have been the Consequences?—Those which necessarily must arise from natural causes :—The power of the multitude must have overborne the resistance of the few—the great Majority of the People (which a modern Reformer in politics exultingly

exultingly calls the physical strength of the Nation) must have prevailed.—Property must have been re-assumed—no prescription of long possession would have availed—the weight and authority of offices in every order of the State must have followed property, and a Legislature, firmly built on that Basis, would for ever have annihilated the Rights and Liberties, the Laws and the Religion founded by the arms, the wealth, and the protection of England, and cemented by the blood of the Ancestors of the present Legislators of Ireland.

I most sincerely believe that many, very many, worthy men, who have swelled the majorities in both houses of Parliament on the late Questions, have acted, merely without caution, and not in the idea of furthering a system pregnant with ill consequences: even in the best sustained debate, the warmth of party, and the tumult of popular assemblies frequently prevent the “still small voice of Reason”
from,

from being heard :—In the closet alone do we find time for mature and unbiaſſed reflection ;—*there*, the honeſt Legiſlator will reconſider his actions; will be the ſevere critic on himſelf; will divest himſelf of all prejudice againſt Government, and of all attachment to Party; will examine the queſtion in every poſſible point of view, and, if he ſhall diſcover his error, will avow his miſtake openly and in the face of his Country.—To men of that honourable deſcription, and to the landed proteſtant Noblemen and Gentlemen of Ireland I particularly addreſs theſe few pages, and now beg leave to call their attention to a brief ſtatement of the late proceedings in the Irish Parliament on the queſtion of Regency, and ſome Obſervations thereon.—In this Sketch, when I ſhall write of men or their meaſures, I mean to avoid, all, but public, conſiderations ; I have many acquaintances, and I believe ſome friends, engaged at each Side of the queſtion : Some of thoſe whom I moſt eſteem and love have taken up, on
this

this point, ideas of the Constitution and real interests of Ireland totally opposite to mine, and have supported them, on principle, with a manly and honourable perseverance and ability ; but, I have been early accustomed to think for myself, to examine such points as are within my sphere of knowledge, by the best vouchers and authorities in my power, and, from such examination alone, to deduce my own conviction.——“ amicus Plato, amicus Socrates, sed magis amica veritas.”

From the day on which the British Lords and Commons assembled after their Prorogation, their attention had been directed to the great and important duty of supplying the Exercise of the Supreme Executive Power, which had been suspended by the much lamented indisposition of his Majesty.—Men of the greatest ability and knowledge, and high in the Councils and Confidence of his Royal Highness the Prince of Wales, had, in each House of Parliament, unequivocally asserted his
exclusive

exclusive right to the Regency as Heir Apparent of full age, and that such right devolved to him necessarily, and as much as the Crown itself would, by Law, descend to him *instantly* on the demise of his Royal Father,

A temporary incapacity was thus compared to a natural demise, and the rule of hereditary and indefeasible right was extended, by the forced construction of men *calling themselves* Whigs and Revolutionists, to a casual and transitory Office of the State, which as occasions may arise, the Constitution of England admits merely as assistant to the Supreme Executive Power: —the People of Great Britain were, by some who *called themselves* Whigs and Revolutionists, to be now deprived of any deliberative voice on a great question of State and Policy, not provided for by any express Statute Law, but which, even in periods of less enlightened freedom, had, in analogous cases, been uniformly referred to the authority and decision of the
Parliament,

Parliament, that is, of the People of England.

But the attempt was soon baffled; the uninfluenced Men of the nation, the Country Gentlemen, took the alarm; the friends of the *nominal Whigs* disclaimed, or at least softened, the assertions of those unfortunate leaders, and the Prince, whose benefit they appeared to consult, best knew his own rights and the privileges of the People in Parliament, from whom alone he meant to deduce his title of Assistant to his Majesty in the administration of his Government.

A Bill for this purpose was accordingly, with the Prince's acquiescence, brought into the English House of Commons, and in its regular train of progress, when the Irish Parliament met on the 5th of February, 1789.

His Excellency the Lord Lieutenant opened the Parliament by a Speech declaring the
Indisposition

indisposition of his Majesty, on which subject he laid before them such documents as were then in his hands, and expressed his intention of communicating to them such as hereafter might be within his power.

