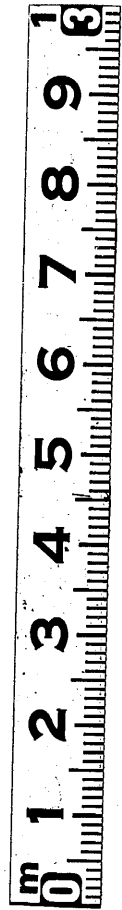


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A FULL
A C C O U N T
 Of the present
D I S P U T E
 IN
I R E L A N D,
 BETWEEN THE
PREROGATIVES of the CROWN,
 AND THE
RIGHTS of the PEOPLE:
 TOGETHER WITH
REFLECTIONS
 ON THE
 Present political **CONTEST** in that
KINGDOM.

D U B L I N:

Printed in the Year MDCCLXXIII.

A FULL
 ACCOUNT
 Of the present
 DISPUTE
 IN
 IRELAND, &c.

S I R,

AS an account of the present political contest in *Ireland*, which has engaged so much of our attention, must be acceptable to your readers; I send the following account of that important affair from the beginning; but that it may be the better understood, I shall first give a short state of the publick revenue there, as it now stands established.

The publick revenue of *Ireland* is of two sorts, hereditary or temporary; and the former is of two sorts, for it is either such as has been established by ancient custom, or such as has been established and granted to the king, his heirs and successors, by act of parliament. The hereditary customary revenue consists of crown-rents, composition-rents, casual-rents, &c. amounting to about 17,000 *l. per. ann.* and the hereditary statute revenue, amounting to about 427,000 *l. per. ann.* consists of, 1st. Quit-rents, reserved to the crown by the acts of settlement and explanation 14 and 15 *Charles II.* 2^{dly}. The excise granted at the same time, 'for and towards the constant pay of the army and forces, and 'for defraying other publick charges in the defence and preservation of his majesty's realm.' 3^{dly}. The tonnage and poundage, first granted by a statute in the reign of *Henry VII.* but regranted, and very much augmented, by 14 and 15 *Charles II.* 'for the better guarding and defending the seas against all persons in-

tending, or that may intend, the disturbance of the intercourse of the trade of this realm, (*Ireland*) and for the better defraying the necessary expences thereof, and for increase and augmentation of his majesty's revenue.' 4^{thly}. Hearth-money granted in lieu of the profits of the court of wards, by the said 14 and 15 *Charles II.* and recited thus in the preamble: 'For as much as nothing conduceth more to the peace and prosperity of a kingdom, and the protection of every single person therein, than that the publick revenue thereof may be in some measure proportioned to the publick charges and expences, in consideration thereof, &c.' And by clauses in this act it was provided, that this revenue should not be particularly charged or chargeable with any gifts, grants, or pensions whatsoever; and that if any person, natural or politick, should accept of any pension, gift or grant for years, life, or any other estate, or any sum or sums of money, out of the same, he should forfeit double the value thereof, one moiety to the churchwardens of the parish where he lived, and the other moiety to any person that would sue for the same.

And, 5^{thly}. Licences for retailing ale and beer, or wine and strong waters, granted for preventing disorders in the country, and for the better securing the payment of the inland excise.

This was the whole of the publick revenue of *Ireland*, until after the revolution; for as there was no parliament held in *Ireland* after the 18th of *Charles II.* there could be no temporary grants; and altho' from the very nature of government, as well as from the preambles of the statutes, it must be presumed, that the whole of this revenue was designed for the perpetual future support of the honour and dignity of the crown, and for supplying the annual expence of government, and consequently unalienable, yet before the revolution it was pretended, that the sovereign for the time being had in the hereditary revenue, both in *Britain* and *Ireland*, a short estate in fee, and might alienate or grant the same, or any part thereof, in perpetuity; but since that time the affair has been better understood, tho' not yet as it ought, and such alienations expressly provided against by act of parliament in both kingdoms.