Long before the opening of the Irish Parliament, it was known what part would be taken on the question of Regency, by those who have been in the habit of *calling themselves* the Patriots of Ireland. Many of them had, on former occasions, decidedly ranged themselves under the Standard of that great English Party which had long been under eclipse, but which was soon expected to shine with redoubled light and influence; the Policy of the English Opposition had long been directed to the maintenance of a subordinate Party in Ireland, pledged to rise or fall with their English friends and creators; some of the Chiefs of this Irish Confederacy had, about this time, taken their annual flight to England to receive new lights and inspiration at the shrine of **POLITICAL VIRTUE**, and, with
 them

them, migrated some callow birds who tried unfledged wings under the guidance of their more experienced leaders.

Behold them now returned, having fate on the sacred Tripod, and full of the God! —On the benches of both Houses they were reinforced by many auxiliaries, who, deep in all the maxims of wordly prudence, considered the strong side as always the best, and who, with the fondest eagerness, look'd forward to new times, as productive of new emoluments:—Having exhausted the favours of a liberal and indulgent Government, they fought for further Supplies in the gratitude of a new and splendid Administration; by plucking off the right of Majesty from the Parent Tree, they expected to see a new branch hastily produced, which, to them, should shine with equal, or superior splendor and advantage:

“ ——— Primo avulso non deficit alter

“ Aureus, et simili frondescit virga metallo :”

The popular director in the House of Commons saw, with joy and astonishment, men of various descriptions, of different countenances,

nañces and complexions, ranged in Battalia around him;—like Mithridates, he spoke to each in his own language; flattered their hopes, soothed their prejudices, received their repentance, granted them absolution for all their political sins, and prevailed on his ancient forces to receive their new allies with every mark of joy and gratulation.

A prudent and experienced General classes his forces according to their different powers, arms, nations, and properties, and gives them distinctive names accordingly—this latter body was known by the name of RATS, from a familiar allusion to the known and prudent instinct of those animals, in quitting a falling house or a sinking ship, and much was expected from the desperate valour of those deserters, who, on the defeat of their army, according to the rules of war, could never expect quarters.

Disappointment added many to the associated army.—The public oeconomy of the
opposite

opposite General, was on too contracted a scale for their enlarged power of expenditure.—He discouraged marauding and foraging, and endeavoured to revive the long obsolete ideas of Roman disinterestedness and Spartan discipline :—his Commissaries were obliged to account and make true musters; his purveyors of ammunition and stores were kept to their duty or severely punished.—The People, who were thus protected from pillage and peculation, blessed him, but his army crumbled away at every moment, such was the contagious power of Mutiny and Desertion.

At some distance from this motley band were seen some whose Love of their Country, whose Ability and Integrity, had never been doubted, and frequently been proved on the most trying occasions:—in some occasional movements they were now seen under the Standard of Opposition, but they demonstrated the integrity of their principles by scorning a blind adherence to the dictates of Party, and by refusing to be

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the dupes and accomplices of an ill-timed and misguided resentment.

An Address to the Prince of Wales passed the House of Commons, praying him to assume the Royal Authority in Ireland without any restriction whatsoever—this Address was conceived in extreme haste, drawn up in much confusion, and passed with little consideration; it was opposed by Law and Reason, but supported by the magical power of numbers; it purported to convey, on the instant of an answer in the affirmative, and without any subsequent connected Law, the whole royal prerogative to the Prince of Wales; to divest the King of the exercise of his Royal power, on the mere faith of copies of reports of Physicians not under the controul or examination of our Parliament, and with no consideration of the proceedings of the British Parliament, unless when abused by some zealous members, who contrasted them with the enlightened, the manly, and the constitutional conduct of that of Ireland.

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The Address, thus hurried thro' the House of Commons, was ushered into the House of Lords.—There, many of the wisest and oldest of those hereditary Counsellors of the Crown saw its tendency, and opposed it accordingly.—Others of the most upright and able, adopted it as a proof of the respect of Ireland to the intended Regent; as, in itself, conveying no Authority or Regal Power but merely preparatory to a Law for that purpose; and such were the public declarations in full Parliament, on this subject, of *two of the most able, respectable, and experienced Lords, who ever sat in any House of Parliament.