But as it was thought necessary after the revolution, to keep always a large body of regular troops in *Ireland*, therefore in the first parliament, held there in 1692, it was represented by the governing powers, that the hereditary revenue would not be sufficient for the publick expence, and consequently an additional supply was demanded from parliament. Upon this the house of commons of *Ireland* ordered a state of the revenue of the nation, and the civil and military establishment, to be laid before them; whereupon the officers of the crown presented a state of the whole

hereditary revenue before-mentioned, together with an estimate of the designed establishment, both civil and military; and this state and estimate being taken into consideration by the house, notwithstanding its being pretended by the ministers even of those days, that they had no right to do so, they granted, and, by a temporary tax, provided for such an additional supply only, as they thought would be enough for making good the deficiency of the hereditary revenue.

Ever since that time an additional temporary supply has been wanted from every session of parliament in *Ireland*, and the commons have not only had a state of the whole publick revenue, both hereditary and temporary, laid every session before them, together with an estimate of the civil and military establishment, but in order to be sure that every article in both was fairly and exactly stated, they have every session appointed a committee to examine the publick accounts, and have made it a standing order of their house, that no supply shall be granted, until after that committee shall have made their report; and if from these accounts it appeared, as it has often done, that the produce of the hereditary and temporary revenue, for the last two years, was more than sufficient for answering the publick expence, so that there was a surplus in, or coming into, the Exchequer, they have always, without either consent or authority from the crown, considered that surplus as so much towards the publick expence for the next two years, and therefore have, in proportion thereunto, granted so much the less towards the temporary supply for the next two years.

But soon after the accession of his late majesty, and for preventing any commotion during the rebellion in *Scotland* in 1715, a public debt of about 66,000 *l.* was contracted, which by degrees increased to some hundreds of thousands, for the repayment of which, with the growing interest, a certain fund was established and appropriated by parliament, and from session to session continued. By the surplusses of this fund, over and above what was sufficient for paying the annual interest, the debt was in *October*, 1749, reduced to 70,000 *l.* bearing an interest of 5 *l. per cent.* and 250,000 *l.* bearing an interest of 4 *l. per cent. per annum*; but as the annual surplusses of this appropriated fund were not very considerable, it would have been a long time before the principal could have been paid off by this means alone.

I shall next observe, that when the military establishment is laid before the parliament of *Ireland*, it is always computed as if the quota of troops designed to be kept up in *Ireland* were then full, and to continue so for the next two years, as the parliament of *Ireland* generally meets but once in two years, and an additional

onal supply is always granted according to this computation, tho' it often happens that the quota is not full, or does not continue so; and when this happens, no more money is issued from the Exchequer than is sufficient for paying the troops then actually upon that establishment. This happened often to be the case during the late war; for several large draughts of men were made from the regiments in *Ireland*, and sometimes whole regiments taken from that establishment, and put upon the *English* establishment, in order to be employed in *Great-Britain*, or sent beyond sea. By this means the hereditary and temporary revenue of *Ireland*, during the late war, sometimes exceeded the publick expence, so that at the end of two years, for which the temporary revenue was granted, there was sometimes a saving or surplus remaining in the Exchequer, which was either left there to answer future contingencies, at that dangerous conjuncture, or carried to the credit of the nation, in order to be applied to the service of the next ensuing two years, being never so considerable as to give any one a thought of applying it to the discharge of the publick debt. But by this saving, and by the great increase of the taxes, both the hereditary and temporary revenue increased so much in the year after the peace, that when the publick accounts were made up at Lady-day 1749, there appeared to be a saving or surplus of 220,241 *l.* 4 *s.* 6 *d.*

It has been insinuated, tho' certainly without any foundation, that an order was sent from hence to remit this whole surplus hither, but that the Speaker, being then Chancellor of the Exchequer, and one of the Lords Justices, would not part with it, insisting, that in the next accounts to be laid before parliament, this surplus should be, as all former surplusses had been, carried to the credit of the nation, and left to the disposal of parliament; and that upon this his refusal the earl of *Harrington* was instructed to agree, that some part of it might be applied towards the discharge of the national debt. Whatever may be in this, it is certain, that when the parliament met in *October* following, this method of applying part of it was no sooner mentioned to him in a private manner, by some of the members, than he agreed to it; but in such terms as became a wise and faithful servant of the crown, by saying, that as he knew his majesty's intentions always were, to make his subjects happy, he would readily concur in any scheme for that purpose; and accordingly a proper resolution was moved for in the committee of ways and means by Mr. Attorney-General, who by custom has long moved all the resolutions in that committee, which resolution being agreed to by the house, and the usual committee appointed to draw up heads of a bill or bills, pursuant to the resolutions of that committee,