Thus, supported by a combination of various motives, and on different constructions, grounds and principles, the ADDRESS was voted by the House of Lords, with some Amendments expressive of a decent condolence on the dreadful Malady of the Sovereign, which the framers of the Address in the House of Commons had, in

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their

* The Archbishop of Cashel, and Lord Viscount Pery.

their great haste, either casually omitted, or thought entirely unnecessary.

The ADDRESS, finally adopted by both Houses, was presented to the Lord Lieutenant, to be, by him, transmitted to the Prince of Wales.

The Lord Lieutenant, relying on his official duty, on the terms and import of his Oath of Office, and not thinking himself warranted to transmit such an Address to the Prince of Wales 'till he should, by Law, be appointed Regent, declined to transmit the Address.

It is clear that the Lord Lieutenant, who is *here* as an Officer or Deputy of the Crown of Great Britain, and appointed by the King, in his British Council, under the Great Seal of Great Britain, stands merely intermediate between the King, or Executive power of the Crown, and the Parliament or People of Ireland:—He is the Channel of communication from the Crown
to

to the Parliament, and *visé versa*, having himself no official communication or correspondence with any person or power in Great Britain, but with the King, thro' the medium of his Ministers in their several departments—; thus circumstanced, the Lord Lieutenant, as Lord Lieutenant, cannot convey any message, address or other intimation of the will of the Parliament of Ireland, to any Subject whatsoever, nor, of course, to the Prince of Wales the first of the Kings Subjects;—If he should ever, in the hour of imprudence and precipitation, convey any Address to a subject, similar to that which he was thus desired to transmit, he would probably be thought, by his Peers of Great Britain, subject to capital punishment, as a betrayer of the RIGHTS of his SOVEREIGN, and of the ANCIENT FÆDERAL CONSTITUTION OF THE BRITISH EMPIRE.

The Spirit of Party, however, was inflamcd to double violence, and the Lord Lieutenant's refusal to transmit the Address,

Address, as expressed in his Answer, was considered as a Breach of the Privileges of both Houses of Parliament, and a Censure of their Proceedings.—In vain it was urged in both Houses that, without a knowledge of the Lord Lieutenant's Patent, and of his Oath of Office, Parliament could not judge how far he might have been really bound by his official Duty and his Conscience, to return such an Answer; fruitless attempts were made to induce both Houses to have those documents laid before them, as the only solid grounds of unbiassed and honourable Judgment: Votes of Censure passed with the usual precipitancy.

In these ill-digested and hasty measures, it is observable, that many of the most dignified supporters of the Address in both Houses did not concur.—They clearly saw that those with whom they had hitherto acted on the question of Regency, were now proceeding much too far, and refused to lend the sanction of their support

support to party-violence, or to private resentment.

There are cases in which the Pupil overleaps the bounds prescribed to him by his master, and the labourer transgresses the orders of his employer. It is clear that the British Opposition, which had, as far and as long as prudence would permit, asserted the exclusive right of the Prince of Wales to the Regency, must have intended that this doctrine should be adopted and reduced to practice in Ireland, and must have issued out *orders* for that purpose; but those who were to execute those orders, thought it dangerous to propose such a doctrine to the people of Ireland, whose principles were those of the REVOLUTION, or judged it right to sink, in silence, the rights of the Heir Apparent, and give the preference to the right of election or nomination of the Parliament of Ireland, thereby more fully to effect that Separation of the two kingdoms which, under the title of total Independency, they had so long and so earnestly promoted; a Resolution accordingly

accordingly passed both Houses “ That in
 “ addressing his Royal Highness the Prince
 “ of Wales to take upon himself the go-
 “ vernment of this Country on the behalf
 “ and in the name of his Majesty, during
 “ his Majesty’s present indisposition and no
 “ longer, the Lords and Commons of Ire-
 “ land have exercised an undoubted right,
 “ and discharged an indispensable duty, to
 “ which, in the present emergency, they
 “ alone were competent,” by which Reso-
 lution, the rights of the Prince of Wales,
 and of the Parliament of Great Britain, are
equally abjured.