mittee, it was then ordered by the house, without any message from the crown,

‘ That it be an instruction to the said committee, to insert a clause or clauses in the said heads of a bill or bills for applying so much of the balance, remaining in the vice-treasurer’s hands at Lady-day last, as shall be for that purpose necessary, to discharge the sum of 70,000 *l.* now remaining due of the old loan, and carrying an interest of 5 *l. per Cent. per Annum*, as also to apply such further part of the said balance, as shall be for that purpose necessary, to pay off and discharge 58,500 *l.* part of the new loan of 250,000 *l.* carrying an interest at the rate of 4 *l. per Cent. per Annum.*”

But tho’ the house had no message from the crown for authorising either the resolution of the committee of ways and means, or their giving this instruction to the committee appointed to prepare the heads of the bill, tho’ it was not then so much as hinted by any one, that there was any occasion for such a message, yet in complaisance to his majesty, and agreeable to what the lord *Harrington* had thus in a private manner said to some of the members, the preamble of the bill was made to run thus:

‘ Whereas on the 25th day of *March* last, a considerable balance remained in the hands of the vice-treasurers or receivers-general of the kingdom, or their deputy or deputies, unapplied; and it will be for your majesty’s service, and for the ease of your faithful subjects of this kingdom, that so much thereof, as can be conveniently spared, should be paid, agreeably to your majesty’s most gracious intentions, in discharge of part of the aforesaid national debt.’

How dangerous is complaisance in every case where the rights and privileges of the people are concerned! With this preamble the bill was sent over, and from hence the patrons of prerogative took occasion to insist, that the crown had the sole right to dispose of and apply every part of the unappropriated revenue, that the people, that is to say, the house of commons, neither could resolve upon applying any part of it, nor ought they to take any such affair into their consideration, without the *previous consent* of the crown, which the word *intentions* did not properly express, and that therefore the preamble ought to be altered, and his majesty’s *previous consent* expressed in the most explicit terms.

This opinion, however, did not at that time prevail: The bill was returned without this alteration; but care was taken that the duke of *Dorset* should in his speech to the next session of parliament, 1751, express himself thus: ‘ I am commanded by the king to acquaint you, that his majesty, ever attentive to the ease and happiness of his subjects, will graciously consent, and

‘ and recommends it to you, that such a part of the money now remaining in his treasury, as shall be thought consistent with the publick service, be applied towards the further reduction of the national debt.’

But tho’ it is usual to echo back the words of the speech, in the address made by way of answer thereto, yet the friends of liberty being now warned of the pretence set up by the patrons of prerogative, they therefore took care, without the least mention of *consent*, to express themselves thus in their address:

‘ We acknowledge with particular satisfaction and thankfulness, your majesty’s gracious attention to our ease and happiness in recommending to us the application of the money, now remaining in the treasury, so far as it may be consistent with the publick service, towards the further reduction of the national debt.’

And it then appearing from the publick accounts, that there was at the Lady-day preceding (1751) a sum of 248,366 *l.* 17 *s.* 4 *d.* in the exchequer, over and above what had been requisite for answering all the exigencies of government, the house of commons came to a resolution, that 120,000 *l.* part of this surplus, should be applied towards paying off and discharging so much of the sum of 237,500 *l.* then remaining due by the publick at an interest of 4 *l. per cent.* so that they were willing to continue paying interest for the remaining debt, rather than not leave a large sum in the treasury for answering future contingencies, even at a time of profound tranquillity. In pursuance of this resolution the usual instruction was given to the committee appointed to draw up the heads of the bill, and both, without any other message or notice from the crown, than what had been mentioned in the lord lieutenant’s speech at the opening of the session. Accordingly, a bill was drawn up and agreed to, with this preamble:

‘ Whereas on the 25th of *March* last, a considerable ballance remained in the hands of the vice-treasurers or receivers-general of this kingdom, or their deputy or deputies, and your majesty, ever attentive to the ease and happiness of your faithful subjects has been graciously pleased to recommend it to us, that such part thereof as shall be thought consistent with the publick service, be applied towards the farther reduction of the national debt.’

And with this preamble the bill was transmitted hither; but before I proceed further, I must observe, that before the duke of *Dorset* went to *Ireland* in 1751, an officer of the crown, who was also a member of the house of commons, had been accused, by the publick voice, of misapplying a very large sum of publick

lick money, with which he had been entrusted, for rebuilding or repairing the barracks, and making them fit for the reception and accommodation of the troops; and it was expected that the house of commons, as soon as they met, would make a strict enquiry into his conduct. This, perhaps, was the cause of the alteration made here in the preamble of this bill, for which conjecture I shall hereafter give a very good reason; for the patrons of prerogative now prevailed: They were not satisfied with the grateful acknowledgment of his majesty's goodness made in this preamble as it was sent over: Nothing would now serve but an express acknowledgment of his majesty's *previous consent*, as if the same had been absolutely necessary before the house of commons could come to any resolution relating to the disposal of any part of the surplus then in the treasury: For this reason the preamble was thus altered, 'has been graciously pleased to *consent* and to recommend it to us;' and with this alteration the bill was returned to *Ireland*.

When the bill was again laid before the house of commons for their approbation of the alteration that had been made here, they were deeply engaged in the enquiry I have mentioned, in which they met with all the obstruction the staunch courtiers could give; and therefore they thought it imprudent to allow themselves to be drawn into a contest with the crown about prerogative at the very same time, well knowing that they might soon have a more proper opportunity for vindicating the rights of the people. For this and other reasons they passed the bill as it was altered; and by this means they succeeded in their inquiry; for the misapplication was fully proved, and the gentleman ordered to make the barracks fit for the reception and accommodation of the troops at his own expence.

When the parliament again assembled in 1753, the duke of Dorset being still lord lieutenant, he opened the session as usual with a most gracious speech, in which he again told them, that his majesty graciously *consented*, and recommended to them, that so much of the money remaining in his treasury as should be necessary, should be applied to the discharge of the national debt, or of such part thereof as they should think expedient; to which the commons answered in their address, as they had before done, by taking care not to echo back the word *consent*; and it appearing from the publick accounts that there was a surplus in the treasury of 315,822 *l.* 13 *s.* 10 *d.* besides the increase from Lady-day to Michaelmas, the house resolved to apply 77,500 *l.* part of this surplus, to discharge the remaining part of the debt; in pursuance of which the usual instruction was given to the committee appointed to draw up the heads of the bill.

As

As many people, without doors as within, had now taken the alarm at this new claim of prerogative, the committee wisely took care to provide for nothing by this bill but the application of this sum of money, so that the publick could not suffer much if the bill should be crushed between the prerogatives of the crown and the rights of the people; and as their grateful acknowledgment had not before been accepted of, they resolved not to repeat in the preamble to this bill, which was brought in and agreed to, only in the following words:

'Whereas on the 25th day of *March* last, a considerable balance remained in the hands of the vice-treasurers or receivers-general of this kingdom, or their deputy or deputies, we most humbly pray, &c.'

With this preamble the bill was transmitted hither, and the patrons of prerogative now thought themselves more bound than ever to make an alteration; therefore, after the word, deputies, they added as follows:

'And your majesty, ever attentive to the ease and happiness of your faithful subjects, has been graciously pleased to signify, that you would *consent*, and to *recommend* it to us, that so much of the money remaining in your majesty's treasury, as should be necessary, be *applied* to the discharge of the national debt, or such part thereof as should be thought expedient by parliament.'

By this addition the question, whether the people in parliament assembled have a right to consider of and vote the application of any part of the unappropriated publick revenue, without the *previous consent* of the crown, was fatally brought to an unavoidable issue; and when the bill was again brought before the house of commons, on the 17th of *December* last, for their approbation of this alteration, they chose rather to remain liable to pay interest for this sum, during two years, perhaps much longer, than to give up what they thought the undoubted right of their constituents, for which reason they rejected the bill by a majority of 5. And since that time some of those gentlemen, who in the debate appeared most sanguine for the rights of the people, have been dismissed from those lucrative and honourable employments they held under the crown.

Whether this right be undoubted or no I shall next inquire, but must reserve it to another occasion, as this letter is already, I fear, too long; therefore shall now only add, that I am,

S I R,

Your constant reader, and well-wisher.

REFLECTIONS

On the present

POLITICAL CONTEST

I N

I R E L A N D.