The Lord Lieutenant having thus declin-
 ed to transmit the Address to the Prince
 of Wales, the conveyance was intrusted to
 some Members of both Houses: Some, who
 shuddered at the ill consequences which
 might arise, if this Address should reach
 the Prince of Wales, before he should be
 appointed Regent of Great Britain, request-
 ed a little delay:—urged the general ex-
 pectations which were then gaining ground
 of

of the King's approaching recovery—in-
 sisted on the inutility of precipitation in
 this business, as the Prince would certainly
 be appointed Regent in Great Britain, if the
 King's indisposition should still continue,
 and that the decision of the question of
Irish Right would on the present occasion,
 be therefore totally unnecessary—all
 this was whistled to the winds—the great
 Leader of the Majority in the House of Com-
 mons contended that *the Principle* should
 not be given up; that the slightest delay
 would be considered as a relinquishment of
 it *in theory*, and that there could not, be,
 in this case, any possible risk *in practice*, as
 the Prince would *certainly* be appointed Re-
 gent of Great Britain before the arrival of
 the Irish Commissioners, Delegates, or Mes-
 sengers, in London.

Tho' I have, in truth, the highest Opi-
 nion of the extraordinary talents and merit
 of the Gentleman who returned this an-
 swer, yet I do not worship him with all the
 blind zeal of idolatry, nor do I conceive him,
 like

like the Adam of the Schoolmen, intuitively gifted with *all possible knowledge*. On *this Occasion* he was no Prophet—the Commissioners arrived in London, where no Regent was yet appointed—the Prince received the address; but the imprudence and danger of his deciding this question in favour of the newly assumed right of the Irish Parliament were obvious;—delay was therefore interposed, and the happy event of the complete recovery of his Majesty enabled the Prince to get out of his embarrassment, by declining the offer of Ireland with the utmost Civility, after having received the Commissioners at Carleton-House, with all the Condescension imaginable.

Let us now consider whole Interests, Rights and Privileges (next to those of his Majesty) are most immediately and directly injured by the late proceedings in the Irish Parliament, smoothing the ground for a future separation of the Executive Powers of the two kingdoms.

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In the first instance, clearly, those of the Prince of Wales, who, in the fulness of time, we all most sincerely hope and trust, will be the Sovereign Ruler of these kingdoms.

Can it be a pleasing consideration to his Royal Highness, that a foundation is now laid for the future possible disunion of the two Governments, when, in the case of minority, absence, or other temporary incapacity of the reigning King, there may be a necessity for establishing a Regency by Act of Parliament or otherwise? Can his Royal Highness see, without abhorrence, the conduct of men, calling themselves his friends, who wish to build up for him a support in Ireland, distinct from, and opposite to, that of his future Parliament and People of Great Britain; of men who sow the seeds of mutual jealousy, and enmity between both kingdoms by unnecessarily forcing on the discussion of a question, the decision of which, points to a possible, if not a probable, separation? Will his Royal Highness, even for a moment, be prevailed

prevailed upon to turn his eyes from the great Precedent of the REVOLUTION, which seated his most illustrious family on the throne of both kingdoms, and which was binding *in Ireland* merely because it had taken place and been confirmed *in England*, and will he not consider the dignities, prerogatives and interests of his future Royal Crown, and that of his Successors, materially impaired and injured by any Act which directly and necessarily weakens the connection of the two Kingdoms now merely supported by that single thread, THE UNITY OF THE EXECUTIVE POWER? His Royal Highness's most liberal and unsuspecting disposition, may hitherto have prevented his seeing this transaction in its proper light;—his open and grateful heart prompts him to receive, with acknowledgment, the proffered services of those who assume an appearance of decided and forward zeal for, what they call, his interests; and his most benevolent and honourable feelings become too strong for his most excellent and discerning Judgment—his
very

very Virtues thus unfortunately tend to promote and lengthen the delusion.

But, as TIME, in his rapid flight, bears TRUTH along with him, she will present her Mirror to the eyes of the PRINCE, in which he will behold, with astonishment and regret, the real nature, object and effect of all these late proceedings of his pretended friends and adherents; and he will then, and, I trust, not too late, learn to value, esteem and protect those who are now pointed out to him as his opposers and enemies.

The next class of sufferers, in the future threatened calamity of a separation of the Executive Power of the two kingdoms, is that of the present landed Interest of Ireland, whose tenures, offices, dignities and superior advantages under the present Constitution of Ireland, must sink into the general mass, or be holden at the discretion of an adverse and interested Majority of the People.