S I R,

IF the present political contest in *Ireland* had no way concerned this kingdom, curiosity might have prompted, but duty would not have obliged, me to give myself the trouble of inquiring into it. But there is such a similarity established by law between the constitution of government in *Ireland*, and the constitution of government in this kingdom, that when our ministers form any plot for extending their own power under the umbrage of royal prerogative, or for depriving the people of any of those privileges belonging to them by our constitution, and recorded in the blood of our ancestors, I am convinced that such ministers will always begin with *Ireland*, in order to establish a precedent as a foundation for the same attempt here; and as the maxim *principiis obsta*, is a maxim of prudence that very rarely admits of an exception, no *Englishman* ought to think himself unconcerned in any dispute that may happen between our ministers and the parliament of *Ireland*.

It would be tedious, and quite unnecessary, to enter into an examination of all the arguments that have been advanced by the two contending parties in this dispute; therefore I shall briefly state the plain question, which the advocates for prerogative

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gative have upon this occasion, as in most others, endeavoured to perplex. That the whole of the executive power of our government is by our constitution lodged in the crown *under proper limitations*, no one ever doubted; and consequently, no one can doubt, whether the trust of applying the money given by parliament to the crown, be by our constitution vested in the crown for publick services. But will any one say, that this trust, as well as every other prerogative, may not be limited by act of parliament, without a previous consent from the crown before a bill for that purpose can be passed by either house of parliament? The very question must appear ridiculous to every one who considers, that the method of appropriation, which was never introduced until after the revolution, is a limitation of that trust now annually practised without any previous consent from the crown; and that the acts of parliament passed both in *England* and *Ireland* for preventing the dissipation of the hereditary revenue by alienation or perpetual grants, are general and perpetual limitations of this trust, enacted without any previous consent of the crown: And shall it be said, would it not be absurd to say, that the legislature may make a general and perpetual, but cannot make a particular and temporary limitation of this trust, without the previous consent of the crown? Is not every appropriation a particular and temporary limitation of this trust? And can any one but a petty-fogging lawyer find a reason, why this trust may be limited as to money before it comes into the treasury, but cannot be limited as to money after it is come into the treasury, without a previous consent? Yet this is the whole of the question now so much contested in *Ireland*; and indeed I am surpris'd how any of the advocates for prerogative could, in the fury of their zeal, start such a question, at a time when their sovereign was ready to give the royal assent, in a regular parliamentary manner, to any bill the parliament might think proper for such a particular temporary limitation, that is to say, for applying part of the money then actually in the treasury towards paying off the national debt; and the parliament of *Ireland* had the more right, and were the more obliged, to bring in a bill for this purpose, as more than this sum had for a twelve-month lain dead, as to the publick, in their treasury, whilst the nation was paying interest for the debt which might have been discharged by an application of this money. I say, dead, as to the publick; for with respect to the jobbs of ministers, I do believe, that very seldom any money lies dead in any treasury: If it ever had, ministers and clerks of offices would not have now made such a figure as they do in the landed interest either of *England* or *Ireland*.

If

If the king, by virtue of his prerogative, had ordered the national debt of *Ireland* to be paid off as soon, or as fast, as this surplus came into the treasury, I believe, the parliament would have found no fault with it, because it now appears, that they knew of no better way to dispose of it, and yet I must think that, according to our present constitution, the applying it in such a manner, would not have been regular, nor ought the parliament to have recorded any express approbation of it. Our constitution, and our method of granting money to the crown in trust for the publick service, has been very much altered since the revolution, and I hope for the better. If the parliament should be more strict in examining into every estimate and every account than they have been of late years, it would certainly be so; but if they should not, it will be worse; because by the new method they have established a difference between the proper money of the crown, which is now called the civil list, and the money of the publick; and have thereby taken the controul of all estimates and accounts, and the care of publick money, in a great measure, out of the hands of the crown; so that if ministers and officers can get their estimates and accounts approved of in parliament, they think, and I fear will generally find, themselves justified with respect to the crown.