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Need I again mention that the Rulers and Pastors of the present established Church of Ireland; and all who profess or call themselves Protestants among us, under whatsoever denomination, will necessarily become, in every consideration of temporal interest and religious freedom, materially injured by any disunion of the *Executive Power*, and by any Act which can render Great Britain unconnected with, or indifferent to, the civil and religious establishments of Ireland.

In short, all men now in Office, possessed of dignities in Church or State, possessed of Estates under English Titles, whether of ancient or modern date, from the original settlement of the English to the present moment, all the hereditary Counsellors of the Crown, all who are, or, under the present Laws, expect to be Members of the Legislature, all who have Votes or any other Franchises above the mass of the People, all who have any particular weight or influence in the Legislature of this
kingdom

kingdom as at present settled, and all who, on liberal and general principles, wish to promote the solid and real interests of the whole Empire, must suffer by the late innovation, must abjure its principles, and must, on mature reflection, cheerfully promote, recommend, and concur in any effectual remedy which may be proposed, for the prevention of the threatened evil, the SEPARATION of the NOW UNITED EXECUTIVE POWER.

Parliament which in the hour of heat, of party, and of interest, admitted that Proposition which awakes the apprehensions of every thinking man in both kingdoms, can alone apply the remedy:—The rust of the Spear of Achilles could alone cure the wound it had inflicted—an Appeal was successfully made from PHILIP to himself; from PHILIP heated and intemperate, to PHILIP cool and dispassionate;—the Monarch gained immortal Glory by redressing the injustice which he had committed.

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It cannot be controverted, that Laws are made to procure certainty and decision in all cases which can be the natural objects of Legislation, and within the power of human prudence to foresee: On that principle, Laws are framed for directing the Succession of the Crown, tho', in the course of events, a case may occur beyond the reach of those Laws, and which, by it's infinite magnitude or danger, may render it necessary to recur to first principles, and, in preference to all written or settled Ordinances, to appeal to the supreme and original power of the people.—Tho' such singular cases may arise and justify a deviation from the known and ordinary system, as in the case of the GLORIOUS REVOLUTION, yet, it must be admitted, that Laws are to be enacted for the maintenance of the general order and constitution, and without supposing the probable existence of such future exception, which must be a breach of the Law, justified only by the strongest necessity.

Thus

Thus, tho' the hereditary Succession hath been altered and diverted from its original course by the Revolution, yet the Law of hereditary descent of the Crown, is still the acknowledged and general Law; and tho' the Power of the People still remains undiminished and Supreme, yet the Law will not suppose the probability of any future necessity of a suspension of its own operation.

On this principle, tho' I hold it possible, that a Case might occur, in which necessity may justify the People of Ireland, in separating from the Crown of England, yet the Law does not suppose such a Case, and, therefore, the Law of Union of the two Crowns is positive and unconditional—the possible contingent Abuse of a Law, so strong as to force a recurrence to a dissolution of Compact, and a breach of the Constitution, merely to preserve political existence, does not, by any means, weaken the Authority of the Law, as the universal

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rule founded on the strongest principles of Policy and Justice.

By this rule of reasoning let us examine the arguments of some members of both Houses of Parliament in justification of their precipitancy in forcing the nomination of a Regent for Ireland, before any Regency had been settled in Great Britain.

They argued that, as a Case might occur, in which, the nomination of a British regent may be so grossly misdirected by the violence of party, the corruption of influence, or the usurpation of violence, as that the choice should be made of a person or persons grossly and apparently unfit for the trust, decidedly inimical to the rights and liberties of the people, and peculiarly hostile to the commerce, rights, and privileges of Ireland; therefore, in *this Case*, where no such danger was threatened, and where the object of our own predilection was known to be the intended Regent
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of Great Britain, we should decidedly deviate from the usual and settled forms and principles of the Constitution:—They argued that we were bound to acknowledge the King of Great Britain, merely because we had so fettered ourselves by our own written Laws, and that, as the case of Regency was not included in the express provision of those Laws, however included virtually by every principle of analogy, of policy, and of common sense, we should take the advantage of this omission, and, without any necessity in this particular instance, boldly form a precedent of a possible separation.—They did not wish that we should have time to consider that it is highly dangerous to break through the settled habits and the unwritten practice of the Constitution without the most urgent necessity; that it is impolitic and dangerous to introduce, *familiarly, and as of course*, those violent remedies which should be reserved merely as the last resources of agonizing nature; and that Revolutions, frequently and unnecessarily introduced,

would soon destroy our respect for the Laws, and shake our frame of Government to its very foundation.