Before the revolution we were not assured of having parliaments assembled every year in *England*, or every two years in *Ireland*, nor was there any difference between the civil list and the publick revenue. All the money that was granted by parliament, over and above the hereditary or customary revenue of the crown, was granted upon the general trust both as to time and service, and a parliament was seldom if ever called until that whole money was expended, and the crown wanted a new grant; but since the revolution, the money granted by parliament is in *England* granted by each session for the service of the ensuing year, and in *Ireland* for the service of the next ensuing two years, as appears by the estimates laid before the house annually, or biennially, in the two kingdoms; therefore tho' no part of it were appropriated to any particular service, yet the whole must be understood to be appropriated in general to the service of the ensuing year in *England*, or two years in *Ireland*; and consequently if the publick service should require less than was expected when the grants were made, or the funds provided for answering those grants should produce more than was expected, the surplus ought to remain in the exchequer, and there wait the future disposition of parliament; for every one knows, that if the services should necessarily require more than was granted,

ed, or the funds should produce less than was expected, the next ensuing session must make good the deficiency, as appears from many resolutions of our committee of supply here in *England*, for supplying services incurred but not provided for, and for making good the deficiency of the grants of last session.

For this reason, tho' the parliament might not, perhaps, have censured it, yet it would not have been regular to have applied this surplus even to the payment of the national debt, before the next session of parliament; and it would have been a disadvantage, if a practicable project had been laid before the next session for employing that money more to the advantage of the country; for example, in draining a large extent of bog, or in making a communication between two navigable rivers; for it is not at all impossible to suppose, that it might have been an advantage to the publick, to pay interest for several years upon the national debt, rather than not to carry such a project directly into execution. Indeed, as no such project was offered, the paying off the national debt was the next best use this surplus could be applied to; and if there had been no national debt, the house of commons, in the next session after it had accrued, were certainly obliged to state it as so much money already provided, and consequently to grant so much the less, for the service of the next ensuing two years; for I must insist upon it, that every member of the house of commons is, in duty to his constituents, bound to grant no more money to the crown, than just what appears to him to be necessary for the publick service, until a new grant may, and ought to be made by a new session of parliament; and if this had been the case, will any gentleman say, that the previous consent of the crown would have been necessary for empowering the house of commons to state this surplus as so much money already provided, and consequently to ease their constituents by granting so much the less for the service of the ensuing two years? If then no previous consent could be deemed necessary for this purpose, and if the house of commons thought it more prudent to pay off the national debt, as it certainly was, than to grant this temporary ease to their constituents, can there be the least shadow of reason for saying, that the previous consent of the crown was necessary for empowering them to follow this rule of common sense? To ask for, or to quote precedents in so clear a case would be ridiculous; and it would be equally ridiculous to submit to contrary precedents, if there were any.

I know that in this country, when any bill is brought into parliament which affects the property or prerogatives of the crown, it is usual for some minister to stand up and tell them, that

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the king having been informed of the contents of the bill, consents to their doing therein as they shall think fit; and the parliament has generally been so complaisant as to record this consent in their journals; but they were never yet so complaisant as to record it in the preamble of any publick bill, except in that over complaisant parliament which prolonged itself for seven, tho' it was chosen but for three years, which passed the famous South-sea act, &c. &c. &c. For there is a great difference between their recording such consent in their journals, and their mentioning it in the preamble of the bill. When such a consent is offered, they have no occasion to refuse it; but to mention it in the preamble seems to be a sort of acknowledgment, that they could not have passed the bill without it: Whereas they know, that they may, for the publick good, dispose of any property belonging to the crown or to any subject without a previous consent, upon giving to the crown or to that subject an equivalent; and they know that they may without a previous consent introduce a new limitation of any one of the prerogatives of the crown, which experience has shewn to be necessary for the publick good. This power they have, and in consequence of this power they disposed of the *Irish* forfeitures in king *William's* time, not only without, but against, the consent of the crown; and in his present majesty's reign they disposed of the property of the crown, or at least limited a profitable prerogative of the crown, with regard to enemies ships taken as prizes by our men of war or privateers, not only without any previous consent of the crown, but without granting to the crown any equivalent for the share of such prizes, to which it was intitled by its prerogative.