We have, in this late instance, seen a precedent established, of an easy separation of the executive powers of Great Britain and Ireland, without slow and regular deliberation, without the plea of necessity, and against the decided sense of all the great lawyers in both Houses of Parliament.—We have heard this extraordinary deviation from settled rule justified, merely on the plea of having *no written Law, expressly and in words*, ascertaining the Constitution of the united Empire in the *Case of Regency*; and no man has been found hardy enough to assert that, if a written law were now existing on that point, there is, in the present instance, any necessity of recurring to first principles or of deviating from the regulations of the Law.

He therefore will be the real friend of his Country who proposes, and who procures
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the passing of such a Law, by which the Regency of the two Kingdoms may be settled on principles of general certainty and sound policy, as the Union of the two Crowns is now ascertained:—He will prevent many future struggles for power, many party animosities, many dangerous civil dissensions which may hereafter arise from the inequality of the great contending parties in both Kingdoms:—By such a Law the general expediency, and even the political necessity, of an uniformity of Government in both Countries will be confirmed and ascertained; by such a Law, no great and urgent case of necessity, threatening the dissolution of civil and religious rights and liberties, can be superseded, and yet, the respect due to such a law will prevent its infringement on any, but the most absolutely important, occasions:—By such a Law, *passed in our own Parliament*, the dignity of our own Legislature will be supported even according to the warmest wishes of the most independent son of Ireland; by such a Law alone can we prevent the various ill consequences

consequences which may speedily arise from the hasty and unnecessary separation of the two executive powers; consequences fatally affecting our Properties, our Laws, and our Religion; by such a Law alone can we become a firm and component part of a great Empire, connected by the great bond of ONE KING, ONE FAITH, AND ONE LAW; and by such a Law alone can we fulfil our solemn assurances, made on the restoration of our Parliamentary independence, that We will share the fate of Great Britain, having one common and indissoluble interest with her's, and standing or falling with the British nation.

When I consider that, in the late proceedings, Majorities were raised in both Houses of Parliament of persons acting together under various motives, some actuated by self-interest, many by private resentment for supposed insults or unmerited disappointments, others by the eager hope of recommending themselves to the notice
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and protection of the expected Administration, and some from the apprehension of forfeiting their present situations by a fruitless defence of their Royal Master, I cannot think that so heterogeneous a body can long remain united: On the mixture of different substances, of various weights and properties, their union only continues as long as they are kept in violent agitation—when that ceases, their repelling or their attractive powers, their greater or lesser gravity, in short their various and opposite properties will cause them to take their own places according to the fixed laws of matter.—Time and reflection, and the consideration of publick good and private interest, will produce the same effects in our present fermenting mixture; and the lead and the feather, the oil and the vinegar, the gold and the dross, will all soon subside and form their regular strata in political tranquility.

The attempt will be found vain to unite men of various and opposite principles in one great chain of confederacy; associations,
solemn

solemn leagues and covenants, writings and seals may be suggested by those who clearly see that there is no cementing principle of public Virtue to strengthen the building, but such miserable expedients will be found of no avail; the general voice of the nation will be raised against those dark and secret proceedings usual only among those who conspire the destruction of States and the dissolution of Society. The enlightened men without doors, men who constitute the bulk of the Electors of the Nation, will see the danger of intrusting the care of their rights and liberties, of their commerce and properties, to representatives who assemble in solemn and mysterious silence, and pledge themselves to some mode of obstructing the regular and necessary business of Government, in the due and ordinary revolution of which the interest of every citizen is essentially concerned.—The mysteries of the Eleusinian CERES were deceits on the credulity of ancient Greece, but the Philosophers saw, and despised, the imposition.—The silence of those who descended into the
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the Cave of TROPHONIUS could not preserve the Deity and the Priests from detection and contempt.

PUBLIC VIRTUE is of an open and dignified countenance, placed in general view, on the summit of the hill, and beaming, in full Majesty, from the front of her temple : —PARTY scoops her cavern in the neighbouring clift, overshadowed with yew, and impervious to the Sun :—her Votaries approach her Shrine in the dead hour of night; they murmur their vows indistinctly; they mine in secret, and unite, in vain, to sap the eternal foundations of the sacred FANE of VIRTUE.

The ardent wishes of every true friend of this country must be directed to the establishment of a solid and permanent union of her Executive Power with that of Great Britain; that alone can secure their harmony and unanimity, without which the nerves and sinews of the Empire must be weakened and contracted; that alone can
prevent

prevent the pernicious effects of those daily struggles for power which must endanger the connection of the two kingdoms, if not placed on an unquestionably legal foundation:—that alone can save from destruction the liberties, the interests and the established religion of Ireland, which must necessarily be annihilated when unconnected with Great Britain;—and this good work can be solidly effected by our own Parliament, without yielding even the appearance of superior authority to any other body or power whatsoever.

I have no doubt that, in a period not very distant, the most able, upright and dispassionate among the Legislators of Ireland will see the necessity of placing this great point of national importance beyond the reach of transitory interests, of casual circumstances, and of the most uncertain fluctuations of party:—a cloud now hangs on the brow of every thinking man in Ireland, which they alone can remove; they alone can dissipate those doubts which,
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from some late transactions, the Electors of this Kingdom begin to entertain of the wisdom, the coolness, the moderation, and the temperate and well regulated patriotism of their Parliaments; they alone can restore dignity to the State, effect to the Government, security to the Religion, and stability to the Laws, the Interests, and the Constitution of Ireland.

APPENDIX.

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A P P E N D I X.

The Fourth Year of WILLIAM and MARY.

C H A P. I.

*An Act of recognition, of their Majesties undoubted
Right to the Crown of Ireland*

FORASMUCH as this kingdom of Ireland is annexed and united to the Imperial Crown of England, and by the laws and statutes of this kingdom is declared to be justly and rightfully depending upon, and belonging, and for ever united to the same; and the Kings and Queens of England are by undoubted right Kings and Queens of this realm, and ought to enjoy the stile, title, majesty, power, preeminence, jurisdiction, prerogative and authority of Kings and Queens of the same: and whereas our sovereign liege lord and lady, King William and Queen Mary, since their happy accession to the crown of England, with great expence of blood and treasure, and the extreme hazard

zard of his Majesty's royal person, have delivered this their kingdom from the miseries and calamities of an intestine war, and most horrid rebellion, raised up amongst us by the Irish papists, and instigated, abetted and supported by the power of the French King; thereby securing us against the danger of popery and arbitrary power, with which we were threatened in a most eminent manner, and have most happily reduced this their kingdom to a state of peace and order, and restored to us our laws and liberties, and the free and impartial administration of justice: we the lords spiritual and temporal and commons in this present Parliament assembled, in the name of all the people of this kingdom, do, from the bottom of our hearts, with all possible thankfulness acknowledge the goodness of Almighty God, in raising up their Majesty's to deliver us and to reign over us, of whose goodness, wisdom and courage, we have already found such happy and blessed effects.

II. And to the intent and purpose, that we may publicly and unanimously own and assert our faith and true allegiance to their Majesties, and that the same may remain as a memorial to all posterity amongst the records of Parliament in this kingdom: we the lords spiritual and temporal and commons in Parliament assembled, as we are in duty bound

bound, do recognize and acknowledge, that the kingdom of Ireland, and all titles, stiles, royalties, jurisdictions, rights, privileges, prerogatives, and preeminences-royal thereunto belonging, are most rightfully and lawfully vested in their Majesties King William and Queen Mary, and that their most excellent Majesties were, are, and of right ought to be King and Queen of England, Ireland, Scotland, and France, and the dominions and territories thereunto belonging; in and to whose princely persons the royal state, crown, and dignity of the said realms, with all honours, stiles, titles, regalities, prerogatives, powers, jurisdictions, and authorities to the same belonging and appertaining, are more fully, rightfully and intirely invested and incorporated, united and annexed.