'Tis true, the crown may refuse the royal assent to any such bill, and thereby prevent its becoming a law of this kingdom, notwithstanding its having been, perhaps unanimously, agreed to by both houses of Parliament; but we know, that the two houses have by our constitution a method for compelling in some measure the royal consent, and that is by tacking the bill to some supply bill, or by inserting the contents of it as clauses in some supply bill. By the former method they obtained the royal assent in king *William's* time to the bill for appropriating the *Irish* forfeitures to the publick service, which they tacked to the land tax bill; and by the latter they obtained the royal assent in the beginning of queen *Anne's* reign to the bill for rendering the hereditary revenue of the crown unalienable without consent of parliament, which they inserted by way of clauses in the bill, for the better support of her majesty's household, and of the honour and dignity of the crown; for it is probable, that in

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neither of these cases the royal assent could ever have been obtained, if the previous consent doctrine now set up had been then established, as the commons had been several times defeated in their design to appropriate the *Irish* forfeitures, and as *Q. Anne's* chief favourite would never have advised her to give her consent for rendering the hereditary revenue of the crown unalienable, because, if he could have prevented this, he would have had no occasion to fall out with his old friends the tories, for their refusing, in the very next session, to confirm his grant of 5000 *l.* a year out of the post-office.

In short, the necessity of having the posterious consent of the crown for the passing of any bill into a law; is a known and a wise maxim of our constitution; but the necessity of a double consent, a previous as well as posterious consent, was never before contended for by the warmest advocates for prerogative, and can be founded upon nothing but the late cunning of ministers, in taking every opportunity to offer the previous consent of the crown, and the complaisance of parliament in allowing that offer to be recorded in their journals; which shews how dangerous it is for a free people to be over complaisant even to the best of kings; and indeed from history we may find, that the complaisance, or the gratitude, of the people, to a good king or victorious general, has laid the first foundation for arbitrary power almost in all countries where it has ever been established or re-established. What proceeds first from complaisance is too apt to become custom, and what the people have been long accustomed to, they are easily prevailed on to pass into a law.

In the present case the attempt has been made a little too early, for which we have reason to be thankful to Providence; for if the necessity of a previous consent, with regard to the parliamentary disposal of any unappropriated publick money, were once established, it would of course be extended to every thing that could be said to relate to the property or prerogatives of the crown, which might be of the most dangerous consequence, as it would be an unanswerable argument against tacking, or inserting any new regulation of this kind in a supply bill; for tho' every member of the house were convinced, that some such regulation was absolutely necessary for preserving the liberties of the people, and equally convinced that the royal assent could not otherwise be obtained, yet he must either renounce this doctrine, or refuse inserting any such regulation in a supply bill. And I do not think that the crown is much obliged to those who have broached this new doctrine, for it must produce a law for condemning the doctrine, or it must make every future parliament extremely careful to appropriate, in the most express manner, every

shilling

filling they shall hereafter grant, and to reserve the surplus of every fund they shall establish to the future disposal of parliament.

Nay, according to this doctrine, it would be necessary in time of war to add a new clause to the appropriating clauses at the end of each session, for providing, that if a peace should happen, and consequently the publick service should not require so much money as had been granted, the surplus should remain in the treasury to be disposed of by the next session, as the surplus in such a case might amount to a very large sum of money. For example, at the end of the last war there had been about six millions sterling granted for the service of the war by the session of parliament then in being: The preliminaries, and a cessation of arms, were agreed to in *April*, and if the definitive treaty had been concluded soon after, and all the foreign troops and foreign princes dismissed our service as soon as the treaty was concluded, there would have been a surplus of two or three millions undisposed of. Now if his majesty had been, like *Henry VII.* a prince who loved to hoard money, which, it is well known, he is not, he would for this very purpose have refused giving his previous consent to the parliament's applying any part of this money to the payment of the national debt, or to the ease of the people as to the expence of the next ensuing year, consequently this large sum must have lain dead in the exchequer; and whilst it remained there, no minister surely could have been censured, much less punished by parliament upon that account, which is the only remedy, these advocates for prerogative say, we have for preventing the sovereign's making a bad use of the trust reposed in him, as to the disposal of any unappropriated money granted by parliament for the publick service.

If such a hoard could have been made at the end of last war, or if such a hoard can ever be made at the end of any war, by our constitution, I am sure, it is a very lame and imperfect constitution; but no man will admit of this who knows, that all the prerogatives of the crown are established for the publick good, and that every royal prerogative ceases to be such when made use of to the prejudice of the publick; and consequently it must be granted, that this previous consent doctrine can be no part of our constitution, either in *England* or *Ireland*, as the latter is in every thing the same with the former, so far as is consistent with *Ireland's* being a dependant kingdom.