III. And we do beseech their most excellent Majesties, to accept of this our humble recognition and submission, as the first fruits in this present Parliament of our faith and duty to their Majesties: and do pray that the same may be published, declared, and enacted in this high court of Parliament; and the same are by their said Majesties, by and with the advice and consent of the lords spiritual and temporal and commons in Parliament assembled, and by the authority of the same, declared, enacted, and established accordingly.

The

The following is the Address to the Prince
of Wales, as it first passed the Commons,
February 12th 1789.

TO HIS ROYAL HIGHNESS
GEORGE, PRINCE of WALES.
THE HUMBLE ADDRESS OF

The KNIGHTS, CITIZENS, and BURGESSES,
In Parliament Assembled,

MAY IT PLEASE YOUR ROYAL HIGHNESS,

WE, his Majesty's most dutiful and loyal
subjects, the
Commons of Ireland in Parliament assembled,
beg leave humbly to request that your Royal
Highness will be pleased to take upon you the
government of this realm during the continuation
of his Majesty's present indisposition, and no
longer, and under the stile and title of Prince
Regent of Ireland, in the name and on behalf
of his Majesty, to exercise and administer, accord-
ing to the laws and constitution of this kingdom,
all regal powers, jurisdiction and prerogatives to
the crown and government thereof belonging.

The

The following is the Address which
passed both Houses of Parliament, to his
Royal Highness, the Prince of Wales.
February 17th 1789.

TO HIS ROYAL HIGHNESS,
GEORGE, PRINCE of WALES.

THE HUMBLE ADDRESS OF THE
LORDS SPIRITUAL and TEMPORAL, and
KNIGHTS, CITIZENS, and BURGESSES,
in Parliament Assembled,

MAY IT PLEASE YOUR ROYAL HIGHNESS,

WE, his Majesty's most dutiful and loyal
subjects, the Lords Spiritual and Temporal and
the Commons of Ireland, in Parliament assembled,
beg leave to approach your Royal Highness with
hearts full of the most loyal and affectionate
attachment to the person and government of your
royal father; to express the deepest and most
grateful sense of the numerous blessings which
we have enjoyed under that illustrious house,
whose accession to the throne of these realms
has established civil and constitutional liberty

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upon a basis which, we trust, will never be shaken; and at the same time, to condole with your Royal Highness upon the grievous malady with which it has pleased heaven to afflict the best of sovereigns.

We have however the consolation of reflecting, that this severe calamity hath not been visited upon us until the virtues of your Royal Highness have been so matured as to enable your Royal Highness to discharge the duties of an important trust, for the performance whereof the eyes of all his Majesty's subjects of both kingdoms are directed to your Royal Highness.

We therefore beg leave humbly to request that your Royal Highness will be pleased to take upon you the government of this realm during the continuation of his Majesty's present indisposition, and no longer, and under the stile and title of Prince Regent of Ireland, in the name and on behalf of his Majesty, to exercise and administer, according to the laws and constitution of this kingdom, all regal powers, jurisdiction and prerogatives to the crown and government thereof belonging.

Lord

Lord Lieutenant's Answer, on being desired to transmit the Address to the Prince of Wales. February 19th 1789.

UNDER the impressions which I feel of my official duty, and of the oath which I have taken as Chief Governor of Ireland, I am obliged to decline transmitting this address into Great Britain.

For I cannot consider myself warranted to lay before the Prince of Wales an address, purporting to invest his Royal Highness with powers to take upon him the government of this realm before he shall be enabled by law so to do.

Vote or Resolution of Censure, of the Lord Lieutenant's Answer, by the House of Commons. February 20th 1789.

Resolved, that his Excellency the Lord Lieutenant's answer to both Houses of Parliament, requesting him to transmit their Address to his Royal Highness the Prince of Wales, is ill advised, contains an unwarranted and unconstitutional censure on the proceedings of both Houses of Parliament, and attempts to question the undoubted rights and privileges of the Lords Spiritual and Temporal, and the Commons of Ireland.

Vote

**Vote or Resolution of Censure, of the
Lord Lieutenant's Answer by the House
of Lords. February 23^d 1789.**

Resolved, that the Answer of his Excellency the Marquis of Buckingham the Lord Lieutenant of Ireland, refusing to transmit to Great Britain, the Address of both Houses of Parliament, to his Royal Highness the Prince of Wales, was disrespectful to his Royal Highness, and conveys an unwarrantable Censure on both Houses of Parliament.

